

## Complicity and Coercion

### Toward an Ethics of Political Participation

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It is often argued that citizens share responsibility for injustices committed by their governments. Let us call this the *complicity claim*. It has strong and weak versions. The weak version assigns responsibility to citizens who actively support their government's unjust policies—by voting or lobbying for these policies, for example, or for the candidates who sponsor them. Though this version is usually applied to democratic citizens, it can apply elsewhere too: citizens of authoritarian states can also be active supporters of state injustice.<sup>1</sup>

The strong version of the complicity claim, on the other hand, assigns responsibility even to citizens who do not participate in politics. Thomas Pogge argues, for instance, that citizens of affluent nations are responsible for their governments' imposition of an unjust international order on the global poor. These citizens are responsible, he argues, even when they are politically passive and largely ignorant of their government's actions (Pogge 2005, 78–80). Thomas Nagel argues that citizens share responsibility for the actions taken by their governments because these governments act in their name, even when these citizens do nothing more than obey the law and lead strictly private lives (Nagel 2005, 128–30). In fact, the strong version of the complicity claim—even more than the weak version—has become increasingly commonplace in the philosophical debates over global justice.<sup>2</sup>

Despite its increasing popularity, the strong version of the complicity claim has seldom been defended at length. It is often simply posited, or

<sup>1</sup> These citizens may freely participate, for instance, in state-sponsored demonstrations in favor of unjust policies. See for instance Jubb 2014, 61–4.

<sup>2</sup> See for instance Caney 2008, 514; Miller 2008, 388; Young 2006, 123–4; McMahan 2009, 215.

defended in the space of a few paragraphs.<sup>3</sup> Yet it clearly faces steeper philosophical obstacles than the weak version. In the weak version, individual citizens engage voluntarily in collectively harmful activity. In the strong version, the relationship between individual agency and unjust policy is more remote. Politically uninvolved citizens might reasonably ask why they should be held responsible for the behavior of politicians, and even political institutions, they do not condone and had no part in choosing. Moreover, insofar as these citizens do lend support to their government—by paying taxes, for instance—they typically do so under threat of coercion. This fact alone presents a serious obstacle to the attribution of moral responsibility, and it has only recently received any sustained attention in the literature.<sup>4</sup>

In this chapter, I defend the strong version of the complicity claim. I acknowledge, moreover, that passive citizens are rightly understood as *coerced accomplices* to state injustice, but I argue that coercion alone does not exonerate them. Even coerced accomplices can become complicit in their coercer's injustices. They become so when, as so many contemporary citizens do, they accept the legitimacy of their own subjection. I argue, furthermore, that citizens' complicity in state injustice gives rise to an obligation to participate responsibly in politics. I suggest, in fact, that the duty to avoid or mitigate complicity in injustice can serve as the normative basis for an ethics of political participation.

The chapter proceeds in three steps. First, drawing on several recent conceptualizations of complicity, I sketch the outlines of a causal account of individual complicity in collective injustice.<sup>5</sup> I focus on cases in which individuals become implicated in another agent's wrongdoing.<sup>6</sup> Second, I apply this account to the circumstances of modern citizenship; in doing so, I defend the strong version of the complicity claim. Third, I argue that responsible political participation is—in most cases—the appropriate normative response to complicity (or the risk thereof) in state injustice.

## COMPLICITY: A CAUSAL ACCOUNT

To say that an agent is complicit in another's unjust actions is to say two things: first, the agent lends support, as an accomplice, to another who acts

<sup>3</sup> Notable exceptions include Beerbohm 2012; Pasternak 2013; and Jubb 2014.

<sup>4</sup> See especially Pasternak 2013.

<sup>5</sup> I draw mainly on three accounts: Lepora and Goodin 2013; Beerbohm 2012; and Kutz 2000.

<sup>6</sup> As opposed to cases in which, for instance, people become implicated in an unjust collective action that has no primary agent (such as pollution through the cumulative effect of tailpipe emissions).

unjustly; second, she does so in a way that leaves her partly responsible for the primary agent's actions. I use the term "responsible" here in a specifically moral sense: complicity in injustice is, in my view, a form of moral wrongdoing. How, then, can one become complicit in another's unjust actions? I begin with what we might call a *perfect case*—a case in which the agent's complicity is as clear and unambiguous as possible; I then reason backward from this case, trying to isolate the features that constitute the necessary conditions of complicity.

Consider a citizen named Sally who gives funds to a racist political party. The party uses these funds to win an election and gain control of a municipal government; it then proceeds to enact racist policies in the city. As she makes the donation, Sally is well aware of the party's racist agenda; she *intends* her funds to help the party realize that agenda. Furthermore, her contribution is substantial and well-timed, and the party's victory narrow, so that it can be said with confidence that the party would not have won without her support. Intuitively, there seems little doubt that Sally is a culpable accomplice. What features of the example explain her culpability?

1. *She gives the money freely.* Since complicity connotes moral responsibility, agents who are not responsible for their actions cannot be complicit. Agents who are forced to lend support to others who act unjustly are not typically judged complicit in injustice. The relative freedom of Sally's action, then, is a necessary condition of her complicity. I will argue later, however, the mere presence or threat of state coercion is not always enough to violate this condition.

2. *The injustice occurs.* If the primary agent—in this case the racist party—had been unable to act unjustly (say, because it lost the municipal election), then Sally would not have been complicit in injustice. She would surely have been culpable, in a different sense, for intending to bring about injustice. But she would not have been an accomplice in injustice. The occurrence of injustice, then, is another necessary condition of complicity.

3. *She contributes (knowingly) to a collective action.* In the example at hand, Sally's funding contributes, causally, to a collective endeavor: the party's attempt to win the municipal election. Viewed *ex ante*, her contribution makes it more likely that this collective endeavor will succeed.<sup>7</sup> If Sally's actions had played no causal role at all—if, for instance, she had mistakenly sent the check to the Green Party instead—it would be a mistake to describe her as complicit in the ensuing injustice. As in (2), Sally could rightly be

<sup>7</sup> Moreover, there is nothing mysterious about this causal relationship: Sally can reasonably be expected to know that her donation contributes to the party's probable success.

blamed for intending to create injustice. But she would not be an accomplice in wrongdoing.

In his important book, *Complicity: Ethics and Law for a Collective Age*, Christopher Kutz sets a higher threshold for complicity: he argues that individuals become complicit in virtue of *intentional participation* in collective action, “when they intentionally do their part of what they conceive of as a collective project, and when their conceptions of that group project overlap sufficiently” (Kutz 2000, 138). To become complicit, in his view, agents must understand themselves to be acting jointly with others.<sup>8</sup> But as Chiara Lepora and Robert Goodin have rightly argued, this feature of Kutz’s account makes it too restrictive (Lepora and Goodin 2013, 81–3).

To see why, consider a modification of our original example: Sally makes a bet with a friend, and both agree that the loser will have to contribute a substantial sum to the racist party. Sally loses, and so she makes her donation, even though she does not intend to “do her part” in realizing the party’s collective goals. In her eyes, moreover, she is not acting jointly with the party’s supporters at all; she is simply fulfilling the terms of her bet. It seems clear that Sally’s self-conception in this case is not exonerating: she shares responsibility for the outcome in virtue of her knowing contribution to the party’s success.<sup>9</sup> This is an important point for my purposes, because many of the citizens I will describe as complicit in state injustice may in fact experience considerable alienation from their government and may not think of themselves as acting jointly with it at all.

4. *The injustice is a foreseeable consequence of the collective action to which she contributes.* We do not typically hold agents responsible for unforeseeable consequences, either of their own individual actions or of collective actions to which they contribute. If I help elect a public official with a record of support for clean energy, and if there is no good reason for an informed and responsible observer to believe that he will change his mind, then I cannot be held responsible if he reverses course once elected.

Exactly how much citizens can be expected to foresee is a central question for any ethics of political participation, and I will not attempt to answer it here. In Sally’s case, though, I take this much to be clear: provided that the

<sup>8</sup> Robert Jubb and Avia Pasternak have recently reaffirmed a version of Kutz’s view of complicity, with intentional participation as the key precondition. See Jubb 2014, 70 and Pasternak 2013, 367–9.

<sup>9</sup> Here I follow Lepora and Goodin: “Thus a *contributory action*,” they write, “rather than a participatory one, is what we deem to be minimally required to constitute complicity” 2013, 81. Not all causal contributors are morally equal, of course: those who make a more substantial contribution will typically bear greater responsibility for the ensuing injustice.

racist political party is not a fringe group with negligible support, then its electoral victory is a foreseeable consequence of the collective activity of funding it (or voting for it, or agitating on its behalf).<sup>10</sup> Likewise, if the party has a record of voting for or advocating racist policies in the past, then the racist policies it goes on to implement are also a foreseeable consequence of the collective activity of funding it (or voting for it, or agitating on its behalf). Here, then, is a fourth, necessary condition of complicity.

5. *She intends the unjust outcome.* Though this is true in the perfect case, it is not a necessary condition of complicity. As we saw in (3), Sally can be complicit even if her intentions do not align with the racist party's. The same holds true for contributors who are culpably ignorant of foreseeable consequences: imagine another donor to the same political party who is unaware of its racist platform. He disapproves of all forms of racism, moreover, and he gives to the party simply because his pastor advises him to do so. But he fails to do any due diligence before giving; he fails, in other words, to foresee the injustice in which he implicates himself, though it was in fact foreseeable. In this case, absent extenuating circumstances, the agent is culpable. Though he did not intend to lend support to the racist party—though he did so through negligence—he is not absolved of responsibility. Negligent wrongdoers typically deserve less blame than intentional wrongdoers, and most would agree, I think, that this second donor is less culpable than Sally. Intention does typically matter, in other words, in determining the *extent* of an agent's complicity; but it is not a necessary condition of complicity.

As Eric Beerbohm points out, treating this criterion as a necessary condition of complicity would also exclude most people's contributions to structural injustice (Beerbohm 2012, 231–4). When I shop at a discount box store, for example, I may have no intention of contributing to a global system of exploitation that reaches into factories in Bangladesh. But surely the purity of my intention alone is not enough to absolve me from responsibility.<sup>11</sup>

6. *Her contribution causes the injustice in a simple, counterfactual sense.* In the perfect case, the racist policies would not have been enacted without Sally's donation. And intuitively, this fact seems significant, for it allows us to say that Sally's contribution had a *decisive* effect: without it, the

<sup>10</sup> Consider, by contrast, someone who voted for or gave money to Ralph Nader in 2000. His electoral victory was not a foreseeable consequence of the collective action that this agent joined. Al Gore's loss was.

<sup>11</sup> Of course, other facts may exonerate me in this case: I may, for instance, not have resources enough to shop anywhere else.

injustice would not have occurred. Counterfactual causation is not, however, a necessary condition of complicity. To see why, imagine yet another donor, Bill, who, unbeknownst to Sally, simultaneously makes an identical contribution to the racist party. As a result, Sally's gift is no longer causal in the simple, counterfactual sense: the racist party would still have won the election without it. Rather, her donation has become a *redundant* cause of the party's victory. For any injustice that actually occurs, a redundant cause is a necessary condition of its occurrence, along some (but not all) of the possible causal paths by which it might have occurred.<sup>12</sup> In this case, Sally's donation would have been necessary to bring about the unjust outcome under different circumstances (without Bill's intervention). But Bill's gift made Sally's redundant—in fact, his gift made *both* contributions redundant.

Redundant causation is ubiquitous in mass politics. When a candidate collects more votes than she needs to win an election, for instance, no single voter's ballot causes the outcome in a simple, counterfactual sense. Each vote for the winning candidate is a redundant cause of her victory. But the mere fact that each voter can say, "this candidate would have won even without my vote" does not exonerate any of them. If it did, the result would be genuinely puzzling, for every individual voter would be absolved of responsibility in virtually all real elections. To the question, "which individuals share responsibility for electing George W. Bush to the American Presidency in the year 2000?" the correct answer surely is not "none."<sup>13</sup> Likewise, it cannot be the case that Bill's donation excuses Sally from complicity in the outcome. Agents can be complicit in injustice even when their actions are merely redundant causes. I defend this point at greater length later in the chapter.

With these caveats in mind, let me now summarize the necessary conditions of complicity. *The agent acts freely; the injustice occurs; the agent contributes (knowingly) to a collective action; the injustice is among the foreseeable consequences of that collective action; and her actions cause injustice*

<sup>12</sup> Note that redundant causation, according to this definition, is quite ubiquitous. Anything I do that might have caused ensuing event X along some possible causal path is a redundant cause of X. Foreseeability (or lack thereof) is what frees us from responsibility for the vast majority of the events which we redundantly cause. For a detailed discussion of redundant causation and moral responsibility, see Goldman 2002; chapter two of Tuck 2008; and Beerbohm 2012, 67–72. Lepora and Goodin use the term "potentially essential" to describe redundant causation; see Lepora and Goodin 2013, 61–2.

<sup>13</sup> For an excellent discussion of this point, see Beerbohm 2012, 68–71. The example of a firing squad is often used as an illustration: as tempting as it may be for each individual member of the squad to absolve himself by reasoning that the victim *would have died anyway*, this reasoning is false.

*either in a simple, counterfactual sense or in a weaker, redundant sense.* Whenever these five conditions hold, I will maintain that the agent in question is clearly complicit in injustice. To the extent that the cases and examples I will consider deviate from these conditions, I will ask whether the deviation is enough to erase the agent's complicity altogether.

The causal account I have just outlined is one of several ways of trying to assign responsibility to individual agents for their contribution to unjust collective action, and I have no space here to consider the full range of other possibilities. Let me simply contrast my approach to an alternative view that pertains specifically to citizens of democratic states. Anna Stilz argues that democratic citizens share responsibility for their government's injustices when those citizens have *moral reason* to accept their state's authority.<sup>14</sup> And citizens have moral reason to accept their state's authority, she says, when it meets certain basic democratic conditions: it grants them a sphere of freedom, it treats them as moral equals, and it consults them in "the law-making process" (Stilz 2011, 202–3). Stilz thus uses the mechanism of hypothetical consent to distribute responsibility to democratic citizens: if you have moral reason to accept your state's authority, then you share responsibility for its actions—regardless of whether you do in fact accept its authority.

As I will try to illustrate in discussing Thoreau in the next section, I think Stilz's theory over-assigns responsibility in some cases: even those who, like Thoreau, go to great lengths to protest and reject their state's claim to exercise legitimate authority over them might still turn out, on her account, to be responsible for its actions. In other ways, however, Stilz's theory under-assigns responsibility. Stilz is mainly concerned with what she calls "task-responsibility," or responsibility "to help repair the harm caused by the state" (Stilz 2011, 205, 194–5). She holds that citizens of legitimate democratic states often share task-responsibility for their state's unjust actions, even though they typically deserve no moral blame (and this view is reaffirmed in more recent essays by Avia Pasternak and Robert Jubb). On this last point we disagree: I argue that citizens often share *moral* responsibility for their state's unjust actions. One of the advantages of my account is that it better supports the intuition that democratic citizens typically bear some responsibility, not just for repairing state injustice after the fact, but also for preventing their state from becoming unjust in the first place.<sup>15</sup>

<sup>14</sup> A version of this argument has also been defended by John Parrish; see Parrish 2009.

<sup>15</sup> It could of course be argued that the desire to *avoid future task-responsibility* gives citizens reason to prevent their states from acting unjustly in the first place; but this is clearly not the reason that should be decisive in such cases.

## AGENTS OF INJUSTICE

It is perhaps natural to think that citizens who want to avoid complicity in state injustice need simply refrain from participating in politics. This is the view held by those who accept the weak version of the complicity claim but reject the strong version. In the rest of this chapter, I argue that this view is mistaken: even citizens who do not participate in politics are often complicit in the injustices committed by their governments. I draw this initial insight from what may seem like an unlikely source: Henry David Thoreau, who was among the first to give it a sustained defense.

In the 1840s and 1850s, the question of ordinary Americans' complicity in injustice became a matter of urgent debate. Like other abolitionists, Thoreau believed that even citizens who held no slaves and gave no support to pro-slavery politicians were complicit in the perpetuation of slavery. He rejected outright the idea that citizens who led ordinary, private lives—even citizens of free, northern states—were simply bystanders to this injustice. What was it, then, that made citizens more than bystanders? Thoreau's answer has several parts. "Law never made men a whit more just," he writes, in the opening paragraphs of "Civil Disobedience," "and, by means of their respect for it, even the well-disposed are daily made the agents of injustice" (Thoreau 2001 [1848], 204). Thoreau thought that most of us not only obey our government's commands but also respect them—we treat them as authoritative. These facts alone, in his opinion, make us something more than bystanders. To put it more directly: the agent committing the moral crime, in this case, is an agent whom we respect as authoritative, whose commands we willingly obey.

The enactment of the Fugitive Slave Law in 1850, which required free states to return runaway slaves to their southern masters, drove this point home acutely: here was a law that required New Englanders to actively abet the institution of slavery. In obeying this law, they made themselves accomplices to injustice. But Thoreau was writing earlier, in the late 1840s, and his point was broader. All governments, he suggests, depend for their survival on the respect and obedience of their citizens. If enough people lost respect for any law—and refused to obey it—then it would cease to exist. It would lose all legitimacy, and government would be unable to enforce it without tremendous coercive effort.<sup>16</sup> This is what Thoreau means when he writes,

<sup>16</sup> H.L.A. Hart famously argued that the rule of law depends on "a general habit of obedience" among the public, and that no government has the power to enforce compliance to even most of its laws most of the time. Governments can only sustain a rule of law if violators constitute only a small fraction of the population. Hart and Honore 1959, 23.



I know this well, that if one thousand, if one hundred, if ten men whom I could name—if ten honest men only,—ay, if *one* HONEST man, in this State of Massachusetts, *ceasing to hold slaves*, were actually to withdraw from this copartnership, and be locked up in the county jail therefore, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done forever. (Emphasis in original;

Thoreau 2001 [1848], 212)

Governments and laws survive as such by means of citizens' deference. Once this deference is withdrawn, they fail. To restate the point, then: the agent committing the moral crime is an agent who derives his very power to act from our deference, our respectful obedience.

Tax law offers the clearest, most concrete example of this enabling relationship. Without revenue, the government cannot act, cannot even constitute itself as a collective agent by hiring officers to carry out its orders. And its revenue comes from us, because so many of us pay our taxes. And so—famously—Thoreau refused to pay his taxes. “I simply wish to refuse allegiance to the State,” he writes, “to withdraw and stand aloof from it effectually” (Thoreau 2001 [1848], 219). Thoreau thought that those who hoped to avoid complicity simply by refusing to be involved in political life, while all the while respectfully paying their taxes, were fooling themselves. They had not withdrawn *effectually*. They had simply become negligent custodians of their own funds and allegiance.

There is one more piece to Thoreau's story. Not only do we respect the state and fund the state, we also willingly receive—indeed, we depend on—the benefits it confers; we willingly profit from it. He blames the “hundred thousand merchants and farmers here, who are more interested in commerce and agriculture than in humanity, and are not prepared to do justice to the slave and to Mexico, *cost what it may*” (emphasis in original; Thoreau 2001 [1848], 207).<sup>17</sup> The state confers important material benefits—it protects our property, for instance, and oversees and enforces our contracts—and virtually all of us take these benefits willingly. In any case, we take no pains to avoid or forfeit them. In accepting such benefits without objection, we lend further legitimacy to the regime; we signal our acquiescence to its authority.<sup>18</sup> The agent committing the moral crime, then, derives its power from us, through a combination of our deferential obedience, our funds, and our willingness to profit from and depend on it.

<sup>17</sup> He also maintains that those who accumulate property will always have trouble following their conscience against the state, because they have so much to lose.

<sup>18</sup> This should not be mistaken for a fair-play argument. The claim is simply this: citizens who willingly profit from their association with their state are, in so doing, expressing *some measure* of acquiescence to its authority.

Does Thoreau's argument succeed in establishing citizens' complicity? Consider the five necessary conditions I outlined earlier, in reverse order. First, Thoreau thought that docile compliance (including the payment of taxes and the receipt of benefits) was a form of causal influence on which the state depended. When the state succeeded in acting unjustly, in other words, each individual's compliance was a redundant cause of its success. Second, Thoreau thought that slavery and war were foreseeable consequences of citizens' compliance. These were among the widely acknowledged aims of the U.S. government in the late 1840s (so much so that many abolitionists thought that northern states should themselves withdraw from the union). Third, citizens at the time *knew* that their docile compliance, and their payment of taxes, contributed to successful state action.<sup>19</sup> It was widely understood at the time, for instance, that citizens' voluntary adherence to law was a precondition of functional governance. Fourth, the injustices he decried were actual, not just potential. And finally, Thoreau went to great lengths to emphasize the fact that citizens could freely *choose* not to comply; in fact, his own act of disobedience was calculated to dramatize this freedom. Thoreau believed that citizens were therefore obliged to withdraw their support for injustice by withdrawing their compliance from government.

Thoreau's treatment of this last condition—the freedom to disobey—is unpersuasive, and I will have more to say about it in the next section. But before turning to this problem, let me return to another important objection, which applies especially to causal accounts of complicity. Many people believe that the actions of (most) individual citizens in mass democracies are simply too small and too distant from government injustices to carry moral responsibility in the first place. This concern is best expressed by what Kutz calls the “Individual Difference Principle”:

I am accountable for a harm only if what I have done made a difference to that harm's occurrence. . . . I am accountable only for the difference my action alone makes to the resulting state of affairs. (Kutz 2000, 116)

This principle is firmly grounded in commonsense moral intuitions, and it is relevant to Thoreau's argument. It suggests that since no individual citizen's deference or tax money is *necessary*, either to the conduct of the Mexican American War or to the perpetuation of slavery, individual citizens cannot be held accountable for these unjust state actions. No individual could, simply by withdrawing support for the government, have made any difference, either to slavery or to the war. On this view, agents cannot act

<sup>19</sup> Such knowledge is still commonplace today: one need only consider the common lament that some absurd, inefficient, or overly bureaucratic government initiative shows “our tax dollars” at work.

wrongly in virtue of what Kutz calls “marginal participation” (Kutz 2000, 125). Unless they can exert causal control in a simple, counterfactual sense, or unless they have a nonnegligible chance of doing so, citizens are not responsible for the actions taken by their governments.

Those who are thoroughly convinced of the validity of the Individual Difference Principle will not be persuaded by the argument of this chapter. They will hold that complicity itself is relatively hard to come by—especially in large polities, where individual citizens wield very little causal power over political events. In my opinion, the strongest response to this view is simply that it leaves unacceptably large accountability “gaps,” and that such gaps are themselves inconsistent with the experience of many reflective moral agents. Kutz drives these points home with a detailed discussion of the fire-bombing of Dresden by Allied aircraft in 1945. The deliberate destruction of large residential areas of the city was deliberately planned and, as Kutz puts it, “as overdetermined as can be imagined”:

The city was bombed in three raids, and at least 1,000 planes and 8,000 crewmen were directly involved... The firestorm was already raging when many crews dropped their bombs. Each crewman’s causal contribution to the conflagration, indeed each plane’s, was marginal to the point of insignificance. (Kutz 2000, 118)

The Individual Difference Principle suggests that none of the individual contributors to the raid shared responsibility for the outcome, for their own actions made no morally significant difference. Here, then, is the accountability gap: who was responsible for the bombing raids if not the volunteer pilots who carried them out?<sup>20</sup> Was it strictly the planners—or perhaps, strictly those planners whose contributions were indispensable to the eventual outcome? And if no individual planners were indispensable to the outcome, does that mean that responsibility for the raids vanishes entirely? This view suggests, perversely, that agents can exonerate themselves from crimes whenever they are joined by enough accomplices to overdetermine the result.

In fact, as Kutz elaborates, many of the contributors do and did feel responsible, after the fact, for having facilitated or carried out what is now widely considered an atrocity (Kutz 2000, 118–22). Likewise, many abolitionists in Thoreau’s day came to feel complicit in slavery in virtue of their knowing contributions—as taxpayers and obedient citizens—to unjust

<sup>20</sup> It might be argued that the pilots faced sanctions had they refused to go along, and they were therefore effectively coerced into obeying. Kutz writes that pilots who refused ran the risk of being “labelled ‘LMF,’ for ‘Lacking Moral Fibre,’ and drummed out or sent to desk duty” (Kutz 121). But this is beside the point here: even absent these relatively mild sanctions, the Individual Difference Principle would exonerate the individual pilots and crew members, simply because their individual contributions made no morally decisive difference to the outcome.

collective action. They came to feel, in other words, that the intuitions that underlie the Individual Difference Principle only concealed or rationalized their own culpability. And so Thoreau, like Kutz, would have rejected the Individual Difference Principle. Of course, the principle's inadequacy does not in itself show that Thoreau's account of complicity is correct. There are many ways of trying to close the accountability gaps that the Individual Difference Principle leaves behind.<sup>21</sup> But it does suggest that one of the most obvious, intuitive responses to Thoreau's argument is mistaken.

One further observation is worth making about Thoreau's account of complicity: it is not unique to democratic polities.<sup>22</sup> Democratic governments may be especially dependent on their citizens' deference, but no government can survive without it. "Notice," one philosopher observes, "that for a political unit to act in a given fashion, it is not enough merely to have high-level officials actively push for such action or even to have many citizens wholeheartedly support it; it is also necessary that the vast majority of constituents acquiesce rather than actively resist" (Wellman 2007, 740).<sup>23</sup> Virtually all governments depend on their citizens' acquiescence, expressed both through their obedience and their willing receipt of benefits.<sup>24</sup> All governments also depend on the taxes that their citizens pay.

Thoreau's account of complicity does not, moreover, depend on the act of voting or any other participatory gesture. It is therefore different from the weak version of the complicity claim, which is more commonplace in democratic theory. John Rawls invoked this weak version when he asked,

When may citizens by their vote properly exercise their coercive political power over one another when fundamental questions are at stake? Or in the light of what principles and ideals must we exercise that power if our doing so is to be justifiable to others as free and equal? (Rawls 1993, 217)

<sup>21</sup> See for instance Kutz's discussion of Derek Parfit, pp. 129–32.

<sup>22</sup> In this sense, it differs from Beerbohm's account. Beerbohm has given the subtlest and most comprehensive account of citizens' complicity in state injustice to date (an account which has received far too little attention in the recent literature). He focuses on the causal power of the vote: the right to vote, he argues, puts democratic citizens' hands on the causal levers of political power, and they bear responsibility for both what they do with it and what they fail to do; see Beerbohm 2012, 63–81. My own argument follows Thoreau in appealing to different causal pathways: citizens become complicit in state injustice in virtue, mainly, of their obedience to law and payment of taxes. My argument therefore runs more squarely into the problem of state coercion. In the end, though, I believe that it offers a stronger, broader foundation for the complicity claim.

<sup>23</sup> Jubb makes a similar point in discussing authoritarian regimes that rely on "the acceptance of the mass of the population"; Jubb 2014, 61.

<sup>24</sup> The dramatic events in Tunisia, Egypt, and Libya in the winter of 2010–11 bear witness to the power that citizens possess to abruptly withdraw their acquiescence, even from authoritarian governments, and force political change.

When we vote for a candidate or a law, we exercise (potentially) coercive power over others. In virtue of this exercise of power, it might be said, we become morally implicated in the result. Thoreau would have agreed. Those who voted for or otherwise supported pro-slavery candidates became, in virtue of this support, complicit in any injustices those candidates committed or created. The degree of their complicity, moreover, varies in proportion to the extent of their support. But Thoreau was interested in a prior form of complicity—one that obtains between all obedient citizens and their governments. This form of complicity casts a broader net that enmeshes even nonvoters, nonparticipants.

In fact, representative democracy involves its citizens in two different causal relationships, both of which threaten to render them complicit in injustice. These two causal relationships correspond to the strong and weak versions of the complicity claim. First, in virtue of the fact that they respect the law, pay taxes, and accept state benefits, citizens lend causal support to their government. If their government does wrong, they risk becoming complicit in these wrongs—call this *political* complicity. Second, as participants in politics whose participation lends support to their government's behavior—by voting, giving money, organizing, writing letters, etc.—citizens help authorize and direct their government's actions. If they support unjust policies or candidates, citizens risk becoming complicit in these wrongs—call this *participatory* complicity.<sup>25</sup> Throughout this chapter, I focus on complicity of the first type.<sup>26</sup>

## COERCED ACCOMPLICES

The most important objection to Thoreau's argument, in my view, is that refusing to obey the state is costly—so costly that citizens are effectively *forced* to obey, to pay taxes, and to receive state benefits. They do not act freely. There are two possible forms of refusal at issue here, both of which are costly. The first is selective refusal: refusal to obey unjust laws, to pay taxes that support these laws, and to accept state benefits. Thoreau's own example illustrates the costs associated with these forms of civil disobedience.<sup>27</sup> Those who refuse to pay taxes, or to obey the law, go to jail. And those

<sup>25</sup> I use the term "participatory" here to refer to political participation, not to Kutz's idea of intentional participation in collective wrongdoing.

<sup>26</sup> Again, this focus distinguishes my view from Beerbohm's; Beerbohm offers a specifically democratic, participatory account of complicity.

<sup>27</sup> Thoreau's own withdrawal was selective in this sense. He continued to pay highway taxes, for instance, claiming that he used the roads himself.

without the good fortune of having relatives who will pay their taxes for them (as Thoreau did) stay in jail.<sup>28</sup> Even democratic laws are, after all, backed by the threat of coercion. And though the growing number of people going “off the grid” might suggest otherwise, the cost of systematically renouncing state benefits is, in the world as we know it, still steep.<sup>29</sup>

The second kind of refusal is, of course, total withdrawal: emigration and the renunciation of citizenship. Such renunciation is perfectly legal in many countries; citizens are not therefore coerced into remaining members of their polities. Still, the costs of emigration are typically very high. Leaving aside, for a moment, everything that one renounces when one leaves one’s own country, it is often difficult and costly to find another country to emigrate to. We do not ordinarily hold people responsible for failing to absorb immense personal costs in order to avoid making a small contribution to collective injustice.<sup>30</sup> Indeed, Socrates’ famous argument notwithstanding, the possibility of emigration is not enough to render citizens’ compliance with state commands voluntary. Citizens who do not wish to comply with unjust commands are, in effect, told: you must either submit to legal penalties (fine or imprisonment) or you must leave your life here permanently. Those who had defended or posited the strong version of the complicity claim have not grappled with this problem sufficiently.<sup>31</sup>

The moral significance of state coercion can be clarified by considering the difference between the state and a voluntary association. If I joined an association among whose explicit purposes were the perpetuation of slavery and the conduct of unjust foreign aggression, if I paid my membership dues, obeyed the association’s rules, and benefited from its services, I would clearly share responsibility for its actions.<sup>32</sup> Even if I had inherited my membership in the unjust association—if I had not joined of my own volition—as soon as I was old enough to be responsible for my actions and

<sup>28</sup> Interestingly, Thoreau condemned those who paid the tax on his behalf for neglecting the common good: “If others pay the tax which is demanded of me, from a sympathy with the State, they do but what they have already done in their own case, or rather they abet injustice to a greater extent than the State requires. If they pay the tax from a mistaken interest in the individual taxed, to save his property, or prevent his going to jail, it is because they have not considered wisely how far they have let their private feelings interfere with the public good” (Thoreau 2001 [1848], 220).

<sup>29</sup> And of course, certain benefits—such as national defense and the rule of law—cannot be renounced without leaving the country altogether.

<sup>30</sup> Such sacrifice might well be obligatory in some cases. For the purposes of this chapter, however, I proceed on the more modest premise that we have an obligation to avoid complicity in injustice when we may do so at no great cost to ourselves.

<sup>31</sup> Pasternak’s essay (2013) is a notable exception.

<sup>32</sup> This would be true even if my contribution was very small and causally redundant, and this fact too shows the inadequacy of the Individual Difference Principle.

as long as I remained a member, I would share responsibility for the association's crimes. I would be complicit in its wrongdoing—at least as long as the costs of my withdrawal were not prohibitively high. Thoreau argues that, despite the coercive nature of the state, responsibility flows just as it would in a voluntary association: so long as he remained an obedient member of the state, he thought, he would share responsibility for its crimes, just as he would for the crimes of any other association to which he belonged. He had to extract himself, *whatever it might cost*. I have already suggested that this is too exacting a standard. But this fact hardly restores citizens to the status of bystanders. Instead, it suggests that citizens are coerced accomplices, contributing to unjust actions under duress. The key claim that needs attention, then, is the claim that coerced accomplices are, in virtue of their coercion, absolved from complicity in injustice. In this claim is true, then Thoreau's account of complicity fails. In my view, however, it cannot withstand careful scrutiny: in fact, coercion absolves citizens from complicity only under certain conditions.

Thoreau himself would have been quick to point out that very few of his fellow New Englanders behaved like coerced accomplices. They *respected* the state; they freely acknowledged its authority (even as they grumbled privately about slavery); they welcomed its benefits. Accomplices who gladly cooperate with their coercer, or who willingly do more than their coercer demands, are no longer fully absolved by the presence of coercion. Likewise, an accomplice who accepts the legitimacy of his coercer remains (at least partly) responsible for his own actions.<sup>33</sup> And this is precisely the situation of most citizens today: they continue to accept their government's legitimacy despite the injustices it commits.

In an intriguing footnote to "The Problem of Global Justice," Thomas Nagel argues that even subjects of an oppressive colonial regime might share responsibility for the injustices it perpetrates:

But I think it can be said that if a colonial or occupying power claims political authority over a population, it purports not to rule by force alone. It is providing and enforcing a system of law that those subject to it are expected to uphold as participants, and which is intended to serve their interests even if they are not its legislators. Since their normative engagement is required, there is a sense in which it is being imposed in their name. (Nagel 2005, 129)

By "normative engagement," Nagel seems to mean this: even the subjects of an oppressive regime are asked to do their part in maintaining social and political order. They are asked, at a minimum, to accept the regime's

<sup>33</sup> There are some obvious exceptions, including for instance victims of Stockholm syndrome.

legitimacy and to obey its rules willingly (even when they could disobey without being detected).<sup>34</sup> Nagel argues that this normative engagement can render citizens complicit in their government's injustices even in relatively oppressive states; he believes, therefore, that state coercion is not enough to exonerate them. To evaluate this view, we must ask what it is, exactly, about coercion that is supposed to exonerate agents who contribute to injustice.

Consider the following example: a member of the racist political party comes to my door and persuades me to give a monthly donation. He makes it clear, moreover, that once I sign up, there's no backing out: I will be coerced into fulfilling this obligation, every month, as long as I am able to pay. Suppose that I agree to these terms and sign on. From then on, I face a constant threat of coercion, and in some cases this threat moves me to act in ways that I would not otherwise have acted. In some months, when my budget is tight and I would not otherwise have paid, the threat of violence is what moves me to contribute. In these instances, I act under duress. Suppose, however, that I never cease to accept the party's coercion as legitimate: like the other members, I understand that coercion is necessary to assure members that everyone is doing their fair share.

For coercion to be exonerating, it must force me to act *against my will*. In this example, it does this only in a limited sense: it compels me to act, in some cases, in ways I might not have otherwise. But because I accept the coercion to which I am subject as legitimate, there is a higher-order sense in which these actions are not against my will at all. Harry Frankfurt argues that coercion typically compels us to act on motives that we would prefer not to act on (Frankfurt 1988 [1973], 42–4). In our example, this condition is not satisfied, for I accept that the threat of coercion is necessary to the party's success, and I so accept being coerced. Fear of punishment is an inducement that I would prefer, all things considered, to be subject to.<sup>35</sup>

Let me now modify the example to make it more analogous to the colonial subjects in Nagel's footnote. Suppose that rather than being persuaded to give

<sup>34</sup> I use the term *acceptance* in keeping with L. Jonathan Cohen's definition: "to accept that *p* is to have or adopt a policy of deeming, positing, or postulating that *p*—that is, of going along with that proposition (either for the long term or for immediate purposes only) as a premise in some or all contexts for one's own and others' proofs, argumentations, inferences, deliberations, etc." (1989, 368). The principal context I have in mind here is moral: to accept that my state is legitimate—that is, to accept that it has a right to rule me—has a number of implications for my own deliberations as to how I ought to act. To *reject p*, on the other hand, is to adopt a policy of deeming, positing, or postulating that not-*p*.

<sup>35</sup> For my purposes here, I am agnostic as to whether we should say, about such cases, that I am not coerced at all, or simply that coercion is not exonerating. Either alternative suits my argument.



monthly contributions, I am simply born into this arrangement (my father was a monthly donor, as was his father, etc.). Suppose, moreover, that over time I come to accept the racist party's work as legitimate, and I feel glad that I was born into it. My approval of the party is not the result of brainwashing or manipulation; it reflects my own considered judgment. It seems clear, in this case, that the party's coercion does not exonerate me for contributing to its injustices. Once I come to accept the party as legitimate—and, by extension, once I accept its coercion of its own members as a legitimate means of accomplishing its ends—I am responsible for my participation in it, for precisely the same reason that proved decisive in the earlier case: I accept the coercion to which I am subject as legitimate.

Nagel's colonial subject stands in a morally analogous position: so long as she accepts her regime as legitimate, and so long as her acceptance reflects her own considered judgment, she cannot claim that it forces her to act against her will. To accept a political regime as legitimate is to accept the legitimacy of its *coercion*, specifically. It is to accept that it has the right to rule—not just others, but also oneself. And the right to rule entails the right to issue commands backed by the threat of force.<sup>36</sup> Supposing that the colonial subject meets the other conditions of complicity, then, she shares responsibility for her regime's injustices.<sup>37</sup> One of the peculiar features of Nagel's argument, however, is that he seems to treat complicity as an *unavoidable* feature of political membership. He fails, in any case, to clarify that citizens of any regime can withhold their normative engagement and in doing so avoid responsibility for its actions.<sup>38</sup> In the next section, I consider how this can be accomplished.

If my argument in this section is correct, then coercion or the threat thereof—even when very substantial penalties are involved—is not enough to absolve citizens from complicity in their government's injustices. Coercion does not absolve those who continue to accept their regime's authority as legitimate. And since most citizens of affluent modern societies do regard their governments as legitimate, this argument is sufficient to show that

<sup>36</sup> There are, of course, limits to this right. To accept a government's legitimacy is to accept its right to command me even when I disagree with its decisions; it does not require, however, that I accept its right to issue *any* command whatever.

<sup>37</sup> Beerbohm says this about Nagel's colonial subject: "She lacks the most basic power of the citizen . . . 'the present and future capacity to influence politics'" (Beerbohm 2012, 49–50). Beerbohm concludes that she cannot therefore be thought to co-author the colonial regime's policies, and that she cannot be complicit. As I have already suggested, I think Beerbohm takes too restrictive a view of complicity here; see note 22.

<sup>38</sup> Nagel describes normative engagement as "a special involvement of agency or the will that is *inseparable* from membership in a political society;" (emphasis mine; Nagel 2005, 128).

they cannot appeal to state coercion to defeat Thoreau's argument and avoid complicity in political injustice.

Of course, some regimes are so thoroughly controlling that they extinguish their subjects' responsibility altogether. Totalitarian regimes, for example, typically control their subjects, not only through pervasive coercion and surveillance, but also through intense propaganda and information control. Such regimes, as Robert Jubb puts it, "might be usefully described as substituting their will for their citizens' by preventing them from forming one in the first place" (Jubb 2014, 67). Where citizens have virtually no room for free thought or action, they cannot be complicit in injustice at all—even if they fully accept their regime's right to rule.

### WITHHOLDING NORMATIVE ENGAGEMENT

What must citizens do, then, to withhold or withdraw their normative engagement? Thoreau's answer is clear: they must disobey the state's commands. For Thoreau, this was especially clear in deeply unjust politics: in the face of severe injustice, says Thoreau, the only refuge for the just citizen is in jail. I have already rejected that view as too demanding (except perhaps in the most extreme cases). But what are the alternatives? Is it enough for citizens to privately reject their government's right to rule them, even while outwardly obeying its commands?<sup>39</sup> Is this rejection alone sufficient to avoid complicity in its injustices? The answer, I will suggest, depends on the extent of the coercion to which they are subject.

Consider, again, Nagel's idea of normative engagement. The colonial regime, he writes, "is providing and enforcing a system of law that those subject to it are expected to uphold as participants" (Nagel 2005, 129). The regime's demand here is both attitudinal and behavioral. Subjects are asked to *accept* that the regime has the right to rule. But more importantly, they are asked to act as though they accepted it: to obey its law and other commands, to pay taxes, to help identify troublemakers, to withhold criticism of the regime, etc. Of subjects who comply with the behavioral demands but not the attitudinal demands, we might say that though they privately reject the regime's claim to legitimacy, they publicly accept it.

In some contexts—when agents are subject to acute and comprehensive coercion—public acceptance of even profoundly unjust regimes is morally permissible. If I am forced, with a gun to my head, to comply with my regime's every demand, I will typically bear no responsibility for my behavioral compliance. The comprehensiveness of my coercion makes it

<sup>39</sup> For a definition of *reject*, see note 34.

unreasonable to expect any outward deviation from my coercer's will. In this case, my private judgment alone is decisive: so long as I regard the regime as illegitimate—that is, so long as I reject its right to rule me—I am not responsible for the actions it forces me to take.

But even authoritarian regimes are not typically this repressive. Many allow some space for dissent. And where there is room for dissent, private attitudes alone are no longer decisive.<sup>40</sup> For simplicity's sake, consider another stylized example. Suppose that I was born into a village governed by an authoritarian junta that I have come to regard as wholly illegitimate. The junta is considering launching an unjust and unprovoked attack on neighboring villagers. The junta's leaders hold a public meeting, which I attend, to canvass local opinion, because they are hesitant to pursue any course of action that is highly unpopular. They make a credible commitment to allow free and open debate. The debate is held, but public opposition is not strong enough to persuade the junta to forego the attack. I say nothing and leave the discussion to others. I am subsequently forced to contribute, in some way, to the unjust attack.

When I later claim that coercion absolves me from responsibility for the ensuing crimes, my claim is likely to be received with some skepticism, for I had the opportunity to try to prevent the injustice altogether, at little cost to myself, and I did nothing. To bring the moral significance of this omission into focus, imagine that I am later challenged by some of the villagers who were attacked. They hold me responsible, they say, in virtue of my contribution to the attack against them. In my defense, I claim that I was forced to contribute against my will. No one would be surprised if the victims then asked: "Really? Did you speak out against these crimes when you had the opportunity?" And if not, "Why not?"

It is important to see what the victims are asking here. They are trying to ascertain the extent of my normative engagement with the junta. Like Thoreau, they suppose that, in most contexts, strictly private rejection of the regime's legitimacy is not enough to achieve normative disengagement. Where there exist (safe) opportunities for dissent, silent compliance with unjust directives is not a morally adequate response. Silent compliance is

<sup>40</sup> Pasternak makes this point too: "I presume," she writes, "that when citizens do not engage in activities that signal their resentment of their state... it is reasonable to think that they are intentional participants" in their state's injustices. "The onus is on them," she continues, "to signal that they are not its intentional members" (Pasternak 2013, 375). I have already argued that intentional participation is too high a threshold for complicity in injustice, but her broader point here is sound. It needs further justification, however, to overcome the skepticism that many citizens may naturally feel when told that they are responsible for the actions of public officials that they never consciously endorsed and may in fact actively despise.

what my unjust coercers *want*, and I have given it to them freely.<sup>41</sup> In such cases, normative disengagement can be achieved only through public action. Consider these possible answers that I might give to the victims' questions: "No, I did not speak out, I was too busy playing with my latest iPhone app." "No, I was preoccupied with my work." "No, I don't like to involve myself in contentious discussions." These answers constitute clear evidence of moral failure on my part, and they would surely be received as such by the victims.<sup>42</sup>

The failure in question is not, however, merely a bystander's failure of omission. The victims' point of view is instructive in clarifying the difference between the coerced accomplice's position and the bystander's. The victims have standing to demand specifically that I—one of their aggressors—stop harming them. As Beerbohm puts it, "wronged individuals seem to have a special kind of authorization to address and make demands upon their aggressor" (Beerbohm 2012, 44). The victims' moral demands are addressed to me, particularly, with an urgency that does not extend to mere bystanders. As a coerced accomplice, my first line of defense is coercion itself: "I was forced to contribute to the attack against my will." But as I have been arguing, certain conditions must be met for this defense to be persuasive. And in the example I have just given, they are not met. In this case, my victims can rightly claim that I had an opportunity to try to avoid acting unjustly (by lending my voice to the opposition), and *I didn't even try*. From their point of view, the existence of such an opportunity must change my default position, as it were, from innocent to guilty. Whether I intended it or not, my silence triggered normative engagement with the local regime.

So far, I have been arguing that citizens who wish to withdraw normative engagement from their regime, and hence avoid complicity in its injustices, must typically do more than privately reject its claim to legitimacy. It remains to be asked: what is the appropriate normative response, in the first place, to complicity (or the risk thereof) in state injustice? *Ought we* to strive, in all cases, to avoid such complicity by withholding our normative engagement? For citizens of illegitimate regimes—such as the authoritarian junta—the answer is clearly yes. Those who accept the legitimacy of illegitimate regimes, and so knowingly lend them support, do wrong.

<sup>41</sup> They would prefer vocal support, of course. But most illegitimate regimes ultimately thrive on passive, silent acquiescence.

<sup>42</sup> This is not to say that there are no satisfactory answers, e.g.: "no, I had good reason to believe that the junta would retaliate against dissenters in spite of its commitment to allow open debate."

For citizens of legitimate regimes, however, the answer is more difficult. It is possible, of course, to hold that we ought to avoid complicity in all cases, and that we ought therefore to withhold normative engagement from any state that is even partly unjust. But the implications of this view are truly radical, for it forbids normative engagement in any existing state.<sup>43</sup> It also contravenes widely accepted ideas about political obligation: most plausible accounts of political obligation hold that even governments that are not perfectly just can give rise to binding political obligations. Since there is no space to assess the adequacy of these accounts here, I will simply suppose, for the sake of argument, that they are correct on this point. I will suppose, in other words, that citizens of legitimate regimes may have compelling moral reasons to remain normatively engaged, even in the face of their own complicity in state injustice. And in the next section, I argue that the appropriate normative response to such permissible complicity is responsible political participation.

### THE DUTY TO PARTICIPATE

By *responsible participation* I mean political participation that tends to make the polity more just. By *political participation* I mean the full range of public actions that citizens can take to exert a causal influence on political “outcomes,” including voting, protesting, funding campaigns or advocacy groups, organizing, staging acts of civil disobedience, and more. In my usage, *participation* is an inclusive category; it does not connote playing by the rules, joining existing political parties, or even taking part in mainstream political procedures or institutions. Citizens who take to the streets rather than cast their ballots in elections whose legitimacy they contest are still, in my sense, participating in politics (even as they refuse to participate in elections). My claim in this section is simply that permissible complicity in state injustice, or the threat thereof, gives rise to an obligation to participate responsibly in politics.

Consider again the way responsibility accrues to members of voluntary associations: if I continue to associate (permissibly) with a legitimate group despite the fact that some of its policies are unjust, I am obliged to take action to oppose the group’s unjust policies. This much seems fairly uncontroversial. If I fail to take action, I am subject to moral blame. This blame arises, moreover, from the claims of the victims in whose victimization I participate. As in the example of the village junta, the victims’ claims

<sup>43</sup> It also seems likely to forbid membership in any state (or statelike entity) that might come to exist in the world as we know it.

generate urgent, agent-relative moral reasons: I must stop treating them unjustly.<sup>44</sup> I may do so by leaving the group; or, if I choose to stay, I must act on these reasons by working to stop the injustice to which I am an accomplice. The same reasoning also applies to citizens who are permissibly complicit in state injustice: if they choose to remain normatively engaged with their government, they are obliged to take action to oppose the state's unjust policies.

To bring this argument into clearer focus, consider a final example. Noah lives in small-town Vermont and attends town meeting in his local community. The town is preparing to enact a policy that will unjustly harm members of several neighboring communities. At town meeting—which Noah silently attends—the townspeople deliberate openly and then approve the unjust policy. Afterward, Noah remains normatively engaged in his town. He rightly accepts that his municipal government remains legitimate despite the unjust policy. He pays local taxes; he sits on the local school board; he works with town officials on local charity events. If the main argument of this chapter is correct, then Noah is complicit in his town's injustice.

Now imagine that some neighboring townspeople (who are unjustly harmed) approach Noah and demand that he account for his contribution to the injustice. What might he say in his own defense? He cannot claim that his contribution was obtained against his will; as I have argued, Noah's normative engagement vitiates this line of response. Still, suppose that he responds as follows: "While it is true that I accept my government's right to coerce me *in general*, I never accepted its right to force me to contribute to this particular unjust policy. I therefore maintain that my contribution to injustice was, in this case, extracted against my will." This response runs squarely into the problem that I explored in the previous section: provided that the other conditions of complicity are met, coerced accomplices who have ample opportunity to resist their coercers, at no great cost to themselves, and fail to do so, cannot plausibly disclaim all moral responsibility for their coercer's unjust actions.

Noah might try to deflect blame in a different way, by arguing that he was *obliged* to contribute to his government's injustice—through his general obedience and his taxes—because legitimate governments give rise to a duty of obedience. But this response, too, is clearly inadequate, because obedience and disobedience are not Noah's only options. After all, he could have spoken out against the injustice before it was enacted. He could also have invested time and energy working (within the law) to reverse the unjust policy. Had he done so, he could say to the victims: "I recognize that I have

<sup>44</sup> See Beerbohm 2012, 42–4. In the case of new unjust policies still awaiting ratification, it is the *potential victims* who have a distinctive moral claim on me.

an obligation to stop treating you unjustly; I am acting on this obligation, but my actions are being overcome by the political influence of others.”<sup>45</sup> Such actions would not have erased Noah’s complicity altogether—in politics that are less than fully just, complicity is one of the unavoidable costs of normative engagement. But they would have mitigated his complicity and, if the extent of his opposition were commensurate with the scope and severity of the injustice, they might even have excused his complicity. What seems undeniable, in any case, is that from the victims’ point of view, Noah’s political opposition would have *mattered* morally.

Notice that Noah’s responsibility here is not exhausted by what Stiliz calls “task-responsibility.” When victims reproach Noah for his complicity in his town’s injustice, they are not merely trying to assign responsibility for repair or remediation (though they may be doing this, too). They are assigning moral blame. The blame they are assigning, moreover, is different from the blame they might have assigned to a bystander who failed to intervene on their behalf. In their eyes, Noah is a *contributor* to injustice who has failed to excuse his contribution.

There is some similarity, here, between my view and expressive justifications of voting and participation. Expressive justifications conceive of participation as “a form of moral self-expression”; the central idea is that such expressions can be morally significant acts: when we step forward and publicly condemn our government’s injustice, we are taking a stand and repositioning ourselves, morally, relative to our government’s actions (Benn 1988, 19). But here again, the victims’ point of view is instructive: from their vantage point, merely expressive justifications are bound to seem insufficient. From the victims’ point of view, what matters is not strictly that Noah *expressed* disapproval of the injustice, but that he threw his causal weight, so to speak, against the injustice. He tried to stop treating his victims unjustly, and had enough of his fellow townspeople done so as well, the injustice would have ended. From the victims’ point of view, merely symbolic expressions ring hollow, for they seem self-involved. It is in the making of a causal contribution—in actually trying to end or prevent injustice—that the victims’ claims are appropriately acknowledged and incorporated in the complicit agent’s practical reasoning.

At this point, the Individual Difference Principle may resurface as grounds for objection: critics might still argue that the causal insignificance of any ordinary citizen’s participation undermines the obligation to participate. After all, in most politics, most individual citizens cannot rationally hope to

<sup>45</sup> In this instance, Noah would be negotiating two competing obligations: the obligation to obey a legitimate government and the obligation to avoid injustice. I am arguing that responsible participation is the only permissible way to do so.

*correct* any political injustice; their causal contribution is too insignificant. But again, this objection misses the mark. Suppose that Noah had been the *only one* in his village to speak up against the injustice and suppose he had done so knowing that he would fail to persuade a majority of his peers. From the victims' point of view, his action loses none of its moral significance. If anything, it gains value because of the moral courage it embodies.

## CONCLUSION

In the first half of this chapter, I set out to defend what I have called the strong version of the complicity claim, or the view that politically passive citizens often find themselves complicit in state injustice. I outlined five necessary conditions of complicity and argued that citizens who do no more than pay taxes, respect the state's authority, and receive state benefits often meet these conditions. I called the form of complicity to which these citizens fall victim *political complicity* (as distinct from participatory complicity).

I suggested, furthermore, that political complicity threatens citizens in two different situations. First, citizens who reject the legitimacy of their state—or indeed, citizens who simply go along with it without forming any opinion of its legitimacy—can become complicit if they fail to make use of opportunities to safely oppose its unjust actions. Such failures, as in the example of the village junta, signal normative engagement with their governments. Only by taking political action against injustice can such citizens achieve normative disengagement; only by achieving normative disengagement can they plausibly claim that their contributions to injustice were obtained against their will. Second, I have argued that citizens who, like Noah, affirm the legitimacy of their state are unavoidably complicit in the injustices it commits. They can, however, mitigate or excuse their complicity through responsible political participation. In both cases, passive compliance is morally unacceptable.

Of course, citizens in both situations will sometimes find themselves exonerated by circumstances that violate one or more of the five necessary conditions of complicity. Consider the foreseeability condition alone: when citizens cannot reasonably be expected to foresee particular state injustices, they cannot be held responsible for them. This exemption may apply, for instance, to injustices conducted under cover of state secrecy.<sup>46</sup> It may also apply, at least initially, to policies whose effects are so complex that citizens cannot reasonably be expected to anticipate them. (At what point in time,

<sup>46</sup> See Jubb 2014, 67.



for example, did American citizens become responsible for the U.S.'s disproportionate role in causing global climate change? Surely not before the emergence of a broad scientific consensus on the issue.) This exemption certainly applies to citizens whose lives are such that they cannot be expected to stay informed about politics at all—citizens who have to work several jobs, for example, just to meet their family's basic needs.<sup>47</sup>

Several other related questions fall beyond the scope of this chapter. I have said very little about *how much* citizens must participate to either avoid or excuse their complicity in injustice. The answer depends, of course, on the extent of their complicity and the severity of the injustice.<sup>48</sup> My own view is that, in most contemporary democracies, casting an informed ballot is not nearly enough. I have also said virtually nothing about the division of democratic labor. Can I excuse my complicity in one injustice by working harder to remedy another? In complex modern societies, the answer is surely yes. I need not work to remedy *all* of the injustices for which my government is responsible. I can excuse my complicity by doing my fair share of this work, and this share may involve focusing on a few injustices in particular, or even just one.<sup>49</sup>

There is an important difference, however, between this view and the claim that I can fulfill my civic duties simply by doing some good in my society. Jason Brennan has argued, for example, that citizens of modern liberal societies can fulfill the demands of civic virtue by making *some* contribution to the common good. In his view, such contributions can be entirely apolitical: we can make them by working as “artists, entrepreneurs, small business owners, venture capitalists, teachers, physicians . . .” (Brennan 2011, 52). All of these vocations, he says, contribute to the “bundle of goods” that citizens receive from their societies (these goods, he clarifies, are not just political but also “economic, cultural, social”) (*Ibid.*). Political participation, then, is not obligatory; it is only one of many ways in which citizens can contribute. If my argument in this chapter is correct, Brennan's argument is sound only in perfectly just societies that stand in no foreseeable danger of committing future injustices (in other words: it is sound nowhere).

To see why, suppose that Noah answered the aggrieved neighboring villagers as follows: “I know that my town is harming you unjustly, and I know that I am complicit in this injustice. But my complicity is offset

<sup>47</sup> See Beerbohm 2012, 246–9. If these citizens participate in politics in a way that lends support to unjust candidates or policies, however, they become complicit in a different sense: they accrue *participatory* complicity.

<sup>48</sup> Lepora and Goodin suggest a number of helpful criteria for assessing the extent of an agent's complicity; see Lepora and Goodin 2013, 102–13.

<sup>49</sup> This division of labor has the advantage of substantially reducing the epistemic barriers to responsible participation.

by all of the good that I bring into the world as a successful venture capitalist who has helped expand my town's economy and create jobs. I have no further obligation to you." This response is clearly inadequate and would be received as such by the villagers, for it does nothing to address their moral claims.<sup>50</sup> To further sharpen this point, consider the example of a colonialist who presides over the oppression and exploitation of a community of foreigners, but who also creates great works of art that contribute immeasurably to humankind. Just as this cultivated colonialist cannot discharge his moral obligations through art—no matter how great his work or how vast its influence—Noah cannot excuse his complicity in injustice by investing in the local economy (or by working as a dermatologist or a schoolteacher, etc.).<sup>51</sup> He is obliged to take political action, specifically.

Finally, just as responsible participation is a means of mitigating or avoiding complicity, irresponsible participation will only deepen it.<sup>52</sup> Citizens who agitate for unjust political causes will only add participatory complicity to their existing political complicity and so do themselves further moral damage. This is why I have been careful to argue that *responsible* participation, not participation as such, is the appropriate normative response to complicity in political injustice.<sup>53</sup>

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<sup>50</sup> Even if some of the jobs he created had gone to the victims of his town's injustice, this would do nothing to mitigate Noah's complicity. The victims are demanding, first of all, that he *stop treating them unjustly*. Offering some of them a job is no answer to this demand.

<sup>51</sup> In fairness to Brennan, he does not argue that apolitical contributions to the common good can excuse complicity in political injustice. Rather, he supposes that citizens who abstain from political participation (in modern liberal states) are not complicit in their government's injustices. These citizens, he suggests, can be fully virtuous by making strictly apolitical contributions to their society.

<sup>52</sup> On this point, I agree with Brennan. There is nothing morally laudable about political participation as such.

<sup>53</sup> I would like to thank Shmulik Nili, Randall Harp, Tyler Doggett, Eric Beerbohm, Patrick Neal, Bob Taylor, and Alan Wertheimer for their generous help with this chapter, as well as the participants in the 2016 Oxford Studies in Political Philosophy Workshop and the political theory workshops in Portland, Oregon and at Washington University in St. Louis.

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