**Module 6. Reading**

**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 stresss 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 nonCatholic

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.