

Does the Principle of Cooperation in Wrongdoing Work When Assessing Economic Complicity?*

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In *Market Complicity and Market Ethics* (2011), Albino Barrera singles out the “principle of cooperation in another’s wrongdoing” (PCW) as Catholic moral theology’s main contribution to the issue. However, he deems it unsuitable for assessing our responsibility for accumulative yet unstructured market harms and proposes an alternative framework. This article argues that PCW works better for assessing market complicity. It operates with a more sophisticated account of agency and avoids certain inconsistencies that arise within Barrera’s proposed framework. It is well-suited for an analysis of market complicity because it involves an appreciation of how one is not necessarily responsible for all the consequences of one’s actions in *per accidens* causal arrangements, such as those of the market.

Introduction

It is extremely difficult to demarcate boundaries of personal responsibility in the market. There, any transaction is tied up with a myriad of others. As a result, virtually every economic actor frequently contributes unintentionally to harming others, without being clearly responsible for doing so. Things would be less perplexing if we could identify the conditions under which such economic complicity is blameworthy.

The Christian ethicist, Fr. Albino Barrera, OP, has attempted to do so in a study on economic complicity.¹ He singles out the “principle of cooperation in another’s wrongdoing” (PCW) as the main contribution of Roman Catholic moral theology to the issue. In his view, however, this principle, which is actually

a set of various criteria, is inadequate. It does not allow us to account for how even individuals who make the slightest contribution to an accumulative yet unstructured market harm are thereby complicit (in the narrow sense of material cooperation) in it. Rather, building on Christopher Kutz's work, he believes that individuals are complicit because of the quasi-participatory intent with which they engage in market activities.² They intend to profit from and perpetuate the way in which the market is built and operates. They are thereby responsible for causing an avoidable economic harm (hard complicity) or an unavoidable one (soft complicity). Whereas hard complicity is always blameworthy, soft complicity is blameworthy should we fail to discharge our liability for ameliorating the harmful spillover effects of our economic activities.

In this article, I consider whether Barrera's proposed framework for assessing material cooperation in economic wrongdoing works better than PCW. It is not my aim, therefore, to test how PCW stands up against other recent philosophical work on complicity or to provide an exhaustive classification of the various forms of economic complicity.³ Addressing these two issues falls outside the scope of this article. Instead, after outlining Barrera's proposal, I shall explain PCW and argue that it works better. It operates with a more sophisticated account of agency and avoids certain inconsistencies that arise with his account.

Barrera's Proposed Framework for Material Cooperation in Economic Harm

The question of the morality of market complicity regards economic activities that, though legitimate under normal circumstances, may prove unjust and blameworthy whenever, foreseeably, they contribute to another's wrongdoing or facilitate it.

Catholic theology's long tradition of reflection on the morality of complicity was given a canonical statement by Saint Alphonse Maria de Ligouri (1696–1787) and condensed into a series of criteria.⁴ These have been labeled "the principle of cooperation in evil" or "the principle of cooperation in another's wrongdoing."

Barrera acknowledges that PCW constitutes a major, indispensable theoretical resource for framing the ethical issue of economic complicity.⁵ In his view, however, it needs an overhaul. As it stands, it cannot explain how our market activities contribute to accumulative harms and make us complicit in them.

By a *harm*, Barrera means a wrongful act or omission that violates the rights of another and is detrimental to that person's welfare interests.⁶ Furthermore, some harms are accumulative. They come about because a wide-ranging number of agents perform a highly diversified series of interlocking actions, and many instances of some of those actions. Making the reasonable assumption that, strictly

speaking, only an individual can be the subject of responsibility, Barrera argues that an individual is responsible for collective harms by way of causal contribution.⁷ However, Catholic moral theology's classification of the conditions of responsibility, which underlies PCW, cannot account for how an individual is complicit in unstructured, economic accumulative harms. Christopher Kutz's work provides a way of explaining this.⁸ Drawing on Kutz, Barrera claims that an individual takes economic decisions with a quasi-participatory intent to cause unstructured externalities.

For Kutz, the individualistic conception of moral responsibility holds that an agent *A* is morally accountable for a harm *H* if and only if: (1) *A*'s action makes a difference in bringing about *H*; (2) *A* has a certain degree of power to cause or prevent *H*; (3) *A*, despite not wreaking *H* directly, has coerced or induced another agent to bring about *H*.⁹ These criteria, however, do not work when it comes to harmful large-scale collective action, such as the bombing of Dresden by the British and American air forces in February 1945. Rather, if *A* participates intentionally in a collective action that wreaks *H*, then *A* is morally accountable for *H* by way of participatory intent, regardless of whether *A*'s participation made any difference in bringing *H* about (principle of participatory intent).¹⁰

However, as Barrera notes, in occasioning economic harms normally we are not guilty of participatory intent in organized collective crimes. Most economic harms are the result of unstructured rather than carefully coordinated large-scale collective action. The myriad interlocking transactions provoke the externality unintentionally. Furthermore, it is difficult to pinpoint individual responsibility not only because the market tends to yield both benefits and drawbacks but also because of the overdetermination and interdependence of the economy. As to overdetermination, normally no single economic action, even if large-scale, is necessary, let alone sufficient, to bring about significant market outcomes. As to interdependence, most market outcomes result from the joint action of a great many actors.¹¹

Still, Barrera believes that Kutz's notion of "*quasi-participatory* accountability" enables us to explain how individual economic actors are complicit in the market's unstructured, accumulative harms, no matter how infinitesimal and unintentional their contribution.

The prefix *quasi* is attached to *participatory intent* to indicate that individual agents are not contributing to a specific project even though they are engaged in a joint venture.¹² In Barrera's view, market activity involves a quasi-participatory intent to profit from and perpetuate the practices, structures, and institutions around which the market is built and functions. Since economic actors are aware of the market's underlying structures and practices, we can assume that they have

a virtual intent to bring about unstructured harms. Due to this virtual intent, the individual economic agent is complicit in any number of unstructured harms.¹³

On these grounds, Barrera distinguishes between hard (or preventable) and soft (difficult to prevent) complicity, and then between two kinds of each. Hard complicity consists of (1) enabling wrongdoing and benefiting from it, and (2) precipitating gratuitous accumulative harms. Soft complicity consists of either (1) leaving severe pecuniary externalities unattended, or (2) reinforcing injurious economic structures (moral externalities).

Barrera argues that there is a proportionate motive for soft complicity, but not for hard complicity. In the latter case, unarmful options are available. Whereas the act of hard complicity is always blameworthy, soft complicity is only blameworthy when we fail to discharge our liability for the severe harmful consequences of an otherwise legitimate market decision.¹⁴ Furthermore, acts of soft complicity are only accumulatively harmful and can only be mitigated effectively through accumulative action.

The Principle of Cooperation in Another's Wrongdoing

The principle can be summed up as follows:

1. Cooperation in another's wrongdoing can be either formal or material.
2. Formal cooperation is always wrong.
3. Material cooperation can be licit if and only if there is (a) a just cause that is proportionate to both, (b) the gravity of the principal agent's wrongdoing, and (c) the proximity of one's cooperation.

Here "cooperation" is not to be confused with coordinate agency. The distinction can be appreciated by considering the following difference between the getaway drivers of two separate armed bank robberies (ABR). In ABR1, the getaway driver is a member of the crew that robs the bank. He is a coordinate agent: a main actor in an action that involves more than one principal agent. In ABR2, on the other hand, the getaway driver is not part of the crew. He is only performing the task by accident. Maybe he is a taxi driver who is waiting for some customers he dropped off at the bank. Perhaps he is only acting as the getaway driver under threat of violence. Nevertheless, he is not a partner in crime but a cooperater: a secondary rather than a principal agent. By "cooperation," therefore, PCW is referring to an act that is distinct from that of the principal agent, but instrumental to bringing about the latter. By "cooperation *in wrongdoing*," the

Catholic tradition specifies the scope of its concern. Cooperation with morally upright pursuits is not a matter of concern, but commendable.

Cooperation in another's wrongdoing can be either material or formal. According to Saint Alphonse, cooperation is formal when it coalesces with the bad will of the principal agent (*concurrit tantum ad malam voluntatem alterius*). It is thereby sinful. Cooperation is material, on the other hand, when, above and beyond the cooperator's intention, it merely coalesces with the bad action of the principal agent (*concurrit tantum ad malam actionem alterius praeter intentionem operantis*).

In the literature, it is commonplace to define as formal any cooperation in which a secondary agent intends the principal agent's wrongdoing, and material as that in which the cooperator lacks any such intention. This is how Barrera construes the distinction.¹⁵ This construal appears to rest upon the supposition that, if material cooperation is preterintentional, then formal cooperation consists in sharing the wrongdoer's overriding intention. Nevertheless, Alphonse appears to work with a more nuanced notion of formal cooperation.

As Kevin Flannery points out, the examples that Alphonse proposes are situations in which the one cooperating formally is motivated by fear of death or severe punishment. In such cases, that which the cooperator intends, self-preservation, does not coincide with what the principal agent ultimately intends. Rather, in describing as formal the cooperation that coalesces with the wrongdoer's bad will, Alphonse has in mind Aquinas's understanding of the interior act of the will called *intention*.¹⁶ For Aquinas, intention is directed to the end of an action *qua* terminus of the will's movement. However, the intermediate ends of any movement of the will also qualify as its termini. An act can therefore be broken down into various stages, with the agent intending each superordinate end as the terminus of whatever is willed for its sake. "Any stage in the extended analysis of an action, with the exception of the very first stage, can be considered what the agent intends in doing something else."¹⁷ An act constitutes formal cooperation, therefore, if it coalesces at some point or other with someone else's willed/intended immoral action.¹⁸

According to the natural law tradition, in which PCW is embedded, any of our actions comprises both an intention and a choice. It comprises the choice to perform a certain kind of action, to bring about the intended end. The kind of action chosen is called the *object*. Furthermore, according to the natural law tradition, intending a good end does not justify the choice of an action that is morally bad. Consequently, the goodness or badness of an action depends primarily on the object chosen. An action is either morally bad, good, or simply indifferent, in virtue of its object (*ex obiecto*).¹⁹

For example, suppose an executive of a car manufacturer decides to maximize profits by installing a defeat device in vehicles already in production rather than suffer losses by redesigning the motors to bring them within the carbon emission rates of key markets. Furthermore, suppose he is motivated not simply by profit but wants to get a kick out of flouting the law. He tells the next person in the chain of command to have the defeat devices installed. The subordinate might find the order objectionable because it is ecologically irresponsible. Still, since the law of the land affords scant protection to whistle-blowers, the subordinate is afraid to lose her job or damage her career, and so puts the directive into action. Now, the subordinate's action does not overlap fully with the executive's bad will. It does not overlap with the latter's commitment to lawlessness. It does overlap with his decision to install defeat devices in cars with high carbon emissions. That which the subordinate intends coincides with one of the bad acts which the executive intends. There is an overlap of the intention of the cooperator and the principal agent. A intends (something of) what B intends under the description that B intends it.²⁰

In material cooperation, on the other hand, the cooperator's act does not overlap at any point with the what the principal agent wills formally. An act of material cooperation has its own intelligibility. Take, for example, the marketing and sales departments of the car manufacturer. They are contributing to the sale of vehicles with defeat devices, even if they do not know that they are installed. Nevertheless, the activities of these departments are conceptually distinct from the executive's decision to install defeat devices. They do not intend something of what the executive intends under the description which the executive intends it.

Hence, on the part of the cooperator, formal cooperation consists in making a choice whose object is bad in kind and which overlaps with the bad action which the principal agent wants formally. Material cooperation, on the other hand, consists in making a choice whose object is good or indifferent in kind and which does not overlap with the bad action which the bad agent wants formally, but is exploited by the principal agent for the wrongdoing in question, above and beyond the cooperator's intention. It consists in making a choice whose object is distinct in intelligibility from the wrongdoing to which it contributes preterintentionally. What sets it apart from other actions that are good or indifferent *ex obiecto* is the way in which it supports the bad action of the wrongdoer.

Nevertheless, PCW allows for something that the category of (quasi-)participatory intent does not: that it is sometimes possible to lend material cooperation without being thereby responsible for the wrongdoing and harm that it supports.

Four General Deficiencies of PCW?

Barrera believes that PCW suffers from four deficiencies that render it unsuitable for the ethical assessment of market complicity.²¹ First, it does not come with a theory of causality. Second, it needs to be supplemented by ulterior criteria to establish whether an act is proportionate to the desired end. Third, it needs to be adjusted if it is to account for market complicity. Fourth, it requires a broader ethical framework to determine which kinds of action are good or bad.

These are not solid grounds for deeming PCW deficient.

The last three points are truisms rather than deficiencies. The second characteristic would only constitute a deficiency were PCW meant to determine, without reference to any further principles, whether an act is morally good or indifferent in kind, and so proportionate to the desired end. It is not meant to do that at all. It specifies conditions under which it is licit to perform an act that is morally good or indifferent in kind, even though one thereby cooperates in another's wrongdoing. Unlike the consequentialist principle or categorical imperative, it is not a supreme principle of morality and so does not specify what renders an act morally good or indifferent in kind. That is the function of the natural law theory out of which PCW grows. However, in Barrera's eyes, this reliance on a broader theory of normative ethics constitutes its fourth "deficiency." This is simply a general characteristic of applied ethics. Any area of applied ethics relies upon some variety of normative ethics. The third purported deficiency is another general characteristic of applied ethics. As with any other area of applied ethics, economic ethics requires a sufficient degree of engagement with the disciplines that study its subject. Only thus can it specify how principles of normative ethics carry over to its field of study.

Barrera appreciates that this is how applied ethics works. This is apparent from his own way of doing it. It is inaccurate and misleading, therefore, to characterize the abovementioned features of PCW as deficiencies.

But what about the first of its alleged deficiencies: its lack of a theory of causality?

True, the standard statements of PCW do not spell out an account of agency. Then again, it is not a self-standing principle but simply a piece of classical (generally Thomist) natural law theory.²² The question, then, is whether the theory of causation inherent to classical natural law theory is adequate.

Barrera believes that it is not. He argues at length that tort law provides the much-needed theory of causation.²³ Its theory is adequate because of its clarity, precision, and consistency.²⁴ These qualities are not peculiar to tort law, nor are they necessarily lacking in Catholic moral theology and its natural law tradition.

Indeed, Barrera acknowledges that some of the insights found in legal discussions of complicity also appear in the theological literature on material cooperation. He insists nonetheless that the legal literature on complicity provides a fresh and enriching perspective.²⁵ If it is fresh and enriching, but does not yield any substantial new insights, he may be overstating its vaunted superiority and not giving enough credit to classical natural law theory.

For example, as proof of contemporary jurisprudence's more refined notion of cause, he presents four kinds of actions that legal literature construes as "causes": common effect-causing action; induction; neglect; and omission.²⁶ Nevertheless, since the thirteenth-century, Catholic moral theology has provided a systematic classification of these and other modes of cooperating in the wrongdoing of others: by (1) ordering, (2) advising, or (3) allowing them to do it; (4) by flattering them into doing it; by (5) protecting them or (6) cooperating with them; by (7) keeping silence, (8) not preventing, or (9) not denouncing them.²⁷ It may even be possible to lend material cooperation in some, if not all, of these ways. At any rate, it appears that classical natural law theory possesses as refined a notion of causation as tort law. Indeed, arguably, it possesses a more adequate conception of agency. This is because it draws a clear distinction between voluntary agency and mere causation.

Tort law, if Barrera's account is accurate, does not appear to do so. Some of the problems that he raises in his discussion of tort jurisprudence's conception of causation suspend the distinction between voluntary agency and mere causation. One of the examples that he considers is that of a careless smoker who inadvertently starts a fire by dropping a lighted cigarette into a bin full of paper. He argues that the careless smoker may cease to be the cause of burning down a house if intervening events cause it to burn down. Someone might cause the house to burn down by mistaking paraffin for water and throwing it onto the burning bin. Alternatively, a gust of wind might come through the open window, blow the bin down and spread its smoldering contents onto the carpeted floor. In Barrera's view, the careless smoker, due to these intervening factors, thereby ceases to be the cause of the house's burning down.²⁸ This conclusion may be coherent with the notion of causation with which tort law works. However, it is not consistent with Catholic moral theology's understanding of agency. According to the latter, the intervening factors contribute to causing the house to burn down, but do not absolve the careless smoker from being responsible. Responsibility is a feature of voluntary action. We consider the smoker responsible because he failed to dispose of the cigarette with necessary caution. We would not consider a cat that knocked down a lighted oil lamp onto the carpet morally responsible for causing the house to burn down. A cat is not capable of voluntary action.

The two essential conditions of moral responsibility—self-initiated action and rational advertence—are not part of the concept of *cause*. While any case of moral responsibility is a case of causation, the reverse is not true. By distinguishing between moral agency and mere causation, Catholic moral theology, and PCW with it, appears to have a more satisfactory theory of causation than tort law.

Indeed, Barrera inadvertently undermines his own claims about the value of tort law's notion of causation for economic ethics. He does so by calling attention to the limits and drawbacks of this very conception of causation. On the one hand, he identifies various difficulties with the most common tests that tort law uses to determine who is responsible for a wrong. On the other hand, he notes that judges and juries do not always hold the party that causes a tort accountable for it. Often policy and expediency are the grounds for holding someone liable.²⁹ If tort law relies on a dubious conception of causation, it is unlikely to bring greater clarity to the complex issue of economic complicity.

Barrera fails to establish, therefore, that the natural law tradition, which underlies PCW, lacks an adequate theory of agency, and that tort law provides a superior one. In fact, once we put PCW into context and view it as part of the natural law tradition of normative ethics, it does not appear to suffer from any of the four general deficiencies that Barrera attributes to it. But does PCW work when it comes to dealing with unstructured harms of the economic variety?

PCW and Quasi-Participatory Intent

There is a more substantial objection to PCW's applicability to economic ethics. The moral theologians who developed it did not reflect on individual responsibility for accumulative yet unstructured market harms nor on the role of quasi-participatory intent. By treating quasi-participatory intent as grounds for market complicity, Barrera claims to offer a better account of the ethical implications of economic agency than PCW. Nevertheless, this appeal to quasi-participatory intent does not hold up and has no normative implications that do not already follow from PCW's third criterion: the requirement of a just and proportionate cause.

Barrera specifies that, by economic complicity, he means material cooperation in economic harms. However, some of his exemplifications of the first kind of hard complicity—enabling wrongdoing or benefitting from it—are invalid. Availing of a brothel's prostitution services or selling weapons unscrupulously to an oppressive regime are two examples which he gives.³⁰ These actions are morally disordered in kind. As such, they do not constitute cases of material cooperation.

Similarly, most of Barrera's proposed examples for the second kind of hard complicity—precipitating gratuitous economic harms—constitute cases of irresponsible economic activity. His main reason for treating these as cases of market complicity is that many of them, if not most, are only harmful accumulatively. However, if such activities are irresponsible *ex obiecto*, regardless of their eventual macroeconomic outcomes, then they do not constitute cases of material cooperation. For example, Barrera cites widespread excessive borrowing as a case of precipitating a gratuitous economic harm. The value of the national currency will not depreciate against other currencies if one person borrows excessively. It will if a certain percentage of the country's population does so and pushes the savings rate to a dangerously low level. However, borrowing in excess of one's means and prospects is normally irresponsible and so does not constitute a case of material cooperation in economic wrongdoing. There is no need to link it to a quasi-participatory intent to bring about macroeconomic harm to establish that it is wrong and should be avoided.

An appeal to quasi-participatory intent may still be in order, though. It may account for each reckless borrower's responsibility for the ensuing accumulative macroeconomic harm. Moreover, even responsible economic agents contribute to such harms. Treating quasi-participatory intent as the grounds for one's responsibility for accumulative unstructured economic harms would appear, therefore, to be compatible with the notion of material cooperation in another's wrongdoing. If this is the case, economic actors are complicit in accumulative harms by way of quasi-participatory intent, regardless of whether a certain market activity is morally good or bad in kind. They are aware of the market's underlying structures and practices, and so have a virtual intent to bring about the ensuing unstructured harms.

In this case, though, everyone is equally responsible for accumulative economic harms, regardless of whether their market activity is morally good or bad in kind. That muddies the waters. The person performing an economic activity that is morally wrong has a normative reason not to do so. To see why quasi-participatory intent to bring about unstructured market harms might constitute grounds for refraining from certain economic decisions, we need to focus on market activities that are either morally good or indifferent in kind: cases of potential material cooperation. In this regard, Barrera distinguishes between hard and soft complicity: between making avoidable and unavoidable economic choices. This comes down to saying that an economic choice of someone who has sufficient knowledge of how the market works is morally blameworthy whenever it contributes to an accumulative harm and other options are available. This distinction between needless and necessary complicity appears to be another

way of saying that material cooperation is wrong if one does not have “a just cause that is proportionate to the gravity of the other’s wrongdoing.” If so, the notion of quasi-participatory intent does not really add anything to the normative framework of PCW. At best, it simply evokes the existence of accumulative, unstructured economic harms.

PCW versus Hard and Soft Complicity

If PCW is right, a licit economic act would constitute hard (i.e., blameworthy) complicity were one to lack “a just cause that is proportionate to the gravity of the other’s sin and proportionate to the proximity of the cooperation lent.” Interpreting and assessing the various aspects of this notoriously obscure clause goes beyond the scope of this article. Nevertheless, unpacking the criterion of proximity may suffice to clarify why economic actors are not to be held responsible, systematically at least, for their contribution to accumulative unstructured harms.

Catholic moral theology has traditionally distinguished between degrees of proximity of cooperation, claiming that material cooperation is more likely to be licit the more remote is its causal contribution to the principal’s action. Unfortunately, the literature does not provide any exact criterion on what constitutes a proximate causal contribution and what constitutes a remote one. Presumably, this gradation of causal contribution is simply understood in the following way.

(P1) *A* is the proximate cause of an effect *E* if and only if *E* is the immediate effect of *A*’s action. Otherwise, *A* is a remote cause, and the remoteness of *A*’s causal contribution is commensurate to the number of intermediate causes.

However, there is probably more to the distinction between proximate and remote causality. The theologians who developed PCW generally consider themselves to be working in continuity with the thought of Aquinas. Hence, it is worth looking to him for further pointers.

For Aquinas, agency, in the metaphysical sense of the term, is equivalent to efficient causation. Furthermore, he distinguishes two ways in which it can be proximate: either *per accidens* or *per se*.

Agency is proximate *per accidens* if the standard of proximity, say, space or time, is incidental to its status as a cause. It is proximate *per se* if the standard is its condition as a cause: its status as a first or secondary/intermediate cause.

In each case, the causal contribution of the more proximate cause is different. When the order of the causes is *per accidens*, the more proximate cause makes a greater causal contribution. Take a case in which proximity is measured in terms

of space. The nearer a fire is to a body, the more it will heat it than an equally hot fire which is further away. In the natural order of causes, however, a first cause exerts a greater influence than the more proximate, secondary causes. In this order, the latter only exert causality thanks to that of the former. Physically, the materials of a house are in immediate contact with the drills and hammers of the craftsmen. They are not in immediate spatial contact with the architect, who might not even set foot on the site. However, it is not the boring of the drills or the beating of the hammers that makes them take on the form of a house. In fact, drilling and hammering are not housebuilding actions, in and of themselves. They can be deployed to dismantle a house. Rather, the materials only become a house because the craftsmen are deploying their skills and tools to carry out the architect's design. The architect is the primary cause; the craftsmen and their tools are secondary causes. The materials only become a house insofar as all the secondary causes fall under the sway of the primary cause. In the order of *per se* causation, the architect's causal contribution surpasses and underlies that of all the secondary causes, even though it may be the most remote *per accidens* (e.g., spatially or temporally).³¹

In like vein, Aquinas notes that, in a *per se* ordering of causes, the first cause is directed toward both the ultimate effect and the mediation of all the intervening causes. For example, the carpenter's hands, tools, and the materials worked upon, are all moved by the skill of carpentry toward its own end: a work of carpentry. However, in a *per accidens* ordering of causes, the directedness of each cause extends only to its proximate effect and any further effects fall outside its directedness (*praeter intentionem*). Suppose you light a candle to read a book. That someone else should use your candle to light another or something else (e.g., a ring on the gas oven) is preterintentional. The ordering of causes is *per accidens* when the connection between them is preterintentional.³²

This means that (P1) only holds for a *per accidens* ordering of agency and so needs to be reformulated as follows.

(P1') Within a *per accidens* ordering of causes, *A* is the proximate cause of an effect *E* if and only if *E* is the immediate effect of *A*'s action. Otherwise, *A* is a remote cause, and the remoteness of *A*'s causal contribution is commensurate to the number of intermediate causes.

Applied to material cooperation, (P1') entails the following principle:

(P2) The material cooperation that *A* lends to *B*'s wrongdoing is as remote as *A*'s causal contribution to *B*'s wrongdoing and its ensuing harm, and the lesser, if any, is *A*'s responsibility for any preterintentional harmful effects.

In ϕ -ing, A is responsible for all the effects that ϕ , as such, is directed to (P1'). This does not mean, though, that A is never responsible for any foreseeable yet avoidable preterintentional harms (P2). Suppose you see someone take your candle to light a stick of dynamite and thereby put innocent people at risk. You would have a duty to stop the dynamite from being lit, even though it is preterintentional to your lighting the candle. In this case:

(P3) If A can foresee that ϕ -ing lends MC to B 's wrongdoing and its ensuing harm, and that such MC is avoidable (i.e., A no longer has an overriding reason to MC), then A has a duty not to ϕ .

The upshot of (P3) is that A is only responsible for foreseeable yet avoidable harms that follow from an economic activity. In most cases, however, one cannot foresee which economic harms follow from any given act, even though one is aware that, given the way the market works, many of our transactions contribute to unforeseeable harms. The market is built around myriad *per accidens* causal arrangements that lead to unstructured harms and benefits. Unpacked, PCW's third criterion entails a sophisticated explanation of how A is not responsible for every causal contribution to a harm in such an arrangement, let alone by quasi-participatory intent. Arguably, PCW is well-suited for an analysis of market complicity because it can account for how one is not necessarily responsible for all the consequences of one's actions in *per accidens* causal arrangements, such as those of the market.

Barrera, though, argues that an economic agent's causal contribution to an unstructured harm, no matter how remote, is never blameless or morally insignificant.³³ We have a moral responsibility to make amends even if our causal contribution is infinitesimal, especially since any contribution we make to ameliorate things will also be infinitesimal and undemanding.³⁴

Barrera even claims that, from a moral rather than a legal standpoint, consumers are the indirect employers of those who produce the goods or provide the services they enjoy, and, as such, have certain duties toward their employees.³⁵ In his view, Catholic social teaching holds that an indirect employer is "anyone who is in any way responsible for sustaining or enabling the relationship between the direct employer and workers."³⁶

However, no definite responsibility can be attributed to consumers on such broad grounds. It is impossible for consumers to inform themselves of the conditions under which each of the many goods and services that they purchase are supplied. They need to avail themselves of too many goods and services to do so. Furthermore, the division of labor behind most of these is far too extensive for

them to do so. It is more reasonable to assume that, given the remoteness of our contribution within the market's *per accidens* ordering of causation, we cannot be held responsible, systematically at least, for our contribution to unstructured economic harms.

This is not to say that consumers have no responsibility whatsoever to make better informed and less harmful economic choices, and thereby pressure for social change. I am simply claiming that they can only be expected to do so selectively rather than systematically, depending, perhaps, on which causes they deem most important, which public campaigns are underway, and which economic options are available.

For the reasons already surveyed, therefore, Barrera's notion of hard complicity is problematic and, even if duly corrected, does not make any substantial contribution to the existing criteria on illicit material cooperation.

But what about the remaining piece of his classification of economic complicity: the category of soft complicity? Soft complicity consists in failing to ameliorate the severe pecuniary or moral externalities that follow from unavoidable economic decisions and for which one is liable.

From an ethical standpoint, the notion is misleading. Surely there is a difference between *A*'s responsibility to ameliorate the spill-over effects for which *A* is to blame, and *B*'s responsibility to ameliorate externalities for which *B* is not blameworthy? Only in the former case is there liability. The notion of soft complicity, however, makes parties that are not to blame, liable (presumably on the questionable grounds that all parties are equally responsible because of their quasi-participatory intent). It thereby illegitimately subsumes under liability, which presupposes blame, purely altruistic grounds for ameliorating economic harms. As noted, there are many cases in which we can consider ourselves responsible for ameliorating harms for which we are not to blame.

We should care about those who, through no fault of their own, are harmed by the market. We should feel ourselves responsible to do what is in our power to ameliorate their condition, although we will often have to back some causes over others. Barrera rightly stresses solidarity. Solidarity, however, derives from human fraternity, not from complicity. In this case, it is better to disassociate from the notion of complicity the more fundamental responsibility to ameliorate the economic welfare of those whom the market leaves worse off.

While Barrera provides a valuable survey of the complexities of market complicity, his proposed ethical framework is less convincing, largely because it adopts the problematic category of (quasi-)participatory intent. It is meant to work where PCW fails. However, as I have attempted to show, the latter, once its underlying action theory is unpacked, provides a more coherent set of crite-

ria for assessing economic complicity and our responsibility for contributions to the market's complex networks of *per accidens* causation. It presupposes a nonconsequentialist normative ethics according to which we have an obligation to work for the common good. It then directs us to consider first and foremost whether our proposed economic activity is good in kind, and to always refrain from performing acts that are bad in kind. Sometimes, however, we are faced with the choice of performing an action that is good or indifferent in kind yet enables, against our will, the economic wrongdoing of another. Here I have argued that we are only responsible for the foreseeable and avoidable preterintentional harm wrought by our market activities. In most market activities, our cooperation is too remote to render us responsible. This does not exempt us from making economic choices that influence the market for the better, but it is not complicity in wrongdoing that places us under such a duty.

Notes

- * I thank the editor and the reviewers for comments that helped improve this article.
1. Albino Barrera, *Market Complicity and Christian Ethics* (New York: Cambridge University Press, 2011). I shall not address a slightly different, though less-developed, framework that Barrera proposes in a later piece, since it does not engage PCW: see Barrera, "Individuating Collective Responsibility," in *Distant Markets, Distant Harms: Economic Complicity and Christian Ethics*, ed. Daniel K. Finn (New York: Oxford University Press, 2014), 220–39.
 2. Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000). Kutz, "Causeless Complicity," *Criminal Law and Philosophy* 1, no. 3 (2007): 289–305. Barrera draws only on Kutz's book, not his article. For this reason, I shall only take the former into consideration.
 3. Two recent philosophical studies are Chiara Lepora and Robert E. Goodin, *On Complicity and Compromise* (Oxford: Oxford University Press, 2013) and Gregory Mellema, *Complicity and Moral Accountability* (Notre Dame: University of Notre Dame Press, 2016).
 4. Alphonse Maria de'Ligouri, *Theologia moralis*, 4 vols., vols. 1–4, Opera Moralia (Rome: Typis Polyglottis Vaticanis, 1905–1912), II, tr. 3, dub. 5, a. 3, n. 63, vol. I, p. 357. This work is a commentary on the Jesuit Hermann Bussenbaum's *Medulla theologiae moralis*, first published in Cologne in 1645.
On the history of the principle, see Roger Roy, "La coopération selon Saint Alphonse et ses sources," *Studia Moralia* 6 (1968): 337–435. Andrew McLean Cummings, *The Servant and the Ladder: Cooperation with Evil in the Twenty-First Century* (Leominster: Gracewing, 2014). For Barrera's summary of the principle, see Barrera, *Market Complicity and Christian Ethics*, 11.

5. Barrera, *Market Complicity and Christian Ethics*, 91. There Barrera cites the “principle of double effect” (PDE) as the other main principle that complements PCW: see also Barrera, *Market Complicity and Christian Ethics*, 117. However, I shall exclude PDE from consideration and treat it as implicit in PCW.
6. Joel Feinberg, *The Moral Limits of the Criminal Law* (New York: Oxford University Press, 1984), 31–64, 215; Barrera, *Market Complicity and Christian Ethics*, 36–37.
7. Barrera, *Market Complicity and Christian Ethics*, 38. He argues for this point more strongly in Barrera, “Individuating Collective Responsibility.”
8. For a survey of the peculiar characteristics of the market that allegedly render common sense views on responsibility ill-suited for assessing market complicity, see Barrera, *Market Complicity and Christian Ethics*, 38–45.
9. Kutz, *Complicity*, 3–4.
10. Kutz, *Complicity*, 122.
11. Barrera, *Market Complicity and Christian Ethics*, 47.
12. Kutz, *Complicity*, 186.
13. Barrera, *Market Complicity and Christian Ethics*, 24, 47. As further reasons, he points to how virtuous agents consider themselves responsible for doing what is in their power to ameliorate externalities and how any agent is responsible for the foreseen but unintended consequences of a directly voluntary act. I address the second reason below.
14. Barrera, *Market Complicity and Christian Ethics*, 98.
15. Barrera, *Market Complicity and Christian Ethics*, 12–14.
16. Kevin L. Flannery, “Two Factors in the Analysis of Cooperation in Evil,” *The National Catholic Bioethics Quarterly* 13 (2013): 663–75. For Aquinas’s point about intention, see Thomas Aquinas, *Summa Theologiae* (hereafter, *ST*), ed. Institut d’Etudes Médiévales d’Ottawa, 5 vols. (Ottawa: Harpell’s Press, 1941–1945), I–II, q. 12, aa. 1–2. For another reading of Alphonse’s distinction between material and formal cooperation in the light of Aquinas’s (and Anscombe’s) action theory, see Charles F. Capps, “Formal and Material Cooperation with Evil,” *American Catholic Philosophical Quarterly* 89 (2015): 681–98.
17. Flannery, “Two Factors in the Analysis of Cooperation in Evil,” 668.
18. Flannery, “Two Factors in the Analysis of Cooperation in Evil,” 665–68.
19. The classic discussion of these points is Thomas Aquinas, *ST* I–II, qq. 18–21.
20. This formulation is indebted to the articles of Flannery and Capps, cited above.

21. Barrera, *Market Complicity and Christian Ethics*, 27–28. Further on, he summarizes the same four deficiencies under two points: see 91–92.
22. The Catholic moral theologians who develop PCW see themselves as working in continuity with Aquinas and developing the doctrine of natural law.
23. In tort law a “cause” consists in “any and all antecedents, active or passive, creative or receptive, which were factors involved in the occurrence of the consequence”: Charles E. Carpenter, “Workable Rules for Determining Proximate Cause,” *California Law Review* 20 (1932): 229–59, 229. This is the definition cited in Barrera, *Market Complicity and Christian Ethics*, 76.
24. Barrera, *Market Complicity and Christian Ethics*, 72–73.
25. Barrera, *Market Complicity and Christian Ethics*, 72–73.
26. Barrera, *Market Complicity and Christian Ethics*, 76–77.
27. “Iussio, consilium, consensus, palpo, rescursus, participans, mutus, non obstans, non manifestans.” See Albert the Great, *Commentarium super libros Sententiarum magistri Petri Lombardi*, in E. Borgnet, ed., *Opera omnia*, 38 vols., vols. 25–30 (Paris: Vives 1893–1894), IV, d. 15, a. 42 [vol. 29, p. 528]; Thomas Aquinas, *Scriptum super libros sententiarum magistri Petri Lombardi* (hereafter, *Scriptum*), ed. Pierre Mandonnet and Marie-Fabien Moos, 4 vols. (Paris: Lethieulleux, 1929–1956), IV, d. 15, q. 1, a. 5, q. 3; Aquinas, *ST II-II*, q. 62, a. 7, co. This classification is probably at the basis of the *Catechism of the Catholic Church*’s list of indirect forms of cooperation in the wrongdoing of others (§1868). For a discussion of the taxonomy, see Gregory Mellema. “Professional Ethics and Complicity in Wrongdoing,” *Journal of Markets & Morality* 11, no. 1 (2012): 93–100; idem, *Complicity and Moral Accountability*, 18–30.
28. Barrera, *Market Complicity and Christian Ethics*, 83–84.
29. Barrera, *Market Complicity and Christian Ethics*, 85–86. However, judging bodies that hold a noninstrumentalist conception of tort law will not follow this logic.
30. Barrera, *Market Complicity and Christian Ethics*, 106.
31. Thomas Aquinas, *Quaestiones disputatae de malo*, ed. Pierre-Marie Gils, Editio Leonina vol. 23 (Rome; Paris: Commissio Leonina; Vrin, 1982), q. 4, a. 6, ad 15. See also Thomas Aquinas, *Scriptum I*, d. 12, q. un., a. 3, ad 4.
32. Thomas Aquinas, *Super librum De causis expositio*, Textes Philosophiques du Moyen Âge XXI (Paris: Librairie philosophique J. Vrin, 2002), 9–10.
33. Barrera, *Market Complicity and Christian Ethics*, 272.
34. Barrera, *Market Complicity and Christian Ethics*, 230.

35. Barrera, *Market Complicity and Christian Ethics*, 145.
36. Barrera, *Market Complicity and Christian Ethics*, 266. See Barrera, “*Gaudium et Spes* and Catholic Ethics in Post-Industrial Economics: Indirect Employers and Globalization,” *Journal of Catholic Social Thought* 3, no. 2 (2006): 321–33. For Catholic social teaching on the status and responsibilities of indirect employers, see Pope John Paul II, Encyclical Letter *Laborem exercens* (14 September 1981), nos. 16–18.