

What is the Principle of Cooperation in Evil?

The National Catholic Bioethics Center

Principle of Cooperation in Evil

The principle of cooperation in evil has been developed in the Catholic moral tradition as a guide to assist with the identification of different types of cooperation and the conditions under which cooperation may or may not be tolerated. Moralists have long recognized that under many circumstances, it would be impossible for an individual to do good in the world, without being involved to some extent in evil. Along with the principles of double effect and toleration, the principles of cooperation were developed in the Catholic moral tradition as a way of helping individuals discern how to properly avoid, limit, or distance themselves from evil (especially intrinsically evil actions) in order to avoid a worse evil or to achieve an important good. The principle of cooperation is a *limiting* principle of moral action. We ought not view the principle of cooperation as a creative source of morally obligatory action; to do so would invalidly reconfigure it into a *moral mandate to cooperate*. One may be able to justify certain types of cooperation, but this justification ought not to be confused with an obligation to cooperate in evil acts. Justification and obligation represent two different moral categories.

In more recent years, the principles of cooperation have been applied to organizations or "corporate persons" (the implication being that organizations, like individual persons, are moral agents). Like the principle of double effect and some other moral principles, the principles of cooperation are actually a constellation of moral criteria. The principles assume there is a distinction between the actions of the cooperator and that of the principal agent committing the wrongdoing, although the cooperator could also become a wrongdoer. It is important to note that cooperation in evil does not depend on recognition by the principal agent that his or her act is morally evil. The principle of cooperation presumes an objective moral order in which someone may cooperate in the evil of another even though the principal agent does not believe he or she is doing evil. *An action would be an act of cooperation only if the cooperator knows that it will specifically contribute to an act of a principal agent.* Three components morally define the wrongdoer's act: 1) the moral object, namely, the precise good or evil which characterizes that act and which is freely chosen by the principal agent, the wrongdoer; 2) the intention (or purpose) for which the act is done; and 3) the circumstances associated with that act. The cooperator can participate in any or all of these components.

The principle of cooperation is divided into two major types: *formal* and *material*.

A. Formal Cooperation is assistance provided to the immoral act of a principal agent *in which the cooperator intends the evil*. The assistance need not be essential to the performance of the act in order for the cooperator to intend the evil of the principal agent's act. Formal cooperation in evil actions, either explicitly or implicitly, is never morally licit.

1. **[Explicit] Formal Cooperation.** The cooperator directly approves of (intends and concurs with) the principal agent's immoral act. For example, a hospital CEO who wrote up and implemented a policy permitting the direct sterilization of patients in the hospital would be involved in explicit formal cooperation. The CEO is not the principal agent of the immoral act but he does give assistance to it through the policy and does intend the act to occur on hospital premises and under their auspices. Formal cooperation occurs when the cooperator intends or concurs with one or more immoral components of the principal agent's act as a means to the principal agent's act.
2. **Implicit Formal Cooperation** occurs when the cooperator intends the evil of the principal agent, not for its own sake but as a means to some other end that, by itself, might be morally good. The implicit formal cooperator concurrently seeks a good end and endeavors to secure the conditions by which the immoral act of the principal agent takes place as a means of achieving that good end. The cooperator's actions demonstrate an implicit approval of the principal agent's immoral act. For example, if, in an effort to assure its future viability, a hospital CEO negotiates and approves a collaborative agreement with a non-Catholic hospital that strengthens the Catholic hospital's profitability, where part of the overall agreement includes providing rooms where the non-Catholic party will perform direct sterilizations, then the CEO is engaging in implicit formal cooperation in any sterilizations performed as a result of its actions.

B. Material Cooperation is assistance provided to the immoral act of a principal agent in which the cooperator does not intend the evil. The elements needed to define material cooperation are, first, the *free and knowing assistance* to the evil act of another, and, second, the *absence of intending the principal agent's evil acts*. If these two factors obtain in any given case, then the moral agent is engaging in material cooperation. However, not all cooperation defined by these factors is morally permissible. Some types of material cooperation are immoral. Material cooperation can be either *immediate* or *mediate*.

1. **Immediate Material Cooperation.** Immediate material cooperation occurs when the cooperator does not share the intentions of the principal agent but participates in circumstances that are essential to the commission of an act, such that the act could not occur without this participation. Immediate material cooperation in intrinsically evil actions is morally illicit. The ERDs stress that, "Catholic health care organizations are not permitted to engage in immediate material cooperation in actions that are intrinsically immoral, such as abortion, euthanasia, assisted suicide, and direct sterilization" (Directive 70). For example, if a Catholic health care organization agrees to supply all the surgical instruments to a non-Catholic women's hospital as part of a larger collaborative agreement, and these instruments are to be used in direct sterilizations performed at the hospital, then the Catholic party is engaging in immediate material cooperation. There is no intent to provide the sterilizations because the governance, management, and financing of them is completely segregated from the collaborative arrangement, but the supply of surgical instruments is a circumstance essential to the performance of the

sterilizations. There has been in the tradition a debate about the permissibility of immediate cooperation in immoral acts under "duress." When individuals are forced under duress (e.g., at gunpoint) to cooperate in the intrinsically evil action of another, they act with diminished freedom. Following Church teaching, the *matter* of their action remains objectively evil, but they do not *intend* this object with true freedom. In such cases, the matter remains objectively evil as such, but the subjective culpability of the cooperator is diminished. Very recently, the Vatican has rejected the arguments of those who would apply this concept of duress to Catholic organizations as a way to justify their immediate material involvement in certain objectionable actions.

2. **Mediate Material Cooperation.** Mediate material cooperation occurs when the cooperator participates in circumstances that are not essential to the commission of an action, such that the action could occur even without this cooperation. Mediate material cooperation in an immoral act might be justifiable under three basic conditions:
 - a. **If some great good were to be gained (or prevented from being lost) or if some great evil were to be avoided.** Mediate material cooperation is morally licit according to a proper proportionality between the goods to be protected or the evils avoided, on one hand, and the evil of the principal agent's act, on the other. The graver the evil to which the cooperator contributes, the graver the good sought or the evil avoided must be. Indeed, licit mediate material cooperation has traditionally been understood in terms of the four basic conditions of the principle of the double effect as applied to a cooperator. The act of material cooperation has two effects, the bad effect of assisting an evil act, and the good effect of preserving good or avoiding evil. Thus an act of mediate material cooperation is licit because:
 1. The cooperator's act is itself morally good or indifferent.
 2. The cooperator does not intend the evil of the principal agent's act.
 3. The good effect is not achieved by means of the bad effect (the principal agent is the primary cause of the evil act).
 4. The good effect is proportionate to the bad effect.
 - b. **The reason for cooperation must be proportionate to the causal proximity of the cooperator's action and the principal agent's action (the distinction between proximate and remote).** Mediate material cooperation can be either proximate or remote. This is not a difference of physical or geographic location, but rather a causal difference. The distinction between proximate and remote refers respectively to mediate material cooperation that has a direct causal influence on the act of the principal agent (proximate) and that which has an indirect causal influence (remote).

Consider, for example, possible collaborative arrangements between City Hospital and St. Michael's Hospital, which are physically contiguous with each other, in neighboring buildings. Direct sterilizations are being performed at City Hospital, but not at St. Michael's, which is a Catholic hospital. City Hospital has proposed to divide expenses for a shared piping anaesthesia system between the two buildings. A central supply will feed both buildings for all the surgeries at both hospitals. St. Michael's, by dividing expenses in this way, would appear to be involved in proximate mediate material cooperation in the sterilizations performed at City Hospital, since the joint support of the anaesthesia piping system specifically contributes to the act of direct sterilizations by the principal agent, City Hospital. (This specific contribution of partial funding by St. Michael's is not essential to the action of the principal agent, however, because City Hospital could afford to pay for their own anaesthesia system and the sterilizations would go on even without St. Michael's contribution – hence it is not immediate material cooperation). If there were significant goods to be safeguarded on the part of St. Michael's or evils to be avoided by setting up this arrangement, it could be morally justifiable. If St. Michael's and City Hospital had a shared laundry program, where lab coats, surgical clothing, etc. were washed together to save money, because there are many intervening causes between the washing of the clothing and the performance of the immoral acts at City hospital, St. Michael's could be said to be involved in remote mediate material cooperation. Again, with a proportionately good reason, such cooperation could be morally justifiable.

The anesthetist who provides the anesthesia during an immoral surgery due to circumstances out of his or her control, and who does not intend the evil of the procedure, engages in immediate material cooperation. The nurse who provides preoperative care to a patient about to undergo an immoral procedure, such as placing an IV that will be used by someone else to administer anesthesia, but does not intend the evil of the principal agent, engages in proximate mediate material cooperation. The hospital employee who prepares surgical kits, some of which may be used in immoral procedures, but does not intend the immoral procedures engages in remote mediate material cooperation.

- c. The danger of scandal (i.e., leading others into doing evil, leading others into error, or spreading confusion) must be avoided.**

Principle of Theological Scandal

Cooperation in the immoral act of another which may be justified under the principle of cooperation nevertheless may not be allowable if it causes insurmountable

theological scandal. For example, a collaborative arrangement between Catholic and non-Catholic health care institutions may involve the Catholic institution in justified mediate material cooperation, but might be refused because it causes insurmountable scandal.

The *Catechism of the Catholic Church* defines scandal as “an attitude or behavior which leads another to do evil,” and states that “anyone who uses the power at his disposal in such a way that it leads others to do wrong becomes guilty of scandal and responsible for the evil that he has directly or indirectly encouraged.”¹ The Catholic moral tradition (and implicitly the *Catechism*) distinguishes between “active” and “passive” scandal. Scandal is active if either it is directly intended, or is not directly intended but is indirectly caused by the nature of the act in question, e.g., by publicly sinning, or by doing something which has the appearance of evil. Passive scandal is caused accidentally and proceeds from weakness or ignorance on the part of the one scandalized. Passive scandal can sometimes be avoided by a proper explanation. Cooperation that might be morally licit may nevertheless need to be avoided because of scandal that cannot be overcome.

Although they are sometimes related in concrete circumstances, cooperation in evil and scandal are essentially distinct. Cooperation in evil does not, but scandal does, cause the evil of another.

¹ *Catechism of the Catholic Church*, nn. 2284, 2287.