Beyond the Law's Reach? Reply to Critics

Shmuel Nili

I am extremely grateful to Michael Blake, Yuna Blajer de la Garza, and Alex Zakaras for their generous and insightful engagement with *Beyond the Law's Reach?* In what follows, I offer some replies to each of them. It is perhaps worth noting that all three contributors combine global themes with issues implicating the United States in particular. Consequently, where and how to draw the line between what is unique to the United States and what is globally salient is one of the questions underlying this essay.

Blake on Gun Violence

Michael Blake's contribution to the symposium centers on the worry that the book's discussion of the shadow of violence is underinclusive. The book focuses on how this shadow pervades fragile democracies and authoritarian societies, and on the resulting flight of money and people from such jurisdictions toward consolidated democracies. But what about violence that pervades even consolidated democracies themselves? In raising this problem, Blake's interest is in the United States, and specifically in U.S. gun violence. The sheer number of U.S. mass shootings, combined with the seeming political impossibility of changing fundamental gun laws given their basis in the U.S. Constitution, suggests to Blake that we should adopt a domestic lens on U.S. gun violence that is analogous to the book's proposed lens for understanding democracies' international entanglements. Just as democracies should be realistic about their (in)ability to transform unjust social

Shmuel Nili, Northwestern University, Evanston, Illinois, United States (shmuel.nili@northwestern.edu)

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and political practices beyond their borders, so should people concerned about justice within the United States be realistic about their (in)ability to transform core unjust domestic realities—including those pertaining to the most extreme violence. Blake is at pains to emphasize his agreement with the book's focus on (what he calls) "the tragedies of action within a morally blighted world."[1] He simply holds that the scope of the relevant tragedies is broader than the book acknowledges.

My first response to this worry is fairly straightforward. I am doubtful that we can generalize from the case of U.S. gun violence to arrive at any analogous normative lessons about any other consolidated democracy. Indeed, a major part of the reason why this violence is such an obvious moral travesty is that no other consolidated democracy has a set of gun laws that is even remotely similar in its permissiveness.[2]

Second, when inspected up close, violence directed at U.S. politicians might actually represent a further illustration of the book's argument, rather than a deviation from it, insofar as it could call into question the United States' claim to *be* a consolidated democracy. The potential threat that extremely easy access to guns poses to the basic safety of individual American politicians (and their families) might indeed be so severe as to approximate the kinds of threats highlighted in the book's discussion of profoundly fragile democracies. But *this* sort of political threat seems to me to further vindicate the book's theoretical apparatus for conceptualizing political violence.

For a more concrete sense of this point, consider the January 6 storming of the U.S. Capitol. As the book emphasizes, the events of that day, while certainly appalling, did not suffice to place the United States under the "shadow of violence" in my proposed sense. There was no question of the armed forces and law enforcement choosing to serve Donald Trump at the expense of constitutional democracy, and, mainly for that reason, the insurrectionist mob had no realistic prospect of success. Yet I now recognize (partly thanks to Blake's commentary) that I should have said more about the *aftermath* of January 6. Specifically, I should have said more about the extent to which individual lawmakers, in trying to decide whether to join the effort to hold Trump accountable for the horrific insurrection he had orchestrated, were reasoning under the threat of facing further violence at the hands of Trump loyalists, this time personally targeting them and their loved ones.[3] This perspective would have helped to establish that, insofar as the United States approximates

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"shadowed" jurisdictions, that is precisely for the sorts of reasons laid out in the book.

Let me spell out this thought a bit further. On the one hand, it is clear that a democracy cannot last long "when its elected leaders live in fear of physical violence from their constituents."[4] That is very much the sense in which violence looms over U.S. politics, too. Yet, on the other hand, this is still a heavily attenuated shadow of violence (hence the mere "approximation"). It does not compare to the full-blown cases that lie at the core of the book—the (de facto) reigns of terror wielded by the Escobars, Xis, and Putins of the world. Quite obviously, this difference is due to collective action considerations—once again, the very same considerations driving the book's analysis. No individual shooter targeting a member of the U.S. Congress or a presidential candidate can amass, even in combination with a whole host of like-minded lunatics, the kind of firepower that will allow them to seriously combat law enforcement (consider January 6 once more). And that is partly what renders inexcusable the collective failure of American politicians to pass laws that would effectively protect even themselves from rampant gun violence.

Blake's explicit focus, however, lies not with this sort of political violence, but rather with how the proliferation of private guns threatens ordinary Americans in everyday life. Let us therefore ask: If we *bracket* (however artificially) the threat that gun holders might pose to individual politicians, are the obstacles to political change in the United States (in general, or regarding gun violence in particular) akin to those facing the "shadowed" jurisdictions highlighted in the book?

The answer is "no." To say this is not to ignore the numerous anti-majoritarian veto points built into the American constitutional system, and the political sclerosis they have so conspicuously induced. Rather, it is simply to insist that the acute collective action problem faced by a society that wishes to confront terrifying *orchestrated* violence—whether it originates with an ascendent drug cartel or a brutal dictatorship—*is* qualitatively different from the problem of how to muster the votes to secure enduring reforms to American gun laws. Blake emphasizes the sense of helplessness or impossibility that might well weigh on the proponents of reform in both contexts. But that does not mean that the task facing them is the same. An ordinary Russian who wishes to rally a critical mass of her fellow citizens to protest against Putin's brutal rule, for example, is surely facing a vastly more daunting challenge compared to the ordinary American political activist who wishes to get more people to make gun control a central motivation behind their vote.

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Some numbers might help to buttress this point. In a 2022 study, political scientists Laura García-Montoya, Ana Arjona, and Matthew Lacombe found that the Democratic party—strongly aligned with gun control reforms—increases its vote share by an average of nearly five percentage points in counties that experienced mass shootings. This, as the authors note, is "a remarkable shift in an age of partisan polarization and close presidential elections."[5] To state the probably obvious, were the Democratic party able to increase its vote share by roughly five percentage points in many (let alone in all) swing states and swing congressional districts, it would not only handily win presidential elections. It would also enjoy robust and enduring majorities in both chambers of Congress. As a result, the party would have the opportunity to alter the composition and size of the Supreme Court —already a massive boost to gun control efforts. Eventually, it would also be able to realistically push for at least some constitutional changes—including the outright elimination or radical revision of the Second Amendment.

Of course, much before we get to hypothetical political arithmetic of this sort, gun control advocates must improve their ability to mobilize voters for whom a mass shooting is a "mere" possibility, rather than a reality that has already affected their own local communities. And I do not claim any special insight as to how to better activate the moral and practical imagination of the relevant voters (or, more generally, of the millions of eligible voters who never bother to cast a ballot). I only wish to note a (much) more modest point. The NRA and its ilk have successfully cultivated a devoted bloc of single-issue "gun rights" voters.[6] So it is at the very least conceivable that the countermovement, pushing against gun violence and in favor of commonsense gun control laws, could capture more minds and ballots than it currently does—enough minds and ballots to overcome various anti-majoritarian veto points. None of this, to reiterate, is meant to belittle the enormity of the challenge involved in such mass political mobilization. It is simply to insist that this challenge remains far less demanding—indeed, far less *hopeless*—than the task of ordinary citizens in "shadowed" jurisdictions who have to decide whether to face the guns of the ruling dictator or an all-powerful kingpin.

Before moving on, it is worth making another observation about constitutional change in the United States. It might well be tempting to think that there is no feasible path to U.S. constitutional reform. Yet, with Donald Trump winning a second term even after calling for the "termination" of the Constitution,[7] the central challenge for those who abhor violence in American public life is not about overcoming existing constitutional constraints on majority will. Rather, it is about

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having sufficient trust that a majority of current *voters* will cast ballots in support of the rule of law, rather than the rule of violence, when faced with the most consequential choices at the polls.

For a prime case in point, consider the Twenty-Second Amendment, limiting presidents to two terms. There can be no doubt—given his open and repeatedly stated desire for a third presidential term—that Trump will be more than willing to utilize his iron grip on the Republican party and its base to ensure their support for repealing this amendment. Therefore, the question for the other major political party is not whether it is *feasible* to repeal the Twenty-Second Amendment, but what would be the *consequences* of such a repeal. More specifically, suppose that the Democratic party conditioned its support for such a repeal on a legal formulation that would allow President Obama too to seek a third term. Assuming that the former president would be willing to serve again, and could galvanize the Democratic party if renominated, Democratic political operatives would have to ask concrete practical questions to determine whether the party should support a repeal under these particular circumstances. They would presumably ask: (a) whether Obama is likely to prevail against Trump if the two faced each other in 2028; (b) whether a third-term Obama presidency, at least if it led to robust Democratic congressional majorities, has a distinct potential of enacting long-lasting change on various fronts (not least of which is that of gun control); and (c) whether the hopes for such change outweigh the various long-term risks involved with the undoing of existing presidential term limits. Being a normative theorist, I cannot claim any special empirical knowledge on which to base an answer to (a). Nor do I know the answers to (b) and (c). My point is only that none of these concrete questions (nor, more broadly, the scenarios to which they refer) lie beyond the realm of practical possibility. So, the issue here is not one of overly distant hopes for constitutional change. Rather, it is one of a willingness to accept (major, macro-level) societal risks in pursuing such change.[8]

Zakaras on Complicity

Like Blake's contribution to the symposium, Alex Zakaras's essay conveys agreement with much of the analysis offered in *Beyond the Law's Reach*, but questions the degree to which this analysis captures the lived experience of ordinary democratic citizens. Whereas Blake highlights the experience of ordinary American citizens terrorized by gun violence, Zakaras is interested, more generally, in

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individual citizens' sense of complicity in their elected government's unjust actions.

Zakaras claims, first, that this sense is usually morally warranted, even when citizens' contribution to the relevant governmental injustice (for instance, by paying the taxes that fund the government) is coerced. Even coerced accomplices are morally culpable when they fail to pursue —as is true for a great many citizens in virtually every existing democracy—noncostly opportunities to throw their "causal weight" against governmental injustice.[9] Zakaras's second main claim is that the everyday burdens faced by the vast majority of ordinary citizens make it appropriate for them to prioritize some governmental injustices at the expense of others, as the focus of their complicity-mitigating actions. This is important partly because Zakaras worries that the injustices of global kleptocracy—a recurrent theme of the book—will rightly lie quite low in the set of priorities of the complicity-minded citizen.[10]

While I find much to agree with in Zakaras's lucid account of civic remedial responsibility, I also have some reservations. To begin, I grant the intuitive appeal of the claim that a complicity-oriented citizen must inevitably prioritize some injustices at the expense of others. Yet I think that this claim is somewhat misleading in the context on which Zakaras focuses—where deeply unprincipled and dangerous elected politicians are the (proximate) cause of a great many injustices. The reason is that in such a (common) context, the top priority for the politically engaged citizen must simply be to work toward the removal of as many of the relevant politicians as possible, as soon as possible. Put otherwise, the top priority ought to be simply winning the next significant election. The choice of any particular substantive topic to foreground in one's civic action—in advocacy, in communication with current officeholders, in canvassing, and so on—would then be simply a function of that electoral goal.

Relatedly, Zakaras's call to prioritize specific substantive injustices as subjects of civic action does not seem to cohere with his emphasis on avoiding individual complicity as the motivation for such action. Reducing my "complicity footprint"[11] in major injustices is one thing. Actually bringing about a reduction in these—or other—injustices is another.

To see how the two can come apart, consider Zakaras's leading example, that of climate activism in the face of Trump's rabidly anti-environmentalist agenda. Since November 2024, millions of Trump-averse Americans have been boycotting Elon Musk's environmentally friendly Tesla cars. These Americans have presumably

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been prioritizing the reduction of their "complicity footprint" in Musk's extensive political wrongdoing within the Trump administration. However, it is also the case that Musk—in stark contrast to Trump himself and many of those surrounding him—professes to take climate change quite seriously.[12] If—as seems eminently plausible—causing Musk's net worth to plummet also means causing a steep drop in Trump's willingness to listen to Musk's views on the environment (at any future point in which the two might revive their ever-shifting political alliance), then there is a conflict between reducing one's "complicity footprint" in Musk's political wrongdoing and reducing Trump's damage to the environment.[13]

With these observations in the background, consider global kleptocracy. Zakaras argues that if citizens ought to "devote their scarce time and attention to their government's worst injustices," then "we can safely conclude that for U.S. citizens, kleptocratic harms will not rank very highly on the list."[14] Though Zakaras acknowledges that the severity of these harms is "extreme," he adds that "we must also surely have to consider the number of people affected, the extent of our government's contribution, and the power it possesses to mitigate these harms."[15]

For U.S. citizens, the "extent of our government's contribution" is actually very hard to deny in the case of global kleptocracy. With the (partial) exception of Great Britain, no other major Western democracy has done nearly as much to facilitate the flow of dirty money to its own shores as has the United States (even if, pre-Trump, *some* genuine effort was made to reverse course).[16] As for "the number of people affected," surely that number in the case of kleptocracy is enormous. *Beyond the Law's Reach?* notes NGO estimates according to which more than 3.5 million lives could be saved *annually* in developing countries if concerted international action were taken against rampant money laundering, tax evasion, and embezzlement by private criminals and corrupt office holders, "and the recovered revenues were invested in healthcare."[17] The book further notes that this staggering annual figure exceeds the "combined death toll estimate for *all* the crimes of *all* the leaders indicted for mass atrocities by international courts since 1998, when the Rome Treaty creating the ICC was ratified."[18]

Admittedly, as Zakaras observes, the book also emphasizes the typical inability of any individual democratic government to fundamentally transform foreign political institutions. But why regard this fact as dispositive when deciding what priority to allocate to global kleptocracy? This is an important question in general. And, once more, it becomes especially important if the avoidance of *complicity* is our core motivation. After all, any country that stopped the massive flow of kleptocratic

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proceeds into its financial system would thereby end its own complicity in kleptocracy, even if it may well be unable to transform the foreign institutions from which these proceeds originate. Zakaras apparently holds that this avoidance of *collective* complicity does not (sufficiently) bear on ordinary citizens' *individual* complicity, unless they have reaped, or stand to reap, substantial benefits *per capita* from the relevant corruption. But it is hard to see why this dimension of the issue should be of such normative significance. It seems counterintuitive to suggest that if Luxembourg, for instance, experienced a population boom, that would even presumptively weaken the moral duty of each of its citizens to advocate for an end to the country's extraordinarily eager courting of kleptocratic proceeds.

In saying all this, I do not mean to deny Zakaras's repeated claim that the harms of global kleptocracy are far from common knowledge. But it also seems to me that as part of the very same set of civic responsibilities that Zakaras stresses there is also the responsibility to inform oneself about the major causes of tremendous suffering worldwide in which one's own society is implicated, even when these causes are not immediately obvious or constant front-page news. And while I recognize that insisting on this responsibility may well seem implausibly demanding of ordinary citizens, I would reply that there are *some* times and places where this responsibility is both understood and acted upon.

For a key example, consider the immediate aftermath of Putin's 2022 invasion of Ukraine. As the book acknowledges,[19] shortly after the invasion commenced, it was met with Western economic sanctions. For present purposes, however, a more specific fact is relevant. When President Biden announced a ban on Russian oil imports, the immediate goal was *not* to make it impossible for the Russians to fight —given the presence of other oil buyers, *that* goal was clearly not attainable. Instead, the immediate goal was *avoiding complicity*: "We will not," the president proclaimed barely two weeks after the invasion started, "be part of subsidizing Putin's war."[20] The European Union, in turn, followed suit by June of 2022.[21] But there was a major difference in terms of popular attitudes. Many ordinary EU citizens went out of their way (sometimes quite literally) to reduce energy consumption, including in public spaces, so as to better manage without energy imports from Russia.[22] This was presumably (at least in part) because these ordinary citizens bothered to educate themselves about the tight connection between Russia's energy exports and its military machine. Most ordinary Americans, in contrast, were busy fuming at the escalating cost of gas, and clearly did *not* bother to educate themselves about the exact causes of this escalation, let alone

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reflect on whether the higher price at the pump was worth paying, to minimize complicity in Putin's carnage.[23] And of course, imagination—or its absence—might have been relevant here as well. Simply put, Europeans do not need to exercise their imagination to envision a world in which Putin's aggression threatens them, too. Americans do.

Now consider Putin's kleptocratic regime from a different direction. Years before his tanks bore down on Kyiv, Putin and his cronies had already been accruing spectacular wealth at their own people's expense, with the harshest-possible repercussions for millions upon millions of Russia's most vulnerable.[24] Indeed, if we follow the previous observations regarding kleptocracy's global death toll, it does not seem fanciful to assume that the cumulative harm that Putin's kleptocracy has inflicted on Russians alone over the last quarter century (vastly) exceeds the harm inflicted by Putin's war in Ukraine. So, is it really obvious that while avoiding complicity in the latter can be sufficiently important to warrant ordinary citizens' attention and sacrifice, avoiding complicity in the former is not? I doubt that it takes more attention or information to see the link between domestic destitution and stolen oil proceeds than it takes to see the link between the same oil proceeds and external military aggression. But even if there is a difference here in the requisite attention span or knowledge, is this difference really *that* significant?

Blajer de la Garza on International Debts

Yuna Blajer de la Garza focuses her essay on the book's discussion of international reparative duties, particularly in the context of the U.S. War on Drugs. *Beyond the Law's Reach?* contends that the United States has weighty and stringent reparative duties toward countries—such as Mexico—that have suffered gravely due to this foolhardy and quixotic war. These reparative duties, in turn, entail, among other things, that the United States ought to defer to the wishes of societies such as Mexico when considering the possible criminal prosecution of their corrupted officials implicated in the drug trade.

Blajer de la Garza seems to accept much of this normative argument. She probes what would happen on the ground if international reparative duties of the sort it foregrounds were actually discharged—or at least announced as accepted in principle. One challenge concerns gaps between officials' preferences and popular preferences, and the ramifications of such gaps for the status of certain international debts. Delving further into the War on Drugs, Blajer de le Garza offers an

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example regarding a particularly high-profile discrepancy between the preferences of Mexico's then-president, Obrador, and the Mexican citizenry.[25] Obrador wanted the United States to send back to Mexico—rather than try—Mexico's former minister of defense, whom the United States accused of accepting millions of dollars in bribes from a murderous drug cartel.[26] A majority of Mexicans actually wanted the United States to hold onto the former minister and try him.[27] Obrador, threatening expulsion of all American agents from Mexican soil, got his way.[28] Blajer de la Garza points out that it is difficult to determine whether, according to the reparative account laid out in the book, this result should count toward repayment of the U.S. debt to Mexico. *If* President Obrador's will is taken to represent Mexico's will for relevant international purposes, then the former minister's return to Mexico did indeed exemplify the sort of perpetrator deference to the victimized society for which the book calls. But that is a big "if." Suppose instead that ordinary Mexicans insisted that because their view of the issue is clearly quite different from that of their president, they do not regard the American debt owed to *them* as even partly paid.

I certainly grant that complaints of this sort can have merit in a nondemocratic environment. In such circumstances, the authoritarian nature of the relevant government means that ordinary citizens of the victimized society are not necessarily morally bound by any terms of repair that have been negotiated.[29] Yet I also think that a reasonably free and fair election typically suffices to generate popular authorization for the governmental conduct of various kinds of international dealings, including international diplomacy, in general, and diplomacy surrounding international repair, in particular. Insofar as Obrador won such an election, ordinary Mexicans had little ground for complaint when the United States regarded his views on the extradition of a former Mexican official as decisive. It is true that ordinary Mexicans' preferences here differed from Obrador's. But such a discrepancy between leaders and the general public also obtains in many other cases where foreign countries reach agreements with an elected government—including agreements that, however unpopular initially, ultimately turn out to benefit wide swaths of the citizenry. We do not expect citizens to opt out of such "involuntarily, democratically acquired benefits": We do not say to citizens that they only get to keep the benefits of certain international arrangements (say, of EU membership) if they actively voted for these arrangements, or if they have supported these arrangements in other ways. So, it seems that we should also not allow citizens to opt out of the international burdens that their democratically elected

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leaders impose on them. And, by extension, when elected leaders decide to "cash out" debts owed to the community in a particular manner, that decision typically binds the community's members, even when a majority of them oppose it.

It therefore seems to me that the challenge regarding gaps between leaders' and citizens' preferences can be met. The bulk of Blajer de la Garza's attention, however, lies with a different sort of practical challenge. Her main focus is on more concrete obstacles to the process of international repair. She observes that this process might well be exploited and manipulated by both sides. It could trigger resentment or backlash. It might have the ironic effect of licensing disengagement and indifference (or even other forms of wrongdoing) toward the victimized society, now that "the books have been closed"[30] on past wrongs. Exact debts are often impossible to calculate, and, independently, they are often impossible to fully pay (even if this is an impossibility that Blajer de la Garza imaginatively shows to be, in part, a good thing).

I very much share Blajer de la Garza's judgment that the impossibility of repaying certain moral debts might be salubrious in important respects. But rather than comment on the specifics of each of the practical elements she highlights, I want to offer further reflections on the underlying thought that unifies these different elements. This thought—which I take to be indisputable—is that there will inevitably be a gap between *any* philosophical framework for international reparations and any actual reparative effort carried out in real international politics.[31]

More specifically, I would like to point out that, much before the implementation challenges that Blajer de la Garza highlights, there is a more basic practical challenge that often bedevils large-scale reparative projects, especially at the international level. This is the challenge of getting a critical mass of the population of the relevant country to even *recognize* that they *have* a debt to pay at all.[32] Where this sort of popular recognition is absent, even effective enforcement of debt payments will often do little to address root problems, and, per Blajer de la Garza's emphasis on debtor-nation resentment, might actually worsen these problems. Conversely, where this popular recognition is present, much has already been achieved, even if precision in repayment is indeed impossible.

International war provides some particularly sharp examples. With the benefit of hindsight, at least, it is abundantly clear that in the aftermath of the First World War, the main goal of any reparative program featuring Germany ought to have been not the extraction of any specific amount of monetary damages for the costs of

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the war, but rather simply getting ordinary Germans to *recognize* that their country now had a moral debt to the victims of its aggression. By the same token, the real moral achievement of post–World War II Germany—"the other Germany"—has clearly been not the payment, however extensive, of damages to millions of the Nazis' victims, but rather the deep-seated recognition of the very *fact* that Germany has collectively acquired an incomparable and *unpayable* moral debt. It is the presence of this fact at the very heart of the modern German state's collective ethos, and its inculcation in ordinary citizens through formal and informal education, that has been morally fundamental.

Much the same seems true when thinking about present-day war. The Russian war in Ukraine, for instance, clearly warrants financial compensation to Kyiv. But suppose that, as part of the blueprint for peace, the average Ukrainian could choose between two scenarios. In the first, the Russian state would agree, extremely grudgingly, to channel funds toward Ukraine's reconstruction, but continue to inundate its citizens with abominable propaganda portraying Ukraine's government as a neo-Nazi gang bent on colluding with Western co-conspirators against "innocent" Russia. In the second, all the money for Ukraine's reconstruction would come from its allies, but ordinary Russians would all learn the basic moral truths about the war: who started it, to what ends, and, therefore, who is to blame for it. It does not seem hard to see why, retributive impulses notwithstanding, it would behoove Ukrainians to favor the second option over the first.

Analogous points, in turn, seem to apply to the present-day reparative duties owed by the United States to multiple countries in Latin America ravaged by drug violence. Much before we get to cashing out precisely what U.S. repair would look like at the end of a real international negotiation, there is the more basic question of whether any meaningful portion of the country's citizenry even recognizes the existence of reparative duties stemming from the War on Drugs and its repercussions. Present evidence overwhelmingly suggests there is no such popular recognition. Even extremely circumscribed reparative initiatives in the vicinity—such as President Biden's public commitment to compensate migrant parents who had their children taken away from them by the first Trump administration—have petered out.[33] More broadly, any suggestion that drug violence is not simply the fault of "bad hombres" that Mexico and other Latin American countries are "sending"[34] to the United States has largely been disregarded in an ever more xenophobic and nativist American public sphere.[35]

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All this suggests that moving U.S. public opinion toward acceptance of the reparative duties laid out in *Beyond the Law's Reach?* is a Herculean task. How could this task be advanced, nonetheless? I would tentatively suggest (I do not think that any suggestion here could be more than tentative) that the answer has to do, once more, with imagination. Experts from multiple fields have spent years arguing that criminalization of drug use—and even drug trade—is counterproductive, and that the only reasonable approach is one that grapples with drug abuse as a public health issue.[36] When did any significant portion of the American public finally come around to (something like) this view? Arguably, only when, through the opioid epidemic, there was no longer too much of a need to exercise one's imagination to see the point. Only once critical numbers of middle-class and overwhelmingly white Americans had become addicted to opioids did it become socially problematic to keep insisting that the problem could be solved through ever more intense and militarized criminalization.[37] Shortly thereafter, even conservative politicians started talking about drugs and their attendant ills as a matter for public health authorities rather than the criminal law.[38]

If there is a road to widespread social recognition of the monumental folly that is the War on Drugs, and therefore to recognition of the reparative duties stemming from this war, I suspect that this road starts with such—excruciatingly small—mental steps. It might well turn out that these steps will only turn into leaps when the electorate—in the United States as in other countries—becomes too diverse for racially driven drug policies to remain a viable electoral strategy. It is anyone's guess how much more damage these policies (and the broader forms of racism they support) will cause before that demographic turning point is reached. But when that point finally arrives, one can hope that it will bring in its wake a much more extensive public conversation regarding repair owed to foreign nations.

Conclusion

The insightful commentaries offered by Blake, Blajer de la Garza, and Zakaras cover significant philosophical and practical terrain. The responses presented here accordingly have ranged over many theoretical and applied subjects. Still, in closing, it is worth making explicit a unifying theme linking the various issues raised in this symposium. Whether we are thinking about collective action and its potential to bring about structural change on issues such as gun violence, about ordinary individuals' complicity in injustices unfolding on the other side of the

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world, or about gaps between voters' preferences regarding international disputes and the preferences of elected leaders, theorizing political reform very often requires grappling with the ethics of democracy. As the preceding paragraphs make clear, *Beyond the Law's Reach?* espouses a demanding conception of democratic civic responsibility. How exactly to respond when so many of one's compatriots conspicuously fail to live up to this responsibility—and what political philosophy, in particular, can offer in the face of such widespread failure—remain crucial, and understudied, questions.[39]

Notes

[1] Michael Blake, "In the Shadow of Democratic Violence," *Ethics & International Affairs* 39, no. 3 (Fall 2025), pp. 206–2014, at p. 207.

[2] See, for example, Jonathan Masters, "U.S. Gun Policy: Global Comparisons," Council on Foreign Relations, updated June 10, 2022, www.cfr.org/backgrounder/us-gun-policy-global-comparisons.

[3] Consider the following remarks from a recent biography of Mitt Romney: "Some of the reluctance to hold Trump accountable was a function of the same old perverse political incentives—elected Republicans feared a political backlash from their base. But after January 6, a more existential brand of cowardice emerged. One Republican congressman confided to Romney that he wanted to vote for impeachment, but declined out of fear for his family's safety . . . Trump would be impeached by House Democrats with or without him—*why put his wife and children at risk if it wouldn't change the outcome*? Later, during the Senate trial, Romney heard the same calculation while talking to a small group of Republican colleagues. When one senator, a member of leadership, said he was leaning toward voting to convict, the others urgently encouraged him to reconsider. *You can't do that*, one said. *Think of your personal safety*, said another. *Think of your children*. The senator eventually decided they were right. There were too many Trump supporters with guns in his state." McKay Coppins, *Romney: A Reckoning* (New York: Scribner, 2023), p. 278 (emphases added).

[4] Ibid., p. 282. That Trump himself narrowly escaped two assassination attempts in the lead-up to the 2024 election only reinforces the point.

[5] Laura García-Montoya, Ana Arjona, and Matthew Lacombe, "Violence and Voting in the United States: How School Shootings Affect Elections," *American Political Science Review* 116, no. 3 (August 2022), pp. 807–26, at p. 809.

[6] See, for examplefor example, Matthew J. Lacombe, *Firepower: How the NRA Turned Gun Owners into a Political Force* (Princeton, N.J.: Princeton University Press, 2021).

[7] See, for example, Matt Murphy, "Trump's Call for 'Termination' of Constitution Condemned," BBC News, December 4, 2022, www.bbc.co.uk/news/world-us-canada-63851751.

[8] This is a risk that some long-standing advocates of constitutional change will not be willing to run during the second Trump administration. See, for example, Aziz Rana, "The Constitution and the American Left," *Dissent* 71, vol. 3 (Fall 2024), pp. 75–88, at pp. 86–87.

[9] Alex Zakaras, "Citizens' Complicity in State Action: Exploring the Limits," *Ethics & International Affairs* 39, no. 3 (Fall 2025), pp. 230–242, at p. 236.

[10] Ibid.

[11] I borrow the term from Eric Beerbohm's *In Our Name: The Ethics of Democracy* (Princeton, N.J.: Princeton University Press, 2012), from which Zakaras also draws.

[12] See, for example, Brad Plumer, "Musk Believes in Global Warming. Trump Doesn't. Will That Change?," *New York Times*, November 8, 2024.

[13] This is true even if initial hopes about Musk restraining Trump's anti-environmentalist views have not borne out to date. See, for example, Umair Irfan, "Elon Musk Couldn't Change Trump's Mind on Electric Vehicles," *Vox*, June 7, 2025, www.vox.com/climate/415813/trump-musk-fallout-clean-energy-evs-republican-tesla.

[14] Zakaras, "Citizens' Complicity in State Action," p. 239.

[15] Ibid.

[16] See, for example, Debbie Cenziper, Will Fitzgibbon, and Salwan Georges, "Foreign Money Secretly Floods U.S. Tax Havens. Some of It Is Tainted," *Washington Post*, October 4, 2021; and Casey Michel, *American Kleptocracy: How the U.S. Created the World's Greatest Money Laundering Scheme in History*

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(New York: St. Martin's, 2021). See also Nicholas Shaxson, *Treasure Islands: Uncovering the Damage of Offshore Banking and Tax Havens* (New York: St. Martin's, 2011); and Nicholas Shaxson, *The Finance Curse: How Global Finance Is Making Us All Poorer* (New York: St. Martin's, 2019).

[17] Nili, *Beyond the Law's Reach?*, p. 103.

[18] Ibid., p. 103.

[19] Ibid., p. 61.

[20] Joe Biden, quoted in Scott Detrow and Alana Wise, "Biden Announces Russian Oil Import Ban and Warns Gas Prices Could Increase Even More," NPR, updated March 8, 2022, www.npr.org/2022/03/08/1085089048/biden-ban-imports-russia-oil.

[21] See, for example, "EU Trade Sanctions in Response to Situation in Ukraine," Department of Enterprise, Tourism and Employment, May 20, 2025, enterprise.gov.ie/en/publications/eu-trade-sanctions-in-response-to-situation-in-ukraine-.html#3Jun.

[22] See, for example, John Leicester and Nicolas Garriga, "Cold Showers, No Lights: Europe Saves as Russian Gas Wanes," Associated Press, August 3, 2022, apnews.com/article/russia-ukraine-paris-germany-90d38aea4805b0667b63b3dedfe8a00d.

[23] Elsewhere, I have similarly pointed out the marked contrast between American popular awareness and celebrations of the killing of Osama bin Laden by U.S. forces, and the remarkable ignorance of the American public regarding the extraordinary costs that the U.S. operation to track bin Laden imposed on innocents in Pakistan, and indeed worldwide. See Shmuel Nili, *Integrity: Personal and Political* (Oxford: Oxford University Press, 2020), pp. 94–96. See also Tim McGirk, "How the bin Laden Raid Put Vaccinators under the Gun in Pakistan," *National Geographic*, February 25, 2015, www.nationalgeographic.com/science/article/150225-polio-pakistan-vaccination-virus-health.

[24] See, for example, Karen Dawisha, *Putin's Kleptocracy: Who Owns Russia?* (New York: Simon & Schuster, 2014).

[25] Yuna Blajer de la Garza, "Ambiguous Debts," *Ethics & International Affairs* 39, no. 3 (Fall 2025), pp. 215–239.

[26] Nili, *Beyond the Law's Reach?*, p. 118.

[27] Blajer de la Garza, "Ambiguous Debts"

[28] Nili, *Beyond the Law's Reach?*, pp. 119–20.

[29] To take one famous example, Korean women exploited by the Japanese military during the Second World War disavowed the agreement signed by their country's dictator in the 1970s to settle claims to compensation from Japan. See, for example, Victoria Kim, "Japan, Korea and the Messy Question of How to Pay for Historic Wrongs," *Los Angeles Times*, August 17, 2019, www.latimes.com/world-nation/story/2019-08-17/japan-korea-and-the-tquestion-of-how-to-pay-for-historic-wrongs. More broadly, I have elsewhere contested the customary international practice of treating any de facto government as being able to *acquire* debt in its people's names. See Shmuel Nili, *The People's Duty: Collective Agency and the Morality of Public Policy* (Cambridge, U.K.: Cambridge University Press, 2019), ch. 4.

[30] Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge, U.K.: Cambridge University Press, 2004).

[31] This is equally true for other philosophical accounts of international repair. See, for example, Daniel Butt, *Rectifying International Injustice: Principles of Compensation and Restitution between Nations* (Oxford: Oxford University Press, 2009); and Catherine Lu, *Justice and Reconciliation in World Politics* (Cambridge, U.K.: Cambridge University Press, 2017). For the empirical record, see Jennifer Lind, *Sorry States: Apologies in International Politics* (Ithaca, N.Y.: Cornell University Press, 2008).

[32] See, in a similar spirit, Lind, *Sorry States*.

[33] Compare, for example, Zeke Miller and Colleen Long ("Biden: Families of Separated Children Deserve Compensation," Associated Press, November 6, 2021, apnews.com/article/immigration-joe-biden-lifestyle-mexico-2bdb31fdb7e2f661db482e8c081a0d69) and Uriel J. Garcia ("Biden Administration Settles Lawsuit over Trump-era Migrant Family Separation Policy," *Texas Tribune*, October 16, 2023, www.texastribune.org/2023/10/16/biden-lawsuit-family-separation-border-settlement/).

[34] See, for example, David Agren, "'Bad Hombres': Reports Claim Trump Spoke of Sending Troops to Mexico," *Guardian*, February 1, 2017, www.theguardian.com/us-news/2017/feb/02/bad-hombres-reports-claim-trump-threatened-to-send-troops-to-mexico.

[35] Blake offers a provocative discussion of this xenophobia and its implications for migration policy in Michael Blake, *Justice, Migration, & Mercy* (New York: Oxford University Press, 2020), ch. 7. I offer an alternative view in Shmuel Nili, "A Strike for Democracy? Migration, the Bigot's Veto, and the Electoral Use of Force," *American Journal of Political Science* (2025), pp. 1–12.

[36] See Nili, *Beyond the Law's Reach?*, pp. 116–118.

[37] See, for example, Katharine Q. Seelye, "In Heroin Crisis, White Families Seek Gentler War on Drugs," *New York Times*, October 30, 2015.

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[38] See, for example, Holly Ramer, "Chris Christie Outlines His National Drug Crisis Plan, Focusing on Treatment and Stigma Reduction," *Associated Press*, updated December, 20, 2023, apnews.com/article/christie-drug-crisis-plan-campaign-trump-biden-2024-0c6bb7c3e40ba16714b0904bbd869490.

[39] I try to make some progress on these questions elsewhere. See, for example, Shmuel Nili, *Philosophizing the Indefensible: Strategic Political Theory* (Oxford: Oxford University Press, 2023); and Shmuel Nili, "Structural Injustice, Destructive Voting, and Blameworthiness: Enforcing Victims' Duties?," in "Structural Injustice," *NOMOS* 69, ed. Chiara Cordelli, forthcoming.

Abstract: Michael Blake, Yuna Blajer de la Garza, and Alex Zakaras offer insightful critiques of several arguments central to my book *Beyond the Law's Reach?* In the process, they raise large questions in political philosophy more generally, especially as it pertains to global affairs. Blake is skeptical about the distinction, driving much of the book, between consolidated liberal democracies and jurisdictions where the "shadow of violence" prevails. Blajer de la Garza worries that the international reparative duties that the book highlights may linger indefinitely, and, consequently, be exploited by cynical political actors. Finally, whereas *Beyond the Law's Reach?* argues that liberal democracies' collective integrity is affected by their entanglement in violence and corruption abroad, Zakaras doubts whether this collective moral problem carries over into the individual level, given individual citizens' reasonable ignorance of policy details. I offer responses to each of these critiques in turn. I conclude by highlighting the picture of democratic civic responsibility that emerges from these responses.

Keywords: democracy, complicity, corruption, Putin, Trump, Ukraine, gun violence, War on Drugs, drug trade, Mexico

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