The social creation of morality and complicity in collective

harms: a Kantian account

Garrath Williams
Senior Lecturer in Philosophy
Department of Politics, Philosophy & Religion
Lancaster University
Lancaster LA1 4YL
UK

g.d.williams@lancaster.ac.uk

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Abstract

This article considers the charge that citizens of developed societies are complicit in large-scale harms, using climate destabilisation as its central example. It contends that we have yet to create a lived morality – a fabric of practices and institutions – that is adequate to our situation. As a result we participate in systematic injustice, despite all good efforts and intentions. To make this case, the article draws on recent discussions of Kant's ethics and politics. Section I considers Tamar Schapiro's account of how otherwise decent actions can be corrupted by others' betrayals, and hence fall into complicity. Section II turns to discussions by Christine Korsgaard and Lucy Allais which highlight how people can be left without innocent choices if shared frameworks of interaction do not instantiate core ideals. Section III brings these ideas together in order to make sense of the charge of complicity in grave collective harms and addresses some worries that the idea of unavoidable complicity may raise.

The social creation of morality and complicity in collective harms: a Kantian account

This article considers the charge of complicity in cases of collective action, as opposed to cases familiar from legal contexts. My central example will be climate change or, as I shall shortly explain, climate destabilisation. I also want to keep in mind other cases of large-scale harms and wrongs, such as factory farming and economic systems that rely on inhuman labour practices.

Clear discrepancies between collective harm cases and legal complicity might make us wonder whether we should even use the same word. In the legal cases, there has to be a crime and a principal before there can be an accomplice. There is a legislature and courtroom to define and adjudicate the crimes. In the collective action cases, there are just a lot of accomplices, or at least, no clear principals. In the case of climate destabilisation, the persons who have the strongest interest in bringing the charge against us are powerless and voiceless, because they are still children or yet to be born. As Bill McKibben (2012) puts it:

> Since all of us are in some way the beneficiaries of cheap fossil fuel, tackling climate change has been like trying to build a movement against yourself – it's as if the gay-rights movement had to be constructed entirely from evangelical preachers, or the abolition movement from slaveholders.[1]

In other words, we have to act as our own judge and jury – without a victim to accuse us, without any recognised authority to define or deal with the matter. At the same time, in terms of the harms created, we have a crime without parallel. Standard ways

of talking do not capture the gravity of the case: 'global warming' or 'climate change' may be accurate so far as they go, but do not register the central problem – the destabilisation of the earth's climate, such that we can expect rapid loss of agricultural capacity and habitable land, hence massive attempts at population movement and massive starvation. This happens at a point in history when the planet's human population has reached or exceeded its sustainable limit and when we have already radically degraded the biosphere. Unless human beings marshal a will to cooperate hitherto unknown and presently unimaginable, the result will be immiseration and death on scales hitherto unknown and presently unimaginable. And it is now several decades since anyone could claim, in good faith, that there is meaningful doubt about the matter. Whatever the uncertainties and 'unknown unknowns,' none hold a candle to the immensity of the risks and the gravity of the changes already occurring.

The disconnect between this situation and our everyday lives also strains imagination to breaking point. In terms of what each of us contributes, by using air travel or driving a car or simply by relying on our energy systems, we have actions that: are perfectly socially acceptable, endorsed by conventional morality and encouraged by our established institutions; are undertaken with no intent to cause harm and make no discernible difference to the overall disaster;[2] and are not even possible to avoid, so long as one remains an active member of our societies. Moreover, it is fatally unclear that there is anything that most of us, as individuals,[3] could do that would make a difference for the better.[4]

Having emphasised the disanalogies with the legal case and the gravity of my central example, I still want to suggest that there is a key commonality, such that the term 'complicity' remains apt. In the legal cases, we can certainly say that the accomplice

provides *moral support* for criminal conduct. This is true regardless of whether he provided material aid, regardless of whether his actions were actually a causal factor in the crime committed by the principal, and notwithstanding the fact that moral support alone would not justify a criminal charge. Similarly, I think we can locate everyday complicity in collective harm cases, not in consequentialist terms of the difference our actions make or might make, but rather in terms of our *moral support*.

This will sound odd, and not just because the consequences are so severe. Many of us are quite conscious in not intending to give such support; some of us actively support measures to reduce greenhouse gas emissions or combat other collective harms; a few people, who will be the heroes of later times if historical memory is still possible, have dedicated their lives to opposing this planetary vandalism. Nonetheless, I will suggest that those of us who live in or actively cooperate with the world's 'developed societies,' and hence participate in these deadly forms of social and economic organisation, thereby lend moral support to a radically inadequate structure of interaction.[5] We participate in a lived morality that implicates us in enormous harms and closes off the possibility of 'innocent' participation in our societies and, thus far, of successful challenge.

To develop this case, I draw on some recent interpretations of Kant. Kant's non-consequentialism offers a first hint that he can help us understand complicity in cases where our actions do not, as is sometimes said, 'make a difference.' But we often read Kant in terms of an individualistic model of action, which seems less promising. If what counts is willing compliance with the moral law, then presumably the good will can simply refuse complicity. On another reading, however, Kant understands action not as a matter of individual intentionality, nor (of course) of its consequences, but

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rather as a way of joining with others to impose a moral structure on our lives together. Again: we tend to think of Kantian morality as given a priori in the structure of reason. But the metaphors of 'groundwork' and construction, as well as Kant's later political and religious works, suggest another reading. Our lives involve a whole fabric of identities and roles, relationships and practices, organisations and systems; we rely on and sustain these through our daily activities and participation; we sometimes take individual and collective initiatives to reform practices and institutions. Philosophical groundwork laid, this reading of Kant emphasises the immense task that remains: to construct social practices that realise more abstract principles – and in particular, do not inflict systematic injustice.[6]

Taking note of massive collective harms, my claim is that we have yet to *create* a morality that is adequate to our situation. To put the point paradoxically: our morality is an immoral one. We know that it will not do; we do not know how to do better; by our continued participation, we continue to uphold that morality, notwithstanding our avowed values and intentions. By making – and thereby accepting, since we are our own judge and jury here... – the charge of complicity, we take a small step to withdraw the moral support that is enacted by our continued participation, our effective toleration and endorsement of our social systems. I will close by admitting that this understanding of complicity can easily degenerate into mere hand-wringing, unless it spells real willingness and determination to participate in change. I do not mean it as a claim of universal or equal guilt, either.[7] For one thing, there are surely degrees of culpability – from determined attempts to extract the last vestiges of fossil fuels to denialism to everyday consumer profligacy. For another, I do not see the charge of complicity as one of guilt, exactly. The charge concerns participation in

grave injustice. But the gravity of the situation partly consists in the lack of opportunities to avoid participation. As such, our standard categories for understanding and handling retrospective responsibility do not serve us well. Neither theoretically nor practically do notions of guilt or blame or punishment or compensation or apology seem apt. At the same time, pleas of innocence ring hollow. This is not just *happening*; we are *doing* this.

The article is in three sections. In section I, I discuss Tamar Schapiro's account of how otherwise decent actions can be corrupted by others' betrayals, and hence fall into complicity. In section II, I turn to two related discussions by Christine Korsgaard and Lucy Allais. These highlight how people can be left without innocent choices if shared frameworks of interaction do not instantiate core ideals. In section III, I bring these ideas together in order to make sense of the charge of complicity in collective harm cases such as climate destabilisation.

I

We all know the most famous discussion of Kant's that raises the problem of complicity. It is close to the one-to-one scenarios familiar from the courtroom. Kant asks whether I should tell the truth to a would-be murderer at the door, asking whether his would-be victim is at home.[8] If the example sounds far-fetched, we might recall that anyone sheltering Jews in war-time Amsterdam risked this dilemma on a daily basis. To common sense morality, truth-telling might look like complicity. But for Kant, all that matters is that I do the right thing: tell the truth. Others must do as they will; their actions are their responsibility, not mine. While there are various ways of

drawing the sting from Kant's claims,[9] I will focus on Tamar Schapiro's extended and subtle discussion.[10] By emphasising how normative structures are sustained in interaction, Schapiro makes sense of complicity in Kant's one-to-one example in a way that illuminates the collective harm cases.

In the first instance, Schapiro aims to acknowledge the force of Kant's deontology – the idea that there are moral principles that we should not give up every time we see that they might lead to undesirable consequences. At the same time, she explains why his own answer was radically inadequate – both in the sense that telling the truth would indeed amount to complicity, and in the sense that it does not reflect deeper insights available on his own theory. Her discussion shows how moral activity is fundamentally a form of participation with others. No one will dispute the practical point, that morality involves cooperating to sustain central relationships and achieve worthwhile goals. On Schapiro's reading of Kant, there is also a deeper theoretical sense in which this is true. Morality is about defining and sustaining modes of participation that realise ideals. One way of putting this would be to note Kant's kingdom of ends formula – 'act in accordance with the maxims of a member giving universal laws for a merely possible kingdom of ends.'[11] Kant's own formulation may seem simply hypothetical: no individual agent can create this kingdom, so it is always 'merely possible' so far as the individual is concerned. At the same time, the task is clearly unconditional: to lend such a structure to our interaction.[12]

In the murderer at the door case, Schapiro points out that following a normal rule by which we relate to one another – honesty in communication – is not only liable to cause drastic harm, but is also robbed of its point. The point is not that people simply state the truth. Rather, the idea is that they should relate to one another as good faith

participants – each with their individual purposes and projects, to be sure, but also each committed to an ideal of decent interaction: a 'kingdom of ends.' If someone is resolved to use the information I give him for evil purposes, then following a rule that constitutes good faith interaction – and thereby helps to sustain a moral order – loses its point. In Schapiro's terms, I may follow the letter of the moral law, and yet betray its spirit.

Not every sort of wrongdoing puts us in this invidious position. People often trespass against one another without casting doubt on their commitment to decent interaction and without depriving one another's good actions of their meaning. For example, friends can be more or less neglectful and even occasionally disloyal while still participating in friendship. We have familiar modes of (inter)action to deal with this – blame and reproach; setting the matter aside and hoping that our friend will see the error of her ways; perhaps also seeing our friend's tendencies to do such things as the obverse of other personal qualities we appreciate. But if someone who I thought of as a friend really has betrayed that relationship, then such responses lose their point. Moreover, my attempts to behave as a friend take on a different meaning. At best, they represent an insistence that friendship is an important way of (in Kant-speak) bringing us closer to the kingdom of ends; at worst, they make me complicit in my own humiliation or exploitation. Either way, the meaning and nature of my actions has been changed by the other party's non-participation. More generally, if someone is determined to betray the most basic norms of morality (for example, by murder), normally good actions can be corrupted – deprived of the uptake that is necessary if they are to realise the spirit.

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What is the Kantian agent to do? Schapiro suggests the task is to find a 'surrogate' form of action, that honours the ideal of decent interaction.[13] As she notes, if good actions can be corrupted, it is also true that normally immoral modes of action might be subverted ('de-corrupted,' so to speak). The defensive lie may be the best or only way to uphold the more minimal ideal of protecting people's lives.[14] At the same time, while the lesser of evils, it is an evil of sorts: we have sacrificed honest collaboration, something that belongs to the ideal we meant to uphold. This explains why someone should feel regret, although this may not amount to a sense of guilt or complicity. The person who searches for a surrogate form of action, outside of our everyday moral rules, has been placed in a difficult position, to say the least. Serious and even intractable problems of practical judgment arise because other people have let the actor down, not just in the practical sense of failing to do their parts, but also in the more abstract sense I want to emphasise: defining and upholding practices that realise ideals of decent interaction.[15]

Schapiro's argument therefore has important ramifications beyond the one-to-one case. This is easy to see in institutional contexts. One rule by which we constitute organisations and other forms of collective action is to divide responsibilities between people. In decent institutions, 'doing my job' is a way of upholding a normative structure. We thereby lend our moral support to a set of norms and roles, which enable people to participate in reciprocal arrangements that grant them certain powers, reward their contributions, and serve a worthwhile collective purpose. Even in decent organisations, however, just doing one's job can degenerate into complicity when others betray their point and purpose. Depending on the case, there may be all sorts of ways to address such situations. I only want to note that we sometimes judge that

breaching one's role may be the best a person can do, while failing to be 'good enough.' The whistle-blower, for example, has much to regret about the decision she makes – not just in terms of the risks and personal costs, but also in the painful tug of loyalties (to institution and colleagues on the one hand, to proper goals and professional ideals on the other).[16]

I will consider how this point may extend to less structured, collective harm cases in the final part of this article. For the moment, let me underline the picture of action invoked here. Actions count as ways of participating in and upholding an ideal of human relations – a lived morality, as I put it in introduction. [17] In other words, they have a meaning and importance that goes beyond their actual or foreseen or likely effects. Each person's actions are understood as contributions to a collective enterprise, of deciding how we should go on together. In some circumstances, things can be so out of joint that the normal meaning of an action is quite lost, or even twisted back on itself – doing what would normally count as my part in upholding decent interaction becomes an endorsement of serious wrongs or outright evil. Continuing to do one's job may amount to participation in a now-corrupt organisation, for example, and there may be no straightforward way to uphold the ideals I am committed to. Others' non-participation has severely limited the possibility of standing up for morality.

II

The other contributions I want to consider look at frameworks for collective action at the level of the state. I begin with Christine Korsgaard's exploration of the problem of

rights in a state of nature, and draw on a discussion by Lucy Allais that makes more concrete how we can be implicated in wrong, despite our best efforts.[18] Without just institutions, there may be no way for us to act rightly. In some cases, the charge of unavoidable complicity becomes intelligible.

Korsgaard starts with the idea that we should think of a state of nature as a condition where people's rights are *imperfect*.[19] People have rights – at least what Kant calls 'innate rights' to their own person. For Kant, a right implies a title to coercively enforce it. This implies, again at least, that I have a right to self-defence, hence to prevent someone who intends to injure me or otherwise threatens my bodily integrity. The problem is that each of us can only draw on our best judgment as to the other's actions and intentions. Especially since we lack any assurance mechanisms, that means we may end up using defensive force against one another. In other words, my rights and your rights turn out not to be consistent with one another. So Kant concludes that rights are 'provisional' or 'imperfect' without a public authority to render them consistent.[20] An impartial enforcing body must define the rights clearly and systematically, adjudicate cases of conflict, and address and redress breaches of rights. Only then are rights fully realised, or perfect.[21] In the absence of a juridical state, there is often room for doubt as to what, exactly, my rights consist in. A person who attempts to defend her rights risks exercising unilateral force over others, while someone who abstains from doing so is liable to become subject to others' wills. People are left without ways of relating to one another rightly.

For Kant, this gives rise to an overarching duty to leave the state of nature – or in other words, to *create* a set of duties, roles and institutions to overcome this problem. However, this duty is unfulfillable by any one individual. Even if everyone were

individually determined to fulfil it, there would be intractable coordination problems. Formally, the goal may be clear; but it needs to be realised in practice, and no individual is in a position to specify how this will be done. So it will be a hard struggle, through authoritarianism or tribalism or conquest, before people actually create a functioning juridical state. In its absence, however, people cannot, as we sometimes say, do right for doing wrong. We might not be sure whether to count them as *complicit* – they are, after all, at once the persons who fail to impose a decent structure on their interaction and the ones who suffer from the lack of it. But they lack the channels by which to act rightly.

The state of nature case is, of course, highly abstract. It does not readily translate to the collective harm examples, since these arise by virtue of legal rights to property and working institutions for economic activity. Here I turn to a recent paper by Lucy Allais, which shows how a structurally similar problem arises in the unjust state.[22] We enter the civil condition in order to uphold not only rights to personal security, but also rights to possessions of various kinds, including shelter and means of subsistence. But Kant holds, I am sure correctly, that it would be essentially unjust for some people to have many possessions and for others to be entirely without the means to meet their basic needs. The point is not that this would be unfair, or reduce welfare compared to some imagined distribution. Rather, the risk of starvation, exposure and death makes some people systematically reliant on other private individuals for their survival. As Rousseau put it in *The Social Contract*, 'no citizen shall ever be wealthy enough to buy another, and none poor enough to be forced to sell himself.'[23] To prevent relations of dependence and domination, public institutions must uphold rights to subsistence.[24]

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Now consider a civil condition where those rights are not effectively granted. Many persons are reduced to a condition of beggary and supplication if they are to live at all. In the first place, this leaves those persons with no way to act well: they must either starve or abase themselves before others, importuning them in public places.[25] More importantly for my argument, the well-intentioned person of means, who wants to and can help the beggar, also has no way of acting well. To refuse is to leave someone potentially exposed to his ruin. Yet whatever help the richer person gives will never amount to the beggar receiving what he is owed as a matter of right. Even if she were to imagine what the beggar might have received under a decent welfare state and give it to him on a regular basis, the richer person would still not be giving the beggar (never mind all of the beggars who do or might approach her) what he is actually entitled to: the ability to subsist independently of the (good) will of any particular person. As Allais comments, then, both giving and refusing to give are deeply problematic: 'We are related to each other wrongfully, and, in the encounter, there is nothing we can do about this… feelings of guilt, discomfort, resentment, and helplessness may all be part of accurately registering the nature of the situation' (2015: 769). Structural injustice makes it impossible for people to act rightly by one another.

Once again, we have the thought that individual good intentions, or conscientious attempts to do the best we can, are simply not good enough. And for those who enjoy considerable wealth while others are indigent, it is easy to see how the charge of complicity arises. The richer person lacks a way to relate rightly to the beggar, but cannot step outside of the structures that sustain this injustice. Expressions of regret, charitable donations,[26] even public protest: these are certainly better than forms of

denial and refusals to help. But they do not annul a person's participation in systems that confer benefits on some and expose others to intolerable want and risk.[27] Recall, moreover, the model of action that I noted in Schapiro and I also see as reflecting a deeper strand in Kant's thought, with its call to realise morality in structures of interaction. By her mode of life as a member of the unjust society, involving myriad forms of *collaboration* with established institutions and practices, the richer person effectively helps to reproduce an unjust structure. Willingly or not, she lends it the moral support involved by participation in a given mode of interaction.

III

Kantian ethics locates the value of action in its maxim or principle, not in its likely or foreseen or actual causal impacts. This is easily taken as an ethics of individual integrity (let the murderer do what he will) or alternatively, and more plausibly to our ears, as a naïve ethics that may fall into complicity.[28] I have been suggesting that Kant's own discussion is too simple and betrays deeper insights available on his framework. I now want to suggest that these insights can make sense of the thought that we find ourselves unavoidably complicit in climate destabilisation.

The deeper insights begin, I think, with the idea that action is more powerful than the consequentialist assumes. Action counts for more than its likely or foreseen or actual effects, because when we act well we cooperate with others to create and uphold a lived morality. Abstract ideals are given concrete form by our actual interaction. When we participate – as relatively privileged persons, more or less able to act on our own accounts, active beneficiaries rather than beggars or drudges or persons living

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under terror[29] – we uphold and support a lived morality. If we are fortunate, that morality instantiates valuable ideals. As I have been emphasising, it may also involve grave violations of them.

On this view, the line between individual and collective action is less firm than it seems to common sense. On an everyday basis, we deliberate about individual decisions using familiar moral categories. Kant's notion of a kingdom of ends highlights what we thereby take for granted. When we see our activity in moral terms,[30] we imagine ourselves as participating with others to impose a normative structure on our interaction. Kant sometimes invites us to view this structure in terms of straightforward, universally binding rules – in the famous prohibitions on suicide and false promising in the *Groundwork*, as much as his essay about lying. Following Schapiro, I have suggested this is mistaken. To understand what we should do in any given situation, we need a much richer sense of the modes of (inter)action we are involved in or might be drawn into. Indeed, it is misleading to focus only on what to do in a particular situation, since there is a much broader question at stake: what sorts of lives should we be leading and what sort of world do those lives contribute to?

Another way of putting the point would be to take Kant's own book titles, and point out how many steps are involved in moving from 'groundwork' to 'metaphysics' to 'morality' as an actual lived reality. Here, I have only gestured at the steps needed to build on this groundwork. But I have wanted to insist on their necessity and their creative aspects – the importance of people's actually defining modes of interaction and cooperation that make morality concrete, that realise ideals of mutual respect and concern. I have also suggested that these steps involve a certain loss of innocence.[31] When we participate with others and give a concrete form to morality, we are bound

to rely on one another, in all sorts of ways. We rely on modes of interaction that we inherit from those who came before us. It will always be a matter of cooperation and it always involves compromises. Sometimes these fall into complicity.

Schapiro shows that when others betray basic moral principles, otherwise obligatory forms of action can amount to complicity. It is easy to see how this can extend to institutional contexts – for instance, when the corruption of a formerly decent organisation means that fulfilling one's role becomes questionable or even reprehensible. We can take this a step further, into the large-scale collective harm cases. For example, what looks like a reasonable commercial transaction becomes complicity in factory farming or sweatshop labour. But rather than specific deeds, I want to emphasise the ways of living ('lifestyles') that we find ourselves engaged in, since I think it is here that the charge of complicity really bites. Even after we have made all the choices that give shape to our individual lives, and even after we have done our best to avoid or challenge massive injustices like climate destabilisation – even then, pleas of non-responsibility ring hollow. We still find that opportunities for participating in social life, our ways of contributing to society as well as drawing on its benefits, depend on and contribute to these same injustices.[32] We sustain ways of interacting that betray basic moral principles. However unwillingly, we lend them our moral support.

The other side of Schapiro's argument was that actions that are otherwise wrong can be subverted – that is, 'corrupted' in the opposite direction. As well as defensive deception, we might think of leaking or whistleblowing, and various forms of disruption or protest or civil disobedience. As noted, we may have good reason to regret such actions, and not only the situation we find ourselves in: robbed of social

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and institutional support, moral action begins to slip from our grasp. Although Schapiro does not raise the possibility, we can well imagine cases where it seems really impossible to find an acceptable way of acting – all the options look like not-quite-lesser evils.

That is the scenario where people lack a functional state or live in a state where there is systematic injustice. People find themselves without a defensible way to relate to one another. In Lucy Allais' example, wealthier people participate in social systems that make them the beneficiaries of injustice and leave them no way to do right by those in grave need. In one sense, it would be outrageous to describe them as powerless: the truly powerless are those who can only live or die by beggary. Depending on social and political conditions, richer people may be able to make charitable contributions or sign petitions or protest. Indeed, neither dire need nor naked coercion prevent them from dedicating their whole lives to opposing these wrongs. Still, even the most single-minded campaigner can only advocate changes: as a matter of social fact, she lacks the power to impose a new order; morally, she is obliged to seek others' consent; conceptually, imagination cannot foresee the endless ramifications of any significant change, however detailed the proposals anyone makes. Regardless of individual good will and efforts to help or compensate or improve systems, then, richer persons continue to lead lives that effectively reproduce injustice.

The large-scale collective harm examples have the same structure – with the further problem that those who are wronged cannot (or can hardly) speak for themselves. Animals cannot speak in voices we are willing to hear; the distant poor are distant and thoroughly disempowered; in the case of climate destabilisation, those who will suffer

the worst injustice have not been born. Again, we all feel the suspicion that we really are powerless to change or challenge these systems, corresponding to a perplexity as to whether anything we might do would really help. In some of the collective harm cases, such as factory farming or sweatshop labour, there may be ways of opting out: we are unlikely to make any difference as individuals, but at least we can vote with our feet and make a stand.[33] In the case of climate destabilisation, I fear that even after our best attempts to minimise our contributions and to protest, most of us can neither opt out nor make a difference.[34] In one sense, again, we are unable to alter our social systems and structures of collective action. But if we speak of powerlessness, let us also remember the participation and the privileges, as well as the brute, brutal powerlessness awaiting those who will simply inherit an unstable, inhospitable biosphere. Let us remember, too, that everyone who acts politically (at least, without mass support) could enter the same plea. However certain a person is that things must change, she can neither impose that change or be sure that her initiatives will actually make a difference for the better.

Together, I think these ideas enable us to understand why we – by which I mean: conscientious, concerned citizens of contemporary Western societies – can reasonably make the charge of complicity in climate destabilisation, levelling it both at ourselves and at fellow citizens who prove less conscientious and concerned. By our participation in society, we may be doing all sorts of things to maintain and augment the cultural and institutional and moral stock to be inherited by those who come after us. I use this odd phrase, 'moral stock,' to underline one of the inheritances that matters most on this account: the creation of ways of acting together that enact valid principles and uphold worthy ideals, in the form of customs and organisational

structures and political systems. Unless we radically change how we live together, whatever is worthwhile in this moral stock will be imperilled, since we are also passing on a radically degraded world that spells impoverished, deracinated lives and savage deaths for billions of people. (We are so used to the word 'unsustainable' that it is hard to hear its implications.[35]) We find ourselves participating in – upholding, reproducing, *bequeathing* – ways of organising and living together that are radically unjust, not least because they are doomed to fail by virtue of sawing off the branches on which they sit.

No doubt, this view is open to the charge of mere hand-wringing,[36] or at least of ignoring important questions about responsibilities for political change. It might also be suspected of exculpating those who play a more active role in sustaining these systems. While I concede these dangers, I don't think they undermine the basic point. The charge of complicity marks our situation as intolerable. It acknowledges that even our best attempts to act in good faith are not good enough. This is not to say that 'in the night, all cats are grey.' All of us must participate in our social systems, but there are degrees of power and complicity and support. So this account is perfectly compatible with making more emphatic accusations against some, and placing pressure on those with greater powers to intervene. Indeed, I am sure that it mandates both.[37] But to make the charge of widespread, unavoidable complicity is to insist that we are in the dark, morally speaking.

One might also object, from the other direction as it were, that if our involvement is really unavoidable, then the charge of complicity is inapt. 'Ought implies can,' say many modern philosophers;[38] if an individual really cannot avoid participation and really cannot do anything to change these systems, then he is not blameworthy. My

argument that we may find ourselves implicated in wrong, regardless of all good intentions and efforts, rests on a particular interpretation of Kant's thought. As such, it can hardly allay such doubts. But perhaps I can offer one further thought by way of reply, as to whether the concept of 'blameworthiness' is well-formed. Apart from the intractability of the notion of desert,[39] it leaves open the questions: what sort of reproach or sanction or response? And by whom? On my account, the charge of complicity is primarily one that we must level against ourselves. It is not about punishing ourselves or others; it is not about discovering a yellow stain on our souls[40]; it is not about deciding which element of 'guilt, discomfort, [or] resentment' (Allais) is ultimately appropriate to our situation. As I noted in introduction, our standard ways of understanding and dealing with retrospective responsibility prove inadequate here. Instead, the charge of complicity marks a self-consciousness about the injustice of the morality we live by. We face a responsibility that we *cannot* take, because we do not know how to. Yet we can hardly doubt that we *ought* to. A civilisation that ruins the prospects of future human habitation has no title to the name.

By accepting the charge of complicity, we take one step to overcoming it. As individuals, we may not be able to 'make a difference' in any sense that registers on the consequentialist scales. Nonetheless, we draw on our *moral* agency – the power that we grant one another when we see human activity as contributing to morality as a lived reality – to register our protest: that we find ourselves in a position where nothing that most of us can do counts as good or good enough. Even if all that is left to us are 'mere words' and fragmentary gestures and (thus far) barely effectual attempts to reimagine the social systems we rely on, we still register a willingness to take responsibility. We lay a small part of the groundwork for creating better

structures, even though these are bound to be hard to make out in advance of their realisation amongst us as stable forms of collective action. The charge of complicity is not mere hand-wringing. It is, rather, a refusal to wash our hands of the matter.

Endnotes

[1]   Bill McKibben, 'Global warming's terrifying new math: three simple numbers that add up to global catastrophe – and that make clear who the real enemy is,' *Rolling Stone*, 2 August 2012 (http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719).

[2]   Christopher Kutz sees a person's 'participatory intention' in collective wrongs as establishing complicity, even if her actions are causally redundant (*Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000), p. 122 and passim). This makes it hard to extend the charge of complicity to collective harm cases such as climate destabilisation, much as I sympathise with Kutz's attempt to frame this in terms of 'participation in a way of life' (p. 186). See e.g. Iris Young,

The social creation of morality and complicity in collective harms

Responsibility for Justice (ed. Martha C Nussbaum, Oxford, Oxford University Press, 2011), pp. 101ff; David T Schwartz, *Consuming Choices: Ethics in a Global Consumer Age* (second edition, Lanham MA: Rowman & Littlefield, 2017), pp. 95ff; Garrath Williams, '"No participation without implication": understanding the wrongs we do together,' *Res Publica*, 8 (2002): 201–10, pp. 204ff.

3   In other words, I certainly do not deny the impact and importance of *collective* action. I am just pointing out that (i) most of us can make no difference as individuals, and (ii) the various collective projects and campaigns to combat greenhouse gas emissions have, so far, made nothing like the requisite impact on our disastrous systems and processes.

4   There is, of course, a very large and growing literature here. As well as accounts that seek a consequentialist justification for the charge of complicity (such as Shelly Kagan, 'Do I make a difference?' *Philosophy & Public Affairs*, 39 (2011): 105-41), and Kutz's non-consequentialist account (op. cit.), see: Mark Bryant Budolfson, 'The inefficacy objection to consequentialism and the problem with the expected consequences response,' *Philosophical Studies* (online first, 2018: https://doi.org/10.1007/s11098-018-1087-6); Elizabeth Cripps, 'Climate change, collective harm and legitimate coercion,' *Critical Review of International Social and Political Philosophy*, 14 (2011): 171–93; Tracy Isaacs, *Moral Responsibility in Collective Contexts* (Oxford: Oxford University Press, 2011); Adrienne M Martin, 'Factory farming and consumer complicity,' in A Chignell, T Cuneo & M C Halteman (eds.), *Philosophy Comes to Dinner: Arguments About the Ethics of Eating* (New York: Routledge, 2015), pp. 203-14; Julia Nefsky, 'How you can help, without making a difference,' *Philosophical Studies*, 174 (2017): 2743-67; and Schwartz op. cit.

5   For economy of presentation and recognising that most readers will be relatively privileged members of wealthy societies, I use the first person plural: *our* complicity. I hope readers outside this circle will forgive this linguistic exclusion!

6   Since my purpose is not Kant exegesis, I do not claim this as a strictly 'correct' interpretation. While my reading may seem to turn him into Hegel *avant la lettre*, there can be no doubt that Kant's later works stress the moral imperative to create institutions (e.g. church, state, international federation) and practices (e.g. property, contract, juridical responsibility) that necessarily have contingent, empirical aspects. In addition to work by authors discussed below, I would see this view as consistent with Onora

O'Neill's emphasis on the constructive aspects of Kantian reason (e.g. *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989)), Elizabeth Anderson's marrying of Kant with pragmatism (e.g. 'Journeys of a feminist pragmatist,' *Proceedings and Addresses of the American Philosophical Association*, 88 (2014): 71–87) and Barbara Herman's emphasis on the open-endedness of Kant's 'obligatory ends' (*Moral Literacy* (Cambridge MA: Harvard University Press, 2007), esp. Chs. 11 & 12).

[7] 'Where all are guilty, no one is,' as Hannah Arendt used to say (e.g. *Crises of the Republic* (New York: Harcourt Brace, 1972) p. 162), well aware of how active perpetrators of Nazism were, after the war, effectively exculpated when well-meaning German liberals expressed their own sense of guilt.

[8] 'On a supposed right to lie from philanthropy' (1797), in Mary Gregor (trans./ed.), *Kant: Practical Philosophy* (Cambridge: Cambridge University Press, 1996).

[9] For example, by arguing that his framing of the duties involved is juridical rather than ethical, or that his own principles call for different application: H J Paton, 'An alleged right to lie: a problem in Kantian ethics,' *Kant-Studien*, 45 (1953): 190–203; Christine M Korsgaard, 'The right to lie: Kant on dealing with evil,' in her *Creating the Kingdom of Ends* (New York: Cambridge, 1996), pp. 133-158; Allen W Wood, *Kantian Ethics* (Cambridge: Cambridge University Press, 2008), Ch. 14.

[10] Tamar Schapiro, 'Compliance, complicity, and the nature of nonideal conditions,' *Journal of Philosophy*, 100 (2003): 329–55; 'Kantian rigorism and mitigating circumstances,' *Ethics*, 117 (2006): 32–57.

[11] *Groundwork* 4:439, again citing Gregor (trans./ed., op. cit.) and using the standard reference (*Akademie* volume:page).

[12] Interpretations of the kingdom of ends differ. Contrast Katrin Flikschuh's reading ('Kant's kingdom of ends: metaphysical, not political,' in Jens Timmermann (ed.), *Kant's Groundwork of the Metaphysics of Morals: A Critical Guide* (Cambridge: Cambridge University Press, 2009), pp. 119-139) with Herlinde Pauer-Studer's thoroughly social reading ('"A community of rational beings": Kant's realm of ends and the distinction between internal and external freedom,' *Kant-Studien*, 107 (2016): 125–59). Readers more impressed by hypothetical or metaphysical interpretations might

instead consider Kant's claims about our duty to leave the *ethical* state of nature: 'To found a moral people of God is... a work whose execution cannot be hoped for from human beings but only from God himself. Yet... each must... so conduct himself as if everything depended on him' (*Religion within the Boundaries of Mere Reason* 6:100f, see also 6:97f, in Allen W Wood & George Di Giovanni (trans./ed.), *Religion and Rational Theology* (Cambridge: Cambridge University Press, 1996)). While Kant's framing is religious, I would follow Kyla Ebels-Duggan in extending the point to other forms of worthwhile cooperation ('Moral community: escaping the ethical state of nature,' *Philosophers' Imprint*, 9 (2009): 1–19).

13   2003, op. cit., pp. 349, 353f; 2006, op. cit., pp. 47ff.

14   Michael Cholbi argues that on Schapiro's account, 'anything goes': that is, she cannot 'explain why lying, as opposed to any more dubious defensive action, is uniquely permissible' ('The constitutive approach to Kantian rigorism,' *Ethical Theory and Moral Practice*, 16 (2013): 439–48, p. 445). Notwithstanding problems of practical judgment, I think Schapiro can reply in straightforward terms: to adapt Cholbi's words, one is to seek out the *least dubious* way of responding, one that upholds the ideal of decent human interaction so far as possible. As examples: where one can count on civil authorities and the danger to self or other is not immediate, that might be calling the police; where one can count on no one's cooperation beyond the would-be murderer's credulity, that might be lying (war-time Amsterdam); where one cannot even count on the would-be murderer's credulity (if one realises he will storm the attic regardless of what one says), then it may be reasonable to use brute force. Since my larger concern is with situations which lack simple solutions, let me note there may well be none. In the face of SS officers, for example, a complicit response might be the only way to save one's own family.

15   Robert Jubb offers a milder version of Cholbi's criticism: Schapiro's work 'demonstrates this [difficulty of deriving nonideal prescriptions from ideal theory]. It ends up arguing that the letter of an ideal's rules may have to be violated to somehow respect, preserve, or restore their spirit, but is unable to give general rules about how to do so' ('Norms, evaluations, and ideal and nonideal theory,' *Social Philosophy and Policy* 33 (2016): 393–412, p. 400). Jubb is correct, I think, but misses the source of the problem. The lack

of general rules and the difficulties of judgment owe to a fundamental failure of cooperation in defining and upholding an adequate morality.

16   Note that more complex institutional rules will make provisions to register protest and even create channels for authorised whistle-blowing. This is an important element of 'open' institutions, where all participants are empowered to resist corruption.

17   See also Schapiro, 'Three conceptions of action in moral theory,' *Nous*, 35 (2001): 93–117. This is to marry Kant's talk of co-legislation with a prescriptive interpretation of 'maxim.' Following Onora O'Neill (e.g. 'Instituting principles: between duty and action,' in Mark Timmons (ed.), *Kant's Metaphysics of Morals: Interpretative Essays* (Oxford: Oxford University Press, 2002), pp. 331-47), we can see actions as enacting a maxim, understood in the old-fashioned sense of a piece of advice – for example, 'Never a borrower nor a lender be.'

18   For another Kantian discussion of how unjust circumstances may create moral dilemmas, see O'Neill, 2002, op. cit.

19   'The claims of animals and the needs of strangers: two cases of imperfect right,' *Journal of Practical Ethics*, 6 (2018): 19–51. For simplicity, I highlight problems of innate right; Korsgaard also has much to say about 'acquired' rights to property.

20   Korsgaard puts the point in balder terms: 'Provisional rights are in one sense already "legal" rights, since the rightholder is morally entitled to coercively enforce them. In another sense, however, they are not yet quite moral, since no one else is obligated to respect them' (op. cit., p. 30). I also draw on Arthur Ripstein's discussion of innate right. He suggests that the right to defend oneself is conclusive, not provisional, since it is an authorisation to coerce (*Force and Freedom* (Cambridge MA: Harvard University Press, 2009), p. 179), but also imperfect, since the authorisation is not under universal law. As he also says, it is not 'conclusively conclusive' (p. 180).

21   So entering civil society does not convert 'moral rights' into 'legal rights.' Instead, it 'realize[s] a right whose existence is essentially incomplete or imperfect [or provisional] in the state of nature' (op. cit., p. 30).

22   'What properly belongs to me: Kant on giving to beggars,' *Journal of Moral Philosophy*, 12 (2015): 754-71.

[23]   Bk II, para 11.

[24]   And arguably more: Rafeeq Hasan makes a Kantian case that the basic problem consists in structural inequalities of wealth and power ('Freedom and poverty in the Kantian state,' *European Journal of Philosophy*, 12 (2018): 754–21). These may, but need not, give rise to forms of personal domination; people may experience forms of disadvantage short of indigence that subject them to structural domination. See also Elizabeth Anderson, *Private Government: How Employers Rule Our Lives (and Why We Don't Talk About It)* (Princeton NJ: Princeton University Press, 2017).

[25]   As Allais observes (op. cit., pp. 759f), Kant has surprisingly harsh words for the wrong a beggar commits, as 'akin to robbery' and exhibiting 'self-contempt.' One might disagree, not least because of the cruelty of reproaching someone who is systematically deprived of every social resource. One might also note the inventive ways people sometimes seek help while minimising issues of dependency and humiliation – for my purposes, I just want to note the extraordinary ingenuity these require of someone who has less than nothing, not even space in which to place her own body (cf Korsgaard, op. cit., pp. 37ff).

[26]   As Allais notes, Kant questions whether charitable acts 'really deserve to be called beneficence at all' (6:454, quoted at p. 764), given that the richer person's position depends on injustice. A further word on benefits, and their relation to complicity: on my account, benefits matter, but we should take care in framing them. Benefits are not mere quanta of welfare or money, falling on us like manna from heaven; they are abilities and empowerments that are inseparable from ongoing participation in the relevant structures and practices.

[27]   I thank Christopher Cowley for pointing me to R. Jay Wallace's discussion of 'the bourgeois predicament,' whereby wealthy people's meaningful projects 'implicate us in social and economic disparities that we cannot possibly endorse' (*The View from Here: On Affirmation, Attachment and the Limits of Regret* (Oxford: Oxford University Press, 2013), p. 187). Perhaps provoked by the homage to his own book title, Thomas Nagel acidly but aptly calls this a 'general invitation to hand-wringing' ('An invitation to hand-wringing,' *London Review of Books*, 36 (2014): 25-26; https://www.lrb.co.uk/v36/n07/thomas-nagel/an-invitation-to-hand-wringing, p. 26). Wallace's view is distinct from mine, since his claim extends to all manner of historical

and contingent connections between the opportunities that some better-off people enjoy and unjust acts or structures. Like Allais, my point is more specific: the rich(er) person's situation depends on a social system that continually sustains grave injustice. Admittedly, the 'dependency' remains a matter of judgment – I do not attempt to draw a line in the sand or find blue water between innocence and complicity.

28   See also Kant's citation of '*fiat iustitia, pereat mundus*' in *Toward Perpetual Peace* (8:378, in Gregor (trans./ed.), op. cit.), discussed by Elisabeth Ellis, *Provisional Politics: Kantian Arguments in Policy Context* (New Haven: Yale University Press, 2008), pp. 10f.

29   On benefits, see note 26; by drudgery I refer back to inhuman labour practices; I mention terror in order to note reservations about alleging complicity when someone gives in to political murderers' demands for information.

30   And indeed, when we rely on social predictability as the precondition for any solid reckoning with consequences – another lesson one can take from the 'state of nature' thought experiment.

31   From a different direction, Kant's account of radical evil flatly denies that a human being might have a 'good will.' This is not a barely rationalised account of original sin. As Irene McMullin shows, radical evil represents 'a *pre*scriptive, not merely a *de*scriptive self-designation... Only through such an act of self-attribution can we make ourselves responsible for our moral failures – despite the fact that we did not *choose* to be the imperfect creatures that we are... the autonomous agent chooses to see such instances [of moral failure] as indications of a principled failure of freedom to establish the correct hierarchy of incentives. The self-imputation of radical evil thus involves a kind of taking responsibility for responsibility' ('Kant on radical evil and the origin of moral responsibility,' *Kantian Review* 18 (2013): 49–72, pp. 50, 67). In other words, the point is not about self-flagellation, let alone eternal damnation. Rather, we should take responsibility for 'our' failings, whereby the decision to interpret them as *ours* represents a first step to overcoming them. Conceptually, I see the idea of (unavoidable) complicity as parallel.

32   Compare the charge beloved of critics who themselves show no concern for climate destabilisation, that Al Gore frequently uses air travel.

[33] Holly Lawford-Smith, 'Unethical consumption and obligations to signal,' *Ethics & International Affairs*, 29 (2015): 315–30.

[34] Compare Thomas E. Hill, Jr's account of symbolic protest ('Symbolic protest and calculated silence,' *Philosophy & Public Affairs*, 9 (1979): 83–102), on the importance of disavowing bad causes in order that we might meaningfully support the good. I am suggesting that attempts to disavow, while meaningful and important, may still founder on the fact of continued participation.

[35] As Shaun Chamberlin notes, 'if something is unsustainable, then, by definition, it's going to end' (*The Transition Timeline* (White River Junction, VT: Chelsea Green Publishing, 2009), p. 14).

[36] Thomas E. Hill, Jr. notes Kant's nice rebuke of 'egotistical self-esteem which takes mere wishes... empty of deeds' (or in the present case, mere self-denunciation) as 'proof of a good heart' ('Moral responsibilities of bystanders,' *Journal of Social Philosophy*, 41 (2010): 28–39, p. 35, citing Kant in Gregor (trans./ed.), op. cit., 6:441).

[37] Iris Marion Young (op. cit.) makes similar points with her social connection model of responsibility, which has obvious parallels with my view here – both in emphasising the call to take responsibility and the inadequacy of all attempts to decide liability for these harms.

[38] But not Kant: see Robert Stern, 'Does "ought" imply "can?" And did Kant think it does? *Utilitas*, 16 (2004): 42–61. Wayne Martin gives a compelling critique of the non-Kantian usage ('Ought but cannot,' *Proceedings of the Aristotelian Society*, 109 (2009): 103–28). Just as I want to stress that the *blame* and *worth* in 'blameworthiness' are not single or simple things, Martin stresses that *ought* can be spoken in many ways.

[39] Which still seems to defeat unitary analysis – George Sher's *Desert* (Princeton, NJ: Princeton University Press, 1987) remains the best account I know of.

[40] In J.J.C. Smart's unforgettable phrase (*Utilitarianism: For and Against,* Cambridge: Cambridge University Press, 1973, p. 52).