

Responsibility in Cases of Structural and Personal Complicity: A Phenomenological Analysis

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ABSTRACT

In cases of complicity in one's own unfreedom and in structural injustice, it initially appears that agents are only vicariously responsible for their complicity because of the roles circumstantial and constitutive luck play in bringing about their complicity. By drawing on work from the phenomenological tradition, this paper rejects this conclusion and argues for a new responsive sense of agency and responsibility in cases of complicity. Highlighting the explanatory role of stubbornness in cases of complicity, it is argued that although agents may only be vicariously responsible for becoming complicit, they can be held more directly responsible for entrenching their complicity. The complicit agent is responsible for their complicity to the extent that they fail to take responsibility for it.

The getaway driver in a bank robbery; a white man who doesn't object to a racist joke; a woman who believes that what people call 'sexual harassment' is a necessary part of courtship. What do these three cases have in common? They are all examples of complicity. There are at least three senses in which we can talk about complicity. The first case demonstrates complicity in a legalistic sense: contributing to another's wrongdoing. The second speaks to the idea of structural complicity: our involvement in unjust social structures. The third is an example of 'personal complicity': an agent's complicity in their own unfreedom. Properly understanding complicity is important for grasping how wrongdoing, injustice, and unfreedom continue to function in often subtle and indirect ways. Analyzing complicity encourages us to think about how agents can uphold, reinforce, participate in, or contribute to various harms of which they may not be the sole or original source. It therefore raises the question of to what extent—and in what sense—complicit agents can be said to be responsible for the injustices, unfreedoms, and wrongdoings to which they in some way contribute. Moreover, in the cases of structural and personal complicity, we must additionally ask how, and to what extent, the agent is responsible for their complicity, given

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that in these cases an agent's complicity need not be the result of an intentional action, or even a conscious choice.

In this paper I focus primarily on this last issue: to what extent the complicit agent is responsible for their complicity, and how this responsibility should be conceived. In the first three sections, I explore the three different senses of complicity outlined above. I pay particular attention to structural and personal complicity, as these are the cases in which responsibility appears to be most vicarious and the question of agents' responsibility for their own complicity is most at issue. I suggest that by deepening our understanding of personal complicity, a notion which is underexplored in the philosophical literature, we can shed light on the responsibility involved in cases of complicity more generally. Drawing on work from the phenomenological tradition, I argue that the responsibility of the complicit agent for their complicity should be understood with regard to the way they respond or fail to respond to the situations in which they find themselves, and thus the extent to which they take or fail to take responsibility for their complicity. I characterize complicity as an attunement of stubbornness and draw attention to the responsive 'medio-passive' agency available to complicit agents. Even taking account of circumstantial and constitutive moral luck, or what in the phenomenological literature is articulated in terms of 'thrownness', the analysis I develop suggests that there is still an important sense in which agents can be responsible for their complicity. In a final section, I explore how agents who are complicit in structural injustice and personal unfreedom, might respond differently in such a way that they can be said to *take responsibility* for their complicity and thus work to resist it.

1. THE LEGALISTIC SENSE OF COMPLICITY

The legalistic sense of complicity, illustrated by the getaway driver example, is perhaps the most familiar and the easiest to grasp. Christopher Kutz, in his influential book *Complicity: Ethics and Law for a Collective Age*, argues that complicity should be understood as intentionally participating in a wrongdoing (2000, 122). Intention for Kutz is key. Even if one's action did not ultimately make a causal contribution to the wrongdoing—for example, if one was thwarted in assisting a crime—as long as the agent *intended to participate*, Kutz still considers them complicit. This understanding immediately introduces the idea that what is at issue in cases of complicity is not causal responsibility. Rather, what is at issue in cases of complicity is a different kind of relation of responsibility between oneself and the wrongdoing. For Kutz, the complicit relation is an intentional one and it is also an interpersonal one. Complicity is a transitive verb, it must take an object. I cannot just *be complicit*, I must *be complicit in something, with someone*, where the 'someone' can be an individual, a group, a corporation, an institution, or even a State.

Chiara Lepora and Robert Goodin deepen this interpersonal, legalistic sense of complicity, exploring the different ways in which the 'with' of complicity can manifest itself, including as "'connivance', 'contiguity', 'collusion', 'collaboration', 'condoning', 'consorting', 'conspiring' [or] 'full joint wrongdoing'" (Lepora and Goodin 2013, 31–32). On their account, complicity need not be intentional. They introduce complicity with the example of an aid worker in a war-torn country answering in the

affirmative when asked by a soldier if they should wear a condom when engaging in rape (2013, 1). For Lepora and Goodin, an agent can be considered complicit even though they did not intentionally participate in the wrongdoing, and may in fact be attempting to do good (2013, 4). For them, the relation that grounds the responsibility of the complicit agent is *knowingly contributing* to another's wrongdoing, even if the agent does not share the other's wrongful purpose or actively participate (or intend to participate) in the wrongdoing (2013, 82).

2. STRUCTURAL COMPLICITY

In a legalistic sense, an agent's responsibility for complicity is decided on the relation between the agent's actions (or omissions) in relation to a wrongdoing, and the other agent(s) who are also engaged in the wrongdoing. But if we turn to cases of structural complicity, we see that responsibility appears to become more vicarious because the relations relevant to assessing an agent's complicity are not limited to the interpersonal sphere, nor to a discrete act of wrongdoing. In cases of structural complicity, what we are responsible for participating *in* and who we are responsible for participating *with* are more difficult to pin down.

As Corwin Aragon and Alison Jaggar argue, what is most salient in cases of structural complicity are not interpersonal relations, but the relations between an agent and the unjust social structures in which they find themselves (2018). Examples of structural complicity are not limited to contributing to, or participating in, another's wrongdoing, but instead are marked out by our involvement in structural injustice (2018, 449). That is, those practices, norms and ways of life that emerge from complex patterns of social interaction and that systematically privilege some whilst disadvantaging others (2018, 442–43).

Aragon and Jaggar identify hiring a migrant worker as a key example of structural complicity. In this case there is no one, clear, identifiable perpetrator responsible for the injustice migrant workers suffer. There may be people within the system who are culpable for harm or wrongdoing, but there is also something over and above these actions that constitutes structural injustice. For example, global economic and social structures, including inadequate provision of affordable social care in richer Western countries, and generational poverty in countries like the Philippines, are key explanatory factors in the continued exploitation of migrant workers (2018, 440–41). Structural complicity is not reducible to complicity in a legalistic sense. Even if your interpersonal relations are just and you do not contribute to wrongdoing on a localized scale—you treat your migrant housekeeper well and pay them a fair wage—you can still be complicit at a structural level, because in virtue of hiring a migrant domestic worker, you help to prop up an unjust industry and unjust social structures (2018, 440–41).

Structural complicity also differs from a legalistic sense of complicity in another important sense: we can be complicit in structural injustice without intending it, or even knowing it. For example, failing to call out a racist joke contributes to the structural injustice of racial hierarchy, but the agent who fails to resist may not intend or be aware of this consequence. They may feel uneasy, but unable to resist. They may not be aware that the joke is racist, or may think that the joke maker is just 'one bad

apple', rather than acknowledging the racist system that enables such behavior (2018, 450). The notion of circumstantial moral luck plays an important role here. We do not intentionally or knowingly choose the social structures in which we exist and participate, rather we are 'thrown' into them. We cannot be causally responsible for the existence of such structures, and we may not even have a choice in any straightforward sense of whether to participate in them.

Aragon and Jaggar argue that the unjust social structures in which we find ourselves can furnish us with particular 'moral orientations', that is, ways to think, feel and behave in situations, which prop up the unjust social structures in which we find ourselves (2018, 450), and it is in virtue of acting out these moral orientations that agents can become complicit. Moreover, when considered in isolation, these moral orientations may seem unproblematic, it is only when considered in a structural context that we come to see how they serve to reinforce unjust structures.¹ This means that complicity in structural injustice may be very difficult to identify both for ourselves and for others. As Aragon and Jaggar argue, "structural injustices [and thus our complicity in them] live in the seemingly innocuous actions of everyday social practices" (2018, 451). What is at issue in cases of structural complicity, then, is not necessarily our identifiable, individual, casual contribution to a wrongdoing or an injustice, but rather the *collective effect* of the everyday behaviors of agents.

With regard to the question of responsibility, this analysis implies that agents' responsibility for their complicity in structural injustices can be vicarious in at least two senses. Firstly, agents are thrown into certain structures and moral orientations that make complicity in structural injustice very likely. Although an agent's complicity still depends on their exercise of agency within these contexts (2018, 449), the way in which their circumstances direct them into complicity suggests that they did not become complicit as the result of some prior exercise of agency, but rather as the result of internalizing certain attitudes, understandings, and ways of behaving given to them by their social context. Secondly, agents' responsibility is vicarious in the sense that agents are not understood to be complicit in virtue of their individual exercises of agency considered in isolation. Rather, agents' complicity in structural injustices only becomes fully apparent when agents' actions are considered in a structural context and in concert with the actions and moral orientations of others. In both instances, there is an exercise of agency, but on its own it does not explain an agent's complicity. In the third form of complicity, or what I have called 'personal complicity', however, even this minimal exercise of agency becomes ambiguous.

3. PERSONAL COMPLICITY

Personal complicity, as I define it, describes cases in which an agent reinforces, upholds, or in some way contributes to their own unfreedom (Knowles 2019). This sense of complicity both builds on the analysis of structural complicity, and moves beyond it. Firstly, what the agent is complicit 'in' has once again shifted. It is no longer an interpersonal wrongdoing or a structural injustice, but rather a *personal* unfreedom. By 'personal' here I mean that what grounds the agent's complicity is not necessarily an 'external' state of affairs, rather their complicity is primarily assessed with regard to the way they make *themselves* unfree, rather than the way they

contribute to the unfreedom of others.² The term ‘unfreedom’ is also used to reiterate the idea of complicity as a distinctive kind of self-relation. Unfreedom more clearly characterizes a way of life or a ‘state of Being’, than do terms such as ‘wrongdoing’ or ‘injustice’, whilst also indicating that in cases of complicity in one’s own unfreedom, the agent is both the perpetrator and the victim of complicity, and as such the complicit relation is brought ‘in house’. By contrast, complicity in an injustice or wrongdoing suggests that the complicit relation is one between an agent and something outside of themselves.

The woman who believes that what other people call ‘sexual harassment’ is a necessary part of courtship, is complicit in her own unfreedom. She helps to perpetuate a world in which her freedom is limited as a result of sexual harassment. At first, this case may appear to be explicable in the same way as instances of complicity in structural injustice. As in the case of structural complicity, the agent is not the cause of the broader injustice or unfreedom. This is a result of circumstantial moral luck, and yet she still in some way contributes to its continued existence. Moreover, her contribution to the overall picture of sexual harassment may be very minimal or even innocuous in the way Aragon and Jaggar describe, and her complicity may be best explicated with regard to her moral orientation and not only her actions and omissions. For example, she may believe that men have certain natural roles and tendencies that differ from women’s, and thus that what some call ‘sexual harassment’ is just an expression of men’s natural sexual role. But in cases of personal complicity, we must not only attend to the way an agent reinforces the oppression, harm, injustice or unfreedom of others. For example, if expressed, her belief may make it harder for other women’s testimony on sexual harassment to be heard. In addition, we must also focus on how the agent reinforces their own unfreedom. For example, her belief may hinder her ability to conceptualize certain experiences in ways which can be harmful to her.³

In cases of structural complicity, it was argued that it may be very difficult for the agent to identify their complicity in upholding and reinforcing structural injustice. But in cases of personal complicity, the complicit agent suffers the effects of their own complicity, and so ignorance does not appear to be such a straightforward explanatory factor. It may be tempting to appeal to the way in which circumstantial luck can influence our constitutive luck—the luck involved in who we are, the traits, dispositions, and attitudes we have—in order to explain why agents adopt roles, embrace ways of life, or make choices that alienate them from their own freedom and make them complicit in their own unfreedom.⁴ This is the explanation of internalized oppression, and it is similar to the role of internalization in the explanation of agents’ complicity in structural injustice offered by [Aragon and Jaggar \(2018, 450–51\)](#). But by appealing solely to constitutive and circumstantial luck, and seeing agent’s responsibility for their complicity as ultimately vicarious, i.e., not a result of their own agency, this account overlooks the more active role agents can play in upholding their complicity, and has difficulty explaining why agents may be complicit, even when their circumstances do not compel it.⁵ As I shall demonstrate in the next section, even whilst taking into account the roles of circumstantial and constitutive luck in cases of personal complicity, the responsibility of the agent for their

complicity is not only vicarious. By coming to understand this, we can also shed light on responsibility in cases of structural complicity, and what role we can play in coming to resist the complicity into which we are thrown.

3.1 Deepening the analysis of personal complicity

Personal complicity, as a distinct species of complicity, is something that is underdiscussed in the philosophical literature, and yet in the tradition of existential-phenomenology various ways of Being are described that speak to the idea of personal complicity: the way in which agents can alienate themselves from their own freedom.⁶ The most famous is Jean-Paul Sartre's notion of 'bad faith', as described in *Being and Nothingness*. In the text, Sartre discusses the case of the waiter who "is playing at being a waiter in a café . . . he limit[s] himself to his function" ([1943] 2003, 82) and in so doing alienates himself from his own freedom. Sartre argues that:

the waiter in the café cannot be immediately a café waiter in the sense that this inkwell is an inkwell, or the glass is a glass. . . I can only 'be' a waiter in representation. . . I cannot be he, I can only play at being him. . . I am a waiter in the mode of *being what I am not*. ([1943] 2003, 83)

In attempting to *be* a waiter, I alienate myself from my own freedom. I behave as if the role of being a waiter completely encapsulates and sums up my existence, "as if it were not my free choice to get up each morning at five o'clock or to remain in bed" ([1943] 2003, 83). In attempting to *be* a waiter, rather than understanding my job role as a waiter as something I *perform*, I act as an automaton ([1943] 2003, 82). This mechanistic, automatic way of conducting oneself in terms of movement, expression, and thought is a symptom of being complicit in one's own unfreedom. It indicates that I do not recognize that '*what I am*' is fundamentally free, but instead reflects the fact that this is an understanding from which I have fled.

The sense of freedom invoked here is not positive or negative freedom, but rather a sense of freedom which we find articulated in the work of the German phenomenologist Martin Heidegger. In *Being and Time*, to which the title of Sartre's *Being and Nothingness* pays homage, Heidegger argues that the human being and the human way of Being—or what he calls '*Dasein*'—is fundamentally free at an existential or 'ontological' level, but in any concrete situation we find that this freedom is in some way obscured, whether by the limitations our situation imposes on us, or by our tendency to *turn away* from this fundamental freedom ([1927] 1962, 229–33).⁷ The limitations of our situation are a matter of circumstantial luck, but this 'turning away' is more complex.

At first, 'turning away' seems to speak to a notion of individual agency and responsibility. Rather than attempting to live in light of our existential freedom, which indicates that we are at base free and undetermined beings (Heidegger ([1927] 1962, 67)), in cases of personal complicity agents immerse themselves in social roles, norms, and narratives in a way that obscures their freedom.⁸ They relate to these roles, norms, and narratives as essentially binding on them at an existential level: as if they had no choice but to act as they do (ibid. 164–65). However, the idea of

individual agency and responsibility that appears to be operative in the notion of ‘turning away’ is complicated by Heidegger’s claim that when we first find ourselves in the world, we have for the most part already turned away from our freedom (ibid. 223). As I see it, ‘turning away’ is the central explanatory mechanism in cases of personal complicity. As with the structural account of complicity, turning away from one’s own freedom need not be intentional or even conscious, but even more significantly, it may not even be a way of Being that we can pinpoint as ‘beginning’. In cases of structural complicity such as hiring a migrant worker or failing to call out a racist joke, we can still identify a moment in which an agent *becomes* complicit, even if this was not the result of a totally voluntary exercise of agency. But in cases of personal complicity, the phenomenological analysis implies that complicity is the starting point for all agents.⁹ The ‘turning away’ that characterizes personal complicity is not an indirect result of circumstantial luck. Rather, it is an independent case of constitutive, or perhaps ‘existential’ luck: agents not only find themselves in circumstances that constrain or limit their ability to behave morally, they also find themselves in an already existent state of complicity. Or in phenomenological parlance, we find ourselves always already thrown into complicit ways of Being.

Accordingly, in cases of personal complicity, it may appear that circumstantial and constitutive luck erase any responsibility the agent has for their complicity. Or, that if they are said to bear any responsibility, it can only be vicarious, because their complicity is not captured by the way the agent’s own actions contributed to their unfreedom, but seemingly by a *lack* of agency on the part of the complicit agent. As we see in the case of the waiter, his complicity manifests itself in terms of a kind of automaticity that appears to bypass his agency in maintaining existing, unfree ways of Being. But if this is the conclusion we reach, it would suggest that personal complicity is inevitable and inescapable, which is not a conclusion that the phenomenological analysis endorses (Heidegger [1927] 1962, 232). If we look more closely at the notion of turning away and its role in personal complicity, what we find is the articulation of a kind of ambiguous agency, which complicates the picture of circumstantial and constitutive luck that seems to render the agent’s responsibly for their complicity purely vicarious.

‘Turning away’ as a way of Being-in and relating to the world, ourselves, and others, or what is later developed in terms of the analyses of falling and fleeing ([1927] 1962, 219–24), describes the way in which agents find themselves immersed in the social world—or what Heidegger calls ‘*das Man*’—in a way that alienates agents from their own agency (ibid. 165) and, as I read it, makes them complicit in their own unfreedom. This way of Being, which Heidegger terms ‘inauthenticity’ has both an active and a passive dimension: we fall into the social world and become absorbed in the average ways of understanding ourselves, the world and others (ibid. 164); but we also flee from our own freedom and immerse ourselves in these pre-existing self-understandings, roles, scripts, and social narratives that are provided to us by *das Man* (229).¹⁰ Heidegger describes the maintenance of inauthentic, unfree modes of Being in terms of a kind of ambiguous agency. I am both encouraged—perhaps even compelled—by the social world of *das Man* into inauthentic modes of

Being, but at the same time I play a role by ‘ensnar[ing]’ myself in inauthenticity (ibid. 312–13).

The role I play is captured in terms of an attitude or mood of “stubbornness [*Versteifung*] about the existence one has achieved” (308, translation modified). Much like the role of agents’ moral orientations in the analysis of structural complicity, this stubborn self-relation and stubborn relation to social norms, roles, and narratives is the site at which personal complicity arises. Rather than manifesting itself primarily in terms of particular actions or omissions, complicity in one’s own unfreedom manifests itself as a stubborn relation, orientation, attitude or what Heidegger calls an ‘attunement’ (ibid. 172–79). We can see this stubborn attunement in the waiter’s mechanistic relation to his work, but also in the woman who believes sexual harassment is a necessary part of courtship. She relates to sexual harassment as if it were something inevitable, natural, and from which she cannot escape.¹¹

However, it is not clear that such an attunement is straightforwardly imposed on us or internalized as a result of our social setting, as it is in cases of structural complicity. But nor does this stubbornness appear to be something that arises simply from within us, or from facts about our self-constitution that are completely beyond our control. Rather, as Heidegger describes our attunement to ourselves, the world, and others, it “comes neither from ‘outside’ nor from ‘inside’, but arises out of Being-in-the-world as a way of such Being” (ibid. 176). Moreover, Heidegger argues that “we can, should, and must, through knowledge and will, become master” of our attunements (ibid. 175), although how to do this is a complex matter.¹² Thus, although an agent’s responsibility for their personal complicity may, in the first instance, be vicarious because agents are thrown into certain circumstances and ways of being constituted that mean they find themselves in a state of complicity, there is nevertheless an important sense in which agents can become more directly responsible for their complicity. As I shall argue, this sense of responsibility complicates the idea that we can understand responsibility in cases of structural and personal complicity as primarily vicarious, i.e., cases in which agents appear to be responsible but not because of any relevant exercise of agency. As I shall argue, in cases of personal and structural complicity, there is not a lack of agency, but an ambiguous sense of ‘medio-passive’ agency. Moreover, if the agent does not recognize and take up their medio-passive agency in the right way by responding to their situation, they can be held responsible for entrenching their complicity.

4. RESPONSIBILITY IN CASES OF STRUCTURAL AND PERSONAL COMPLICITY

In the analyses of structural and personal complicity, we have seen that complicity involves both a passive and an active moment: being thrown into a situation of injustice or unfreedom, but then responding to this situation in such a way that one either firms up one’s complicity, or—a possibility which we have not yet considered—works to resist it. The white man thrown into a racist society benefits passively from his skin color and thus in Simone de Beauvoir’s terms can be considered “guilty in spite of himself” ([1949] 2011, 759). But how he responds to this situation of white-

skin privilege determines whether he further entrenches his situation of complicity, or seeks to lessen it—even if his individual actions alone can never totally erase the complicity into which he finds himself thrown. This kind of responsive agency exercised in situations that are not fully under our control is what Beatrice Han-Pile, drawing on thinkers like Heidegger and Nietzsche, calls ‘middle-voice’ or ‘medio-passive’ agency (Han-Pile 2013; 2020). As I shall argue, by building on this notion and what we have already said about the way personal and structural complicity are articulated through attunements and orientations, rather than just actions and omissions, we can develop a better understanding of the way in which agents can be responsible for their complicity.

4.1 Complicity as a form of medio-passive agency

Han-Pile argues that medio-passive or middle-voice agency is not the agency exercised in straightforward, voluntary initiations of actions like raising my arm, but it is nevertheless common. It is the kind of agency we exercise in unreflective habits, but also in activities like listening or falling asleep. As she characterizes it, it is the kind of agency we exercise in responding to an already unfolding process in which we find ourselves involved (2020, 54). It is, for example, the agency involved in writing a paper: “We start the process of writing intentionally but once we find ourselves in it we comport ourselves in a middle voice manner, by responding to what we write as it unfolds: we are both affected by the process and affect it in return” (2020, 62). To establish the agency one exercises (or fails to properly exercise) in a medio-passive sense, Han-Pile argues that the appropriate question is not “‘is this a doing or a happening?’, as in contemporary theories of agency,” but “something like: ‘what is the process unfolding in the doer, and what is her engagement with it?’” (2020, 54). Approaching agency in this relational sense suggests that rather than only conceiving of agency as something active and spontaneous, we should also analyze agency as something both active and passive and, in this context, primarily as something *responsive*. This responsive, medio-passive agency is an important form of agency for Heidegger. We see it at work in his analysis of falling and fleeing discussed in section 3.1. By viewing this analysis more directly through the lens of medio-passive agency, we can come to better understand the kind of agency, and thus responsibility, at work in cases of complicity.

From a medio-passive perspective, the seeming lack of choice of the agent who finds themselves in a state of complicity, need not be a barrier to identifying their agency and responsibility. As Han-Pile argues, the very proclamation ‘I never had any choice’ is not an indication of a lack of agency, but an indication of medio-passive agency: I found myself in an already unfolding situation, my agency must then be understood in the context of my involvement with, and response to, this situation (Han-Pile 2020, 59). Medio-passivity thus allows us to offer a characterization of the complicit agent’s agency and responsibility as occupying a kind of middle ground: not fully responsible, but not completely irresponsible. We can say that in cases of personal and structural complicity, an agent’s responsibility for their complicity is, in the first instance, vicarious: they did not bring about their complicity. But having found themselves complicit, they can then come to take responsibility for

this by opening themselves onto a new way of being attuned to and understanding their situation, that makes possible certain forms of resistance that would otherwise remain closed off. Alternatively, they can close themselves off from their situation by maintaining their stubborn attunement and failing to understand the problematic nature of the situation in which they find themselves, thereby blocking any possibility of resistance. Again, these possibilities are not completely up to the agent, they cannot simply choose to take responsibility for their complicity (Heidegger [1927] 1962, 334), the opportunity must also present itself to them, so taking responsibility is also medio-passive.¹³

Thinking of agency in a medio-passive sense enables us to see that the issue of responsibility in cases of complicity arises in a new way: not with regard to the agency exercised to *become* complicit, but rather with regard to how agency is refused or not-taken-up in such a way that means the agent *remains*, or rather entrenches, their complicity. Remaining complicit is medio-passive in the sense that it is not only determined by which actions we perform or do not perform, but by the way we are attuned to our situation and whether or not we ‘ready’ ourselves for the possibility of taking responsibility and resisting complicity if and when the opportunity presents itself ([1927] 1962, 342). Whilst the complicit agent can be responsible for not readying themselves for responsibility, and thereby failing to be open to taking responsibility and resisting complicity if they are presented with the opportunity to do so, they are not responsible for remaining complicit if this opportunity never arises. We can understand this idea in light of Carol Hay’s distinction between internal and external resistance to oppression and her argument that although in some cases it may be impossible to externally resist oppression (and thus complicity), in most cases internal resistance will be possible. As Hay argues, we can internally resist by “recognising that something is wrong” (2011, 32). The requirement to ready oneself for responsibility is looser than this. To ready oneself for responsibility is to open oneself up to an uncanny attunement to the world which is always available to us (Heidegger [1927] 1962, 234). It is an attunement in which one feels uneasy about the inauthentic, complicit way of Being one currently occupies, and it is an attunement that opens us on to the possibility of following through the consequences of this attunement (taking responsibility and potentially resisting complicity) if and when the possibility arises.¹⁴ As I shall argue in the next section, readying oneself for responsibility is not sufficient for taking responsibility and for the related possibility of resisting complicity, but it is a necessary aspect of so doing. Readying oneself for responsibility is something we are responsible for, and thus failing to do so is something for which we can hold agents responsible.

However, as Aragon and Jaggar argue, the point of talking about responsibility in cases of complicity is not “to fine-tune degrees of blame, our task is to understand how individual actions reinforce unjust structures and to figure out how we might act differently so as to undermine those structures” (2018, 451). This implies that any analysis of responsibility in cases of complicity should be forward looking.¹⁵ To recast this forward-looking sense of responsibility in medio-passive terms, the question becomes not only how did the agent respond to the situation of complicity in which they found themselves, but how might they respond *differently* so as to lessen

their complicity and thus contribute to combatting, rather than reinforcing, the states of injustice and unfreedom in which they find themselves involved. This is the question to which I now turn.

4.2 Taking responsibility (or failing to take responsibility) for one's complicity

As we saw in the case of falling, there are two possible responses of the complicit agent: they can give in to the unfreedom and injustice of their situation by viewing it as inevitable and unchangeable, or they can struggle against it. At base, this distinction is premised upon the difference between responding and not responding: we respond to falling by struggling against it, or we fail to respond by giving in. In a Heideggerean context, whether we respond also signals whether or not we *take responsibility* because, as Francois Raffoul argues, for Heidegger, “to be responsible means, before anything else, to respond” (2010, 36). By focusing on the idea of response in this Heideggerean context, we can therefore see how an agent can either be responsible for further entrenching their complicity, or responsible for working to resist it.

We have already offered an initial analysis of the failure to respond to the injustices and unfreedoms in which one finds oneself complicit in section 3.1, where it was elaborated in terms of the stubborn attitudes that characterize agents' complicity in their own unfreedom. Stubbornness can be understood as a failure to respond because it is an attunement in which we accept what is given to us. We saw this in the case of the waiter who stubbornly allowed external factors to dictate the course of his life. We can also see this stubbornness in cases of structural complicity where agents accept the ‘inevitability’ of racial inequality or turn away from racial injustice because ‘nothing can be done’. But stubbornness and a failure to respond also characterize the more innocuous activities that nevertheless contribute to the maintenance of inequality and injustice. Take for example, referring to female academics as ‘Miss or Mrs. X’ rather than ‘Dr. or Professor X’. In isolation these modes of address may be seen as innocuous, or even be (wrongly) understood as complimentary, but taken together with the actions of others, and in the structural context of patriarchy, they undermine female power and help to reinforce norms of male domination. Although stubbornness might not be obviously evident as an active or conscious refusal to afford female academics the same status as male academics, stubbornness is nevertheless present in the acceptance of current norms and the failure to grasp the inequality and injustice present in the practices of address in which one is engaging. Stubbornness is a way of failing to respond to our situation and thus is an example of refusing to take responsibility for our complicity by behaving as if there were no other way to be.

By contrast, to respond “means that it [the human agent] simply cannot *become rigid* as regards the Situation, but . . . must be *held open* and free for the current factual possibility” (Heidegger [1927] 1962, 355). To respond to our situation, we must ready ourselves for an attunement that counters our initial stubbornness, as discussed in section 4.1. At the same time, we must be open to understanding what this attunement discloses. As we saw in section 3, phenomenologists like Heidegger understand the human being to be characterized on a fundamental level by freedom, which at a

concrete level translates into the idea that there is nothing that fundamentally defines who we are or how we should live our lives (ibid. 68). This commitment to the existential freedom of human agents implies that all human beings are equal in being characterized by this fundamental freedom,¹⁶ and that ideologies that contradict or undermine the fundamental and equal freedom of all human agents, such as racism or sexism, have no ontological or existential basis.¹⁷ However, although this understanding of the fundamental freedom of ourselves and others is one that we always have, it is one from which for the most part we turn away (ibid. 174). Being open to understanding what the uncanny attunement of ‘readying oneself for responsibility’ discloses, means turning towards this understanding of our fundamental freedom and thus taking responsibility for ourselves and the situations into which we are thrown. In terms of an analysis of complicity, this means that to take responsibility for our complicity we must respond to our situation by recognizing that the injustices, inequalities, and unfreedoms that contradict the freedom that characterizes us all equally as human beings can only ever be contingently present and thus are subject to change.

Responding or failing to respond to our situation is an exercise of medio-passive agency. We cannot bring about the understandings and attunements necessary for us to respond and thus take responsibility for our complicity, but we can be open to receiving them. Conceptualizing the complicit agent’s responsibility for their complicity in terms of the way they respond to their situation enables us to think about the responsibility agents have for their complicity without ignoring the role circumstantial and constitutive luck and vicarious responsibility play in explaining an agent’s initial state of complicity. As Nancy Holland puts it:

We are not responsible for the language that we are born into, for the fact that we die, or for whether we are male or female in a society in which gender still yields huge disparities of power and freedom. But we are responsible for how we use language, what we create with it, how we harm or nurture others with our words . . . we are responsible for our own authenticity . . . for the effort to make the scripts that limit us less painful, less oppressive, less destructive to human life in all forms. (Holland 2001, 143)

To respond is to see my situation—and the way I am oriented within it—as something that can change, and as something that is not inevitable. To respond is thus to open myself up to embracing an attunement in which I attempt to live my thrownness in light of an understanding of myself (and others) as free and undetermined beings, even in the face of historical, cultural and societal factors that may contradict this understanding.¹⁸ In so doing, agents can be said to have taken responsibility for their complicity and laid the ground for the possibility of further resisting their involvement with the injustices and unfreedoms into which they find themselves thrown.

5. CONCLUSION: THE RESPONSIBILITY OF THE COMPLICIT AGENT

In order to take seriously people’s agency and the possibility of change, we need to emphasize the way in which people can be responsible, even in situations which they

did not choose. But responsibility here does not mean causal responsibility. As Marilyn Frye puts it, “being responsible can simply mean one does not passively and unconsciously submit to the winds of time and culture” (Frye 1985, 217). This is precisely the kind of responsibility at issue in cases of structural and personal complicity. We may not be responsible for the situations of injustice and unfreedom into which we are thrown, but we are responsible for the way we respond (or fail to respond) to these situations, through our attitudes, understandings, orientations, and attunements as well as our actions and omissions.

The responsibility of the complicit agent is a responsibility for maintaining states of affairs by not seeing how they could be different. Failing to call out a racist joke reflects a kind of inevitability towards the existence of racism. Believing that sexual harassment is a necessary part of courtship reflects an inability to imagine sexual relations without an imbalance in gendered power. There is an agency exercised here, but it is ambiguous. It is not actively putting forward a view or proposing a situation or bringing about a certain state of the world. It is the ambiguous agency involved in passively failing to challenge a view, or resist an injustice or unfreedom. In this respect, complicity can be conceived in the first instance as vicarious. We find ourselves complicit not through our own actions, but because of the circumstances and ways of Being into which we are thrown. But this responsibility becomes less vicarious and more ‘owned’ when we fail to ready ourselves for the possibility that things could be different, and refuse to take responsibility for our complicity. This failure to respond to our situation by continuing to unquestioningly take up the world as it is presented to us is something for which we must hold agents responsible if there is any hope of bringing about change.

NOTES

1. They discuss helping a disabled person across a busy road. Considered in isolation this could be understood as a virtuous action, but analyzed at a structural level in relation to other similar actions, it could be indicative of a pattern of patronizing interference in the lives of disabled people (2018, 451).
2. Although cases of personal complicity can also be instances of structural complicity, as I indicate below.
3. On this point see Jenkins (2017).
4. For versions of this argument, which is often conceptualized in terms of adaptive preferences or deformed desires, see among others, Nussbaum (2000), Superson (2005), and Cudd (2006).
5. On this point see Knowles (2019).
6. See for example Heidegger ([1927] 1962); Beauvoir ([1949] 2011); Sartre ([1943] 2003).
7. This is not to say Heidegger and Sartre’s senses of freedom are identical, even though they may share a common basis. For a more detailed analysis of the differences between their conceptions of freedom in the context of complicity see Knowles (2019).
8. See section 27 of *Being and Time* (Heidegger [1927] 1962).
9. We see this in Heidegger’s characterization of freedom and authenticity as an achievement ([1927] 1962, 167).
10. As Golob argues, ‘inauthenticity’ is the term in which Heidegger develops his analysis of how *Dasein*, an essentially free being, can fail to be free (2014, 245).
11. Depending on her specific situation, sexual harassment may be more or less inevitable. What my phenomenological analysis highlights, however, is the social, historical, and cultural contingency of unfreedom and injustice. As I suggest in section 4.2, viewing such restrictions as ontologically binding and inevitable is a key aspect of complicity.
12. See Heidegger’s discussion of readying oneself for certain moods and attunements ([1927] 1962, 342). I discuss the idea of readying oneself in section 4.1.

13. Han-Pile also makes this point (2013, 308–11).
14. The phenomenological reasons for thinking something like internal resistance is possible are different from Hay's. I elaborate these further in section 4.2. In many cases, it may be very difficult to capitalize on this uncanny attunement, e.g., if one's external circumstances limit the available options for externally resisting and/or fully conceptualizing internal resistance. Agents should not be held responsible for failing to resist if their situation does not allow it. However, agents can be held responsible for not allowing the uncanny attunement (which underpins the possibility of taking responsibility for, and ultimately resisting complicity) to develop.
15. Applebaum (2010) and Bartky (2002) also make this point.
16. Beauvoir ([1949] 2011) and Sartre ([1943] 2003) more explicitly make this point.
17. This can be understood as the ground of Beauvoir's critique of sexual hierarchy ([1949] 2011).
18. Frye makes a similar point (1985, 217).

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