

Abstract: While global justice theorists heatedly discuss the responsibilities of the affluent and powerful, those states which can legitimately be seen as victims of global injustice have seldom, if ever, been considered as duty bearers to whom responsibilities can be attached. However, recognising agents whose options are constrained not only as victims, but also as duty bearers is necessary as a proof of respect for their agency and indispensable to mobilise the type of action required to alter global injustices. In this article, I explore what responsibilities state officials of dominated states have. I argue that they have the responsibility to resist domination in the name of the dominated states members. While under particular circumstances this responsibility gives rise to a duty to engage in acts of state civil disobedience, under other circumstances state officials of dominated states ought to resist domination in an internal, attitudinal way by recognising themselves as outcome responsible agents.

Key Words: dominated states; global justice; outcome responsibility; sovereign debt; state civil disobedience.

Introduction

Are we, who live and work in the developing world, fated to remain consumers of acts, whether these are acts of harm or of duty, performed by the West? [...] Do we lack status as moral beings who count?²

Those who can properly be argued to be victims of structural injustice can also be called to a responsibility they share with others to engage in actions directed at transforming those structures³

Current debates approach the question of Global Justice by asking ‘what do we owe to the Global poor?’⁴ By understanding the ‘we’ to refer to the ‘affluent minority’ of the ‘Global North’, this question reveals a binary vision of responsibility, in which the duties of the affluent minority in the Global North are discussed with respect to the deprived and disenfranchised majority in the Global South. While looking at the duties of those establishing and benefiting from unjust global structures is certainly important, Young’s statement rightly emphasises a lacuna in the contemporary Global Justice debate, namely its silence regarding the duties held by those ‘who can properly be argued to

¹ This paper earned a Special Mention in the 2017 Annual Jonathan Trejo-Mathys Essay Prize.

² Neera Chandhoke, ‘How Much Is Enough, Mr. Thomas? How Much Will Ever Be Enough?’ in *Thomas Pogge and His Critics* (Cambridge: Polity Press, 2010), 66-83, p. 80.

³ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), p. 17.

⁴ Debra Satz, ‘What Do We Owe to the Global Poor?’, *Ethics & International Affairs* 19/1 (2005), 47-54, p. 47.

be victims of structural injustice'.⁵ Recognising agents whose options are constrained by unjust global structures not only as victims, but also as duty bearers is, however, critically important. First, it is important because it respects the agency of the marginalised. Global Justice theories must seek to strike a delicate balance between treating actors as vulnerable creatures who may be in urgent need of help and assistance, while at the same time honouring them as responsible agents with choices to make.⁶ It is the failure to recognise this agency that Chandhoke denounces when rhetorically asking 'do we lack status as moral beings who count?'.⁷ Second, recognising the agency of the victims of injustice is instrumentally important, since describing them not merely as victims but also as agents can help mobilise these actors to take the type of action required to alter these injustices.

In this paper, I contribute to filling this lacuna, by drawing attention to the responsibilities held by 'dominated states' in the global political-economic order. I define a dominated state as one *where the citizenry's ability of control is structurally inhibited by the state's position in a hierarchically interdependent global political economic order, and where those actors occupying positions of advantage have the ability of interfering with the dominated state through multifarious means and relative impunity.*

While much has been written about what (non)domination entails, I propose to use 'control' as a term that accommodates both positive and negative conceptions of non-domination. Whereas a negative conception of non-domination requires citizens having the anti-power to check their government, positive conceptions advocate for citizens being self-determining. 'Minimally and uncontroversially' then, 'domination infringes our basic interest in maintaining control [...] – it denies our agency as human beings'.⁸

By 'structured' I mean that positions exist that are characterized by a given choice architecture and stand in particular relationships with each other. I use

5 Young (2011), p. 17. The gap in current Global Justice literature must be qualified in two ways. First, this gap exists most prominently regarding the responsibilities of vulnerable states. When it comes to the responsibility of individuals, responsibility or diminished responsibility is often assigned to victims of injustice. This is so, especially in the context of the criminal justice system. Second, a small handful of scholars have started, wrestling with these issues and made invaluable contributions. See Simon Caney, 'Responding to Global Injustice: On the Right of Resistance', *Social Philosophy and Policy* 32/1 (2015), 51-73; Julian Culp, 'Rising Powers' Responsibility for Reducing Global Distributive Injustice', *Journal of Global Ethics* 10 (2014), 274-82; Toni Erskine, 'Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States', *Ethics & International Affairs* 15/2 (2001), 67-85; Toni Erskine, *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations* (Gordonsville: Palgrave Macmillan, 2003); Chaim Gans, 'The Rights Discourse and the Obligation of States to Admit Immigrants', *Israel Law Review* 43/1 (2010), 164-82; Osvaldo Guariglia, *En Camino de Una Justicia Global* (Madrid: Marcial Pons Ediciones Jurídicas y Sociales, 2010).

6 David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), p. 81.

7 Chandhoke (2010), p. 80.

8 Cecile Laborde, 'Republicanism and Global Justice: A Sketch', *European Journal of Political Theory* 9/1 (2010), 48-69, p. 55.

the term ‘structurally inhibited’ to distinguish the form of domination that concerns me here from ‘agent-relative’ domination. Agent-relative domination can be defined as the ‘pre-institutional’, ‘unregulated state of nature where relationships of brute mastery obtain’.⁹ I have relatively little (if anything at all) to say with regards to this form of domination and focus on the form of domination a state suffers from in virtue of the position it occupies within the global order.

Hierarchical interdependence, finally, describes a state of affairs wherein the vulnerable are unilaterally dependent on the powerful.¹⁰ The powerful can abuse this dependency by pursuing their interests at the expense of those who are vulnerable and dependent on them. In the global arena, this form of hierarchical interdependence has both a political and an economic dimension¹¹ and can be exerted by means that are ‘as silent as gravity’.¹²

I proceed as follows: after introducing an illustrative case study, I argue that that dominated states have the responsibility to resist domination. I defend that this responsibility entails the duty to resist domination in an internal, attitudinal sense and that it may also entail resisting externally, by actions of state civil disobedience.

On the Dominated State in Practice and Argentina’s Sovereign Debt History

To turn the tables on the global justice debate and answer the question of what responsibilities and duties dominated states hold towards their citizens, I do not only draw on normative theories of responsibility, but also on a case study; namely, Argentina’s recent external debt history. In analysing a concrete site of injustice, I attempt to bridge two divides in social and political theorizing; namely, the divide between critical theory and normative theorizing on the one hand, and the divide between normative theorizing and a more robust empirical understanding of the object of analysis on the other. For if the ambition of normative political theory is—as it is often said to be—to be action guiding, it is important to pay greater attention to the empirical circumstances it is trying to address.

The origins of what the *Financial Times* has come to call ‘the Argentine debt saga’ can be traced back to the early 90’s where the interplay between what became known as the ‘convertibility plan’ and external economic shocks

9 *Ibid.*, p. 57.

10 Hurrell describes the global order as ‘deformed’ order (Andrew Hurrell, ‘Global Inequality and International Institutions’, *Metaphilosophy* 32(2001), 34-57, p. 35).

11 Rainer Forst, ‘Towards a Critical Theory of Transnational Justice’, *Metaphilosophy*, 32 (2001), p. 166.

12 Philip Pettit, *On the People’s Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), p. 79.

resulted in Argentina's 2001-2002 crisis.¹³ After the outbreak of the crisis, a unilateral debt moratorium was imposed on Argentina's private debt - the biggest default at the time. While most creditors accepted the restructuring, a fraction of creditors sued Argentina, demanding to be repaid in full. It took over fifteen years before a settlement was found.

Methodologically, this case choice is justified as an extreme case. Very few normative scholars have engaged with the methodological question of how case studies can be employed to develop normative theories.¹⁴ However, from qualitatively trained scholars we learn that the most sensible case selection technique to develop theory inductively from a case study is the extreme case method.¹⁵ An extreme case can be defined as one 'that is considered to be prototypical or paradigmatic of some phenomena of interest'.¹⁶ Choosing an extreme case to develop theory inductively seems reasonable because in such cases the object under investigation is 'transparently observable'.¹⁷ The Argentine crisis and debt restructuring is just such an 'extreme illustration' and an 'extraordinary example'.¹⁸

Substantively, the Argentine case is interesting because it is a paradigmatic example of one of the most pernicious forms in which domination is exerted today, namely through external sovereign debt. Argentina's debt history elucidates how international private and multilateral public creditors made use of the system of hierarchical interdependence in their interest, through multifarious forms and with relative impunity. First, the context in which Argentina borrowed and its creditors lent, is clearly one of hierarchical interdependence, in which a stark power inequality existed between the parties. Not only are the conditions of borrowing worse and the vulnerability of crisis greater for a country like Argentina vis-à-vis more powerful states in the global political economic order, but Argentina was also dependent on private credit and foreign capital in the

13 The causes of Argentina's 2001 crisis have been heatedly discussed: 'Overall, the Argentine economic crisis of 2001-2002 is a case of methodological over determination' (Arie Kacowicz, *Globalization And the Distribution of Wealth: The Latin American Experience, 1982-2008* (Cambridge: Cambridge University Press, 2013), p. 174).

14 Notable exceptions are Archon Fung, 'Democratic Theory and Political Science: A Pragmatic Method of Constructive Engagement', *American Political Science Review* 101/3 (2007), 443-58; David Thacher, 'The Normative Case Study', *American Journal of Sociology* 111/6 (2006), 1631-76.

15 Kathleen M. Eisenhardt, 'Building Theories from Case Study Research', *Academy of Management Review* 14/4 (1989), 532-50.

16 John Gerring, *Case Study Research Principles and Practices* (New York: Cambridge University Press, 2007), p. 101.

17 Eisenhardt (1989), p. 537.

18 Kacowicz (2013), p. 77. For a more extensive justification of Argentina's debt and restructuring history as an extreme case study, see: Andrew Cooper, and Momani Bessma, 'Negotiating out of Argentina's Financial Crisis: Segmenting the International Creditors', *New Political Economy* 10/3 (2005), 305-20; Kacowicz (2013); and Christoph Trebesch, Papaioannou Michael and Udaibir Das, 'Sovereign Debt Restructurings 1950-2010: Literature Survey, Data, and Stylized Facts', *IMF Working Papers* 12/203 (2012), <<http://elibrary.imf.org/view/IMFO01/13047-9781475505535/13047-9781475505535/13047-9781475505535.xml>> (Accessed: 10 April 2018).

run up to the 2001 crisis.¹⁹ Commercial and investment banks made use of this dependency in order to extend highly profitable loans, which they knew beforehand could hardly be repaid.²⁰

Second, the Argentine case illustrates how the dominated state's subordinate position is not only maintained through direct interference, but also through much more subtle, indirect forms. The maintenance of the convertibility system is a case in point. Initially, the IMF opposed the plan and it was only after the convertibility plan was successfully preserved throughout the Mexican tequila crisis that the IMF started supporting it.²¹ The argument that the IMF did not initially support the convertibility plan is often used as an argument to disprove that the IMF directly interfered with the policies of the Argentine government. 'It is time to explode once and for all the popular myth that the IMF was dictating policy to Buenos Aires through the 1990's'.²² Yet, as the concept of domination rightly captures, the mere fact that the IMF did not directly interfere with the Argentine government does not mean that it had no invigilatory power over it. To the extent that Argentina's policy choices were being influenced by the fear of losing its good name, its status as a 'reliable partner' or trying to 'please the United States',²³ Argentina's policy choices were not 'truly Argentine'.²⁴ Rather, they were shaped by the wishes of dominating players such as the IMF.

Third, Argentina's debt history shows how powerful international creditors dominate states and their citizens with impunity. Investment banks in the 90's did not only protect themselves from suffering losses once Argentina's inevitable collapse materialised, but also managed to gain from it. When Argentina restructured its debt in 2001 in the megacanje (mega-swap), for instance, Wall Street firms earned a commission of US\$ 137-150 million.²⁵ Also the IMF was free from suffering the negative consequences that its guidance brought about. As Blustein states, the role of 'global markets and the IMF in pumping up the Argentine bubble would be less deplorable if the bubble had been gently deflated – that is, if the international community had effectively

19 Jorge Schvarzer, 'External Dependency and Internal Transformation: Argentina Confronts the Long Debt Crisis', *UNRISD* (2000), 1-38, p. 9. For an in-depth analysis regarding the exogenous and the endogenous causes underlying Argentina's dependency on external loans see Eliana Cardoso and Ann Helwege, *Latin America's Economy: Diversity, Trends, and Conflicts* (Cambridge MA: MIT Press, 1992), Chs. 5, 6 and 7.

20 David Graeber, *Debt: The First 5 000 Years* (New York: Melville House, 2011), p. 16. For a lengthy exploration of how investment banks profited from extending unpayable loans, see Paul Blustein, *And the Money Kept Rolling in (and Out): Wall Street, the IMF, and the Bankrupting of Argentina* (New York: Public Affairs, 2005), pp. 69-73.

21 The Mexican tequila crisis was a currency crisis sparked by the Mexican government's sudden devaluation of the peso against the US dollar in December 1994.

22 Blustein (2005), pp. 198-199.

23 Michael Cohen and Margarita Gutman, *Argentina in Collapse? The Americas Debate* (New York: New School University, 2003), pp. 145-146.

24 Blustein (2005), p. 198.

25 *Ibid.*, p. 113.

assisted Argentina in minimising the impact once its economy fell on hard times and market psychology turned negative'.²⁶ They did not do so, however, and the pattern which emerges is a clear one: while international creditors make use of the system of hierarchical interdependence when market conditions are favourable, it is the weakest actors who pay the bill when things turn bleak.

In a nutshell, applying the concept of the 'dominated state' to Argentina's debt history highlights how relatively powerless states can be dominated by powerful international players. But does this external domination liberate dominated states from all responsibility? Before providing an answer to this question in the remainder of this paper, let me make one more preliminary remark regarding who exactly is being held responsible.

For the purpose that concerns me here, I adopt Skinner's 'reductionist view' of the state, according to which the state is nothing but 'the organization which is at the back of law and government'.²⁷ Thus, when stating that the dominated state is responsible, I want to hold state officials accountable. With 'state officials' I am referring to all public functionaries, in the executive, legislative, and judicial branches.²⁸

I adopt this definition not because I normatively endorse it, but because in the world as we know it, it is the state officials that act as the state, not the *universitas* of the people. This is so for domestic decisions that affect the prosperity of the members of the state living under its rule, and even more so for inter-polity decisions.²⁹ Additionally, the question of what the responsibilities of the citizenry of dominated states are cannot only, but often ought to be distinguished from the question of the responsibilities of state officials acting in the name of the state qua fictional institution. Cases of sovereign debt repayment may be among the best examples for this; cases in which the durability and longevity of the state qua institution has been historically relied on to demand repayment of the state's citizenry regardless of the circumstances of the initial debt contract, the actual use of the loan proceeds, or the exigencies of any potential default. In this paper, I focus on the responsibilities of dominated state officials, bracketing the difficult questions regarding the responsibilities of citizens of such states.

26 *Ibid.*, p. 5.

27 Quentin Skinner, 'A Genealogy of the Modern State: British Academy Lecture' in *Proceedings of the British Academy, Volume 162, 2008 Lectures* (Oxford: British Academy, 2009), p. 358.

28 This is in line with the International Law Commission's (ICL) Articles on State Responsibility, which regulate whose behaviour counts as the conduct of states and determines that it is acts of a 'public functionary under national law' (James Crawford and Jeremy Watkins, 'International Responsibility' in *The Philosophy of International Law* (Oxford: Oxford University Press, 2010), 283-98, p. 288).

29 Jacob Levy, 'National and Statist Responsibility' *Critical Review of International Social and Political Philosophy* 11/4, (2008), 485-99.

On the Dominated State's Responsibility to Resist External Domination

Having defined what I understand the 'dominated state' to be and having illustrated it with Argentina as my case study, in this section I now turn to the question of what responsibilities dominated states have. A good starting point to answer this question is to ask where the normative significance of the state's domination lies. In this paper, I assume that the state's value is instrumental. I assume, moreover, that the legitimacy of the coercive authority of the state over its citizenry requires, minimally, that the state itself is neither dominating nor dominated. State officials ought to represent the will of the people and it is the control of the latter (either through deliberative or through checked control) that makes the rule of the former non-dominating. In the international arena this entails that the state is supposed to operate as a representative of its citizenry, thereby enhancing their control.

Two things follow from this. First, if we assume that the ultimate unit of moral concern is the individual and that the state's value is instrumental, the normative significance of the state's domination is not the direct effect this status has on the state or on state officials but the effect it has on the state's citizenry. What is normatively significant is that via the state official's domination by external parties, the state's citizenry loses control. Second, since state legitimacy is based on being non-dominated, the state can be said to have a responsibility vis-à-vis its citizenry to protect them from external domination. For if state officials are dominated by the interest of the most powerful, the choices they make will no longer reflect the will of the people they represent, and the state will lose legitimacy.

These two points directly lead to the first partial answer to the question of the responsibilities of dominated states: Dominated states have a responsibility vis-à-vis their citizenry not to be dominated. The obvious objection here is that if the state is the victim of domination, it can hardly be said to have a responsibility not to be dominated. While increased interdependence limits the ability of virtually every state to protect its citizenry from external domination, expecting the least powerful states to protect their citizens from domination is especially problematic, since their very position makes it extremely difficult for them to do so. What I propose, therefore, is not that relatively powerless states have the responsibility to provide complete and full protection from domination, but rather have a responsibility to try what is feasible (and consistent with other moral parameters) in resisting domination.

As I will illustrate with the Argentine case in the sections to come, the domination of the strong over the weak does indeed constrain and shape the

dominated state's action. Nevertheless, the state retains the ability to act as an intermediary or 'transmission belt' which, by enacting policy in the domains of capital flows, trade, monetary issues, migration, labour, welfare and social spending, can ameliorate or exacerbate the effects of dominating structures and relationships.³⁰ Thus, even if not able to provide complete protection for its citizens from domination, within its choice of policies the state can choose to resist the domination exerted by the powerful.

The choice of the concept of 'responsibility' rather than 'duty' is crucial here. Whereas a moral duty is a moral rule that specifies what exactly we are supposed to do, responsibility is more flexible – allowing for different action paths to be taken.³¹ It does not prescribe specific actions, but is a general maxim that must be adopted.³² What, then, must dominated states do to fulfil the responsibility they have vis-à-vis their citizens to resist domination? In the following sections, I consider ways in which the state can resist and fulfil this responsibility. In contrast to the 'responsibility' to resist domination, I call these possible action-paths 'duties', since they prescribe a concrete action which ought to be taken.

On The State's Duty to Recognise Itself as an Outcome Responsible Agent in The Name of Its Citizens

Having argued that dominated states have a responsibility to resist domination, in this section I turn to the question of what is minimally entailed by this responsibility. I defend three claims. First, I argue that a central feature of domination is that dominated agents internalize an image of themselves as mere victims of circumstance and contest that a necessary condition for dominated states to fulfil their responsibility to resist domination is to challenge the internalization of this image (sub-section a). Second, I defend that despite of their dominated status, outcome responsibility can be attributed to dominated states (sub-section b). Third, I argue that resisting the internalization of the image as mere victim of circumstance requires an attitudinal change that can occur if state officials of dominated states recognize themselves as outcome responsible agents. Embracing outcome responsibility thus represents one way in which state officials can discharge their responsibility to resist domination (sub-section c).

30 David Held, *Global Covenant: The Social Democratic Alternative to The Washington Consensus* (New York: Polity, 2004), p-4-5; David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000), p. 163; Kacowicz (2013), p. 79. For an extensive empirical analysis of the options that were available to the Argentine state (from 1982-2008) despite its exposure to globalising forces that disadvantaged it, see Kacowicz (2013), pp. 143-197.

31 Joel Feinberg, 'Duties, Rights, and Claims', *American Philosophical Quarterly* 3/2 (1966), 137-44; Henry Richardson, 'Institutionally Divided Moral Philosophy', *Social Philosophy and Policy* 16 (1999), 218-49.

32 Carol Hay, 'The Obligation to Resist Oppression', *Journal of Social Philosophy* 42/1 (2011), 21-45, p. 29.

(a) On internal domination

A distinctive contention of scholars of domination is that domination does not only reduce the available options, but, most importantly, results in a 'dominated status'. The dominated status is one in which the subjugated party is forced to take the wishes of the dominator into account. Once the subjugated party becomes aware of her subjugated position, further constraints follow. First, the agent starts perceiving her actions not as her own but as her master's. The dominated party acts by taking the will of the master into account and consequently she will think of her actions not as her own, but as reflecting the will of her master. Second, since living at the mercy of the dominator's will, involves an 'unending anxiety about one's fate, to have permanently to anticipate the other's reactions, and to have to curry favour by behaving in a self-bashing, servile manner'³³ the dominated party will start behaving with servility. 'Not knowing what may happen to them, and desperate to avoid the tyrants rage, they tend to behave in appeasing and ingratiating ways, becoming 'a servile crew', engaging in 'flatteries and prostrations,' displaying 'the perpetual bowings and cringings of an abject people'³⁴. Third, since the dominating power can take everything the subjugated agent acquires from her, in a status of subjugation, there is no incentive to aim and succeed in doing things that are considered valuable.³⁵

What we see, then, is that once the dominated subject becomes aware of her position, she will not only start behaving and acting differently (by taking actions which reflect her master's will, behaving with servility and not necessarily doing that which is socially valuable), but will also start conceiving of herself in a different manner, namely as a victim of domination and a servant to her master's wishes. It is the internalisation of this image as a mere victim of circumstance and as no meaningful agent in her own right, that I call 'internal domination'. An agent is thus internally dominated when she comes to believe, and actually endorses, what her dominated status threatens to turn her into: a mere servant of the will of the dominator. In this light, internal domination can also be a self-fulfilling prophecy. A dominated subject can become what everyone already believes her to be.³⁶

When looking at the rationale given by Argentina's executive to preserve convertibility, one recognises the servile attitude so disdainful describes as

33 Cécile Laborde and John Maynor, *Republicanism and Political Theory* (Oxford: Blackwell, 2008), p. 5.

34 Skinner (2009), 325-70.

35 *Ibid.*

36 Hay (2011), p. 26. This is something that republicans and post-colonial theorists have in common. Post-colonial theorists have long contested that the domination exerted by colonial powers cannot be reduced to economic, political and military power, but 'involves also and primarily the epistemic foundations.' A central aspect of this epistemic dimension is the generation of collective identities, both of the colonisers and the colonised. What Quijano called 'the coloniality of power' is nothing but 'the colonialization of the imaginary of the dominated' (Anibal Quijano, 'Coloniality of Power, Eurocentrism and Latin America' in Enrique Dussel, ed. *Coloniality at Large: Latin America and the postcolonial debate* (Durham: Duke University Press, 2008), 181-224, p. 281.

‘the perpetual bowings and cringings of an abject people’.³⁷ Afraid of losing the ‘good name’ it had so arduously worked to attain, Argentina’s executive thus adapted and moulded its policy choices (i.e. not breaking out of convertibility) to what it perceived to be its creditors interests. ‘Argentina had no sense of multiple objectives or strategies, focusing instead on pleasing the United States [...] [and] a fear of taking foreign or economic policy action that could threaten [...] Argentina’s image as a ‘reliable partner’.³⁸ Argentina’s state officials thus internalised an image of themselves as mere servants to their creditors will. They thought of themselves not as agents who are to devise their own policy and make their own choices, but as subject to their creditor’s domination.

In the first instance, then, for state officials to resist their dominated status, no actions are required. Rather, the image of the state they represent as a dominated agent needs to be contested. Dominated state officials ought to resist internalising the image of the state for which they act as a mere victim of circumstance. In the next two sub-section I argue that this attitudinal change can occur if state officials of dominated states recognise themselves as outcome responsible agents. Embracing outcome responsibility is one way for state officials to resist internal domination.

(b) On outcome responsibility

Coined by Tony Honoré’s work ‘Responsibility and Fault’, outcome responsibility can be defined as ‘the basic type of responsibility in a community’³⁹, which follows when an outcome can be rightly attributed to an agent. When asking whether an agent is outcome responsible, one is asking whether an outcome can be rightly assigned to that particular actor. Can a line be drawn between a changed state of affairs in an existing or expected world on the one hand and an actor’s intervention on the other hand? If the answer is affirmative, an agent can be said to be outcome responsible for bringing about that state of affairs. An agent can be credited with an outcome when she has control over an outcome to which her action causally contributed. An actor is in control of the outcome iff (i) she causally contributed to it, (ii) she possessed the capacity to foresee it (iii) and she had the ability and opportunity to take steps, on the basis of what could have been foreseen, to avoid it.⁴⁰ As such, outcome responsibility must be strictly distinguished from both, moral and legal responsibility. While I do not deem it to be desirable to attribute moral or legal responsibility to dominated

37 Laborde and Maynor (2008), p. 93.

38 Cohen and Gutman (2003), pp. 145-146.

39 Tony Honoré, *Responsibility and Fault* (Oxford: Oxford University Press, 1999), p. 27.

40 Stephen Perry, ‘Honoré on Responsibility for Outcomes’ in *Relating to Responsibility: Essays for Tony Honoré on His Eightieth Birthday*, (Oxford: Hart, 2001), 61-80, p. 74. In contrast to moral and legal responsibility, these are very minimal ‘conditions of voluntariness,’ conditions which dominated states can fulfil. Miller (2007), p. 90.

states, I do think that outcome responsibility can be allocated to them due to three main reasons.

First, attributing outcome responsibility is possible even when the freedom of agents is restricted as it is clearly the case with dominated states. Miller illustrates this point neatly by giving an example of a bank robbery. A bank employee, threatened by an armed-robber, is forced to hand over the money in the safe or see her colleague being killed.⁴¹ Although it seems intuitively wrong to make the employee responsible for the situation that forces her to choose between either of these bad options, she can indeed be called to account for her choice between either handing over the money and protecting the life of her fellow colleague, or not handing over the money and seeing her colleague killed. By assigning outcome responsibility to her in this way, we are recognising that even in coercive situation, she is still an agent with choices to make. Abstracting from Miller's example, we can now see that while attributing moral or legal responsibility to an agent in a coercive situation seems intuitively undesirable, attributing outcome responsibility to dominated states does seem attractive: The concept of outcome responsibility takes into account that the options available to dominated agents are narrowed, while at the same time highlighting that the dominated actor can still make choices that reflect her will.

Second, assigning responsibility in this way seems desirable since recognising the outcome responsibility of dominated states is a vindication of their status as an agent. According to Honoré, our status as agents is bound up with the recognition of outcome responsibility. Subjects act in the world and these actions, in turn, create the agent's history and identity. In order for actions to create this history and identity however, the agent needs to accept, in a very fundamental sense, that the consequences of its actions are in some way its own.⁴² 'If their behaviour could not be attributed to them in this way, they would have to conceive of themselves as attenuated beings: objects to which things happen'.⁴³ What holds for a subjected individual, also holds for dominated states. As Honoré states, 'to accept responsibility [...] can be for a nation the condition of self-respect'.⁴⁴ The attribution of outcome responsibility to dominated states serves as a vindication of their status as an agent.⁴⁵ Recognising this agency, in turn, is a sign of respect.

Third, assigning outcome responsibility to dominated state officials is valuable because it encourages socially valuable and discourages socially invaluable

41 Miller (2007), p. 95.

42 Honoré (1999), p. 74.

43 *Ibid.*, p. 135.

44 Honoré (1999), p. 133.

45 Perry (2001), pp. 71-72.

behaviour. ‘Being responsible serves as an incentive to aim at and succeed in doing things that are regarded as valuable’⁴⁶; ‘only by being responsible for what we do and take on can we be motivated to get things right’.⁴⁷ Knowing that they will be associated with a particular outcome – that a line will be drawn between the outcomes of their actions and their actions – encourages dominated state officials only to contribute to outcomes that they want their state to be identified with. While the attribution of outcome responsibility thus discourages behaviour such as the one of corrupt leaders allying with the most powerful to fill their own pockets, it encourages dominated state officials to take on the role as ambassadors and lobbyists of the interests of the most vulnerable they represent.

A possible objection that can be put forward against the attribution of outcome responsibility to dominated states is that assigning outcome responsibilities does not only have positive consequences, such as the ones outlined here, but also negative consequences. This objection presumes that where outcome responsibility is assigned, the gains and losses that the agent’s actions produce ought to remain hers.⁴⁸ In stating that the dominated state is outcome responsible, we would thus be saying that whatever consequences its actions have, the resulting outcome should not be altered. This seems counterintuitive, however, since the dominated state’s condition is after all not merely brought about by its own choices, but most importantly, by being dominated by the powerful. I would like to respond to this criticism by pointing at two different interpretations that can be given to the concept of outcome responsibility.

Stephen Perry argues that Honoré’s analysis in ‘Responsibility and Fault’ (1999) can be interpreted two different ways, which he calls the ‘social’ and the ‘personhood understanding’ of outcome responsibility. According to the social understanding, the ascription of outcome responsibility brings with it an allocation of ‘social credits and discredits’.⁴⁹ These do not necessarily need to be material benefits or burdens but can be such intangible thing as an apology or social approval or disapproval. In his book ‘National Responsibility and Global Justice’,⁵⁰ David Miller takes on and elaborates on this social reading of outcome responsibility. According to Miller, outcome responsibility asks to what an extent an agent can be reasonably credited and debited with the results of their conduct.⁵¹ When an agent is outcome responsible, the gains and losses springing from a particular action ought to remain hers. This reading of outcome

46 Honoré (1999), p. 131.

47 *Ibid.*, p. 132.

48 Miller (2007), p. 27.

49 Perry (2001), p. 62.

50 Miller (2007), p. 81.

51 *Ibid.*

responsibility clearly puts its emphasis on its (re)distributive implications and sees outcome responsibility as a system of outcome allocation.

Although correct, the (re)distributive emphasis on outcome responsibility as a system of allocation of social credits and discredits is only one of the readings that can be given to outcome responsibility. The second reading of outcome responsibility – outcome responsibility in its ‘personhood understanding’⁵² – is not concerned with questions of (re)distributive fairness and does not see it as a system of outcome allocation. Rather, its focus lies on the role that the attribution of outcomes plays in the formation of a subject in her status as an agent. Outcome responsibility in its personhood understanding emphasises how the attribution of outcome responsibility contributes to an agent’s identity and history. ‘The best argument for outcome responsibility is surely that it is central to the identity and character of the agent’.⁵³ For the current purpose, I concentrate on the personhood understanding. In the next sub-section I show how embracing their outcome responsibility can, for dominated state officials, be a form of resisting internal domination.

(c) On outcome responsibility as a way to resist domination

So far I have argued that a necessary condition to resist domination consists in challenging the image dominated agents are prone to internalize. I defended, second, that outcome responsibility can be attributed to dominated states despite of their dominated status. In this section I show how recognising outcome responsibility is one way of resisting the image that dominated state officials are susceptible to internalize.

Embracing their outcome responsibility is one way in which dominated state officials can challenge internal domination, since the attribution of outcome responsibility promises to reverse the three constraints that the acknowledgment of their subjugation threatens to bring about.

First, by being clearly set apart from moral and legal responsibility, outcome responsibility makes the attribution of responsibility possible even to agents acting under coercive situations. As such, outcome responsibility enables dominated state officials to recognise the state in whose name they act as a responsible agent albeit acting under narrowed circumstances. Dominated state officials can recognise that the dominated state on behalf of which they act still has choices to make that reflect its will. In the same way in which Miller’s bank employee decides to hand over the money to save her colleague, despite the coercive situation she finds herself under, dominated state officials can,

⁵² Perry (2001), p. 63.

⁵³ Honoré (1999), p. 10.

within the narrowed set of options, make choices that reflect their state's will. Recognising this by embracing outcome responsibility is a way for them to resist the thought that the dominated status produces, namely the idea that the choices they take as a collective agent states do not reflect the state's will.

Second, by recognising that outcome responsibility can be attributed to their state in this manner, dominated state officials can resist the thought of being mere servants of dominating players and vindicate the dominated state's status as an agent. Recall Honoré's argument that accepting authorship over outcomes creates our personal history, contributes to our identity and, as such, is part of what makes us an agent. By seeing themselves as authors of their actions and not merely as victims and servants, dominated state officials vindicate the agency of the dominated state and strengthen the very condition that the control of dominating players threaten to deprive it from: the dominated state's status as an agent.⁵⁴

Third, embracing outcome responsibility also provides incentives to behave in ways that are socially valuable. Dominated state officials know that the consequences of their actions will be associated with their state and thus, will seek only to contribute to outcomes that, given their limited range of options, they actually want to be associated with their state. This provides a powerful incentive to act in ways that are socially valuable, and counters the third constraint that follows once dominated subjects are aware of their domination and internalise the image of victimhood and servitude that their dominated status otherwise produces.

But how can dominated state officials resist internal domination by embracing outcome responsibility in practice? Take Argentina's acquisition of an unsurmountable amount of debt as an example. In the run up to the 2000's crisis, Argentina's options were significantly narrowed by external economic shocks and by the behaviour of its creditors, who, while continuing to grant loans beyond any financial responsibility, used the threat of ceasing to do so as a means to put pressure on the Argentine government to act in their interest. That their options were narrowed, however, does not mean that Argentine state officials did not make choices. Within an unfavourable global and economic order, the Argentine state did have choices to make and decided to borrow to finance its deficits. In this situation, what it means for Argentine state officials to embrace their outcome responsibility is to accept that this acquisition of debt

⁵⁴ Here the collective agency of states complicates the individual-state analogy. Dominated individuals can resist their subjugation by embracing outcome responsibility and contributing to their own history and identity. Conversely, dominated states whose actions are those of state officials, resist subjugation by the attitude that state officials adopt. The history and identity of dominated states is constructed by state officials recognising the consequences of their actions as the outcome responsibility of the dominated state.

was their choice. By recognising that these decisions and the consequences they brought about were their own making, Argentine state officials challenge the image that their domination produces; the image, that is, of being mere victims of circumstances. This attitude seems contrary to the one that Argentine officials adopted during and after the 2001 crisis. Here, state officials adopted a rhetoric of victimhood in which external actors were blamed for Argentina's predicament, trying to let the blame 'stick' to someone else.⁵⁵ Despite its obvious political advantage, such an attitude perpetuates an image of dominated states as victims and not as agents; it is this image that the embracing of outcome responsibility by state officials seeks to reverse. In a nutshell, then, by embracing outcome responsibility and accepting their actions and the outcomes of their actions as their state's own doing, dominated state officials can free their state from the image of being a mere slave and victim of its dominators actions, interests and desires.

So far I have outlined why recognising the state on behalf of which they act as outcome responsible agents can be a way for dominated state's officials to resist the internal domination that results from the control that powerful international players exert over them. I have not yet demonstrated that state officials ought to do so. In the final part of this section, I suggest that recognising their outcome responsibility is a duty for dominated state officials.

Recall that dominated state officials have the responsibility to try to protect the individuals they represent from domination. It is in virtue of this responsibility that resisting the self-image of servitude and victimhood that external domination produces, by accepting outcome responsibility, becomes their duty rather than merely a right. Due to the role that state officials have in the current world order dominated state officials have the duty to recognise the state they represent as an outcome responsible agent.

This duty is an internal duty, an attitude towards the state that acts through their actions, rather than an external form of resisting domination.⁵⁶ It is internal because it does not prescribe what actions ought to be taken, but how state officials ought to envision the state that acts through them. What is required from dominated state officials is that they do not give up the image of the state they represent as the author of its actions. Even while being dominated, they must conceive of the state as an actor with choices to make; choices which have consequences that can be rightly attributed to it as their author. As an attitude state officials ought to have towards the state they represent, this duty does not conflict with other duties and must, therefore, not be weighted and ranked in

55 Blustein (2005).

56 Hay (2011), p. 31.

relation to other duties. A dominated state (via the attitude of state officials) can fully recognise itself as an outcome responsible agent without hampering its capacities to fulfil other (social or global) justice duties. In this light, there is no latitude with regards to when this duty applies. State officials must adopt the appropriate attitude in every single occasion.

The possibility of this sort of resistance, therefore, captures the intuition that there is something that can be done by victims of domination to resist their subjugation even when external resistance is imprudent or impossible.⁵⁷ At the same time, however, it is important to note that internal resistance is insufficient, since it leaves dominating structures and relations intact. That state officials envision the state that acts through them as a responsible agent is a crucial prerequisite for taking the necessary steps to establish a non-dominating world order, but it needs to be followed by a change in state officials' actions in order for dominated states to get the chance of breaking free from domination. How then should dominated state officials act in order to fulfil the responsibility of resistance that they have towards their citizens? In the following section I now turn to the question of what dominated states can and ought to do in order to resist domination externally.

On The State's Duty to Engage in Acts of State Civil Disobedience in The Name of Its Citizens

Having argued that dominated states have a responsibility to resist their domination in section 2 and that they have the duty to do so by embracing their outcome responsibility in section 3, I now argue that under particular circumstances, dominated states have the duty to engage in acts of state civil disobedience. First, I explore how a normative theory legitimising states to violate unjust international laws would look like (sub-section a). Then I illustrate what state civil disobedience entails in practice by applying it to the Argentine debt management in the years that followed the 2001 crisis and argue that the domination of powerful international players over citizens of vulnerable states gives rise to a context in which states do not only have a right, but a qualified duty to engage in acts of state civil disobedience (sub-section b).⁵⁸

(a) On state civil disobedience

While democratic political theorists acknowledge civil disobedience as a measure of last resort to challenge unjust laws; a legitimate form of defending

⁵⁷ Hay (2011), p. 32.

⁵⁸ One may counter that there may be dominated states that are 'so structurally constrained or determined that they are unable to act otherwise than they do'. Clarissa Hayward and Steven Lukes, 'Nobody to Shoot? Power, Structure, and Agency: A Dialogue', *Journal of Power* 1/1 (2008), 5-20, p. 9. If this is the case, I am willing to concede that the responsibility to resist domination must not to be fulfilled via action, but still ought to be resisted in an internal, attitudinal sense.

that what is just over and above that which is legal,⁵⁹ relatively little has been written about the possibility of state civil disobedience.⁶⁰

What would a normative theory legitimising states to violate unjust international laws look like? In line with Goodin and Neubauer, I propose to extend the standards used to assess individual civil disobedience on a domestic level to the actions of states on the international level. Concretely, I propose to apply Rawls's conception of civil disobedience to state action. According to Rawls, civil disobedience is 'a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government'.⁶¹ Rawls thus identifies five criteria: moral standards that distinguish mere rule breakers from possible rule-makers. To qualify as such, an act of civil disobedience must be (i) illegal, (ii) conscientious, (iii) aimed at changing law or policies, (iv) non-violent and (v) public. I now assess how these five criteria used to define an act of civil disobedience can be extended to the context of state civil disobedience. I illustrate what this means in practice by applying it to my case study.

First, to qualify as such, an act of state civil disobedience must be illegal.⁶² Establishing this illegality is much harder in the international arena in which 'soft law' prevails, than in the domestic realm of 'hard law'.⁶³ In contrast to hard laws, which are precise and are delegated for their interpretation and implementation to an assigned authority, soft law is 'by definition imprecise, and has no authoritative interpreter to make it more precise'.⁶⁴ Thus, the only way to establish whether a state's action meets the illegality criterion is to assess whether at the time the state committed the action it was likely to face legal prosecution *ex post facto*.⁶⁵ Second, acts of state civil disobedience must be committed conscientiously. In justifying their act, state officials must appeal

59 Hannah Arendt, 'Civil Disobedience.' In *Crises of the Republic: Lying in Politics, Civil Disobedience on Violence, Thoughts on Politics, and Revolution* (New York: Harcourt Brace, 1972), Ch.2; Jürgen Habermas, 'Ziviler Ungehorsam - Testfall Für Den Demokratischen Rechtsstaat. Wider Den Autoritären Legalismus in Der Bundesrepublik.' In *Ziviler Ungehorsam Im Rechtsstaat* (Frankfurt/Main: Suhrkamp, 1983), Ch3; Hugo Adam Bedau, 'On Civil Disobedience.' *The Journal of Philosophy* 58/21 (1961), 653-61; Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977); John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1971).

60 Notable examples are Ottfried Höffe, 'Demokratie Im Zeitalter Der Globalisierung' (München: Beck, 1999); Robert Goodin, 'Toward an International Rule of Law: Distinguishing International Law-Breakers from Would- Be Law-Makers' *The Journal of Ethics* 9/1 (2005), 225-46; Gerald Neubauer, *Das Recht Des Staates Auf Zivilen Ungehorsam: Mit Menschenrechten Begründete Rechtsbrüche in Der Internationalen Politik (Internationale Beziehungen) (State Civil Disobedience: Morally Justified Violations of International Law Considered as Civil Disobedience)* (Bremen: Nomos Verlagsgesellschaft, 2009).

61 John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1971), p. 364.

62 Since civil disobedience pursues the aim of challenging the illegality of the committed act and might turn out to be legal in retrospective, the relevant consideration to meet the illegality criterion is whether the act was illegal at the time it was committed.

63 Goodin (2005), p. 238.

64 *Ibid.*, p. 239.

65 Neubauer (2009), p. 8.

to universal moral arguments, rather than to particular reasons of national interest.⁶⁶ Third, a state's act of civil disobedience must seek to promote a change in laws or policies that affect other states as well. States can try to establish a new customary law, change the interpretation of the old one, convince international courts to establish new case law, or criticise international institutions.⁶⁷ Fourth, as its domestic analogy, state civil disobedience must be non-violent. A state action can only be an act of civil disobedience, to the extent that it does not employ extra-legal violence.⁶⁸ Finally, state civil disobedience must be public in character. This criterion is easily fulfilled since the type of actions which could be considered cases of state civil disobedience cannot possibly be kept from the public. No state can enact laws that violate an international treaty 'privately'

In addition to the conditions posed by these five criteria used to define an act of civil disobedience, I would also like to carry over Rawls's 'last resort clause' from the national to the international level. According to Rawls, acts of civil disobedience are only acceptable if employed as a last resort. 'The normal appeals to the political majority' must have been made and must have failed.⁶⁹ Also acts of state civil disobedience must be used as a last resort, because they might come at the expense of rights of the citizens of the disobedient state and have detrimental effects of non-members. Take the example of a government defaulting on sovereign debt. As Pogge argues, the refusal of governments to repay their loans may lead to an indiscriminate reaction of creditors not to lend to any fledgling democracies.⁷⁰ This is detrimental, since the acquisition of reasonable amounts of loans is often required for governments to fulfil the socio-economic rights of their citizens. The more general point therefore is, that an act of state civil disobedience might have negative consequences for present and future generations both at home and abroad and ought therefore to be employed with care and used as a last resort.

But should Rawls's criteria be carried over from the national to the international level without amendments of addendums? Rawls clearly delimitates the context in which his theory of civil disobedience applies, namely a context of near justice. A near just society is one which is 'well-ordered for the most part but in which some serious violations of justice nevertheless do occur'.⁷¹ It is due to this context of near justice that Rawls believes that acts of civil disobedience ought to be non-violent and public. Only by acting non-violently and publicly, the

66 *Ibid.* Note here, that it is not necessary for state officials to exclusively have interests in mind that surpass the national interest narrowly defined.

67 *Ibid.*, p. 10.

68 *Ibid.*

69 Rawls (1971), p. 373.

70 Thomas Pogge, *World Poverty and Human Rights* 2nd ed (Cambridge: Polity Press, 2008), p. 160.

71 *Ibid.*, p. 363.

agent disobeying expresses her general respect for a nearly just law. Although imperfect, she believes the law to be nearly just and worth respecting and through her disobedience she wants to contribute to making it more just. 'The law is broken, but fidelity to law is expressed by the public and non-violent nature of the act'.⁷²

The international context of domination however – a context in which state and non-state public and private actors dominate the most vulnerable in the pursuit of their own interests – clearly does not qualify as a context of near justice. In such a context, I do not believe that the agent engaging in acts of disobedience (state officials) must do so while being generally committed to the law. It seems absurd to demand from state officials who ought to resist their domination that they also ought to be generally committed to the law that contributes to their oppression. To the extent that state officials of dominated states ought not to show to be generally committed to the law, the question becomes whether the criteria set out by Rawls for a nearly just society also apply for the context at stake. I contest that they do, albeit for different reasons.

In contrast to Rawls, who argues for non-violence as an expression of one's general commitment to the law in a context of near justice, I believe that acts of state civil disobedience in the international context of domination must be non-violent merely because of the harm, destruction and suffering that violence brings about in human terms. This is especially so, given the means available to states (to wage a nuclear war, for instance) and not to individuals. A second more practical reason why I wish to take over Rawls's non-violence criteria to the proposed theory of state civil disobedience is that non-violence is usually seen as the defining criteria distinguishing civil disobedience from other forms of more militant resistance. Although I definitely believe it to be worth examining whether the current international legal system is not indeed so unjust as to allow for other forms of (militant) resistance,⁷³ the scarcity of normative analysis in this area of thought makes it desirable to start with a case in which the legitimacy threshold is somewhat lower.

Must an act of state civil disobedience be public? I see one normative and one more practical reason to answer this question affirmatively. Normatively, I believe it to be of relevance that state officials act in their role as representatives of the people. Representation, in turn, requires a certain degree of transparency. Letting the public know that they are engaging in acts of state civil disobedience is part of such transparency. Publicity is thus required not because it expresses a

⁷² *Ibid.*, p. 366.

⁷³ For an analysis of what individuals who bear the brunt of global injustice are entitled to do in order to ensure their entitlements, see Caney (2015), pp. 51-73.

commitment to the law, but because state officials owe it to those they represent to inform them of their actions. More pragmatically, publicity cannot really be avoided in cases of state civil disobedience, since the type of action which could be considered instances of this kind cannot possibly be kept from the public.

(b) On state civil disobedience as a way to resist domination

Having established what a normative theory legitimising states to violate unjust international laws could look like, in this sub-section I first show how such acts would look like in practice and argue, second, that fulfilling dominated state official's responsibility to resist domination gives rise - under particular circumstances - to the duty to engage in such acts.

How does an act of state civil disobedience look like in practice? In line with Neubauer, I would argue that Argentina's refusal to pay qualifies as an act of state civil disobedience. First, Argentina's refusal meets the illegality criterion. In the absence of both, legal procedures to declare sovereign debt invalid in cases other than state succession, as well as state insolvency procedures, international credit law dictates that indebted countries ought to continue servicing their debt under all circumstances. Refusing to do so thus qualifies as an illegal act. Second, the Argentine Presidents Saá (in 2001) and Kirchner (in 2005) both justified the refusal with reference to universal moral reasons. While arguing on the one hand that that sovereign debt could not be serviced 'at the expense of hunger and exclusion'⁷⁴ of Argentines, they also pleaded for reform of international credit law that, by definition, affects all states. In a speech addressing the UN General Assembly in 2003, for instance, President Nestor Kirchner demanded a reform of the IMF so that it would serve the fight against poverty. Third, Argentina combined this conscientious justification with concrete initiatives that aimed at changing laws and policies. A case in point is the establishment of the 'Banco del Sur' (bank of the South), a common project by Argentina, Brazil, Bolivia, Ecuador, Paraguay, Uruguay and Venezuela which seeks to develop an alternative to the IMF. Finally, in refusing to pay its debt, the state of Argentina did not use any extra-legal violence and announced its decision publicly.⁷⁵

I believe the Argentine case illustrates what states can do despite being dominated in order to try to protect their citizen's freedom from domination. While Argentine state officials could not realistically have succeeded in protecting their citizen's freedom as non-domination, they were able to put up

⁷⁴ Nestor Kirchner, 'Discurso N. Kirchner En La 58ª Asamblea Naciones Unidas', *Archivo Digital de la Presidencia de la Nación*: 7. <<http://archivohistorico.educ.ar/content/discurso-n-kirchner-en-la-58ª-asamblea-naciones-unidas>> (Accessed: 10 April 2014).

⁷⁵ Neubauer (2009).

a fight against those dominating them by refusing to pay the debt and thereby engaging in an act of state civil disobedience. In doing so they challenged an international legal system, which gives more value to debt servicing than to the most basic rights of individuals. State civil disobedience thus reveals itself as one possible way in which the responsibility to resist domination externally takes concrete forms.

Acts of state civil disobedience can be a form in which dominated states can challenge institutional forms of domination. By disobeying international rules and laws, state officials of dominated states could resist domination externally. As such, state civil disobedience ought not only be seen as a right held by states, but as a duty that state officials ought to exert as a way of resisting external domination in the name of their citizens.

There might be occasions, however, in which fulfilling the responsibility to resist domination by engaging in acts of state civil disobedience might seem plainly wrong. It might be the case, for instance, that it causes much more suffering than it prevents or that it may come at the expense of other values we esteem. Relevant questions here are how the dominated state's duty to engage in acts of civil disobedience in the name of their citizens is to be weighed against the state's duty to guarantee (basic) socio-economic rights, how the rights of non-members ought to be weighed in relation to the right of members, or how future generation ought to be considered and how much weight should be attached to their interest's vis-à-vis those of current generations. In other cases the duty to engage in acts of state civil disobedience may seem too demanding; it might simply be too much to ask for state officials to fulfil their responsibility to resist domination in this manner. Should there be no limits regarding state officials' responsibility to resist domination by engaging in acts of state civil disobedience?

Although space constraints do not allow me to elaborate on the exact normative circumstances under which the duty to resist domination via acts of state civil disobedience applies, I wish to end by saying something about the latitude of the responsibility to resist domination more generally. There are two dimensions along which the latitude of this responsibility can be assessed, namely latitude regarding what action ought to be taken and latitude regarding when actions should be taken.⁷⁶

The analysis of the two duties discussed reveals that latitude does exist, regarding the first of these dimensions. Sometimes state officials may resist domination by engaging in acts of state civil disobedience. In other occasions

76 Hay (2011).

this might not be demanded or even justified and dominated state officials must fulfil their responsibility to resist domination solely by recognising themselves as outcome responsible agents. Latitude therefore does exist regarding what state officials ought to do. No latitude exists, however, with regards to when the responsibility to resist domination applies. While the duty to resist domination by engaging in acts of state civil disobedience might not have to be fulfilled in every single occasion, the duty to resist domination internally, by adopting the right attitude and conceiving of themselves as outcome responsible agents always holds. The possibility of internal resistance therefore makes it possible for dominated states to resist domination even in instances in which state officials ought not to engage in acts of state civil disobedience. Since recognising their state as an outcome responsible agent is one way in which state officials can fulfil the responsibility towards their members to resist domination, the responsibility to resist domination does not allow for any latitude regarding when it applies: dominated state officials must resist domination in every single occasion.

Conclusion

By using Argentina's most recent debt history as an example I sought to analyse the multifarious forms in which states are dominated today in the global political economic order. I attempted, however, to move beyond the unilateral attribution of responsibility in which the dominating parties are demonised and the victims of injustice portrayed as mere bystanders, raising the question of what responsibilities and duties dominated states have.⁷⁷ I argued, that dominated state officials have the responsibility to resist domination. As a general maxim this responsibility allows for latitude with regards to what actions are to be taken in order to be fulfilled. I argued that under particular circumstances the responsibility to resist domination may give rise to state official's duty to engage in acts of state civil disobedience. When these conditions are not fulfilled, however, state officials still have the duty to resist domination by recognising themselves as outcome responsible agents. Thus, albeit allowing latitude with regards to what actions it calls for, the responsibility to resist domination, does not allow for latitude regarding when it holds.

It may be countered, however, that assigning responsibility to dominated states is wrong, since it seems tantamount to blaming the victim 'if there is an obligation to resist oppression, after all, then it seems that those who fail to resist their oppression will be the appropriate subjects of blame'.⁷⁸ However, the attribution of responsibility does not necessarily need to be isolating and

⁷⁷ For a similar attempt on the individual level, see Caney (2015).

⁷⁸ Hay (2011), p. 29.

‘finding that some people are guilty of perpetrating specific wrongful action does not absolve others whose actions contribute to the outcomes from bearing responsibility’.⁷⁹ That I claim dominated states to be responsible in the ways proposed here does not absolve dominators from their responsibility for wrongdoing.

Rather, I sought to deconstruct the ‘we’ versus ‘them’ dichotomy that underlies much of the contemporary Global Justice debate. The reproduction of such a dichotomy in an academic debate that seeks to be global in scope, yet only theorises upon the ‘we’ as the acting subject, is deeply disrespectful to all those who occupy the position of the ‘other’. Most importantly, though, a discourse of unilateral responsibility fails to mobilise the type of action needed to put an end to the dyadic and systemic domination prevalent in today’s unjust and deformed global order. While the primary wrongdoers may react with defensiveness to an attribution of responsibility, the relatively powerless may remain passive and point at powerful agents who can be blamed for their condition.⁸⁰ Therefore, ‘the reproduction of the distinction between ‘us’ and ‘them’ might well subvert the very project of radical cosmopolitanism’.⁸¹ By theorising upon the responsibilities and duties of dominated states I wish to emphasise that all actors – perpetrators, bystanders and also victims of structural injustice and arbitrary power – have an important contribution to make in the construction of a less unjust world.⁸²

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79 Young (2011), p. 106.

80 *Ibid.*, p. 114.

81 Chandhoke (2010), p. 80.

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