Material cooperation and Catholic institutions: An inquiry into traditional moral principle and its meaning for Catholic institutions today, with reference to Catholic hospitals in Australia

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Chapter One

MATERIAL COOPERATION IN THE TRADITION

1.0 Introduction

Moral principles have history. They do not simply appear from the ether - mysterious, unheralded and perfect in form - to resolve theoretical moral dilemmas. By the time they are received as ‘principles’ they have undergone a long process of evolution: proposition, testing, recasting. They originate and evolve in response to real situations faced by real people in the real world. They are the fruit of living moral communities and of their attempts to address real moral problems, to give practical guidance to real people in the concrete circumstances of their lives. Moral principles are the children of many parents, with successive generations contributing questions or clarifications or refinements to their ‘final’ form.

The evolutionary development of moral principles, the result of an interplay between an actual moral problem and contemporary attempts to address it, gives rise to both strength and weakness. One strength is that a principle which has developed in this way is able to offer a degree of practical help in addressing moral dilemmas, for there is always something to gain from the wisdom of those who have previously sought answers to the questions one presently confronts. But one weakness is that the concrete situations which gave rise to the principle are themselves constantly evolving, taking on new and more complex forms which often were never previously envisaged, much less addressed. For example, the principle that ‘non-combatants should not be targets of aggression’ was easy to honour in the traditional model of warfare, in which each side wore a distinctive uniform that helped to identify combatants from non-combatants and one side from the other. But the same principle becomes almost impossible to apply in modern guerrilla warfare in which, by the very nature of that style of conflict, anyone may be an aggressor and hence a legitimate target.
The perpetual challenge for the moralist is to imitate the householder who draws on both old and new (Mt 13:52): to bring the truth of the moral tradition into play with the concrete realities of contemporary life, and so to find a path toward acceptable resolutions to moral problems. This can be achieved only by first ‘piercing through’ various historical expressions of the principle in question to reach its unchanging core, that central moral truth which the principle seeks to express and protect. This often intensely academic pursuit, ironically, is undertaken only in order to render the principle more practically applicable. So the moralist must descend through issues of interpretation and history to dialectic, and then work outwards again to a systematic resolution of the previously unmanageable moral problem.

The principle of legitimate cooperation is a good example. Cooperation in evil, as distinct from doing evil oneself, is ‘concurrence’ or ‘collaboration’ with an evildoer.\(^1\) The problem of legitimate cooperation takes the form of a dilemma: on one hand, one knows that one’s own good works will be taken up and used by another person to serve some evil purpose; on the other hand, like every moral agent, one is bound to avoid evil in any form. For example, the owner of a liquor store knows that a particular patron will abuse the alcohol purchased from him: should he therefore stop serving this patron? Knowing that his act of selling alcohol will be abused, is the store owner (‘the cooperator’) justified in continuing to do so? If he continues to serve him, will the cooperator share the guilt of the patron (‘the principal agent’) for becoming intoxicated? When is he justified in totally refusing to cooperate with the principal agent? The principle of legitimate cooperation provides a base from which to analyse this kind of problem and work towards a morally justifiable resolution.

In the following study it will emerge that each instance of cooperation in evil must be assessed individually, since solutions will vary according to numerous variable factors in the equation: for example, the relationship which exists between

the agents; other duties of the cooperator; and the kind of evil intended by the principal agent. Nevertheless the principle offers a solid framework within which to assess these variables and work towards a solution. This is a tribute to the careful analysis of countless moralists who each contributed to the development of the principle throughout its history.

The aim of this chapter is two-fold: to study briefly the early development of the principle of legitimate cooperation (1.1) and its treatment in the later moral manuals (1.2), and on the basis of this development, to deduce something of the world-view within which the principle arose (1.3). This will prepare the ground for a study of the structure of cooperation (Chapter Two), and for an exploration of the principle in more recent Catholic moral theology (Chapters Three and Four).
1.1 Material Cooperation: The Development of a Principle

1.1.1 Introduction

Previous inquiries into the principle of material cooperation obviate the need for any exhaustive historical survey in the present work. Nevertheless, in order to situate the present study it will be helpful to highlight three key moments in the development of the principle: the contributions of Thomas Sanchez and St Alphonsus Liguori and, falling between them, an action of the Tribunal of the Roman Inquisition in 1679.

Alphonsus Liguori (1696-1787) is recognised as making the greatest contribution to the development the principle of cooperation, most notably in his *Theologia moralis* and his works of guidance for confessors. But his achievement in reframing the principle and bringing new insight to the problem of cooperation in evil came only by way of a substantial reworking of the tradition as he had received it through Thomas Sanchez (1550-1610).

1.1.2 Thomas Sanchez

Thomas Sanchez studied the question of cooperation in the particular context of sin, exploring how one’s venial sin (or even one’s otherwise morally indifferent act) could become serious sin by virtue of scandal or cooperation in the sin of another. His principal interest was in the cooperating agent’s culpability: the manner and extent to which a cooperator would share in the guilt of the principal agent, and consequently the extent to which the cooperator would share responsibility for making restitution for harm done to third parties.

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3 The forerunner of Alphonsus’s *Theologia moralis* was his commentary in 1748 on the work of Herman Busenbaum SJ. Roy notes three distinct works of Alphonsus for the guidance for confessors (the best known of which is the *Homo apostolicus* of 1759), and one for ‘the people’. See Roy, ‘La coopération’, 399-400.


In view of his particular context, it is not surprising that Sanchez’s focus was on the ‘direct-indirect’ distinction of cooperation: for Sanchez, ‘all cooperation is culpable participation in the other’s fault’.\(^6\) In this view, direct cooperation occurs (in the moral order) when one immediately participates in an evil act to which one has induced the other agent, and (in the physical order) when one participates immediately in that action while intending the same evil end, or when one participates more remotely but by some intrinsically evil means, or when one participates more remotely by morally indifferent means but with the intention of facilitating the sin of the other.\(^7\) For example, a locksmith directly cooperates in theft if he provides skeleton keys to a burglar with the direct intention of facilitating the burglar’s evil deed. Indirect cooperation is had when one participates more remotely in the sin of the other by a morally indifferent act and without intending to favour the sin of the other, and where one has some duty to prevent or avoid the sin of the other, and where there is no sufficiently good reason to justify one’s cooperation. For example, purely for friendship’s sake and without directly intending to aid the other’s evil deed, one volunteers to repair the weapon of an assassin.

So for Sanchez, if one’s participation was not intimately connected with the other’s sin, and one’s own act was good or morally indifferent, and one did not intend the sin of the other, and one either had no duty to prevent the sin of the other or one had such a duty but also held a sufficiently serious reason to act, then one’s action was neither direct nor indirect cooperation in that sin, and one did not share culpability for it.\(^8\)

To furnish another with a material which is itself indifferent, without willing his sin, but for another motive, is not to cooperate directly in evil. No one is said to be a direct moral cause of that which he neither commands, nor counsels, nor wills, nor assists. Now, here, he neither counsels, nor commands, nor wills, nor assists with the other’s sinful act, but he only offers the material; and it is not in this way that the sin of the other is constituted, but by the act through which the other abuses that material.\(^9\)

\(^7\) Roy, ‘La coopération’, 382-383.  
\(^8\) Roy, ‘La coopération’, 384.  
This is an important step in the evolution of the principle. Sanchez establishes here a distinction between direct and indirect cooperation according to the *moral causality* in question. One who cooperates *directly* is one who participates immediately, or by intrinsically evil means, or by evil intention; while one who cooperates *indirectly* participates by otherwise innocent means but without good reason. In both cases the cooperator exercises some form of *moral causality* in the principal agent’s evil deed: *directly* when the participation bears directly on the evil nature of the action itself, and *indirectly* when the participation is more remote but offered without good reason.

It is also important to note that, in the case of indirect cooperation, the cooperating agent’s act becomes involved in the principal agent’s sin not by virtue of the cooperator’s intention, nor by the nature of the act he performs, but *solely by the principal agent’s abuse of that act*. But, for Sanchez, there was no real cooperation at all (at least in any morally relevant sense) if the cooperator had a good reason to act; the implication is that this reason was sufficient to justify the cooperator’s act even in the face of the other’s abuse. Cooperation for Sanchez was therefore not mere physical participation, but *morally culpable* participation in the sin of another. It is inevitable, then, that sometimes he confused the question of cooperation with that of induction and active scandal.¹⁰

Roy notes that Sanchez takes his definition of scandal from Thomas Aquinas: ‘*a word or action lacking rectitude (minus rectus) which furnishes to another an occasion of ruin*’.¹¹ By ‘furnishing another with the occasion of ruin’ one provides a *moral cause*, in the strict sense of supplying to the will an object likely to elicit consent. It is in providing this moral cause (especially when one has a duty not to do so, or lacks any good reason to do so) that one can be said to counsel or to assist with the sin of the other. This renders one morally culpable, and Sanchez calls this action ‘cooperation’.

However, the category minus rectus causes Sanchez a problem: ‘The act of scandal is called minus rectus because it lacks in one manner or another the rectitude which is its due, whether the act in itself is evil or whether it presents the appearance of evil’. But Sanchez must explain how an act which is morally indifferent in itself, and which does not have the appearance of evil, can fall into this category. He does so by expanding the definition of minus rectus to include an act which ‘even if it does not have the appearance of evil, can avoid the spiritual ruin of another if it is not performed’. Because the obligation to avoid the spiritual ruin of one’s neighbour falls within the precept of charity, Sanchez here opens the way for the fuller treatment of cooperation under this precept which Alphonsus Liguori achieved.

Another development is the emerging definition of ‘indifferent’ and ‘intrinsically evil’ acts. An indifferent act is simple enough: it is one which is not already morally determined and can be made to serve either a good end or an evil end. But for Sanchez there seem to be two varieties of intrinsically evil acts: a) those which are actually intrinsically evil, or truly evil in their very essence, and b) those which are virtually intrinsically evil. The latter are acts which are indifferent in themselves, but normally so closely identified with evil ends that they themselves deserve to be called evil. Actually intrinsically evil acts may never be commissioned lawfully, while virtually intrinsically evil acts ‘so nearly approach the evil’ that they require a proportionately grave reason to justify their performance. Without this justifying reason, the one performing such acts could be said to

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11 See Roy, ‘La coopération’, 385-389. The reference to Thomas is to ST II-II, 43, 1: ‘... dicitur quod dictum vel factum minus rectum praebens occasionem ruinae sit scandalum.’
12 Roy (‘La coopération’, 387, footnote 20) quoting Sanchez, Opus Morale, Lib. I, cap. VI, 1: ‘Dicitur minus rectum, id est, quod ex aliquo capte caret debita rectitudine, aut quia in se malum est, aut mali speciem habet...’
13 Roy (‘La coopération’, 387, footnote 21) quoting Sanchez, Opus Morale, Lib. I, cap. VI, 1: ‘... aut si nec hanc (speciem mali) habeat, dicitur inordinatum, aut minus rectum eo quod Gratia vitandae proximi ruinae, dimittendum esset.’
14 Roy (‘La coopération’, 388) quoting Sanchez, Opus Morale, Lib. I, cap. VII, 10: ‘Obligatio huius occasionis peccati alterius vitandae, non ministrando haec indifferentia illis abusuro, oritur ex generali caritatis praecepto, quo tenemur scandalum generaliter acceptum proximi vitare. Dare enim hanc occasionem non excusante causa justa, pertinet ad scandalum generaliter acceptum.’
(virtually) intend the evil done by the principal agent and so to cooperate culpably in it.\textsuperscript{15}

It seems, then, that Sanchez classifies human acts on two planes. On the universal or speculative level an act may be essentially evil, or it may be essentially indifferent depending on the use to which it is put. However, on the particular or practical level where concrete circumstances must be taken into account, some of these ‘essentially indifferent acts’ are in fact evil in virtually every case: that is, in almost no set of circumstances would one have a sufficiently serious reason to justify them - and so these acts are virtually ‘intrinsically evil’.\textsuperscript{16}

So while it seems true that Sanchez sometimes confused the distinct moral issues of scandal and cooperation, he certainly carried forward the concept of intrinsically evil acts, and highlighted the need for a proportionately serious reason to justify one’s cooperation in the sin of another. These factors were to figure prominently in another development not long after Sanchez’s death.

1.1.3 The Condemnation of 1679

On 4 March 1679 the following proposition was the fifty-first in a list of sixty-five condemned by the Tribunal of the Roman Inquisition under Pope Innocent XI:

A servant who, following orders, knowingly helps his master to climb through a window in order to ravish a virgin, and furthermore serves the same by carrying a ladder, opening a door, or cooperating in a similar manner, does not sin mortally if he does this out of fear of substantial harm, such as fear of being treated badly by his master, or being looked upon fiercely, or being expelled from service.\textsuperscript{17}

\textsuperscript{15} Roy, ‘La coopération’, 395-397. At 397 he quotes Sanchez, \textit{Opus Morale}, Lib. I, cap. VII, 16: ‘\textit{Si res indifferentes sit tia proxime ad peccatum ordinata, ut per se mala sit merito censenda, quamvis in aliquo casu possit esse licita, juxta dictum 7, suppeditans non excusatur a culpa, quamvis certo sciat alium paratum ad peccatum et inventurum alium, qui materiam suppeditet. . . . Et ratio est, quia tales actiones ita proxime peccato accedunt, ad illudque ordinantur ut ex se malae dici merito quaeant, nisi causa aliqua urgenti excusentur.’

\textsuperscript{16} Roy, ‘La coopération’, 398. Note that Sanchez ties these ‘virtually intrinsically evil acts’ to the question of whether they are able to produce good effects.

\textsuperscript{17} Alphonsus (\textit{Theologia moralis}, Tom. 1, lxx-li) cites the \textit{Propositiones Damnatae ab Innocentio XI} in March 1679: ‘\textit{Famulus, qui submissis humeris, scienter adjuvat herum suum ascendere per fenestram ad stuprandam virginem, et multoties eidem subservit deferendo scalam, aperiendo
In view of Sanchez’s achievement, and for the purposes of the present study, the critical question is: *did the Inquisition condemn this proposition because the servant’s actions were intrinsically evil in the circumstances, or because the servant lacked a sufficiently serious reason to justify his cooperation?*\(^\text{18}\)

Following Sanchez, ‘intrinsically evil acts’ were understood to be acts which could not serve any but evil ends. If the 1679 proposition was condemned because the servant’s acts were judged to be ‘intrinsically evil’ in this sense, the key questions then become: (i) on what basis are human acts to be judged to serve nothing but an evil end? and (ii) how does the agent’s foreknowledge (that his acts will be abused unto evil) influence this judgment?\(^\text{19}\)

Most moralists took the position that, if the servant’s acts are ordered solely to the intrinsically evil end of the master, then the servant’s acts themselves are also intrinsically evil. It would be this issue of ordering or intending an act to an evil end, and the manner in which the act is so ordered, which would open the way for Alphonsus to clarify the distinction between formal and material cooperation.

On the other hand, if the proposition had been condemned because the servant’s actions lacked a sufficiently serious reason, then the focus of attention switches to the *justification* of cooperation: in what way do the circumstances surrounding a proposed cooperative act, circumstances which are known to the servant, help to justify that act? Do they alter the moral species of the cooperative act, or do they so complicate the subjective assessment of its good and evil effects that cooperation may be rendered excusable? In more modern terms: is cooperation in evil to be *objectively justified* on the basis of the morality of the act itself, or *subjectively excused* on the grounds of the cooperator’s intention?

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\(^{19}\) Roy, ‘La coopération’, 416.
Moralists of the time remained divided over these matters and seemed unwilling to propose definitive answers. This may have been because the Inquisition’s moral weight discouraged any claims to absolute resolution of such controverted aspects of the condemnation. These questions, and clarification of the categories of cooperation which would serve to illuminate them, remained essentially unresolved until the time of Alphonsus Liguori.

1.1.4 Alphonsus Liguori

Alphonsus treats cooperation in two locations in his *Theologia moralis*: the particular question of cooperation and scandal is dealt with in the tract on charity, while the more traditional problem of ‘restitution for unjust damage’ is dealt with in the tract on justice. Like prior and subsequent manualists, Alphonsus uses the term ‘cooperation’ somewhat equivocally in these locations, but his great achievement was to untangle various meanings of ‘cooperation’ and give that term its clearest definition. More complete assessments of his work may be found elsewhere.

As Sanchez, so Alphonsus in *de restitutione* examines whether those who cooperate in doing harm to another should be held to make restitution. The response is clear:

All are held to make restitution who in any manner are a cause influencing and effecting the harm which follows; and those who, being by office and the obligations of justice obliged to guard against such harm, do not prevent it.

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22 Alphonsus, *de restitutione*, Dubium II: *An qui cooperantur ad damnum alterius teneantur ad restitutionem.*

23 Alphonsus, *de restitutione* 557: ‘Tenetur omnes illi, qui quoquo modo sunt causa influens et efficax damni secuti; ac qui, ex officio et obligatione justitiae obligati caver singulariter, non caverunt.’
He then considers the ‘nine modes of cooperation’ which had become traditional: ‘Jussio, concilium, consensus, palpo, recursus, participans, mutus, non obstans, non manifestans’. The first six represent positive cooperation in harm done to another, while the last three are negative - cooperation by omission. Roy notes that, ‘by relationship to the act of damage, cooperators exercise influence in a dual way according to the two modes of physical causality and moral causality’. This distinction based on causality becomes significant as Alphonsus begins to distinguish ‘cooperation properly so called’ from ‘scandal’ and ‘induction’.

Two points are clear in *de restitutione*. First, as with Sanchez, the focus here is on the issue of culpability: in general terms, a cooperator is required to make restitution to the extent to which he shares moral responsibility for damage done by the evil he helps to cause. The crucial point for Alphonsus, as for Sanchez, is *moral causality*: in the question of restitution, the cooperator is to be considered culpable insofar as he has exercised moral causality by influencing the will of the principal agent either by helping to form the principal agent’s evil will (for example, by command, counsel or flattery), or by strengthening the principal agent’s existing evil will (by agreement, defense or participation), or by failing to dissuade the principal agent (by being silent, or remaining passive, or failing to reveal the other’s fault). In all of these the cooperator is held to make restitution.

Second, however, among these nine modes of moral causality Alphonsus notices that the cooperator can also exercise *purely physical causality* in one mode: participation in the evil act itself. One’s moral culpability for purely physical participation in an evil act (and therefore one’s duty of restitution) depends on two factors: the *proximity* of one’s cooperation in the evil act, and whether one cooperates freely or because of some grave fear. Many moralists held that because

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26 The focus on culpability here prompts even Alphonsus at times to confuse cooperation with scandal or induction. Roy, ‘La coopération’, 401-402.
27 Alphonsus, *de restitutione* 571: ‘Participantes dupliciter intelligi possunt: nempe in re furata et in actione furti. Participantes in re furata tenetur quidem restituere quantum de illa ad ipsos pervenit. Quoad participantes vero in actione furti, videndum an ipsi concurrant at totum damnum vel ad partem.’
28 Alphonsus, *de restitutione* 571, quoting Lessius: ‘Excusantur tamen (modo actio per se non sit mala) qui ea non sponte, sed justo metu coacti faciunt . . .’
too proximate a cooperation would render the cooperative act intrinsically evil, proximity itself was the major factor in determining culpability even in the presence of an excusing reason.\textsuperscript{29} Alphonsus preferred an alternative approach: given that the cooperator exercises no moral causality in the principal agent’s sin (that is, his is purely physical participation), the cooperator’s act and the principal agent’s act must each be considered to have their own moral status. Even very proximate physical cooperation may be permissible so long as the cooperator holds a sufficiently grave reason to act.\textsuperscript{30}

So in the first place Alphonsus distinguishes between participation by an intrinsically evil act and participation by an essentially indifferent act. In the second place, he distinguishes between participation by an essentially indifferent act with a sufficiently serious excusing reason, and participation by an essentially indifferent act without such an excusing reason.

The distinctions which Alphonsus uncovers in \textit{de restitutione} also occur in the tract \textit{de caritate}. Here Alphonsus’s primary concern is not with culpability and restitution, but with the demands of the virtue of charity itself - and again the role of the sufficiently serious reason is crucial. His progress towards defining ‘cooperation properly so called’ can be traced in three phases.

\textit{First,} with regard to \textit{causality}: in \textit{de caritate} 47 the question is put whether it would be a sin of scandal to ask of someone that which he could not do without sin,

\begin{quote}
\textsuperscript{29} Alphonsus, \textit{de restitutione} 571: ‘\textit{Si actiones cooperantis remote concurrant ad furtum . . . tunc cooperans ob metum mortis vel alterius gravis mali, excusatur tam a restitutione quam a culpa: quia istae sunt actiones per se indifferentes, neque laedunt dominum, nisi ex malitia furis. - Secus, si actiones sint proxime influentes in furtum . . . tunc cooperans non excusatur neque a culpa neque a restitutione. Ratio, ut dicunt, quia actiones hae, utpote intrinsece malae, non possunt ob quicumque metum excusari.’
\end{quote}

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\textsuperscript{30} That is, if the cooperator acts for the same end as the principal agent then his deed is obviously evil; but if he acts for another end, for example to prevent a greater harm befalling himself, then his act must be considered as distinct from that of the principal agent. See Alphonsus, \textit{de restitutione} 571: ‘\textit{Ratio, quia omnes praefatae actiones, tam primi quam secundi generis, sunt revera indifferentes: cum, juxta finem quo iunt, vel licitae vel illicitae esse possint. - Si enim tu praeestas illas cum pravo fine nocendii domino, certe erunt tibi illicitae. - Si vero praeestas, ad damnum tuum in vita vel honore praecavendum, tunc licitae tibi erunt; et quod fur illis abutatur ad suam pravam voluntatem exsequendam, hoc per accidens se habet: tuque solum materialiter tunc cooperaris ad peccatum illius, quod ex justa causa licite permitis.’
\end{quote}
if he were already of a mind so to sin.\textsuperscript{31} In his reply Alphonsus notes that a principal agent who is already prepared to perform an evil act cannot be the subject of scandal or induction in the strict sense, since the evil object has already been presented to, and approved by, his will.\textsuperscript{32} The logic here is compelling: the cooperator in question is clearly \textit{participating} in the other’s evil action, but is not strictly \textit{inducing} it. There is, therefore, a real distinction between cooperation on one hand, and scandal or induction on the other. As in \textit{de restitutione}, it is when Alphonsus notices that one may \textit{physically cooperate} in an act without exercising any \textit{moral causality} that the nature of ‘cooperation properly so called’ becomes clear: if the cooperator’s act exercises moral causality in the principal agent’s act, that act qualifies as scandal or induction and is best dealt with under those titles; if there is no moral causality at all, but only physical participation in some form, then the act is one of cooperation properly so called and is best handled under that title.\textsuperscript{33}

It will be recalled that Sanchez had defined cooperation primarily with reference to the \textit{fault} of the principal agent, and his emphasis on moral causality is similarly with reference to that agent’s \textit{fault}, to the point that he seems reluctant to consider purely physical participation within his definition of cooperation.\textsuperscript{34} While this frame of reference is in keeping with Sanchez’s concern to study the question of restitution for unjust damage, it is now obvious that this approach must inevitably lead to some confusion. For Alphonsus, on the other hand, cooperation properly so called is defined primarily not in terms of participation in the principal agent’s \textit{fault}, but in terms of the cooperator’s participation in the principal agent’s \textit{act} by contributing some physical assistance. The same distinction allows Alphonsus to define formal and material cooperation:

> But it is better to say, with others, that [cooperation] is formal which agrees with the evil will of the other, and cannot be done without sin; true material [cooperation] is that which concurs only

\textsuperscript{31} Alphonsus, \textit{de caritate} 47: ‘\textit{Quaestio 3: An sit peccatum scandali, petere ab alio aliquid, quod ipse non praestabit sine peccato, si jam paratus sit ad peccandum?}’ Roy (‘\textit{La coopération}’, 408) notes that while Alphonsus poses the question in terms of induction, he responds to it in terms of cooperation.

\textsuperscript{32} Roy, ‘\textit{La coopération}’, 408.

\textsuperscript{33} Roy (‘\textit{La coopération}’, 403) notes that in the tract on charity Alphonsus no longer identifies as ‘cooperators’ those who exercise such moral causality - rather they are agents of scandal.

\textsuperscript{34} Roy, ‘\textit{La coopération}’, 384.
with the evil action of the other, [which is] outside the intention of the cooperator.\textsuperscript{35}

Second, with regard to the nature of the cooperative act and the cooperator’s subjective intention: defining ‘cooperation properly so called’ as ‘cooperation without induction’ effectively eliminates eight of the nine modes dealt with in \textit{de restitutione}, since none of the eight could avoid influencing the principal agent’s will in some way. This leaves only \textit{participans} - or more precisely, only one form of \textit{participans}, namely purely physical participation - and this would be ‘cooperation properly so called’ only if certain conditions apply. Given that the principal agent has already formed a will to sin, Alphonsus lists these conditions as:

1° If the work or cooperation would be in itself good or at least indifferent. 2° If it would be through a good intention and for a reasonable cause, and not in order to help the other to sin. 3° If one is unable to impede the sin of the other, or at least for a reasonable cause one would not be expected to do so.\textsuperscript{36}

These conditions strictly circumscribe \textit{participans} as ‘cooperation properly so called’. The first condition specifies that the cooperative act must not be evil in itself, or else the cooperator would sin in his own right. The second condition requires a good intention, since an evil intention would vitiate an otherwise good or indifferent act; it also requires a justifying reason serious enough, in the circumstances, to override one’s normal obligation not to participate even only physically in an evil deed. The third condition requires that, even given a good or indifferent act, a good intention and a sufficient reason, one must also hold some reason to be excused one’s normal obligation to prevent or impede spiritual harm to one’s neighbour.

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\textsuperscript{35} Alphonsus, \textit{de caritate} 63: ‘Sed melius cum aliis dicendum, illam esse formalem, quae concurrit ad malam voluntatem alterius, et nequit esse sine peccato: materialem vero illam, quae concurrit tantum ad malam actionem alterius, praeter intentionem cooperantis.’ Emphasis added. See also Roy, ‘La coopératio’, 422.
\textsuperscript{36} Alphonsus, \textit{de caritate} 59: ‘1° Si tuum opus vel cooperatio sit secundum se bona vel saltem indifferentes. 2° Si bona intentione et rationabilis ex causa fiat, et non ut juges alterum peccare. 3° Si alterius peccatum impedire nequeas, aut saltem non tenearis propter causam rationabilem.’
\end{flushright}
It will be noted that, like Sanchez, Alphonsus defines as intrinsically evil an act which cannot be commissioned except as ordered to sin.\footnote{Alphonsus, \textit{de caritate} 59: \textit{‘Et Sanchez censet auctores citatos locutos fuisse casu quo absit justa causa excusans; vel quando cooperatio sit intrinsece mala. Semper autem est intrinsece mala illa actio, quae ex se determinata est ad peccatum: uti esset, quaerere domino concubinam, idola fabricare, et quid simile. Secus, si actio potest fieri sine peccato: puta, ministrare mensae, aperire januam, etc.’}} Granted that the cooperator’s act is not intrinsically evil in this sense - that is, not in itself ordered to the principal agent’s evil act - the cooperator’s act is taken to be essentially indifferent in itself, and Alphonsus’s major concern then is with the cooperator’s intention. He insists that the cooperator’s intention must be good or at least indifferent, since an evil intention would vitiate an otherwise morally indifferent act. But even where the act is good or indifferent in itself and the cooperator’s intention is also good, Alphonsus points out that the cooperator must still evaluate his cooperation with prudence, according to various considerations:

1° How grave is the sin to which occasion would be given; 2° how probable it is that, if one did not cooperate, the other would not commit the sin; or how inevitable is the sin; 3° how closely one’s cooperation bears upon the sin; 4° how great a right one has to perform the cooperative act; 5° finally, how greatly the sin offends the demands of justice, by virtue of the harm it does to a third party.\footnote{Alphonsus, \textit{de caritate} 59: \textit{‘1° quanto gravius est peccatum cujus occasio datur; 2° quanto probabilius est, te non cooperante, alterum non peccaturum; aut quanto certior est affectus peccati; 3° quanto propinquius tua cooperatio peccatum attingit; 4° quanto minus jures habes ad tale opus; 5° denique, quanto magis peccatum cum justitia pugnat, idque propter damnium tertii.’}}

Third, with regard to the question of culpability, Alphonsus notes that a sufficiently grave reason is always required to justify material cooperation: cooperation without a proportionate reason would constitute a sin against both the virtue offended by the evil with which one cooperates, and the virtue of charity which requires one to avoid allowing serious harm to one’s neighbour (that is, the principal agent) - including spiritual harm.\footnote{Alphonsus, \textit{de caritate} 47.} But cooperation with a proportionately grave reason may constitute a sin against neither virtue.\footnote{Note that \textit{‘offences against the virtues’} here refers to the sin of the cooperator which is tied to the nature of his cooperation and whether or not it is justified. The sin of the principal agent is a}

- with regard to an offence against the virtue of charity:

\footnotesize{\textit{\textbullet}}
Indeed, charity obliges us to avoid serious harm to our neighbour, as often as it may be done without serious inconvenience. However, when we have a grave reason for asking, we cannot abstain from asking without serious inconvenience; and therefore in this case we are certainly excused; the opposite is true if the reason is not serious, and much more so if the reason is unlawful or frivolous.\(^{41}\)

- *and with regard to offence against the other virtue in question:*

Truly we say that someone asking without a just cause . . . would not be excused a grave sin against the other virtue to the offending of which he morally induces his neighbour. And this is so even if it might be the case (which in practice, as we have just said, is morally impossible) that the external act would not strengthen the malice of the neighbour who is already prepared to sin. The reason is that, without a just cause, it is never lawful to cooperate with an objectively evil action; even if it is only permissive concurrence, to concur even morally with an objectively evil act without a just cause is of itself always evil; accordingly it is certain that to induce another senselessly to perjury, fornication, etc., even if the other person does not actually sin, is a grave sin against the opposite virtue; . . . \(^{42}\)

It seems, therefore, that Alphonsus requires the cooperator to hold a sufficiently serious reason for two purposes: *firstly* in order to excuse the cooperator from his normal duty in charity to prevent spiritual harm befalling his neighbour, and *secondly* in order to excuse the cooperator from his normal duty to refrain from assisting the principal agent to offend another virtue or virtues. This double sense of ‘sufficiently serious reason’ appears when the cooperator acts under some threat of harm:

. . . when one performs an action which is indifferent in itself, that is, one which may be either good or evil, one is not held out of charity to abstain from it, not even if another person would abuse it in order to commit sin; moreover, when someone threatens one with serious

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\(^{41}\) Alphonsus, *de caritate* 47: ‘Caritas enim nos obligat ad vi tandum damnum grave proximi, quotiescumque sine notabili incommodo id possamus. Cum autem habemus graven causam petendi, non possimus sine gravi incommodo a petendo abstinere; et ideo tunc equidem excusamur; secus vero, si causa sit levis, et tanto magis si sit illicita aut vana.’

\(^{42}\) Alphonsus, *de caritate* 47: ‘Verum dicimus quod petens sine gravi causa . . . non excusatur ab alio peccato gravi contra virtutem, ad quam laedendam moraliter inducit proximum. Et hoc, etiamsi daretur casus, quem practice jam diximus moraliter impossibile esse evenire, quod opere externo non augeretur multitudo proximi parati ad peccandum. Ratio, quia sine justa causa nunquam licet cooperari ad actionem objective malam; concurrere enim moraliter, etsi permissive, ad actu m objective malum sine justa causa, per se semper est malum; prout certum est, quod inducere amentem ad pejerandum, fornicandum, etc., etiamsi ille non peccat, est grave peccatum contra virtutes oppositas; . . . ’
harm, it can be lawful to permit the other person to sin. For on one hand charity does not oblige one to suffer grave harm in order to avert the other’s sin; and on the other hand, the malice of the other person does not alter the nature of one’s own act, which by its indifference avoids being intrinsically evil. And the author Continuator Tournely teaches the same opinion as me, saying: I am not held to undergo serious harm in order to avert the sin of another; rather his own malice is imputed to himself only.  

In all of these cases Alphonsus assumes the principal agent’s will to sin. Without this prior intention of the principal agent, virtually any cooperation would constitute inducement: either as assisting the principal agent to form his evil intention, or as strengthening the evil intention he has already formed. It is significant therefore that in de caritate, while Alphonsus eliminates what he admits is virtually impossible (that the cooperative act would not strengthen an evil intention already formed), he still finds a grave sin in the case of one who cooperates without just cause. In this case, the grave sin is not defined primarily with reference to the fault attaching to the principal agent’s act: the sin is defined primarily in terms of the cooperator’s own act, which constitutes unjustified participation in the principal agent’s evil deed.

Here the importance of Alphonsus’s achievement is clear. In defining cooperation primarily in relation to the act of the cooperator rather than to the fault of the principal agent, he effectively identifies a boundary which previously had gone unnoticed: it is the boundary between the cooperator’s culpability for his own act, and his shared culpability for the act of the principal agent. Consequently Alphonsus insists that several conditions must be met for legitimate cooperation:

- the principal agent must already be determined unto evil (so there is no question of induction);
- the cooperator’s act must be good or indifferent in itself (so it does not merit condemnation in its own right);

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43 Alphonsus, de caritate 66: ‘... cum te praestas actionem per se indifferentem, scilicet, quae potest esse bona et mala, non teneris ex caritate ab illa abstinere, ne alter ea abutatur ad peccandum; quando autem alias grave damnum metuis, licite permittere potes peccatum alterius. Nam ex una parte, caritas te non obligat cum gravi damno peccatum ejus avertere; et ex altera, malitia alterius nequit mutare naturam tuae actionis, ita ut de indifferenti evadat intrinsece mala. Et idem mecum sentit doctus auctor, Continuator Tournely, dicens: Non... teneor grave subire detrimentum, ut alterius peccatum avertam; ipse sane malitiam suam sibi imputet.’
• the cooperator must not intend the evil of the principal agent (so that his cooperation is not formal); and
• the cooperator must possess a sufficiently serious reason to act (in the knowledge that the abuse of his act will occur only in virtue of the principal agent’s evil will).

In lawful cooperation properly so called, the cooperator is not at all culpable for the sin of the principal agent or for the evil wrought by the principal agent’s act, and therefore he is excused any harm which follows from the abuse of his own act. This boundary clarifies much of the confusion inherited from Sanchez.

In this way Alphonsus resolved the question posed by the condemnation of 1679. The servant in that case is not condemned because his actions are intrinsically evil by virtue of assisting his master to sin, since ‘opening a door’ or ‘holding a ladder’ are acts which are indifferent in themselves and may in other circumstances be ordered to good ends. Therefore (assuming that he acts with a good intention) the servant’s acts do not constitute formal cooperation in the master’s evil deed but only material cooperation, and a sufficiently serious reason (such as the threat of death) can justify such cooperation.\(^45\) However, the servant’s reasons as given in the condemned proposition are not serious enough to justify his cooperation in this case, so Alphonsus concludes that what was condemned by the Inquisition was not ‘formal cooperation’ but ‘unjustified material cooperation’. He holds that only the threat of death would excuse this material cooperation, but not even the threat of death would excuse material cooperation in a more serious evil, such as the killing of innocent people.\(^46\)

Alphonsus himself provides a concise summary of his achievement in *de caritate* 63:

• *First*, in distinguishing cooperation as formal and material he ties material cooperation to physical participation in the principal agent’s *act*, and formal cooperation to moral participation in the principal agent’s *fault*:

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\(^{44}\) See Roy, ‘La coopération’, 422.
\(^{45}\) Alphonsus, *de restitutione* 571.
But it is better to say, with others, that [cooperation] is formal which agrees with the evil will of the other, and cannot be done without sin; true material [cooperation] is that which concurs only with the evil action of the other, [which is] outside the intention of the cooperator.\(^{47}\)

- **Second**, in specifying the conditions for legitimate material cooperation he hints at a definition of 'proportionate reason':

  That [act of material cooperation] is lawful when of itself the act is good or indifferent; and when there is also a just cause *proportionate to the gravity of the sin of the other and to the proximity of the concurrence* . . . \(^{48}\)

- **Third**, in explaining how the cooperator may be excused from the demands of charity, he clearly distinguishes the principal agent’s intention and act from the cooperator’s intention and act:

  The reason is that simultaneously with your indifferent action performed without an evil intention, should the other person wish to abuse [your action] in order to perform his sin, you will not be held to impede his action even out of charity. This is because charity does not oblige when it demands grave inconvenience, so in performing your cooperation for a just cause, you do not sin. Then indeed his sin does not proceed from your cooperation, but from his own malice by which your action will be abused.\(^{49}\)

- **Fourth**, Alphonsus explains what might be called the psychological structure of material cooperation properly so called:

  It is not true to say that your action, even if indifferent, becomes evil when it conjoins with the circumstances of the depraved intention of the other person; for your action does not conjoin itself with his evil will, but he conjoins his evil will with your action; so your action then will not be a cause in itself influencing the sin, but only an occasion which the other person abuses in order to sin.\(^{50}\)

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\(^{46}\) Alphonsus, *De Caritate* 66.

\(^{47}\) Alphonsus, *De Caritate* 63: ‘Sed melius cum aliis dicendum, illam esse formalem, quae concurrit ad malam voluntatem alterius, et nequit esse sine peccato: materiale vero illum, quae concurrit tantum ad malam actionem alterius, praeter intentionem cooperantis.’

\(^{48}\) Alphonsus, *De Caritate* 63: ‘Haec autem est licita, quando per se actio est bona vel indifferens; et quando adest justa causa et proportionata ad gravitatem peccati alterius, et ad proximitatem concursus, qui praestatur ad peccati executionem.’ Emphasis added.

\(^{49}\) Alphonsus, *De Caritate* 63: ‘Ratio, quia cum tu praestas actionem indifferentem sine prava intentione, si alter illa abutis voluerit ad suum peccatum essequeendum, non teneris nisi ex caritate illud impedire. Et quia cartas non obligat cum gravi incommodo, ideo ponens tuam cooperationem cum justa causa, non peccas; tunc enim peccatum illius non provenit ex cooperatione tua, sed ex malitia, ipsius qui tua actione abutitur.’

\(^{50}\) Alphonsus, *De Caritate* 63: ‘Nec valet dicere quod tua actio, etsi indifferentis, conjuncta tamen cum circumstantia pravae intentionis alterius, evadit mala; nam revera actio tua non est per se
Finally, it is apparent that the locations of the two discussions of cooperation are very significant. In *de restitutione*, where the central concern is assessment of the degree of recompense to be made for unjust damage, the primary question of cooperation is: *in view of the evil effects which will follow from the principal agent’s evil action, is the cooperative act still justified on this occasion?* In *de caritate*, on the other hand, the central concern is purely whether charity always obliges one to prevent the principal agent from suffering spiritual harm from an evil which he wills upon himself. Regardless of any further evil effects which may flow from the principal agent’s action, the primary question of cooperation in evil here is: *in view of the spiritual harm which the principal agent will do to himself, is the cooperator’s action justified?*

Alphonsus looks at cooperation through the two lenses of ‘justice’ and ‘charity’, and identifies two distinct focal points: the harm done by the principal agent’s act, and the principal agent’s sin in itself. In the former, the question of cooperation in evil (properly so called) certainly arises, but it may easily be confused with the attendant issues of harm done to third parties and responsibility for restitution, and even with the problems of scandal and induction. It is only in the latter, where the sole focus is on the principal agent’s sin, that the question of cooperation in evil (properly so called) is seen in itself. This point was not universally appreciated by many subsequent authors.

But since many instances of cooperation in evil involve injustice to third parties in one way or another, it is valid to ask: is Alphonsus’s distinction real or only notional? Is it useful in fact, or only in theory? In the condemnation of 1679, for example, the questions concern only the servant’s cooperation: is the servant justified in cooperating with his master, and if so, why? But it is incontestable that a grave injustice is being done to a third party, the virgin ravished by the master. Does this injustice not go to the heart of the servant’s action? Does not the servant share some culpability for the master’s sin?

*conjuncta cum mala voluntate illius, sed illud conjungit suam malam voluntatem cum actione tua; unde tua actio non erit tunc causa per se influens in peccatum, sed tantum occasio, qua ille abutitur ad peccandum.*
This is precisely the point of Alphonsus’s distinction. The servant will share culpability for the master’s sin only if the servant’s cooperative action is itself unjustified - which, as Alphonsus noted, depends on the ‘fear of substantial harm’ involved. Alphonsus believed that the servant would not be bound to redress any injustice toward the virgin if his cooperation was not in fact unjust (and the threat of grave harm to himself might guarantee precisely that). Again, subsequent authors did not always appreciate this point. It is perhaps significant that these two issues - the effect of ‘duress’ and the question of whether a cooperator is responsible for the effects of the principal agent’s action - continue to arise even in much later treatments of the principle of legitimate cooperation.

1.1.5 Conclusions

The following schema illustrates, in a simplified way, the clarification of concepts which Alphonsus brought to the question of cooperation in evil.

<table>
<thead>
<tr>
<th>Cooperation</th>
<th>Sanchez</th>
<th>Alphonsus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inducing the other to sin</td>
<td>Direct cooperation</td>
<td>Induction</td>
</tr>
<tr>
<td>Intending the same evil end</td>
<td>Direct cooperation</td>
<td>Formal cooperation</td>
</tr>
<tr>
<td>Mediate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By intrinsically evil means</td>
<td>Direct cooperation</td>
<td>This act is evil in itself</td>
</tr>
<tr>
<td>By innocent means, for no serious reason</td>
<td>Indirect cooperation</td>
<td>Unjustified material cooperation</td>
</tr>
<tr>
<td>By innocent means, for a serious reason</td>
<td>Not cooperation</td>
<td>Legitimate material cooperation</td>
</tr>
</tbody>
</table>

Figure 1.1 Cooperation in Thomas Sanchez and Alphonsus Liguori.

The century following Alphonsus saw the moral manuals make no appreciable improvement to his position. In one sense this was a period marked by repetition and consolidation of past achievements: ‘... nothing seems to have changed much in a hundred years except the names of those articulating the old arguments’. It is not surprising, then, that while there were inevitably some variations between one manual and another, the principle of cooperation remained essentially as Alphonsus had left it.
Nevertheless, the nineteenth century did see the beginnings of a renewal in moral theology. Discontent at the style of the manuals, and at what was perceived as an excessively legalistic approach to the ministry of the confessional and to moral life, was fuelled by the need to address challenges issuing from the rise of rationalism. Beginning in the universities, this renewal movement was marked broadly by ‘a recovered sense of the past and of historical development, a renewed sense of speculation, of mysticism and an effort to align theology more closely with life’.52

This trend in moral theology emerges very unevenly and very late in the manuals of the twentieth century. And in most respects, as noted, the principle of cooperation remained unaffected by these developments - which is both a comment on the vitality of the genre, and a tribute to the work of St Alphonsus.

1.2 Cooperation in the Later Manuals

1.2.1 Introduction

The moral manuals hold a particularly important place in the Catholic moral tradition. They had the specific aim of preparing clerical students for the role of confessors, but as a genre which evolved over time they also provide a base-line for longitudinal studies of particular moral questions.

This section will explore the principle of cooperation as it appears in three moral manuals. It has already been noted that in most respects the manualists’ treatment of cooperation does not vary greatly from that of Alphonsus, but this study will help to situate a later discussion of the structure and content of the principle. In some ways these texts - all taken from the first part of this century and frequently illustrating the tendencies noted above - may be taken as representative of what turned out to be the final stage of the manual tradition.

The choice of these particular manuals is driven by two factors: the parameters of the present work, and the influence which these authors exercised on the formation of priests in Australia in the years just prior to and immediately after the Second Vatican Council. That Council is a natural boundary since it mandated a far-reaching revision of moral theology, a renewal which is having a significant impact on the way in which moral principles are presented today.

1.2.2 Aertnys-Damen

Three aspects of Aertnys-Damen’s *Theologia moralis* (1932) make it an immediate candidate for study: it is typical of the genre as it stood at the beginning of this century; it underwent many editions in its long history (eight prior to the

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1918 Code of Canon Law, the eighteenth and final edition in 1967); and as the work of two (and eventually three) notable Redemptorist theologians it could be expected to stand squarely in the tradition of Alphonsus Liguori.

True to that tradition, Aertnys-Damen treat cooperation in two locations: *de restitutione*\(^{54}\) and *de caritate*.\(^{55}\)

In *de restitutione* the treatment follows the focus of Alphonsus very closely: cooperation is defined broadly as concurrence in the action of another which brings about unjust damage. The authors list the traditional nine modes, and note the two offences inherent in unjust cooperation: against charity, and against the other virtues in question.\(^{56}\) They deal with the problem of cooperation by induction in the first five positive modes, before treating of *participans*.\(^{57}\)

Here the authors repeat the distinctions made by Alphonsus between participation through *benefiting* from an unjust act, and participation in the *commissioning* of the unjust act itself. Participation in the latter case is either *formal* or *material*,\(^{58}\) and material cooperation may be either *immediate* (when one cooperates in the performance of the evil act itself) or *mediate* (when one offers some matter which serves the commissioning of the evil act). Some of the examples have not changed from the time of Sanchez: offering one’s shoulders for someone to climb through a window, making or providing skeleton keys for a thief, and so on.\(^{59}\)

In assessing restitution the authors also repeat the doctrine of Alphonsus: whoever participates through *benefiting* from the unjust act is always held to make restitution; whoever participates through contributing to the *commissioning* of the unjust act itself is held to make restitution when their cooperation is theologically *culpable*. *Formal cooperation* is always sinful, and so restitution is always

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\(^{54}\) Lib. III *De praeceptis Decalogi*, Tr. VII *De VII et X praecepto*, Pars I *De justitia commutativa*, Sectio III *De resitutione*, Cap. IV *Redituio ob injustam cooperationem ad damnum*.

\(^{55}\) Lib. II *De praeceptis virtutum theologicarum*, Tr. III *De caritate*, Cap. VI *Peccata contra caritatem*, Art. 3 *Cooperatio*.

\(^{56}\) Aertnys-Damen, *de restitutione* 769.

\(^{57}\) Aertnys-Damen, *de restitutione* 782-783.

\(^{58}\) The authors have already defined these in their *de caritate* 398.

\(^{59}\) Aertnys-Damen, *de restitutione* 782, with reference to Alphonsus in his *de restitutione* 571.
required. Those who cooperate materially are held to make restitution when they have no ‘just and proportionate reason’ for acting, since only such a reason can justify material cooperation.\textsuperscript{60}

Aertnys-Damen seek to shed some light on what might constitute this ‘just and proportionate reason’ in various cases. \textit{Immediate material cooperation} would not be justified if, in seeking to avoid harm to oneself, one cooperated in inflicting a harm of the same order on one’s neighbour; but it would be justified if the threat of harm to oneself was of a higher order than the threat to one’s neighbour. \textit{Mediate material cooperation} would be permitted where the threat of harm to both parties was equal.

In \textit{de caritate} the authors also follow closely the doctrine of Alphonsus whom they acknowledge as making the greatest contribution to clarification of the question. While the reserve the strict sense of cooperation to one who ‘\textit{concurs either physically or morally in the evil action of the other more principal agent}’,\textsuperscript{61} they immediately note that the principal agent is one who is already determined to act: that is, they exclude all notion of induction. Granted this, \textit{formal cooperation} is defined as ‘\textit{concurrence in the formal sin of another, or in his evil will in such a way that it necessarily includes concurrence in the sin itself}’.\textsuperscript{62} This may come about \textit{ex fine operis}, when the act is of its nature ordained only unto the sin, or \textit{ex fine operantis}, by the intention of the cooperator. In either case the sin of formal cooperation is taken to be obvious, and directly voluntary, and so never lawful.

\textit{Material cooperation}, on the other hand, concurs ‘\textit{only in the material sin or in the evil action of the other and not with his evil will}’\textsuperscript{63} - that is, the cooperator must not formally intend the evil of the principal agent. Here the traditional concept of intrinsically evil and morally indifferent acts is employed: material cooperation

\begin{flushleft}
\textsuperscript{60} Aertnys-Damen, \textit{de restitutione} 783 : ‘Materialiter cooperans ad restitutionem tenetur nisi ex justa et proportionata causa auxilium praestet; tunc enim solum cooperatio ejus licta est.’
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\begin{flushleft}
\textsuperscript{61} Aertnys-Damen, \textit{de caritate} 397.
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\begin{flushleft}
\textsuperscript{62} Aertnys-Damen, \textit{de caritate} 398: ‘Cooperatio formalis ea est quae concurrat ad \textit{formale peccati} alterius, seu ad ipsius malam voluntatem, ita ut necessario includat consensum in ipsum peccatum.’ Emphasis original.
\end{flushleft}

\begin{flushleft}
\textsuperscript{63} Aertnys-Damen, \textit{de caritate} 398: ‘Cooperatio materialis ea est, quae concurrit tantum ad \textit{materiale peccati} seu ad malam actionem alterius et non ad malam voluntatem.’ Emphasis original.
\end{flushleft}
occurs ‘when anyone without evil intention performs a work in itself indifferent, which of its own nature is not ordained solely unto the sin, but which can be made to serve either good or evil purposes, and which the other agent abuses in order to sin.’ \(^{64}\) Material cooperation is further categorised, somewhat vaguely, as proximate or remote ‘according to the matter or means of sinning, or better, as it leads proximately or remotely to the execution of the sin’. \(^{65}\)

Material cooperation \textit{per se} is illicit, but \textit{per accidens} it may be lawful for a proportionately serious justifying reason. The authors conclude that lawfulness depends upon three simultaneous conditions: that the act is in itself good or indifferent, that the end (intention) is good, and that it is for a just and proportionate reason. \(^{66}\) Illicit cooperation, whether formal or material, is always a sin against all virtues offended.

Aertnys-Damen then further specify their position on what constitutes a ‘just and proportionate reason’: it must be proportioned to the one cooperating, and to the manner of cooperating, and to the sin of the principal agent. Only in relation to all of these circumstances can a truly prudential judgment be reached. \(^{67}\) A more serious reason would be required to justify material cooperation as the following factors vary:

- whether the cooperator is bound by office to prevent the sin;
- the more likely it is that the sin would not occur if one did not cooperate;
- the more certainly the cooperator knows that his act will be abused;
- the more proximate the cooperation to the sin;
- the more serious the sin itself; and

\(^{64}\) Aertnys-Damen, \textit{de caritate} 398: ‘\textit{Hoc autem contingit quando quis absque mala intentione operam praestat de se indifferentem, quae non natura sua ad solum peccatum ordinatur sed tam uno quanm malo usui inservire potest, at qua alter abutitur ad peccandum.}’

\(^{65}\) Aertnys-Damen, \textit{de caritate} 398: ‘\ldots prout materia vel medium peccandi, quod praestatur, proxime vel remote conductit ad peccati exsequionem.’

\(^{66}\) Aertnys-Damen, \textit{de caritate} 399.

\(^{67}\) Aertnys-Damen, \textit{de caritate} 400: ‘\textit{Causa cohonestans cooperationem materiale debet esse proportionata tum ad personam cooperantem, tum ad modum cooperationis, tum ad peccatum cui exsequendo opera praestatur. Hae enim sunt actionis circumstanatiae quas respicere debet prudentia, cujus est determinare quanem causa in casu particulari cooperationem materialem cohonestet.}’
• the more severe the judgment of the principal agent.  

Then the special rules governing material cooperation are given: material cooperation is always lawful if it is done in order to avoid a greater evil; proximate cooperation in an action which gravely damages the public good is never excusable on the grounds of protecting a private good; proximate cooperation in the sin of another, especially necessary cooperation, is excused if one acts out of a fear of grave harm or loss at least equivalent to that suffered by a third party - whereas remote cooperation in the sin of another may be lawful for a less serious reason. But if denying one’s cooperation would prevent the sin being committed, then a more serious reason is required to justify one’s act.  

Note that here the authors cite Alphonsus directly, and refer to a footnote in the Gaudé edition which draws attention to the fact that while he is considering cooperation with a specific focus on whether charity permits the cooperator to allow the principal agent to sin, Alphonsus also counts ‘harm done to third parties’ as a relevant factor. This does not represent a loss of focus on the primary question in de caritate, but is rather an indication that the extent of harm done by the evil deed helps to define the gravity of the principal agent’s sin. As noted, some later authors missed the subtlety of this point and referred instead simply to ‘further harmful effects’ as a distinct matter to be considered under de caritate.  

Finally the authors note that, as clear-cut as these distinctions may seem in theory, they are not always so in practice:  

The application of principles and rules to individual cases of cooperation are prone to certain difficulties. The heart of these lie in discerning: 1° which actions are indifferent in themselves, and which are truly determined unto evil; 2° which actions are proximate and which are truly remote insofar as they apply to the perpetration of the sin; 3° when a reason would be just and proportionate such as to excuse from material cooperation. In these matters it is not uncommon for the classical authors to disagree among themselves,  

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68 Aertnys-Damen, de caritate 400. Compare this with Alphonsus, de caritate 59.  
69 Aertnys-Damen, de caritate 401, where there are signs of a distinction between necessary and contingent cooperation.  
70 The reference is Alphonsus de caritate 66. Alphonsus refers the reader to his own treatment of cooperation in his de restitutione 571.
and St Alphonsus, speaking of just and proportionate reason, wrote in *Homo apostolicus* n.32: ‘Before everything else, it should be the rule to observe what the Doctors say; because it arises from a prudent estimation, [their] judgment in this matter will be more common and also more probable’.\(^{71}\)

This monitum precedes an analysis of individual cases of cooperation: many of these are virtually unchanged from the time of Alphonsus, although in a few instances the authors include more contemporary issues.\(^{72}\)

If the moral manuals form a single genus of many species, Aertnys-Damen would seem to serve as a typical specimen. The authors systematise and preserve the best of traditional teaching, including supporting arguments, and apply traditional principles to particular questions. But with few exceptions the teaching on material cooperation in this manual is much as Alphonsus had left it over 150 years before.

1.2.3 **Henry Davis**

The first edition of Henry Davis’s *Moral and Pastoral Theology* (1935) was almost exactly contemporaneous with the twelfth edition of Aertnys-Damen, yet there are significant differences between them.

In the *Preface* to his first edition Davis provides an intriguing glimpse into the world from which his manual emerges and for which it is intended. On one hand he reflects the inertia of the tradition:

> A writer on Moral Theology today must be indebted beyond measure to the labours of past writers, for the matter is one that has been treated with the greatest acumen and scholarship during well-nigh three centuries, and *there is no room for originality*.\(^{73}\)

On the other hand he demonstrates a sense of the emerging interdisciplinary demands of moral theology, urging the reader to have recourse to experts in various

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\(^{71}\) Aertnys-Damen, *de caritate* 402.

\(^{72}\) For example *de caritate* 405, concerning Masonic sects and Socialists; and *de caritate* 406, concerning telegrams.

fields of study, since ‘a Moral theologian cannot hope to have exact knowledge in any other science than his own’.\(^{74}\) He also acknowledges that he is ‘painfully aware how easy it is to misapply a principle to a concrete case, especially when several principles which appear to be mutually antagonistic have to be co-ordinated’.\(^{75}\) It is apparent that Davis does not intend simply to repeat in English the content of the Latin manuals, but aims rather to strike a balance between that long moral tradition on one hand, and practical guidance for his contemporaries on the other. That practical guidance often comes in the form of ‘Pastoral Notes’, which nevertheless are normally couched in the traditional language and attitudes of canon law.

The structure is more or less in keeping with the Latin manuals, and Davis treats cooperation in the traditional locations. Under ‘restitution’ he perpetuates the confusion of cooperation with scandal and induction, noting various divisions of cooperation: positive (‘by actual help or moral suasion’) which includes the first six of the traditional nine modes, and negative (‘by not preventing injustice when one could and should prevent it’) which embraces the remaining three modes.\(^{76}\) The positive modes are treated first, but the discussion is much less detailed than in Aertnys-Damen and there are few case studies.

Concerning participation, Davis echoes the traditional distinction between participating in the unjust act itself and participating in the results of an unjust act. In the latter case the cooperator is bound to make restitution; in the former, restitution is required for any harm of which he was ‘the efficacious and culpable cause’.\(^{77}\) The author also distinguishes necessary and unnecessary cooperation: the former is required in order to produce the damage, the latter is not. Concerning the negative modes of cooperation, he notes that restitution must be made where ‘one is bound in justice to prevent injustice to another, and refrains from doing so, though one could have prevented it without an equivalent harm to oneself’.\(^{78}\) It is perhaps significant that, unlike Aertnys-Damen, Davis does not dwell on what might constitute ‘equivalent’ or ‘greater’ harm, beyond noting the general principle that

\(^{74}\) Davis, vol. I, viii.
\(^{75}\) Davis, vol. I, ix.
\(^{76}\) Davis, vol. II, 310-311.
\(^{77}\) Davis, vol. II, 314.
\(^{78}\)
'no one is bound to forestall harm to another at the cost of greater harm to himself'.

Under the virtue of charity Davis defines cooperation as ‘concurrence with another in a sinful act’, whether by acting with another in sin or by supplying another with the occasion of sin. He touches on proportionate reason, noting that ‘... it is important to distinguish between immediate and mediate, proximate and remote cooperation, since a more serious excuse is required for immediate than for mediate cooperation, as also for proximate than for remote’. Davis’s definitions are worth quoting in full:

1. Cooperation is formal when A helps B in an external sinful act, and intends the sinfulness of it, as in deliberate adultery.
2. Cooperation is material when A helps B to accomplish an external act by an act that is not sinful, and without approving of what B does.
   (a) This material cooperation is immediate, if it is cooperation in the sinful act of the other, as to help a burglar to empty the jewels that he is stealing into the burglar’s wallet.
   (b) Material cooperation is mediate, if it is an act that is secondary and subservient to the main act of another, as to supply a burglar with tools for his burglary.
      (i) Mediate cooperation is proximate, if the help given is very intimately connected with the act of another, as to hold a ladder for the burglar as he climbs up to a window for the purpose of burglary.
      (ii) Mediate cooperation is remote, if the help given is not closely connected with the other’s act, as to purchase tools for a burglar.

It is notable that in defining material cooperation Davis maintains Alphonsus’s boundary between the acts of the principal and secondary agents. But a certain imprecision in the next distinction threatens to obscure this boundary once again: if the tools supplied to the burglar are tools specifically for burgling (for example, skeleton keys), some manualists would consider this to be virtually formal

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80 Davis, vol. I, 341. The debt to Alphonsus is evident.
cooperation because the supplier is morally certain that the tools will be used for an evil purpose, rather than for lawful entry to a property.  

Broadly speaking, Davis’s treatment of the morality of cooperation is a conflation of the standard manualist teaching: formal cooperation is always illicit, constituting a sin against charity and against the other virtues offended; material cooperation is normally sinful, unless two conditions are verified simultaneously: that the cooperative act is not in itself sinful (that is, is morally good or indifferent); and that there is a sufficient cause (sufficiently serious reason) to permit the other’s sin. Like Aertnys-Damen, Davis notes that material cooperation in grave harm to the Church or State is never lawful, since great public good always comes before private good. Immediate material cooperation in sin is always wrong unless it is necessary to avoid a greater evil, as may happen (for example) under the threat of death.

Finally, it is worth noting Davis’s comment as he attempts to describe what might constitute a ‘sufficient cause for permitting the sin of another’:

In estimating the sufficiency of the excuse for material cooperation, we must consider the spiritual character and needs of another, our relations to him, what and how great is his offence against God, the harm that may accrue to a third person, the public harm likely to ensue, how close the cooperation, how indispensable it may be. So many factors enter into all questions of material cooperation, that only the most general principles can be laid down. Great varieties of opinion, therefore, on any given case except the most obvious, are inevitable, and there is no more difficult question than this in the whole range of Moral Theology.

Bernard Häring’s The Law of Christ marks a critical point in the history of the moral manuals. On one hand the author sets out to present traditional moral teaching in the context of Christ seen as the most fundamental ‘law’ of the

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83 For example, see Aertnys-Damen, de caritate 405, Resp. 3°. At this point it is sufficient to note that Davis uses the category ‘immediate material cooperation’ to describe what for some moralists is simply a form of ‘implicit formal cooperation’. The significance of this will be explored in Chapters Two and Four.


85 Davis, vol. I, 342. Compare Davis’s account of a ‘sufficient cause’ with Alphonsus, de caritate 59; and Aertnys-Damen, de caritate 400.

Christian. On the other hand his work represents the fruits of a reaction to the traditional manuals which had developed in the universities in the late nineteenth and early twentieth centuries, and which contributed to the Second Vatican Council’s call for renewal. As a result, moral theology would no longer merely repeat the old formulae but would be based on a solid foundation of Scripture and patristics, and philosophical and empirical anthropology. The fact that this work predates the Second Vatican Council - it was published in German in 1954 and in English translation in 1963 - underscores its profound significance.

The origins of the text are indicative of its nature: the author’s professional training was not in canon law but in philosophy and theology; he had studied not at one of the traditional Roman academies but in Tübingen; in addition to the traditional manuals Häring’s sources included the ‘more recent works’ of Tillmann, Sailer and Hirschmann. Furthermore, where the traditional manual was intended for the training of confessors, Häring’s work was intended for clergy and laity alike. It was, in the words of the translator, ‘a new and rich approach to the whole field of moral theology’.

This was nowhere more apparent than in the structure of the work: where Aertnys-Damen and Davis followed the traditional order (Human Acts - Law - Sin - Virtues - Decalogue - Sacraments), The Law of Christ flowed in three broad steps: ‘The nature of the moral agent’ - ‘Fellowship with God’ - ‘Fellowship with the created order’. The author professed this to be an arrangement ‘very largely in the traditional manner’, yet in many respects it laid out a whole new orientation for the modern moral text: a strong theological anthropology with reduced reliance on

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89 Häring, Terzo Millennio, 4. Häring notes that he studied the relationship between religion and morality in Scheler, Kant and Hartmann, and (among Protestant authors) Schleiermacher, Brunner and Otto.
90 Häring, Terzo Millennio, 3, where the author notes: ‘The decision of my superiors to opt for Tübingen or Monaco was an indication of a turning-point which had been prepared by public opinion.’
91 Häring, Terzo Millennio, 3.
abstract notions of law; an emerging appreciation of the biblical sources of Christian
morality; characterisation of the moral life as responsive relationship with God, 
other human beings, and creation; and emphasis on the ‘new’ fields of bioethics and 
social justice. Yet it also maintained continuity with the tradition by largely
preserving the scholastic terminology and (occasional) cross-references to more 
traditional manuals and to the Code of Canon Law.

This tension between the dying manual tradition and the nascent renewal in
moral theology is apparent in Häring’s treatment of cooperation. The context of the 
teaching is the Christian mission to ‘bear witness in the midst of the world to the
divine love and cooperate in the establishment of a fellowship of love reaching out to 
embrace all mankind’. Unjust cooperation is portrayed principally as a violation 
of Christian love - love of self, and of one’s neighbour. Given the more narrative 
style of the text it is understandable that the nine modes of cooperation are not 
systematically listed, but they are represented in ‘Sins against Love of Neighbour’ 
and more clearly in the treatment of ‘Restitution for Culpable Cooperation in 
Damage’.

Häring defines only the more fundamental categories of cooperation. 
Formal cooperation is ‘every cooperation in the sin of another which by its inner 
purpose (finis operis) or deliberate intent (finis operantis) is characterised as 
complicity in the sin of another’. This is always sinful, and it violates both of the 
virtues noted by Alphonsus. In ‘merely material cooperation’ the cooperator’s act 
is good or indifferent and contributes to the other’s sin neither in itself nor by the 
cooperator’s intent, but solely through being misappropriated by the principal agent.

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95 See Häring, Terzo Millennio, 4; see also R Gallagher, ‘The Manual System’, 12-14. To these 
characteristics Häring himself adds: the sociology of religion and of the family, developmental 
psychology, and psychotherapy - all of which emerged more clearly in his second major work, Free 

Raphael Gallagher notes, however, that Häring found this vast synthesis difficult to achieve: ‘If, 
at times, [Häring’s] synthesis is not fully coherent, or if the special part of The Law of Christ seems 
at odds with the basic principles of the first part, that is because of the pioneering nature of the work. 
The originality of The Law of Christ is not in its systematic-speculative thought but in the vision it 

98 These are, respectively, in Häring 1963, vol. II, 494-517; and vol. III, 488-491.
Häring also emphasises a point which is so obvious that it could easily be overlooked: the cooperator must foresee that his good or indifferent act may be abused by the principal agent; without this foresight, cooperation as a real moral question simply does not arise.

All relevant circumstances must be considered in assessing the morality of cooperative acts. While an act in the abstract may be good or indifferent, it may not be so in a particular concrete situation. Häring notes that concrete circumstances may alter the morality of a cooperative act in two ways: they may so impact on the act that what in other circumstances may be justifiable material cooperation becomes, in this case, formal cooperation; or the particular circumstance of lacking a 'morally good motivation' (= sufficiently serious reason for acting) may lead the cooperator to judge that his act ‘has no value at all except insofar as it contributes to the sin of another. And this is formal cooperation’.\footnote{Häring 1963, vol. II, 498. Häring’s debt to the manual tradition, and his inability at this point to break completely with that tradition, is illustrated in his employment of the 1679 case.} Maintaining a clear thomistic line, Häring stresses that

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\ldots \text{the circumstance that one’s act is in itself meaningful and justifiable is an important condition or presupposition for merely material cooperation. In taking this position, we abstract entirely from the question whether another [person] perverts it or not: we hold that the act itself must be founded in right reason.}\footnote{Häring 1963, vol. II, 498.}
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Thus, in line with Alphonsus, Häring underlines a critical element in the equation:\footnote{Alphonsus, \textit{de caritate} 63.} the perversion of the cooperative act must be due entirely to the malice of the principal agent, and not at all to either the intention of the cooperator or to the moral nature of the cooperative act itself when all relevant circumstances are considered. The presence of a sufficiently serious justifying reason is one of those circumstances. Only under these conditions can the cooperator continue to fulfil the Christian virtues of love of God, love of self, and love of neighbour. Yet while the spiritual motivation which justifies material cooperation (‘\textit{prevention of spiritual hurt to oneself and others and the possibility of effective action “in the world”}.’\footnote{Häring 1963, vol. II, 499.})
may be a leitmotif of Häring’s ‘new’ manual, his practical principles for material cooperation vary little from the tradition.\textsuperscript{104}

Häring does not define the categories of cooperation, beyond ‘formal and material cooperation’ in the tract on charity, and ‘positive and negative cooperation’ in the tract on restitution.\textsuperscript{105} In keeping with the tradition he emphasises the importance of holding a proportionately serious reason, but he offers no further clarification of this concept. He also emphasises the importance of the good or indifferent act, with the added insistence that a proper evaluation can be made only in light of all relevant circumstances surrounding the concrete act. But his greatest contribution to the question is probably in the matter of motivation: material cooperation, as indeed the whole of the moral life, assumes a new quality and texture when the agent is motivated not by fear of the law, but by love of God and a desire to live the Gospel.\textsuperscript{106}

1.2.5 The Manuals: A Postscript

The Law of Christ did not mark the end of the manual system of moral theology, but it does embody some of the ‘strands of influence’ which, since the 1940s, had prepared the way for the passing of the manuals.

From within the manual system itself, even those of a definitely casuist outlook, there was an awareness of the lack of theological coherence. The regula agendi should more clearly follow on the regula credendi: casuistry should never be an end in itself: it is given its context by other theological principles. The acceptance of a more obviously thomistic approach by many manualists logically

\textsuperscript{104} Häring 1963, vol. II, 498-500. The principles Häring offers are very similar to those in Alphonsus, \textit{de caritate} 59, and Aertnys-Damen, \textit{de caritate} 400.

\textsuperscript{105} Häring 1963, vol. III, 489-490.

\textsuperscript{106} For the sake of completeness, it should be noted that all of the manuals in this study also employed the concept of material cooperation to address the problem of ‘abuses of matrimony’ - material cooperation in \textit{coitus interruptus} and the like: see Aertnys-Damen lib. VI, tract. VIII, pars V, caput II \textit{Usus matrimonii}, especially 896 \textit{De debito cum onanista}; Davis vol. IV, 256: \textit{De abusu matrimonii}; Häring 1963, vol. III, 357: \textit{Cooperation with a spouse using illicit methods}. However, these discussions merely apply the principle - they shed no further light on the nature or categories of cooperation. In general terms there is agreement among the manualists in applying the principle according to the boundaries (established by Alphonsus) between the acts of the principal and cooperating agents: while both spouses contribute to the one marital act, their contributions may be distinguished according to physical and moral causality of the abuse. The other significant element of this discussion is the emphasis placed on the sufficiently serious reason which is required to justify the material cooperation of the innocent spouse - but even here the manualists’ principal contribution is more to an understanding of the psychology of marital intercourse than to the principle of material cooperation as such.
questioned the place of conscience in the overall methodology of moral theology and, further, the commandments-schema of the manual was seen as a deviation from the virtue schema which was the more logical extension of thomistic principles.\footnote{107}

In some respects the internal renewal of moral theology, which hurried the demise of the manuals, was an extension into this discipline of a fundamental spirit of renewal which had already impacted biblical studies, liturgy and systematic theology. Another factor in the decline and disappearance of the manuals was the emergence of other arenas in which theological discourse could be carried forward - at this time, in particular, the growth of theological journals.\footnote{108}

But the greatest contributing factor to the end of the manual system was the Second Vatican Council itself.\footnote{109} Not only in calling for a more scriptural, Christocentric, virtue-based moral theology,\footnote{110} but more broadly in its re-visioning of the nature and ministry of the Church, the Council opened a door through which the manual system simply could not pass. As Raphael Gallagher has pointed out, as long as the Church subscribed to a single ecclesiology giving rise to a single view of ministry - and a single role for moral theology - the manual system of moral theology was safe.\footnote{111} But a renewed ecclesiology, a wider sense of ministry and a subsequently broader vision of the role of moral theology meant that the traditional manual could no longer cope with the task. The genre had atrophied, so it was simply allowed to disappear.

\footnote{108} R Gallagher, ‘The Manual System’, 13-14.  Dario Composta (‘Le tendenze della teologia morale nel post-Concilio Vaticano II.’ \textit{Euntes Docete} XLVII(1994) 351-400, at 371-372, footnote 31) adds two other factors in the fall of the manual system: the loss of facility with Latin in seminaries, and the disappearance of meetings for ‘solution of moral cases’ to which all clergy were held each month. However, neither of these factors seems causal: in the first place there were several English-language manuals in use long before Vatican II, so in the English-speaking world at least, the loss of Latin was not in itself a cause of the demise of the manuals; and secondly, the place of casuistry in moral theology was under challenge long before the ultimate disappearance of the manuals. 
\footnote{110} ‘Special care should be given to the perfecting of moral theology. Its scientific presentation should draw more fully on the teaching of holy Scripture and should throw light upon the exalted vocation of the faithful in Christ and their obligation to bring forth fruit in charity for the life of the world.’ Second Vatican Ecumenical Council, Decree on the Training of Priests \textit{Optatam totius}. (28 October 1965) 16. 
On the positive side it may be claimed that however cold the manuals appear to the modern eye, they possessed a clarity which seems to have disappeared from much of contemporary moral theology.¹¹² Perhaps this is a function of the evolution which has occurred from the manuals’ magisterial, declarative tone to the broader narrative style and indicative tone of many modern texts - a style often containing other ecclesiological suppositions which are yet to be clearly enunciated and explored. Bernard Häring rightly indicates that this shift away from an imperative style of moral theology runs the risk of bringing with it a weaker sense of the binding force of moral truth, as though a more narrative formulation of moral teaching naturally implies a change of content.¹¹³ His suggestion of a more ‘paracletic’ style of moral teaching, originating in the gift of the Spirit who from within our consciousness impels us to live the Truth, may be a way forward. However, as with much in the emerging renewal of the discipline, this possibility remains to be developed.

¹¹³ Häring, Terzo Millennio, 50-58.
1.3 Conclusions: Observations on the Principle of Cooperation

1.3.1 Introduction: A Question of Perspective

In a now-famous passage of his address at the opening of the Second Vatican Council, Pope John XXIII drew a distinction between the substance of a doctrine on one hand and, on the other hand, the way in which that doctrine is expressed.\(^{114}\) A similar distinction emerges in the seminal writings of Bernard Lonergan on theological method and historical consciousness.\(^{115}\)

Underlying these distinctions is the same critical insight: a truth which is best expressed in one manner at one point in history may be more appropriately expressed in a different manner at another point in history. This has been further developed in the context of evangelisation and catechesis: the preaching of the unchanging Word must be adapted to the requirements of different individuals, communities and cultures, and this kind of adaptation ‘must always remain a law for all evangelisation’.\(^{116}\) In catechesis these adaptations are to be determined in relation to such factors as ‘differences in culture, age, spiritual maturity and social and ecclesial conditions amongst those to whom it is addressed’.\(^{117}\)

These understandings all refer to the ‘forward’ processes of doing theology and proclaiming the Word. In this light, the evolution of the principle of cooperation from Sanchez to Häring may be portrayed as the result of a dual process: on one hand, an ongoing quest for greater understanding of the central moral truth captured by the principle, and an exploration of the structure of cooperation; and as a corollary of this, on the other hand, application of the principle to new moral

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\(^{114}\) This address is found in English translation in Walter M Abbott SJ, ed. The Documents of Vatican II. (London: Geoffrey Chapman, 1967) 710-719. At 715: ‘The substance of the ancient doctrine of the deposit of faith is one thing, and the way in which it is presented is another.’ This was incorporated into the Pastoral Constitution on the Church in the Modern World Gaudium et spes. (7 December 1965) 62: ‘... the deposit and the truths of faith are one thing, the manner of expressing them is quite another.’


\(^{116}\) Congregation for the Clergy, General Directory for Catechesis. (11 August 1997) 169. [Hereafter: GDC.] The GDC itself is quoting Gaudium et spes, 44.
situations - without, perhaps, such precise insights into theological or catechetical method.

The following observations are based on the *reverse* of these processes: from the various received expressions of the principle of cooperation it is possible to gain an insight into the world from which that principle emerged and in which it evolved. A comprehensive analysis of the historical-cultural sources of the principle is obviously beyond the scope of the present work. Nevertheless, the following observations should be sufficient to help address the question: *how effective is the principle of cooperation in its own world-view?*

1.3.2  **The World-View of Cooperation**

The following are three aspects of the treatment of cooperation in the manuals which help to reveal the world-view in which the principle evolved. They reflect approaches taken by manualists who, like their works, were products of their times.

1.3.2.1  **Cases studied in the manuals**

The kinds of cases of cooperation analysed in the manuals reveal something of the world in which the principle evolved. Aertnys-Damen, for example, group cases under several headings.\(^\text{118}\)

i) *Servants cooperating with their masters in evil deeds*, such as serving food in violation of ecclesiastical law, assisting the master to fulfil his lustful desires, or assisting in illicit medical practices or surgery.

ii) *Innkeepers* selling wine to intoxicated clients, or serving forbidden food on days of fast or abstinence.

iii) *Merchants* selling goods which are destined only to evil purposes, or providing premises for prostitution or other illicit purposes.

\(^{117}\) GDC 170, quoting the CCC 24.

\(^{118}\) See Aertnys-Damen, *de caritate* 403-407. Häring’s list of cases is similar: Cooperation of servants and officials; of physicians, nurses and hospital personnel; Taverns, business, service; Judges and attorneys; Scandalous writing; Politics; Cooperation in False Rites. See Häring 1963, vol. II, 501-517.
iv) The writing, publication, advertising, or selling of immoral or heretical books.

v) Cooperation with non-Catholic ministers or practices, or in building non-Catholic places of worship, or in making items for use in non-Catholic rituals.

This list may create an impression that sins of cooperation relate exclusively either to contraventions of ecclesiastical law (fasting, abstinence, cooperation with non-Catholics), or to sexual immorality in one kind or another. It is apparent that many of the cases studied in the early manuals concern what a Catholic might or might not do - that is, the moral duties incumbent upon Catholics by virtue of their religion. This is entirely in keeping with the sacramental destination of the moral manuals, but it may also reflect early studies of cooperation (like that of Sanchez) which confused cooperation with active scandal: sometimes the real moral question concerned the scandal which might follow if a Catholic were to perform or cooperate in certain actions.119

Apropos of which it may be significant that, in the manuals, cases of cooperation in de restitutione deal with the virtue of justice and so are applicable to all moral agents, while those in de caritate often seem to deal with the fundamental demands of the Christian virtue of charity. Of course, as noted above, matters of justice are also matters of charity; but it is very important to identify clearly which of these virtues is the particular focus of one’s attention, since the categories of cooperation employed and the questions one asks will differ from one virtue to the other.

The cases in the manuals also provide some insight into the world in which the principle evolved. Some of the cases are fairly universal and would probably apply at any point in history, referring to the cooperator as a servant or employee: selling alcohol to one who is already inebriated, or providing premises for prostitution, or assisting one’s employer to commit immoral acts. Others refer specifically to the agent’s Catholic duties at that time (the laws of fast and

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119 See for example the case of the Catholic contributing to anti-Catholic papers, or selling books which contain heresy: Davis, vol. I, 344-345.
abstinence, assistance at non-Catholic religious services), some of which were substantially redefined after Vatican II.

The first class of cases reflect a world marked by two factors: a certain transparency in affairs (the servant knows who his employer is, and knows the employer’s evil intention), and relationships of financial and social dependence (the threat of loss of employment would constitute a sufficiently serious reason in some cases, because the servant might thereby lose also his home and livelihood). The second class of cases reflects a perspective in which the Catholic faith was the only valid religion, and all reasonable persons should accept and observe the wisdom of ecclesiastical laws, and no-one should willingly help to promote or assist non-Catholic religions in any way. It is also interesting that in extreme cases (such as that dealt with in the 1679 condemnation), only the threat of death would justify a servant’s cooperation in evil. This appears to demand not only a finely honed ability to weigh greater and lesser values, but also highly developed virtues of justice and courage.

Once again the later manual of Häring takes a slightly different line. While he also demands great courage and even heroism in some cases, he reflects a more contemporary view of the world in which other religions are treated with more respect: in some circumstances Catholics may even make financial contributions to the construction of Protestant churches!

1.3.2.2 Styles of moral dialogue

The principle of cooperation evolved within the tradition of the moral manuals. In their destination for the use of confessors, the manuals point to a world in which the Sacrament of Confession is both valued and frequently accessed by the faithful, and in which the confessor has a duty to shed light on complex moral situations from his educated vantage point. In this perspective the confessor seems

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120 See Häring 1963, vol. II: cases such as those of the military serviceman refusing to accept a condom as a condition of taking leave (at 507) or the soldier who refuses to obey an unjust order (at 515).

121 Häring 1963, vol. II, 517. These themes are further developed and grounded in Häring’s Free and Faithful in Christ, although his particular application of ‘tolerance’ and ‘respect for consciences’ in his later text did not meet with universal acceptance.
to act more as judge than as physician. And in the magisterial tone they often adopted, the manuals reflect a world in which certainty in moral matters is not only possible, but to be expected; nevertheless, some also recognise that the question of cooperation in evil is so complex that ‘only the most general principles can be laid down’.122

On one hand the traditional treatment of cooperation indicates a prevailing paradigm of law: what man is expected to do in his moral life can be expressed in terms of laws known by revelation of the Divine Will directly, and in natural law. However, there is often no great distinction drawn between duties which flow from natural law and those which flow from ecclesiastical law. On the other hand, after Alphonsus the treatment of cooperation was also seen in light of the virtue of charity, perhaps indicating a greater appreciation of the virtues in moral life. This is particularly well-developed in Häring’s The Law of Christ, in which the principal task of the Christian is to ‘bear witness in the midst of the world to the divine love and cooperate in the establishment of a fellowship of love reaching out to embrace all mankind’.123

1.3.2.3 Probabilism and proportionality

It is evident from the older texts that not all of the manualists agreed on the solution of particular cases of cooperation: it was not unusual for an author to cite a dozen or more sources holding differing opinions of greater or lesser probability.124 Today this would be taken to indicate a healthy variety within the moral community where ongoing dialogue, analysis and discussion are valued avenues to greater clarity and moral certainty. But at a deeper level this reliance on ‘probable’, ‘more probable’ and ‘most probable’ opinions portrays a world in which one’s principal task is to obey the law, at least to the extent that one knows one’s duties under the law. Furthermore, the authority of the magisterium is also considerable: it has already been suggested that general response to the 1679 condemnation was overwhelmingly passive, with moralists limiting their comments to merely justifying

124 See for example Alphonsus, de caritate 61.
that condemnation on the basis of one or other interpretation of intrinsically evil acts.\textsuperscript{125}

Finally, and curiously, the manuals seem to rely on some form of proportionality in resolving cases of cooperation. Questions of proximity and necessity, and of sufficiently serious reason, are essential to the resolution of most cases, but these can normally be assessed only in the context of other variable factors. In many manuals this seems to entail weighing benefits gained against harm done (or harms avoided against harms permitted). This highlights another surprising lacuna: despite Alphonsus’s ground-breaking work in \textit{de caritate}, it is generally the \textit{effects} of actions, and not their \textit{objective natures}, which play a determining role in many manuals. This indicates a certain \textit{lack of a metaphysical base} which will be discussed further in the next chapter. In the later manuals the situation was only notionally better: Davis provides a substantial treatment of the structure of the human act,\textsuperscript{126} as does Häring in the context of the human agent as moral subject,\textsuperscript{127} but neither seems to rely greatly on this metaphysical base in resolving cases of cooperation.

1.3.3 Conclusions

In the evolution of the principle of cooperation from the treatment of Sanchez to that of Häring, one observes a late movement towards greater openness to the complexities of life in a changing world and yet, in the midst of this complexity, a persisting desire for absolute certainty in moral judgments. One finds this tension clearly marked in \textit{The Law of Christ}: Häring makes a conscious effort to engage the concrete realities of life in the modern world - a vast enterprise fraught with uncertainties - yet still manages to speak magisterially in resolving cases as far as his casuistry allows. His analysis is detailed and searching, but is balanced by his

\textsuperscript{125} See Roy, ‘La coopération’, 415.
\textsuperscript{126} Davis, vol. I, 11-63.
note that only general principles can be laid down, because very different principles may need to be applied in individual cases.\footnote{Häringer 1963, vol. II, 500-501: ‘Our first task is to illustrate the universal principles which are always valid. The conclusions we arrive at in individual instances, however, may in their concrete application under different sets of circumstances involve new principles.’}

In the context of this movement, the principle of cooperation as it appears in the earlier manuals seems to reflect a world of established and fixed social, political and ecclesial structures in which each moral agent apparently knows with a degree of certainty the relevant circumstances of their situation: who they work for, what purpose their work serves, where their moral responsibilities lie. Much of their moral knowledge is nourished by the teachings of a Church which appears supremely sure of its moral ground, and whose faith the moral agents clearly either do or do not share. The employee-employer relationship is equally unequivocal: the employer holds the upper hand, and the employee is often pictured as having few alternatives to obedience. He also deals directly and individually with the employer: there is no concept of organised labour, unionism or arbitration. In this light the cooperator’s question seems to be: ‘what does the law allow me to do?’

Coming virtually at the other end of the manual tradition *The Law of Christ* shares many of the same characteristics, and yet approaches the question of cooperation more from a perspective of virtue. In their mission of sanctifying the world, Christians must never descend to the level of the world or be animated by its spirit, but must ‘painfully permit that our good works now and again be perverted to evil ends’.\footnote{Häringer 1963, vol. II, 500.} This delicate balance requires Christians to be as innocent as doves, yet as wise as serpents (Mt 10:16).\footnote{Häringer 1963, vol. II, 500.} The cooperator’s question here seems to be: ‘how may I engage the world without compromising my Christian integrity?’

This evolution in the manuals was neither smooth nor gradual: in most respects the genre singularly failed to keep pace with the great changes in worldview which were occurring beyond the Church in the century prior to Vatican II. This became a basis for considerable criticism of the genre, and certainly contributed to its demise.
And despite some undoubted achievements in describing various aspects of cooperation in evil, the manuals never managed to solve the subjective pole of the problem: in assessing the circumstances which contribute to his ‘sufficiently serious reason’ for cooperating, how can a cooperator be sure that his interpretation of circumstances is adequate? Can a cooperator always be absolutely clear about what he intends and what he excludes from his intention? Can he always distinguish between an ‘intrinsically evil act’ and a ‘virtually intrinsically evil act’?

Even within its own world-view, as the manuals themselves sometimes indicate, the traditional principle of cooperation does not always seem to have worked well. Even if the cooperator had a clear picture of the extent of his moral responsibilities and was able to draw the boundary first identified by Alphonsus, still the application of the principle was fraught with difficulty and uncertainty. But then, with the accumulated wisdom of the Church behind him, the cooperator needed only to ask what the moral law allowed him to do, and so he was able to arrive at resolutions which, if not absolutely certain, were at least probable - and this was sufficient. The role of the pastor was limited to the examination of cases in the confessional, and there the traditional principle of cooperation provided at least a stable frame of reference.

That the principle continues to play a significant role in Catholic moral theology following the demise of the manuals is evident from many contemporary sources: the texts which began to ‘replace’ the manuals, the teaching of the Roman magisterium and of episcopal conferences, and the moral dialogue which flourishes ever more abundantly in theological journals. Some of these will be studied in Chapters Three and Four of the present work. Prior to this, however, it will be helpful to clarify the ‘inner structure’ of cooperation in Chapter Two, in order to arrive at a better understanding of two concepts which are of great importance to the principle - ‘intrinsically evil acts’ and ‘sufficiently serious reason’.