

Book Review

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Gregory Mellema: *Complicity and Moral Accountability*. Notre Dame, Indiana, USA: Notre Dame Press, 2016, 163 pp.

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In this short book, Mellema examines the phenomenon of complicity in wrongdoing, that is, the phenomenon of being an accomplice to a principal agent causing harm. He also examines related phenomena such as collective and shared responsibility, as well as enabling, facilitating, and condoning harm produced by others.

An agent is an accomplice to a principal agent's wrongdoing if she contributes to the outcome in certain ways. According to Mellema, she must not only perform some kind of contributory action or intentionally omit to perform an action. She must also be aware of the principal agent's wrongdoing. An accomplice may share in the responsibility for the outcome of the principal agent's wrongdoing. In part, whether she does share in it depends on the nature of the contributory action or omission. In the absence of a valid excuse, she is also always morally blameworthy for her contributory action or omission itself.

Mellema draws on Thomas Aquinas' discussion of "accessory sins" to characterise different kinds of contributory actions or omissions. As Mellema plausibly argues, these accessory sins can be understood as ways in which one can become complicit in someone else's wrongdoing. For example, one can become complicit in another's wrongdoing in virtue of commanding, counselling, or encouraging them with respect to their wrongdoing, or in virtue of consenting to, not denouncing, or in participating in their wrongdoing. If I merely encourage you to shoplift, then I am normally not responsible for the shopkeeper's loss after your theft, but if I rather actively participate in your shoplifting by distracting the security guard as you stuff your pockets, then I am also responsible for the shopkeeper's loss. Drawing on Appiah's (1991) work, Mellema argues that in the former kind of case, an accomplice can nevertheless be "morally tainted" by a wrongdoing even if she is not responsible for it. This moral taint effects her moral status negatively in virtue of her being associated or related to the principal agent in certain ways.

Mellema illustrates the idea of moral taint with an example case taken from Kutz (2000, pp. 163–164). The case involves a pacifist employee who works on a project for the United States Department of Defense. According to Mellema, the

employee may be tainted by the department's weapons development in virtue of her ties to the department and its community of employees (and hence, also appropriately feel ashamed for it). She may be tainted in this way even if she does not act with the intent to favour the development, and thus, even if she is not responsible or accountable for the development. However, according to Kutz, who originally discussed this case, the employee is not only morally trained by the joint project that the Defence Department is engaged in but she is also morally accountable for it in virtue of her intentional participation in the department's work. This disagreement is highlighted in this book's third chapter.

In Chapter 6, Mellema clarifies how complicity is related to shared and collective responsibility. According to Mellema, a contributory act that makes a moral agent complicit in someone else's wrongdoing may count as a "qualifying act" that makes her into a member of the collective that is responsible for the wrongdoing. The personnel at the Department of Defense might be collectively responsible for the weapons development, even if its employees are not each individually responsible for it. This is another way in which Mellema's view differs from Kutz's, according to which the subject of responsibility and accountability is always an individual participant, never a collective as such.

In cases where there is an outcome that a principal agent and one or more accomplices are responsible for, they can share responsibility for bringing the outcome about even if they together are not collectively responsible for bringing it about. Since one can be complicit in wrongdoing without being responsible or accountable for the resulting bad outcome as well as without being a member of a collective that is responsible for it, complicity is according to Mellema distinct from both shared and collective responsibility.

Mellema also discusses the phenomena of enabling, facilitating and condoning harm as categories of complicity in wrongdoing (Chapters 4 and 5). There are also chapters on the phenomenon of trying to avoid complicity (Chapter 7), the notion of what an agent is morally expected but not obliged to do (Chapter 8), the relation between intra- or interpersonal integration of contributory acts and moral blameworthiness (Chapter 9), indirect complicity – that is, complicity in someone else's complicity – (Chapter 11), agreements and complicity (Chapter 12), and finally, there is a chapter on complicity in American criminal law and in English common law (Chapter 13). In this last chapter, Mellema relates his previous discussions to the legal notions of 'accessory before the fact', 'accessory after the fact', 'aiding' and 'abetting'. In addition to the discussions of the work of Aquinas and Kutz, there is also a chapter in which Mellema briefly discusses H. D. Lewis's individualistic scepticism about complicity and Karl Jasper's extreme view that everyone is complicit in the harm produced by everyone else (Chapter 10).

In an appendix to the introductory chapter, Mellema mentions that the book “is aimed at an audience that includes nonphilosophers”. This aim is reflected in Mellema’s clear prose, which is free of technicalities. The book is certainly accessible to readers without formal training in philosophy. Many of the chapters provide brief informal analyses of concepts important for understanding complicity and moral accountability in circumstances that involve multiple agents. The points Mellema makes are often illustrated with the help of simple everyday examples and, what is more unusual for an academic book such as this one, the book is completely free of footnotes or endnotes. As a whole, *Complicity and Moral Accountability* is clearly written and wide-ranging.

However, I think that Mellema has overreached somewhat in trying to keep the discussion simple and accessible. For example, it would have been useful if Mellema had more explicitly characterised the differences and relations between concepts such as moral responsibility, blameworthiness and moral accountability, since Mellema should not assume that non-philosophers – nor all philosophers – will have a clear grasp of how these concepts are related. Readers of this journal are also likely to be somewhat disappointed by the lack of discussion of, or merely reference to, research by others on the topics discussed by Mellema. Philosophers are also likely to feel that the argumentation sometimes relies too much on intuitions rather than on a general theory of agency and responsibility. My impression is that this often makes Mellema’s conclusions somewhat unilluminating. For instance, when Mellema discusses his disagreement with Kutz in Chapter 3, he simply baldly states that Kutz has not persuaded him. Kutz has not argued for his theory in such a way that “it appears obviously true”. However, there is no positive argument for Mellema’s own position. Without an underlying theory of moral responsibility and accountability, it is hard to see what the argument for Mellema’s position could be. A similar move occurs in an interesting chapter on “Well-Integrated Actions”, where he discusses the potential moral relevance of a high degree of integration and organisation among the actions of an individual agent or of several agents. Mellema first discusses reasons for thinking that this indeed is morally relevant, but he then suddenly states that he is “inclined to favour” the position that this has no relevance to the degree of blameworthiness of participants after all. However, he presents no reason why this is the position that ought to be favoured.

In the Introduction’s appendix, Mellema cautions that “those trained in analytic philosophy might at times find the book lacking in explanatory sophistication.” This caution is appropriate. Perhaps the best use of this book would be as part of the readings for an introductory course on moral accountability for students outside philosophy who need to reflect on complicity in their future professional lives. While the book raises many interesting questions that need to be

discussed by philosophers and non-philosophers alike, it provides few principled attempts to answer them.

Bibliography

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