



Received: 21-06-2023
Accepted: 01-08-2023

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Complicity and Offence

Gregory Mellema

Department of Philosophy, Calvin University, Michigan, United States

Corresponding Author: **Gregory Mellema**

Abstract

In 1966 Roderick Chisholm and Ernest Sosa described a category of human actions that they referred to as acts of offence. An act of offence is defined as an act that is morally blameworthy but not morally forbidden. Although some have been receptive to the suggestion that acts of offence are possible in human life, others have been skeptical of their

possibility. Here I will defend the possibility of acts of offence by appealing to the concept of complicity. I will argue that if it is morally blameworthy to become an accomplice to someone else's wrongdoing, then it is plausible to hold that acts of offence are possible.

Keywords: Offence, Complicity, Supererogation, Blameworthy

Introduction

1. In 1966 Roderick Chisholm and Ernest Sosa described a category of human actions that they referred to as acts of offence.¹ An act of offence is defined as an act that is morally blameworthy but not morally forbidden. In other words, an act of offence is not the violation of moral duty or obligation, but it is nevertheless morally blameworthy to perform. Although some have been receptive to the suggestion that acts of offence are possible in human life, others have alleged that there is no possibility that such acts can be performed by moral agents.

Elsewhere I have defended the possibility of acts of offence by appealing to virtue ethics, arguing that those who have been skeptical of the possibility of acts of offence have tended to think of them too narrowly. My suggestion in that paper was that if one thinks about such acts in their relation to aretaic concepts and categories, one can make a plausible case for acts of offence.²

Here I will defend the possibility of acts of offence by appealing to the concept of complicity. I will argue that if it is in general morally blameworthy to become an accomplice to someone else's wrongdoing, then it is plausible to hold that acts of offence are possible.

The first section of this paper will discuss why some have found acts of offence to be objectionable. The second section will present and analyze some basic characteristics of the notion of complicity, and the third section will explain how certain instances of becoming an accomplice to another's wrongdoing fit the description of qualifying as acts of offence.

2. In his 1963 essay 'Supererogation and Offence: A Conceptual Scheme for Ethics' Chisholm describes a category of acts that he calls 'offences.'

A system of moral concepts which provides a place for what is good but not obligatory, should also provide a place for what is bad but not forbidden. For if there is such a thing as "non-obligatory well-doing" then it is plausible to suppose that there is also such a thing as "permissive ill-doing." There is no term in moral literature, so far as I know, which has been used to designate just this latter class of actions; I shall refer to them as "offences" (Chisholm, 1963, p. 5)

Many acknowledge the possibility of actions, commonly called acts of supererogation, which are morally good or praiseworthy to perform but not obligatory. Chisholm refers to them as non-obligatory well-doing, and he suggests that if these acts are possible, then so are acts of permissive ill-doing.

¹ Roderick Chisholm and Ernest Sosa, (1966) 'Intrinsic Preferability and the Problem of Supererogation,' *Synthese* 16, pp. 321-31. Chisholm identified these actions in an earlier article, (1963) 'Supererogation and Offence: A Conceptual Scheme for Ethics,' *Ratio* 5, p. 5.

² (1991) 'Offence and Virtue Ethics,' *Canadian Journal of Philosophy*, 21, 323-329.

Chisholm refers to offences as ‘a kind of complement’ to acts of supererogation. While acts of supererogation are praiseworthy to perform, acts of offence are blameworthy to perform. And while acts of supererogation are not obligatory to perform, acts of offence are not obligatory to omit.

The concept of supererogation has had its share of critics, ranging from act utilitarians to the founding fathers of the Protestant Reformation.³ Luther, Calvin, and Melancthon all maintained that acts of supererogation were impossible to perform on the grounds that, whenever we have an opportunity to perform a praiseworthy act, God commands us to perform it. There is therefore no possibility of going beyond the call of duty for the Reformers, and many Protestants have embraced this point of view.

Critics of the notion of offence have maintained that it is impossible for the same action to be both morally blameworthy and permissible (that is, not the violation of moral obligation). If an act is genuinely praiseworthy to perform, they maintain, one has a moral obligation to refrain from performing it. Thus, if an act is genuinely blameworthy to perform, how can it manage to be permissible for an agent to perform it? Or, to put it the other way around, if an act is genuinely permissible to perform, how can it possibly qualify as blameworthy?

One might suppose that the same critics of the notion of offence are likewise critics of the notion of supererogation. If one holds that one always has a moral obligation not to perform morally blameworthy acts, would one not also maintain that one always has a moral obligation to perform morally praiseworthy acts? The answer is that a fair number of philosophers who acknowledge acts of supererogation hold positions that rule out the possibility of acts of offence. These include Alan Donagan, Eleonore Stump, David Widerker, and Knut Tranoy.⁴ Thus, it seems fair to say that there has been greater skepticism regarding acts of offence than acts of supererogation.

Before moving on to the next section, it is worth pointing out that Julia Driver uses the term “suberogatory” to refer to acts that are “bad but not forbidden.” Whether her suberogatory acts are precisely the same as Chisholm and Sosa’s acts of offence need not concern us at the present time, but the two categories are certainly similar. Driver points out that the distinction between superogatory acts and suberogatory acts has been around a long time, and one can find it in one code of ethics employed by Muslims.⁵

3. In this section I will describe the essential features of complicity. In every instance of complicity there is a principal actor and one or more agents that contribute to the outcome of what the principal actor does in a manner that

³ I have described this opposition in (1991) *Beyond the Call of Duty* (Albany: State University of New York Press), chapters three and four.

⁴ Alan Donagan, (1977) *The Theory of Morality* (Chicago: University of Chicago Press), p. 56. Eleonore Stump, (1992) ‘God’s Obligations’ in *Philosophical Perspectives*, 6, James Tomberlin, ed. (Adascadero, CA: Ridgeview Publishing), p. 480. David Widerker, (1991) ‘Frankfurt on “Ought Implies Can” and Alternative Possibilities,’ *Analysis*, 51, p. 223. Knut Tranoy, (1967) ‘Asymmetries in Ethics,’ *Inquiry*, 10, p. 351.

⁵ Julia Driver, (1992) ‘The Suberogatory,’ *Australasian Journal of Philosophy*, 70, 286-293.

renders them accomplices to the wrongdoing of the principal actor. Let us refer to what a person does that renders him or her complicit in the wrongdoing of another as a contributing action with the understanding that a contributing action can take the form of an omission. A distinction can be drawn between the blame an accomplice incurs for performing his or her contributing act and the blame an accomplice bears for the outcome. In some cases an accomplice bears no blame for the outcome, but an accomplice is always responsible for performing his or her contributing action.⁶

Thomas Aquinas maintained that there are nine ways that a person can be complicit in the wrongdoing of another: By command, by counsel, by consent, by flattery, by receiving, by participation, by silence, by not preventing, and by not denouncing (*Summa Theologiae*, II-II, question 62, article 7) The first way is very straightforward. One who commands another to engage in wrongdoing is complicit in bringing about that wrong. Normally the complicit agent is less blameworthy than the principal actor for the outcome, but in the case of commanding, the opposite frequently occurs.

The second way, complicity by counsel, occurs when a person’s wrongful behavior is made possible by the advice of another. The complicit individual provides essential information to the principal actor.

Consent to engage in wrongful behavior is the third of Aquinas’ ways. Assuming that one is in a position to grant permission to the wrongdoer, doing so renders one complicit in the wrongdoing.

The fourth way, flattery, involves praising someone for contemplating or committing an immoral act. Encouragement of this kind qualifies as a mild form of complicity.

Receiving is the fifth way to become complicit in wrongdoing. Here Aquinas is not referring to receiving stolen property or illicit goods. He is referring to covering for a person who has already committed wrongful behavior.

The sixth way to become complicit in wrongdoing is by participation. Aquinas describes this as “taking part as a fellow evildoer.”

The seventh way is by silence. A person can become complicit in the wrongful behavior of another when the person fails to say anything about the behavior, either to the principal actor or to someone in authority.

Eighth, someone can become complicit in wrongful behavior by not preventing it. Here Aquinas attaches two conditions: that one is able to prevent it and one is bound or obliged to prevent it. Thus, failing to prevent qualifies as complicit behavior only if one has a moral obligation to do so.

The ninth and final way is by not denouncing. The same two conditions Aquinas attaches to the eighth way apply here as well. The ninth way can also be seen as a special case of the seventh way.

It is not the position of Aquinas that every instance of these nine activities qualifies as complicity in wrongdoing. Offering words of flattery to another need not, for example, render one complicit if they are offered insincerely or if they are offered at gunpoint. Rather, I believe Aquinas is suggesting that every instance of complicity is an instance of one of these nine ways.

⁶ For more detail see my book, (2016) *Complicity and Moral Accountability* (Notre Dame, Indiana: University of Notre Dame Press).

When primary actors in an organization embark upon wrongful courses of action, this activity is often quite apparent and liable to draw attention from both inside and outside the organization. By contrast, the actions of those who are complicit in this activity tend to be less noticeable and are less likely to draw attention. Partly for this reason the notion of complicity has until recently been neglected in the moral literature. My suggestion is that complicity in wrongdoing is an important area of moral analysis, and the taxonomy of Thomas Aquinas provides a helpful framework for engaging in the moral analysis of complicity. It can provide advice to those who are not the primary actors but who are contemplating the role of an accomplice. It is easy to believe that one's role as an accomplice is of little or no moral significance. Such an attitude is dangerous, and people are well advised to become knowledgeable about the moral implications of their involvement. To the extent that awareness of these implications becomes more common, people may well come to realize that it is more prudent not to come to the aid of others who are engaged in dubious activities.

4. In this section I will explore the connection between acts of offence and acts of complicity.

Recall that an act of offence is morally blameworthy but not the violation of moral obligation. Thus, an act of offence is at the same time morally blameworthy and permissible. Also recall that opponents of offence hold that it is not possible for a morally blameworthy act to simultaneously be permissible to perform.

Now blameworthiness is a concept that is capable of admitting degrees. Some acts are blameworthy to a high degree, and some acts are blameworthy to a minimal degree. An act that violates moral obligation is no doubt morally blameworthy to a significant degree. Accordingly, to qualify as an act of offence the act probably is blameworthy to a modest or minimal degree.

A person who is complicit in the wrongdoing of another performs a contributing act for which he or she is morally responsible, and typically he or she is morally blameworthy for performing it. The fourth category in the scheme of Thomas Aquinas that he calls flattery is one place where acts of offence are possible. A high school student is in the parking lot of the school and shows another student that he has a bar of soap in his possession. He asks the second student whether he dares him to soap the window of a teacher's car; the second student says yes and thereby becomes complicit. No doubt the second student is blameworthy to a modest or minimal degree, but to judge that what he does is the violation of moral obligation seems quite implausible.

The student with the soap has decided to soap the windows of the car of a particular teacher who is very unpopular and wonders which car is hers. He asks another student who happens to be walking past, and that student identifies her car. According to the third of Aquinas' categories, counsel, that student is complicit in the soaping of the teacher's car, knowing as he does what is about to happen to her car. He is blameworthy for providing essential information, but only to a minimal degree, and it is hard to see on what basis he has violated any moral obligation.

Next consider a restaurant that does not allow customers to have free beverage refills. A man, about to refill his glass, asks a nearby waitress in training for permission to do so.

She grants him permission. Although she knows the policy of the restaurant, she is by nature conflict averse and does not want to risk a situation where conflict might occur. Assuming the man knows that he is engaging in wrongdoing, the waitress is complicit by reason of consent. She is blameworthy but only to a minimal degree, and one would try in vain to establish that her behavior is morally forbidden.

Turning to a fourth example, a man is fishing in a small lake within a city park near a sign that prohibits fishing. A groundskeeper who is a city employee observes the man and wonders whether he ought to say something either to the man or to someone in authority. He decides not to and thereby becomes complicit by reason of silence, the seventh category of Thomas Aquinas. By remaining silent he is blameworthy but only to a minimal degree, and surely, he has violated no moral obligation.

Not everyone will be convinced by my verdicts concerning all four examples, but to refute the thesis that acts of offence are impossible only one instance of a possible act that is both blameworthy but not the violation of moral obligation is necessary. It is likely that some will be persuaded by none of my examples and continue to insist that every morally blameworthy act, no matter how minimal, is the violation of moral obligation. But then one wonders what the basis for such moral obligations might be, and it is reasonable to hold that those who deny that acts of offence are possible ought to shoulder the burden of explaining the basis of these moral obligations.