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1

The Complexities of Complicity

In 2004, as the opioid crisis was taking off in the United States, McKinsey, the global management consulting firm, began selling advice to Purdue Pharma on how to increase sales of its opioid drug OxyContin. McKinsey's work for Purdue continued until 2019, many years after Purdue pleaded guilty in 2007 to misbranding the drug and opioid addiction had become a devastating national epidemic. In 2021, McKinsey agreed to a \$573 million settlement with forty-seven U.S. states for working to help "turbocharge" Purdue's sales efforts.¹ "Early in their relationship," the State of California argued, "McKinsey advised Purdue that it could increase OxyContin sales through physician targeting and specific messaging to prescribers."²

During many of the years that McKinsey was advising Purdue on how to boost sales of OxyContin and evade government regulation, the drug-regulation division of the U.S. Food and Drug Administration (FDA) was paying McKinsey to offer advice on how to strengthen its regulation of pharma, among

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other topics. McKinsey's contracts with the FDA required it to disclose such obvious conflicts of interest. But in 2021, after ProPublica asked the FDA for documents related to any such disclosures filed by McKinsey, the FDA turned up nothing "after a diligent search of our files."³

Even after news of McKinsey's work enabling Purdue's wrongdoing became public knowledge in early 2019, the FDA continued to seek advice from McKinsey. Between February 2019 and January 2021, McKinsey received more than \$20 million in new FDA contracts.⁴ McKinsey's dual role in advising the FDA and Purdue clearly worked against the public interest. In 2008, after the FDA told Purdue that it planned to require the company to submit a drug-safety plan for OxyContin, Purdue tasked McKinsey with devising a response to the agency. McKinsey proposed options in a PowerPoint presentation that included suing the FDA or banding together with other opioid producers—some of which were also McKinsey clients, including Johnson & Johnson and Mallinckrodt Pharmaceuticals—to fend off new FDA regulations. When Purdue chose this latter path, McKinsey helped implement the strategy, including preparing Purdue executives for meetings with FDA officials. Around this time, the FDA paid McKinsey to develop a "new operating model" for the office developing drug-safety plans. In 2012, the FDA issued a "substantially watered-down" version of the opioid-safety plan, according to ProPublica.⁵

In 2013, with its FDA contracts ongoing, McKinsey recommended a number of specific sales tactics to Purdue, including focusing sales calls on high-volume opioid prescribers, pushing higher and larger (and therefore more lucrative) dosages, and trying to distribute OxyContin directly to patients and pharmacies. In 2017, McKinsey advised Purdue on how to incentivize pharmacies to write more and higher-dosage OxyContin

prescriptions that would actually capitalize on addiction. For example, McKinsey recommended that Purdue offer large bonuses (nearly \$15,000) to pharmacies like CVS when one of their patients developed an addiction or overdosed on the opioid.⁶ “McKinsey was using its immense talents to help Purdue Pharma sell more pills, and it worked,” North Carolina attorney general Josh Stein, one of the leaders of the 2021 settlement with McKinsey, told the *Washington Post*. “The number of pills prescribed, Purdue’s profits and McKinsey’s fees all skyrocketed, but so did the number of people addicted, the number of people overdosing, and the number of lives lost.”⁷ Even as McKinsey worked with opioid companies to boost their sales, it continued to advise the FDA, other government groups, and nonprofits on how to abate the crisis.

In 2018, when the state of Massachusetts sued Purdue over its role in the opioid crisis, McKinsey went into panic mode. Two McKinsey senior executives discussed destroying documents relating to the firm’s opioid work.⁸ But, as is common when McKinsey is found complicit in the wrongdoing of its clients, the firm itself did not admit to culpability in the opioid crisis. Kevin Sneader, the global managing partner of McKinsey, issued a bland statement in response to the settlement: “We chose to resolve this matter in order to provide fast, meaningful support to communities across the United States. . . . We deeply regret that we did not adequately acknowledge the tragic consequences of the epidemic unfolding in our communities. With this agreement, we hope to be part of the solution to the opioid crisis in the U.S.”⁹

McKinsey bills itself as “the trusted advisor and counselor to many of the world’s most influential businesses and institutions.”¹⁰ The firm protects itself legally by insisting that its consultants only make recommendations and leaves decisions

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up to the client. In other words, after paying McKinsey millions of dollars for advice, the client is free to reject that advice. Yet in recent years, McKinsey has moved into the business of helping its clients implement its suggestions. This is exactly what McKinsey did with Purdue, Colorado attorney general Phil Weiser told the *New York Times*: two McKinsey senior partners worked with members of the Sackler family, Purdue's principal owners, to put its plans in place, even overruling Purdue executives. "When you see the actions of these McKinsey partners, they were almost acting as executives of the firm," Weiser told the *Times*.¹¹ Despite its involvement in Purdue's day-to-day decisions, McKinsey attempted to avoid taking real responsibility for its role in the opioid crisis.

As we will see in chapter 8, Purdue is far from the only client that McKinsey has helped commit wrongdoing for profit. And while its willingness to pay \$573 million in penalties may be unusual, McKinsey is not the only advisory firm that has helped clients create harm.

Helping others engage in wrongdoing is not unique to famous consulting firms, of course. Many of us face decisions about whether to be complicit in others' unethical behavior, including whether to work for companies that are destroying the environment, deceiving customers, selling inferior products, or creating inequity in the world. Sometimes we assist in less damaging areas of an organization's business; sometimes we help the wrongdoer commit harm more directly. I am not a lawyer, and I offer no legal advice in this book. But as a behavioral ethicist, I can offer guidance on whether we are complicit when others are likely to use the help we give them—whether they pay for it or not—to create harm.

By describing McKinsey's role in the opioid epidemic, I do not mean to let Purdue Pharmaceuticals and the Sackler family

off the hook. As we will see in chapter 2, there is plenty of blame to go around. And, as you will read, other complicitors helped Purdue lead so many pain sufferers to become addicted to OxyContin and overdose. The consultants, distributors, pharmacies, and prescribing physicians involved all should have considered their roles in allowing the opioid epidemic to develop. Looking at stories you may have previously read about from a different perspective, *Complicit: How We Enable the Unethical and How to Stop* will show that complicitors *always* surround the most famous evildoers.

My Complicity—and, Perhaps, Yours

I often face decisions about which corporations I should provide my teaching and consulting services to. Some of these calls are not hard: I would readily decline to work with Exxon, given how the company intentionally distorted the climate change debate to boost its profits.¹² Similarly, my personal ethics would lead me to decline to work with companies in the meatpacking, tobacco, and gun industries. But I also teach in multiple open-enrollment executive programs at the Harvard Business School. How should I respond when executives from organizations that I would not work with show up as my students? I believe I have an obligation to welcome them as I would any other student. After all, that is the implicit agreement I make when I agree to teach in these programs. But perhaps I am complicit by passing along effective negotiation and decision-making strategies to executives who may use them to do work that I consider to be unethical. Does the fact that I try to teach them to audit and improve their ethical behavior help my case? I will explore my own complicity throughout this book, including in an extended story (chapter 7) that I mentioned in the preface.

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We have all witnessed people engaging in behaviors that we believed to be wrong, behaviors we would never engage in ourselves. Did we speak up or take steps to stop unethical acts? When we see someone being harassed, do we speak up and protect them? When a colleague tries to give their advisee or friend an advantage in a hiring decision, do we bring their bias to the attention of the rest of the group? When our division's financials don't make sense, do we push for clarity until they do? When our organization sets the low bar of doing what is legal rather than what is right, do we argue for a higher standard? When a not-for-profit provides potentially misleading data to its donors, do we make the dishonesty clear? More broadly, when we don't stand up in the face of dishonesty, are we complicit in it? I am confident that you could add to this list of questions, based on your own uncomfortable experiences with complicity.

Most of the stories that I will share in *Complicit* focus on the business sector. Some will come from the political world and from academia. In all of these stories, too many people were complicit in the unethical behavior of others. These stories will focus on those who enabled Adam Neumann (WeWork), Elizabeth Holmes (Theranos), the Sackler family (Purdue Pharma), and many of the most notorious sexual predators of our time, including Harvey Weinstein (Miramax and the Weinstein Company). You will be familiar with some of these stories. But, in contrast to past accounts of these stories, *Complicit* will focus on the overlooked importance of others who were complicit in the bad behavior. You will learn about the people who distributed the opioids created by the Sackler family, the venture capitalists who ignored the impossibility of WeWork's business model, Walgreens's decision to bring Theranos's fraudulent technology into its stores, and leaders who looked the other

way when they should have stood up to perpetrators of sexual assault. In short, you will look at familiar stories in a new light.

As we will see, complicity can impose huge costs on all spheres of society and across eras: from the rise of Adolf Hitler in Nazi Germany; to the assault on our democracy by Donald Trump and his supporters; to the ethical, financial, and legal crises that plague too many of today's organizations—including, possibly, your own. We will also explore the psychology of why people collaborate with harm doers, as well as how we can become less complicit. Writing *Complicit* has helped me think about my own past complicity with unethical behavior. I hope it will help me be less complicit in the future by prompting me to think about these issues in a more deliberative manner. And I hope that reading the book will help you do so as well.

What We Know about Improving Ethics

Many histories of teaching ethics date back to Socrates. While Socrates authored no texts, he is known through the posthumous accounts of his students, including Plato, who went on to mentor Aristotle. The philosophical traditions established by Socrates, Plato, and Aristotle have now had an extraordinary influence on scholars' thinking about ethics for almost 2,500 years. During these two and a half millennia, philosophers dominated the dialogue about ethics and often focused their debates on establishing what constitutes the most ethical behavior possible.

One perspective from philosophy that speaks to the ethicality of complicit behavior is utilitarianism.¹³ Utilitarian philosophers argue that an action is ethical when it maximizes value for all. Some utilitarians define this as maximizing pleasure and minimizing pain for humans. Philosopher Peter Singer explicitly

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includes all sentient beings. According to utilitarians, when you help a company engage in behavior that allows it to make more money but imposes far greater harm on other parties, such as people who suffer from the company's pollution or customers harmed by its products, that behavior is not ethical. From a societal perspective, the harm that Purdue and McKinsey inflicted by promoting excessive opioid use far outweighed the positive value generated by reducing pain and helping these companies profit.

Interest in ethics outside of the philosophical community increased dramatically at the start of the twenty-first century with a series of high-profile corporate scandals, including the fall of energy company Enron. In the years since, there has been no shortage of news stories about very bad people who created massive harm in the world, many of whom I will discuss in this book. These early twenty-first-century scandals put pressure on business schools to take the topic of ethics more seriously, especially since many of the leading villains had earned degrees from top business schools. Before 2000, ethics was not core to the business school curriculum. That has changed dramatically over the last two decades. And while ethics was primarily the domain of philosophers for 2,500 years, the scholars teaching and researching ethics in business schools in the new century tend to be behavioral scientists who created a new field: behavioral ethics. In a departure from the philosophical study of ethics, which focuses on how people should behave, behavioral ethics focuses on identifying how people actually behave. This marked a shift in focus from the normative study of ethics to a descriptive approach. I was a part of this evolution, and I documented my specific views and research on ethics in *Blind Spots*, my 2011 book with Ann Tenbrunsel.¹⁴ This book attempted to shine a light on the many ways in which generally good people act unethically without their own awareness.

Another interesting transition concerns whom the new behavioral scientists chose to study. While much of the motivation to study and teach ethics came from stories about wrongdoers such as Kenneth Lay, Jeff Skilling, Bernie Madoff, Jeffrey Epstein, and the like, behavioral scientists soon pivoted away from these “bad apples” and instead focused on the surprisingly frequent bad behavior of ordinary people. Research in this area, which came to be known as “bounded ethicality,” reveals that many of us frequently engage in unethical behavior without conscious awareness. For example, studies on bounded ethicality found that many people discriminate based on ethnicity and gender without any awareness of their bias and that we often fail to notice the harm that groups we belong to create.¹⁵ Related to the concept of bounded ethicality is the idea that humans have “bounded awareness.”¹⁶ That is, we often fail to notice and use easily accessible, perceivable, and useful information in our decision-making. I will explore the psychology of how our bounded awareness can keep us from fully noticing wrongdoing and lead us down the path of complicity. Overall, the direction taken by behavioral scientists has been very fruitful in developing insights that could help others become more ethical.

One reason we focused on the unethical actions of ordinary people is that we lacked insight into how to improve the behavior of the most famous harm doers. In *Complicit*, I argue that we may have pivoted away from these prominent episodes of harm too quickly. While I readily admit that I know little about how to reform the worst members of society, I believe we left an important opportunity behind, one I return to in this book. We may not know how to deter the truly evil from engaging in their actions, but—by stopping those around them from enabling and participating—we can halt their actions. Those

who create great harm always depend on the complicity of ordinary people. This book examines how we can stop being complicit in wrongdoing, taking the needed fuel of social support away from those who want to do massive harm.

Within the field of ethics, complicity is far from a new topic. In the thirteenth century, Thomas Aquinas listed nine ways in which we might be complicit: by command, by counsel, by consent, by flattery, by receiving, by participation, by silence, by not preventing, and by not denouncing.¹⁷ Notably, Aquinas explicitly includes complicity that occurs through acts of omission (that is, by silence, by not preventing, and by not denouncing). By contrast, contemporary philosopher Christopher Kutz's complicity principle focuses on how people facilitate harm created by others by purposely participating in their wrongdoing or harm.¹⁸ Consistent with Aquinas's broader view, we will discuss complicity as evolving from inaction as well as from action. More important, the profiles that I develop do not emerge from an analytic structure borrowed from the philosophy literature on ethics¹⁹ but rather from a descriptive account of the ways in which humans in contemporary society are complicit in the harms inflicted by others.

One common criticism of philosophical writing about ethics is that it is too demanding, setting a high moral bar that is nearly impossible to reach.²⁰ Too often, people reject philosophical arguments on ethics because the sacrifices required to be ethical appear too great. In the current context, it is unrealistic to expect that any of us can fully avoid complicity. I certainly do not think that I can completely avoid being complicit with creating harm for the rest of my life. But I do believe that by deliberating about my own complicity, I can dramatically reduce the degree to which I will facilitate wrongdoing in the future. I hope that this book can provide similar guidance for you. To

refer back to the title and main theme of my prior book, *Better, Not Perfect*, I hope that *Complicit* can make us better, even if it doesn't make us perfect.²¹

Making Sense of Complicity

I define “complicity” as being involved with others in an illegal or unethical activity or wrongdoing. My definition of complicity overlaps with the more controversial terms “collaboration” and “enabling.” Complicity implies an act that creates net harm. This is not necessarily the case for collaboration and enabling, which can be done for good. However, collaborating sometimes describes cooperation with an enemy. And enabling also sometimes describes what happens when we allow or encourage someone else, often someone we care about, to continue a destructive pattern of behavior. I will most often use the term “complicity” in this book, but because the negative definitions of collaborating and enabling overlap, I will use them at times. Another note is that while “complicitor” is not a word in most dictionaries, it is often used in legal contexts. I use the term to define those who are complicit in the harmful action of another party. Finally, both complicity and harm occur on a continuum. I will use terms related to “harm” throughout this book, including “evil,” “wrongdoing,” and “harmful behavior.” I will generally save the word “evil” for the most extreme cases.

In the next seven chapters, I will tell stories of harm doers who depended on seven different but complementary profiles of complicity in their followers. These profiles form the core of the book, as they allow us to audit our own behavior and consider how we can avoid our own complicity in the future. In all likelihood, some of these profiles will appear to be about people who are very different from yourself, committing wrongs that

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you would never dream of committing. But I am confident that most readers will see at least glimpses of themselves in other profiles (particularly the latter ones)—I know that I do.

Each profile will narrate, in some depth, several episodes that exemplify a type of complicity. Within each profile, we will meet primary harm doers and identify and explain the complicity that surrounds them, and then delve briefly into the psychology that underlies the behavior of the complicitors.

Part I of the book includes the harsher and most obvious forms of complicity, “true partners” and “collaborators.” Many readers will not personally identify with these two profiles, yet I expect you may recognize the behavior of people you know. Most complicity in these first two categories is explicit and intentional. We will then move on in part II to five profiles of “ordinary complicity,” or types of complicity that many of us engage in, often without our deliberative consideration of the harm we are enabling. Psychologists Mahzarin Banaji and Tony Greenwald use the term “ordinary prejudice” to describe the ways in which we favor some groups of people over others, outside of our conscious awareness and control.²² I borrow their use of “ordinary” to describe the behavior of regular people who allow harm to develop as a result of their implicit, non-deliberative behaviors. I predict that among these profiles of complicity, most readers will recognize themselves. These profiles cover those who benefit from privilege, those who are true believers, those who defer to authority and loyalty, those who rely on their trust of others, and those who create and accept unethical systems.

These seven profiles overlap, and many stories of harm doers include complicitors from multiple profiles. These profiles also vary in the degree of responsibility that complicitors should feel for their inaction or action. I hope that this taxonomy of

forms of complicity gives you ideas for reducing complicity in the future, as it has done for me.

In part III, we will integrate our understanding of all the profiles and the psychology behind them to come up with solutions. In those chapters, we will address the important question of how we can become more aware of the risk of complicity and consider ways to encourage others to avoid becoming complicit when they witness or suspect wrongdoing.

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