Avia Pasternak, *Responsible Citizens, Irresponsible States: Should Citizens Pay for Their State's Wrongdoings?* Oxford: Oxford University Press, 2021. 249 pp.

Stephanie Collins

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Anyone who has lived abroad knows the frustration of being held liable for the misdeeds of your country. Israelis get grilled about Palestine, Chinese receive disbelief over Xinjiang, Britons are berated for colonialism. 'It's not my fault!' some are tempted to reply. 'I attend protests; or I am politically repressed; or I wasn't even born yet!' Sometimes, the effects of our states' wrongdoings hit us materially. When states pay compensation to the victims of their wrongdoings, these payments almost always detract from what would otherwise be enjoyed by those living in the state. Is this effect justified?

Avia Pasternak answers: "in democracies, usually, at least for most residents; in non-democracies, usually not." Her answer emerges from her consideration of several possible justifications for making residents pay for their states' wrongdoings. Ultimately, Pasternak endorses a checklist (150-151). First, costs should be distributed according to residents' personal levels of blameworthiness for the wrongdoing, if that's practical (which, she says, it almost never is (31-40)). Second, if the wrongdoing resulted from the state's reasonable attempts to protect residents' rights, then a roughly equal distribution of costs is best. (Some unjust wars might qualify here, but this category will rarely be used, since it requires the wrongdoing itself to be reasonable.) Third, if residents are rich and the wrongdoing was egregious, then an equal distribution is again fine. (Pasternak doesn't say so, but surely this category mandates a strongly progressive distribution—so, an unequal distribution. In any case, Pasternak says this category won't cover impoverished states or non-egregious

wrongdoing (143-145), though I'm unsure why compensation for states' non-egregious wrongdoings can't be financed on a capacity-relative basis.) Fourth, if residents benefitted from the wrongdoing, these beneficiaries should pay up. (Again, Pasternak says, it will rarely be feasible to target beneficiaries alone; however, I'd suggest progressive taxation will often be a good proxy, at least for wrongdoings that generally enrich the economy, like colonialism or forced labor.) Fifth, if there is a special association between residents and victims, then all residents are on the hook for an equal distribution. (As Pasternak interprets associative obligations, they apply only to domestic wrongdoing (146). But there's a different sense of 'associative', on which *"me being resident in state that wronged you (a foreigner)"* is associative. This association might imply that me and my co-residents are the only people in the world who are able to bear costs that truly facilitate the repairing of the relationship between my state and you (see Collins 2016, 356-357).)

Suppose these five categories leave us wanting (perhaps a bigger 'if' than Pasternak argues, as my parenthetical remarks suggest). In that case, we must utilize Pasternak's core conceptual innovation: *genuinely intentional citizenship*. You are a genuinely intentional citizen of a state if you meet two conditions. First, you knowingly participate in the state's operations (53)—for example, by obeying the law, paying taxes, voting if eligible, and doing any national service required of you. Second, your participation is *genuine*: you continue to participate even though the costs of non-participation are not unreasonable, or, if the cost of non-participation are unreasonable, then you would participate even if the costs of non-participation were not unreasonable (64).

Pasternak argues that the costs of states' wrongdoings should be equally distributed among genuinely intentional citizens, if the other five categories on the checklist do not apply. This is because "when we choose to act with others, or in the service of a collective goal, we consciously give up full control over what these others will do, and over the

outcome of our shared endeavor. In doing this, we accept that we will be credited if our joint endeavor leads to beneficial outcomes, but we will also be burdened if it does not. … Put differently, when taking part in a collective act we *ipso facto* commit ourselves to accepting a potential share of the consequences of the shared activity." (61)

Do we? Usually, we act together with others so that we can gain *more* control over an outcome that would otherwise be completely beyond our influence—an outcome that can be produced only collectively. It's not as though we usually have full control over others, which we give up by acting together with them. Instead, by acting together with others, we can influence them to do this rather than that, can try to make sure our contributions align appropriately, and can aspire to contribute to outcomes that we could never achieve alone. Put differently, when taking part in a collective act we *ipso facto* commit ourselves to trying to contribute to an overall group activity, not merely our own 'slice' of that activity. I'm not convinced that acting together with others is a matter of *giving up* control, analogous to placing a gamble, as Pasternak says (60). Rather, acting together with others is a way of trying to *stack the odds* in our favor, thus seizing more control over the gamble that is every human action. If this is correct, then Pasternak has to do more to show that genuinely intentional citizenship justifies an equal distribution of costs, in cases where our co-actors (such as state officials) escape our control to create a morally wrongful collective outcome.

In any case, how common is genuinely intentional citizenship in the real world? Here, Pasternak admirably wades into large-scale survey data. By examining people's answers to questions such as "how attached are you to your country?", Pasternak infers that genuinely intentional citizenship is extremely common in democratic countries. However, there is room for dispute in the interpretation of the survey questions. People might feel strongly "attached" to their country even though they would leave, if they could without unreasonable cost. They might view the attachment as strong, but as a fate to be accepted rather than a choice to be

endorsed. It would be good to see future survey results that test genuinely intentional citizenship per se, to really get a handle on the applicability of Pasternak's account.

If we accept Pasternak's interpretation of existing survey data in democratic states, there are still strong pockets of nongenuine or nonintentional citizenship. These includes national minorities (like Scots, Catalonians, or Quebecois) and oppressed minorities (like African Americans or, we could add, Indigenous Australians and Māori New Zealanders) (109-112). Thus, by Pasternak's own lights, the UK, Spain, Canada, the US, Australia, and New Zealand—to name but a few—infringe the rights of some citizens by imposing an equal distribution (151-152). I'm less confident than Pasternak that this infringement can be justified to groups that have been (sometimes forcibly) alienated by their states. Pasternak's conclusion about democracies is therefore perhaps less all-encompassing than she occasionally suggests (127, 152, 192). This is especially so because, for the intentional citizenship justification to apply, the regime must be democratic *both* at the time of the wrongdoing *and* at the time of the compensation (192-204). That said, Pasternak's overall conclusion does emphasize the nuances and the fact that an equal distribution is rarely justified (149-150, 214).

Things are even bleaker in nondemocratic states. Pasternak expresses skepticism about the 100% of Qataris who see themselves "as part of" their country: these survey data may not reflect genuinely intentional citizenship (113). So, she suggests, a nondemocratic state may engage in an equal distribution on grounds of genuinely intentional citizenship *only if* the state enables high levels of citizen participation, coupled with low levels of repression and high levels of information (115-124). This is intended to approximate Pasternak's earlier commitment to taking individuals' own assessments of their situation as the determining factor in whether they are genuinely intentional citizens (63, 75-79). Yet given that earlier commitment, I wonder if outsiders should rather refrain from ever asserting that there is

genuinely intentional citizenship throughout a nondemocratic state. It's nonetheless laudable that Pasternak discusses nondemocratic states at length, since they are normally treated as a footnote by normative political theorists in the Anglophone world.

With all these caveats and exceptions in place, one might ask: is genuinely intentional citizenship all that much more practical than the first category on Pasternak's checklist, namely, distribution according to blameworthiness? Pasternak gives three reasons why a blame-tracking distribution is impractical: it is unlikely that enough individuals are blameworthy enough to fully compensate the harm; blame has negative social and political repercussions; and implementing a blame-tracking distribution detracts resources from the state's other obligations (35-40). However, blame-tracking distributions will be rendered more practical if international policymakers follow Pasternak's advice to "devise better ways of extracting and confiscating resources from those who are in control of [repressive] states" (217, likewise 171-172). That is, if international policymakers must develop such methods for repressive states, then why not extend those methods to democracies, given that a blame-tracking distribution was the first item on Pasternak's checklist? After all, blame-tracking distributions are likely to be *less* feasible in repressive states than in democratic states, insofar as fewer individuals will be to blame in repressive states (because few if any members of the general public will be blameworthy) and insofar as policymakers there are less likely to heed the advice of political theorists. If we will sometimes aim for blame-tracking in repressive states, why not in democracies?

A final comment on existing practice. Pasternak suggests throughout that real-world states usually let the costs of their wrongdoings fall roughly equally throughout the population (e.g. 7, 210). Yet if a state generates compensation revenue by refraining from public spending, or raising taxes, or taking on debt, then this will have an unequal effect on the population. For example, if a state refrains from public spending, then it is those residents

who rely on public services that will feel more pinch. And if the state takes on debt, this raises interest rates for those citizens who need to borrow money. The distribution of costs is almost always unequal, even if unthinkingly so. When this inequality falls hardest on those with the shallowest pockets, special justification is required. While I'm doubtful that genuinely intentional citizenship can do the justificatory work required, I agree with Pasternak that more must be done to justify the status quo. Indeed, I think the status quo is often more problematic than she frames it.

In all, Pasternak is to be applauded for her incisive, comprehensive, and thought-provoking treatment of these issues, and in particular for her discussion of several real-life examples and relevant international law and practice (which I have not addressed here). As states continue to attribute responsibility to one another, the effects on individuals cannot be ignored—and neither can Pasternak's arguments.

Stephanie Collins, Monash University

References

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