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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2.0 Introduction

The early evolution of the principle of legitimate cooperation can be viewed as the simultaneous development of two perspectives on the problem of participation in evil: on one hand, clarification of fundamental categories needed to define and apply the principle of legitimate cooperation and, on the other hand, deepening appreciation of the wider moral significance of cooperation in evil.

The latter perspective embraces the broad picture, the overall meaning of legitimate participation in evil in the context of Christian life in the world. The Christians’ need to be ‘wise as serpents and innocent as doves’ has its basic significance here, where deeper questions arise concerning the broad implications of engagement in a world in which evil is often done, a world which often seems hostile to Christian values. The emergence and evolution of the principle of cooperation is one response to this challenge.

But progress on this level requires a clear view of the structure of cooperation in evil. Here the tangled threads of physical and moral responsibility must be identified, sorted and defined in relation to one another in order to ground general rules in keeping with the fundamental norms of morality. Sanchez, Alphonsus and the manuals advanced the evolution of the principle at this level because the practical questions they addressed demanded structural clarity.

In other words, the second perspective addresses questions of meaning which take the form: ‘what are the moral implications of living in a world in which evil is frequently done?’ These arise through more practical questions of the form, ‘am I justified in cooperating in evil in this particular case?’ But there are even more fundamental or meta-ethical questions of structure, such as, ‘what makes a good act
to be good, or an evil act evil?’ The practical cases of cooperation which were studied in the manuals, then, stand methodologically midway between the issues of structure on which they depend, and the issues of meaning to which they lead. As is so often the case in moral matters, the devil is in the detail.

Aertnys-Damen identify three difficulties on the structural level, and these form a focus of the present Chapter:

• identifying which acts are morally good or indifferent and which are truly evil;
• identifying which cooperative acts more proximately or remotely approach the evil act of the principal agent; and
• identifying when a reason is just and proportionately serious enough to render licit a materially cooperative act.¹

The second part of this work will reflect on the meaning of cooperation in evil in the modern world, and on the parameters of the traditional principle. To lay the groundwork for that perspective, the present chapter seeks to clarify key elements of cooperation at the structural level. The first step is to frame cooperation in terms of Thomas’ view of the structure of human acts (2.1).² This will permit exploration of various categories of cooperation which have emerged in the evolution of the principle (2.2), and investigation of the two central terms of that evolution, namely ‘intrinsically evil acts’ and ‘sufficiently serious reason’ (2.3).³ These represent some of the most controverted issues in the recent history of moral theology,⁴ but a

¹ Aertnys-Damen, de caritate 402.
² It should be noted that, for Thomas, questions of structure are necessarily connected with the perspective of the moral agent, and so with questions of meaning. This is implicit in Thomas’ understanding of the terms ‘moral’ and ‘good’ applied to human acts: an act within a person’s voluntary dominion is ‘moral’, and ‘good’ if it accords with authentic human nature. See below, 2.1.2, at point 2.
³ This study will refer to ‘sufficiently serious reason’ rather than to ‘proportionate reason’, in order to distinguish this concept from the question of ‘proportionalism’. See below, 2.3.3.
more comprehensive study of these terms lies beyond the scope of the present work.

2.1 The Structure of the Moral Act

2.1.1 Introduction

Case studies in the manuals indicate that cooperation in evil can occur in many ways, and yet the basic ‘shape’ of legitimate cooperation remains fairly constant: a principal agent abuses the act of a cooperator and, independently of the cooperator’s will, turns that act to an evil purpose. Enquiries at the structural level concern the conditions under which a cooperator who foresees this abuse may still commission his act without offending the virtues of charity or justice.

Sanchez identified two of these conditions: the cooperator’s act must itself be either good or morally indifferent; and the cooperator must hold a sufficiently serious reason for acting. Alphonsus added several important refinements: legitimate cooperation occurs only on the level of physical causality where there is no question of scandal or induction; therefore the cooperator’s act can be kept distinct from the principal agent’s act and must be justified in itself in the same way as any other moral act. Furthermore, the cooperator must also hold a reason which justifies his act in light of the principal agent’s sin and the harm which will be done thereby - in its most basic form, harm to the principal agent’s own spiritual welfare.

Alphonsus did not base his treatment of cooperation on the psychological structure of the human act as it appears in the writings of Thomas - Roy indicates that Alphonsus’s treatment of cooperation was fully developed well before he included a substantial metaphysics of human acts in his *Theologia moralis*. But Thomas’ analysis of human action was adopted widely in the manuals, and indeed in the Church in general, so it is reasonable to employ that analysis to clarify the ‘inner structure’ of cooperation.

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One of the key elements in Thomas’ analysis of human acts is ‘intention’, and one of the principal reasons that different manuals employ different categories of cooperation is that they hold different positions on two key questions: what a cooperator intends, and how he intends it.

For example, in defining formal cooperation Aertnys-Damen teach that what a cooperator intends is the formal sin of the principal agent; and the manner of intending may be two-fold: either *ex fine operantis* (by the deliberate willing of the cooperator) or *ex fine operis* (by the ‘inner purposiveness’ of the action performed). But when he defines formal cooperation, Davis teaches that what is intended is the sinful act of the principal agent, and the manner of intending is by participation in the external sinful act *while intending the sinfulness of it*. As will be noted below, Davis therefore employs the category ‘immediate material cooperation’ to describe what Aertnys-Damen call simply ‘formal cooperation *ex fine operis*’.

It will be recalled that Alphonsus defines formal cooperation in terms of cooperation in the other’s evil will (which is why formal sin occurs), and material cooperation in terms of cooperation in the other’s evil action (which, in the simple case, implies only material sin). While this distinction was not uniformly maintained in the manuals, it is obvious that what one intends and how one intends it are critical structural issues. The question of what an agent intends is the question of ‘moral object’, for which an answer will be sought in the next section. The question of how an agent intends a moral object will be discussed in the subsequent section.

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6 ST I-II 12.
7 Aertnys-Damen, *de caritate* 398. On describing the *finis operis* as ‘inner purposiveness’, see Häring 1963, vol. II, 496. By ‘inner purposiveness’ is meant the end or object of the action performed by the agent, where this end or object is distinguishable from the agent’s own further object or end. This ‘inner purposiveness’ is sometimes referred to as the act’s own ‘intentionality’, precisely to distinguish this from the further intention of the agent. It is important to note that this use of ‘intentionality’ does not imply that an action can exist apart from the agent who performs it: it is rather a term employed by some moralists to convey the idea that the *finis operis* of the action performed sometimes determines the morality of the action itself, regardless of whatever further intentions the agent may have. See below, 2.1.2, point 10 (a), and 2.1.3.
9 See 1.1.4 above.
10 These two issues lie at the heart of many contemporary debates in moral theology. See for example: Gerard N Casey, ‘A Problem of Unity in St Thomas’s Account of Human Action.’ *The New Scholasticism* LXI(1987) 146-161; John Finnis, ‘Object and Intention in Moral Judgments*
2.1.2 Moral Objects

Turning to Thomas raises two difficulties. First, the sheer size of the Thomistic corpus makes it a daunting task to attempt a comprehensive analysis of his thought on any one subject. Such an analysis is obviously beyond the scope of the present work, which will confine itself to the substantial study found in the Prima secundae of the Summa theologiae.

Second, at different times Thomas studies the human act from different points of view and, naturally, what he sees depends on the point of view he is taking at the time. Further, he often uses one term to describe distinctly different aspects of what he sees, which can lead to further confusion. For example, ‘finis’ is the ‘objectum’ of the will (ST I-II 1, 3; 19, 2 ad 1); in 19, 2 moral good and evil derive from ‘objectum’; in 1, 3 the moral species of acts derive from ‘finis’; and in 18, 6 where the human act is considered in its interior and exterior dimensions, the form of an act is provided by the ‘finis’ of the internal act while the matter is provided by the ‘objectum’ of the external act. To minimise confusion, this analysis will attempt to clarify at every point the precise concept in question, as far as this is possible.

This difficulty raises a critical point. It has been argued that at least some of the debates in modern moral theology arise because neo-thomist commentators did not view matters from the same perspective as Thomas himself: where Thomas examines the human act from the point of view of the acting person, others took the perspective of the act itself. One result is that Thomas and the manualist may use

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11 Thomas uses the one ‘matter-form’ distinction in a variety of ways to illustrate various different aspects of the human act, and this too can cause confusion. John Finnis makes a similar point on Thomas’ sometimes confusing use of language in ‘Object and Intention’, at 1.

12 On this question see for example Rhonheimer’s comment on Veritatis splendor 78 in ‘Intrinsically Evil Acts’, at 3. John A Gallagher’s Time Past, Time Future is an extended commentary on the recovery of Thomas from the distortions of neo-thomism.
the same terms to denote what are in fact quite distinct moral realities. It is lack of clarity in moral discourse which necessitates the following definition of terms.

The problem of defining moral objects of human acts amounts to a problem of providing an adequate description of those acts. It is often very difficult to determine which elements are necessary to provide an adequate description of the basic moral species of the act (as good or evil in species, which is the question of ‘moral object’), and which elements provide an adequate description of the total moral quality of the act in its species (as possessing more or less goodness or evil).

So: what constitutes an adequate description of the moral object of an act? More specifically:

- what constitutes the moral object which determines the moral species of a human act?
- in shaping the moral object of an act, how significant are the agent’s own intentions? and
- how do circumstances touch upon and influence the moral species of an act?

The following points, drawn from the teaching of Thomas Aquinas, summarise the structure and morality of human acts:

1. A human act is deemed ‘human’ because it proceeds from reason (ratio): ‘intellect’ (intellectum) which apprehends the end (finis) and presents it to the will as a good (bonum), and ‘will’ (voluntas), the rational appetite which inclines to that end considered as bonum.

2. A human act is in the genus ‘moral’ insofar it flows from the action of the will - it is a voluntary act. A human act is in the species ‘good’, ‘evil’ or ‘indifferent’

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14 ST I-II 13, 1: ‘Manifestum est autem quod ratio quodammodo voluntatem praecedet et ordinat actum ejus, inquantum scilicet voluntas in suum objectum tendit secundum ordinem rationis, eo quod vis apprehensiva appetitivae suum objectum repraesentat.’ And I-II 18, 5: ‘Dicuntur autem aliqui actus humani vel morales secundum quod sunt a ratione.’

insofar as it does or does not accord with right reason (ratio recta). A human act must be in conformity with right reason in order to be judged morally ‘good’. This judgment is based on what is essential to the agent, that is, what is proper to man considered precisely as ‘man’. (It is important to note that, in concrete cases, Thomas holds no human acts to be morally indifferent.)

3. Within this structure an initial distinction can be made between the order of intention and the order of execution. In the order of intention, intellect and will are concerned with settling on both the end which is desired (finis), and that which is for the end and needed to obtain the end (id quod est ad finem); in the order of execution, intellect and will are concerned with commanding the exterior powers to actually obtain the end.

4. For the purposes of this study we may therefore distinguish three acts of will: in the order of intention
   - the elicited act of will intentio whose object is finis;
   - the elicited act of will electio whose object is id quod est ad finem;
   and in the order of execution
   - the imperated acts moving external powers to obtain the end (usus).

power of the will that human acts have the term ‘moral’ applied to them. Human acts are placed in the genus of morals by the fact that they are in the power of the will. For St Thomas, the term human and the term moral mean the same thing, with reference to the agency of the human will. On the other hand, to say a human act is good or evil is decided by reference to the intellect.

‘Thus good and evil in human acts are considered insofar as the act is in accord with reason informed by the divine law, either naturally, by instruction, or by infusion.’ [De Malo 2, 4.]

16 ST I-II 18, 5 ad 2: ‘Dicitur enim malus actus secundum suam speciem, non ex eo quoq nullum habeat objectum, sed quia habet objectum non conveniens rationi, sicut tollere aliena.’ Emphasis added. See also ST I-II 18, 9: ‘si [actus] non sit ad debitum finem ordinatus, ex hoc ipso repugnat rationi et habet rationem mali; si vero ordinetur ad debitum finem, convenit cum ordine rationis, unde habet rationem boni.’

17 See Louis Janssens, ‘St Thomas and the Question of Proportionality.’ Louvain Studies IX(1982) 26-46, at 30. The following chapter will note that Germain Grisez holds ‘good’ to refer not merely to the essence or nature of man as such, but also to the future possibilities of human fulfillment. On this he is able to ground the value theory which distinguishes his work. On the question of ‘man as man’, see below, 5.1.2.

18 ST I-II 18, 9.
19 See for example ST I-II 1, 1 ad 2; 9, 1; 13, 5.
20 ST I-II 12.
21 ST I-II 13.
22 ST I-II 16.
The object of each discrete act provides the form of that act.\textsuperscript{23} Insofar as the object of each act is apprehended as an end or good which is ‘fitting’ according to reason, that end or object sets the will in motion;\textsuperscript{24} and insofar as the object actually does accord with right reason (and so is actually ‘good’), that end or object establishes the act of will as good.

5. Considering the objects of intentio and electio as the ends of those acts: it is evident that the end of electio (\textit{id quod est ad finem}) is willed only on account of the end of intentio (\textit{finis}). It is in this sense that the human act as a whole can be considered to embrace more than one end: a remote end \textit{finis} which is what is willed as end of the entire act, and a proximate end \textit{id quod est ad finem} which is what is willed in order to attain the \textit{finis}.\textsuperscript{25} Furthermore, insofar as \textit{id quod est ad finem} is willed only on account of \textit{finis}, intending the means (proximate end) implies intending the end (remote end).\textsuperscript{26} This establishes the possibility of two kinds of intending in human acts: one directed to the remote end, and the other directed to the proximate end.

- It is also possible that several proximate ends may need to be willed in order to conduct the agent to the one remote end \textit{finis}, in a chain or ‘nested set’ of means-and-ends.\textsuperscript{27} If the one human act may be considered as a composite of intermediate acts in this way, it becomes clear that what is the remote end \textit{finis} of one act may be considered a means or proximate end \textit{id quod est ad finem} of the next act, and so on, until the ultimate \textit{finis} (the last remote end!) is attained.\textsuperscript{28} At this point the ‘motion’ of intellect and will reaches that state of \textit{fruitio} or \textit{quies} which marks the satisfaction of the appetite, and so the act (‘motion’) ceases.\textsuperscript{29}

6. If intentio and electio are considered as discrete acts of will, each may be considered to have its own distinct object.\textsuperscript{30} The goodness of these objects is

\textsuperscript{23} ST I-II 9, 1.
\textsuperscript{24} ST I-II 9, 2.
\textsuperscript{25} ST I-II 12, 2.
\textsuperscript{26} ST I-II 8, 3 ad 2; 12, 4.
\textsuperscript{28} ST I-II 13, 3. But note that the ‘ultimus finis’ cannot strictly be an object of ‘electio’.
\textsuperscript{29} ST I-II 11; See also I-II 31-34.
\textsuperscript{30} ST I-II 12, 4 Resp. and ad 2.
judged in relation to right reason, per comparationem ad rationem. finis is judged insofar as it is good and fitting in itself, and id quod est ad finem is judged insofar as it is good and fitting (‘proportioned’) to that finis. But from the integrated viewpoint in which finis and id quod est ad finem are taken together (since id quod est ad finem is willed only for the sake of finis), then in a ‘nested set’ of means-ends finis and id quod est ad finem can be viewed as the single object of a single act, the goodness of which is determined by finis since this serves as ‘form’ of the total act.

7. Thomas teaches that, because it provides the form of the act, it is the end of the act which provides its moral species: ‘finis enim dat speciem in moralibus’. If intentio and electio are considered as two discrete acts of will, then consideration of the moral species must include the object or end of each act - and these may be of different species.

- If the end of electio (proximate end, id quod est ad finem) is per se ordered to the end of intentio (remote end, finis) then the human act as a whole can rightly be considered a single moral act with a single object, since both acts are clearly ordered to the same end. Thus, in an ideal case, almsgiving is ordered to the relief of poverty as a remote end: the object of electio (giving money to the poor) is per se ordered to the object of intentio (the relief of

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31 ST I-II 18, 5. This is the meaning of ‘intrinsic morality’: see Fabbro, Cooperation, 37.
32 ST I-II 8, 2 ad 2; 3. Thomas seems to suggest that, in relation to the comparative goodness of finis and id quod est ad finem, sometimes a subordinate objective (means) may not be proportioned to the intended end, in which case the act of willing the subordinate objective (electio) is less good than the act of intending the remote end (intentio): ‘Sed voluntas potest velle aliquod objectum non proportionatum fini intento; et sic voluntas, quae fertur in illud objectum absolute consideratum, non est tantum bona quantum est intentio.’ (ST I-II 19, 8). See also II-II 64, 7: ‘Potest tamen aliquis actus ex bona intentione, proveniens, illicitus reddi, si non sit proportionatus fini.’
33 ST I-II 8, 3. Wherefore Mullady says that the elicited acts of will are moral per se, while the imperated acts of will are moral per accidens. See Mullady, The Meaning of the Term Moral, 79.
34 ST I-II 12, 4 ad 2; ad 3 explains the distinction between intentio and electio: ‘Sic igitur inquantum motus voluntatis furtur in id quod est ad finem, prout ordinatur ad finem, est electio; motus autem voluntatis qui furtur in finem, secundum quod acquiritur per ea quae sunt ad finem, vocatur intentio.’
35 ST I-II 18, 7.
36 ST II-II 43, 3; see also I-II 1, 3; 18, 4. Mullady, The Meaning of the Term Moral, 103: ‘The application of ‘finis enim dat speciem in moralibus’ is a cornerstone of the moral doctrine of St Thomas. This end refers to the intended end. It can also refer to the proximate end of the exterior act. In both cases, it is always judged as good or evil in relation to reason as final cause.’ On this and the subsequent point - including the example here of ‘almsgiving’ - see William E May, An Introduction to Moral Theology. (Huntington, Indiana: Our Sunday Visitor, 1991) 132-136.
37 ST I-II 1, 3 ad 3.
poverty); the proximate end id quod est ad finem (giving money to the poor) is ordered to the remote end finis (relief of poverty), so this human act has a single object.

- But if the end of electio (proximate end, id quod est ad finem) is only per accidens ordered to the end of intentio (remote end, finis) - that is, there is no necessary or essential ordering between the two - then the single human act, considered as a composite of intentio and electio, may be considered to embrace two moral species. Thus in another case, the object of an apparent act of almsgiving (giving money to the poor) is not essentially ordered to the object of an agent who intends vainglory, yet it can be made to serve that end. Here the proximate end id quod est ad finem (giving money to the poor) is ordered only per accidens to the remote end finis (vainglory) - it serves the end of ‘vainglory’ not of itself but only by the agent’s intending - so while this human act may be considered single in number, it has two distinct species because it engages two distinct objects.38

8. In all cases, the principle bonum ex integra causa, malum ex quocumque defectu applies.39

- Where the proximate end is ordered per se to the remote end (that is, where the act effectively has a single object), then the moral species of that act will flow from the integrity of that object: if the object is good with reference to reason, the act may be good in species; where the object is evil, the act will be evil in species.40 Thus, the former case above may be adequately described as ‘almsgiving’.41

38 ST I-II 18, 7.
39 See ST I-II 18, 4 ad 3; and II-II 110, 3: ‘Bonum enim est ex integra causa, malum vero est ex singularibus defectibus.’ Casey, ‘A Problem of Unity’, at 150: ‘The point of this evident principle is that if an action is to be adjudged morally good, it must be good in all respects. In the context of St Thomas’ thought, this amounts to saying that an action is good only if it be both good in kind and done for a good end. If an act fails to be good in either one of these respects, then it fails to be good as a whole. This being the case, one must realise that neither the goodness of the end nor the goodness of the moral object alone is sufficient to render an act completely good.’ And Mullady, The Meaning of the Term Moral, 94: ‘However, because evil derives from a single defect, it cannot change the disorder of the act in relation to reason on a more common level, but rather places one moral act in two species of good and evil.’
40 ST I-II 18, 5.
41 Black, The Moral Relevance, 83: ‘We can conclude therefore that the object of the external act may be subsumed under the one generic meaning with the end of the will if that act is per se ordered to the end. The object of the external act may not be subsumed under the one generic meaning with
But by the same token, where the proximate end is ordered only per accidens to the remote end (that is, where there are two objects which may be of different species), then the moral species of the entire act will flow from the diversity of those objects: if all objects are good, the entire act may be good in species; but if even one object is evil, the entire act is vitiated. In the latter case above it is clear that the remote end intended by the agent (vainglory) is evil, so regardless of the proximate end it would not be accurate to describe the entire act as ‘almsgiving’ - it is more adequately described as ‘vainglory’, which is the form given it by the agent’s intended end or object.42

Note that the latter case is one in which a ‘nested set’ of means and ends serves a single finis to which the means are not ordered per se or necessarily. If one considers the means (giving money to the poor) as a discrete act, it evidently has its own intentio and electio which the agent must will in order to attain his further end of vainglory. It can be said, then, that the agent truly intends to give money to the poor, which is a good thing to do. But this does not provide an adequate description of the total act because the agent has an additional intention (a more remote end) which vitiates the act considered in its wider or more complete dimensions. Because the additional remote end is vainglory, the entire act is rendered evil ex quocumque defectu.

By the same token, even if an agent intends a good remote end, his total act may be vitiated by a disproportioned means:43 for example, if the agent intends ‘almsgiving to relieve poverty’ as his finis, but chooses ‘theft’ as an id quod est ad finem, then his entire act is evil in species ex quocumque defectu - the defect resides in the fact that the means are not proportioned to the end.

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42 Thus also Thomas (ST I-II 18, 6) holds, with Aristotle, that ‘he who steals in order to commit adultery is directly more adulterer than thief.’

43 ST II-II, 64, 7: ‘Potest tamen aliquis actus ex bona intentione, proveniens, illicitua reddi, si non sit proportionatus fini.’
From this analysis it seems clear that an adequate description of the moral object of an act must embrace what the act is actually about, what it actually means, and not just what physically happens. That is, the moral object of an act can be adequately described only by taking into account the moral species of both its proximate and remote ends in the context of all of the circumstances which are morally relevant to the act considered in its entirety.\(^\text{44}\)

9. So for Thomas, the ‘finis’ which determines the moral species of a human act is not simply the object of intentio, nor merely the material object or physical matter of the act - the materia ex qua.\(^\text{45}\) Rather:

- the finis which gives moral species is the moral object of the act - the object of the act considered as proceeding from the will according to the order of reason;
- the moral object in this sense is that moral matter which the act aims to attain or with which the act deals - the materia circa quam,\(^\text{46}\) the ‘intelligible subject matter upon which the will’s act of choice bears’,\(^\text{47}\) which is the ‘intentional object’; not the physical form, but the ‘form conceived by reason’;\(^\text{48}\)
- the moral species of an act can be known only when the moral object (and so the act itself) is adequately described - that is, when it is known for what it actually is in genere moris, as ‘the doing of what was chosen, ie as the carrying out of the proposal shaped by intelligence and adopted by choice - ie considered under the description which it had in the practical reasoning which made it seem the thing to be doing’;\(^\text{49}\)
- according to this structure, the goodness or evil of a human act depends on whether the materia circa quam itself accords with the order of reason, per

\(^\text{44}\) That the object of an act must embrace what the act really means - which includes the agent’s intention as well as the act’s own intentionality or ‘inner purposiveness’ - is emphasised by Finnis in ‘Object and Intention’, 22-23; and by Rhonheimer in ‘Intentional Actions’, 296.
\(^\text{45}\) ST I-II 18, 2 ad 2.
\(^\text{46}\) ST I-II 18, 2 ad 2.
\(^\text{47}\) May, An Introduction to Moral Theology, 134.
\(^\text{48}\) ST I-II 18, 10. See also Rhonheimer, ‘Intrinsically Evil Acts’, 28; and 2.3.2 below.
comparationem ad rationem - whether or not the moral object befits the nature of the agent.  

◊ where the object of electio is ordered per se to the object of intentio, the act can be seen to have one moral object which is provided by the object of intentio, finis; and where this finis is according to the order of reason, the act considered thus far has a single moral species, ‘good’;

◊ where the object of electio is not ordered per se to the object of intentio, but rather is made to serve this end only by the agent’s intention, the one act can be considered as having two objects and two moral species; and where either the object of electio or the object of intentio does not accord with the order of reason, the act considered as a whole is ‘evil’ ex quocumque defectu;

- in either case, considering the human act as a whole, the moral object is that which places the total act in its moral species as good, evil or indifferent; as such the moral object is circumscribed by the objects of intentio and electio, considering these in the context of all morally specifying circumstances, and this provides an adequate description of the act in its basic moral species.

10. The total moral quality of an act can be known only when the moral act as a whole is adequately described - that is, when all morally relevant factors are considered - which requires account to be taken of all of the traditional ‘sources of morality’: the object, the end/intention, and the circumstances.

- Thus far only the first of these has been considered, the object of an act, and this may be described from varying points of view:

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50 That is, whether the object is capable of being ordered to God and to the good of the person. See ST I-II 1, 8; and Pope John Paul II, Encyclical Letter Veritatis splendor. ‘On Certain Fundamental Questions of the Church’s Moral Teaching.’ (6 August 1993). AAS 85(1993) 1133-1228, n.72.

51 Note that the use here of ‘good’ and ‘evil’ is truly moral (as flowing from willed acts), but as yet these do not refer to the culpability of the agent.

A distinction between ‘malum’, ‘peccatum’ and ‘culpa’ occurs in Thomas in ST I-II 21, 1 and 2: ‘Dicendum quod malum in plus est quam peccatum, sicut et bonum in plus est quam rectum . . . ’ (21, 1); ‘Dicendum quod sicut malum est in plus quam peccatum, ita peccatum est in plus quam culpa. Ex hoc enim dicitur actus culpabilis vel laudabilis, quod imputatur agenti;’ (21, 2). Where malum refers to evil simply, peccatum refers to an action which is morally evil insofar as it lacks due order (ratio recta); but this moral evil is not yet that morally culpable fault (culpa) to which the English word ‘sin’ normally refers.
a) considering the act as an integral whole, ‘object’ is the moral object, that moral matter which the act as a whole aims to attain or with which it deals. When this is adequately defined, the object places the act in its fundamental moral species: it is assessed in the light of all those circumstances which affect the act’s fundamental species (what kind of act it is, and whether it is good, evil or indifferent in itself), and is that moral matter which is the end of intentio, finis, for which the end of electio, id quod est ad finem is also willed. The moral object is the materia circa quam (in its moral meaning) which provides the moral meaning of the act considered in itself, independent of the agent’s further intentions or motives and independent of any non-specifying circumstances which surround and accompany the act.

b) considering electio and intentio as discrete acts, the ‘object’ is the first source of morality defined by the diversity of finis and id quod est ad finem: where both are good, the object in itself is good, but where either is evil the object is evil. As morally specified by this object, the act as a whole may be further strengthened or weakened in its goodness or evil by the agent’s further intentions and/or other attendant circumstances; or it may be vitiated by further intentions or other circumstances - that is, its moral object when adequately defined may be evil.

c) as that which provides the act’s fundamental moral species, the ‘object’ is the heart of objective morality. It is the moral object which enables one to say that human acts have a moral meaning and moral species (can be classified as good, evil or indifferent) ex objecto or ex genere, that is, prior to and independently of any non-specifying intentions of the agent and of all non-specifying circumstances. In this sense it is the moral object which provides the basis for an adequate moral description of the act.

- As a source of morality further to the moral object, end/intention refers to the further intentions or motives of the agent. It is that which the agent aims to attain, in those cases where this end may be distinguished from the moral object of the act considered in itself:

52 ST I-II 18, 2.
where the object is morally indifferent in species, further intentions may provide the specification necessary to place the act in its particular species of good or evil, or

where the moral object provides the basic moral species of the act as good or evil, the agent’s further intentions or motives may increase or decrease the goodness or evil of the act without altering this fundamental moral species, but

if the act as a whole is already specified as evil ex objecto, further good intentions or motives in themselves cannot place the act in the species ‘good’, since the act as a whole has already been vitiated ex quocumque defectu.

- The circumstances surrounding an act, which are numbered as a further source of morality distinct from object and end/intention, are to be distinguished from those circumstances whose task it is to specify the moral object of the act:

- the circumstances here are those ‘properties’ surrounding or accompanying the act which do not touch the act’s object or fundamental moral species as good, evil or indifferent, but which ‘fill out’ the act’s complete goodness or evil;\(^{53}\)

- while non-essential to the moral object, they are ‘due circumstances’ to the act as a whole, such that if one due circumstance is missing, the whole act may be vitiated;\(^{54}\)

- they are morally significant insofar as they are like ‘properties’ of the moral act considered as a whole - otherwise they are merely incidental to the act; an example would be the circumstance time: an act which is good by both object and intention may be vitiated if performed at the wrong time.\(^{55}\)

2.1.3 A Problem of ‘Intending’

It has been determined that the ‘moral object’ of an act is to be defined in terms of both the remote end (the agent’s deliberate intention of the end, the object

\(^{53}\) ST I-II 18, 3, especially 3 ad 2. See also I-II 73, 7.

\(^{54}\) ST I-II 18, 3: ‘Nam plenitudo bonitatis ejus non tota consistit in sua specie, sed aliquid additur ex his quae adveniunt tanguam accidentia quaedam; et huiusmodi sunt circumstantiae debitae. Unde si aliquid desit quod requiratur ad debitas circumstantias erit actio mala.’

\(^{55}\) See ST I-II 18, 9.
of intention, the finis of the act considered as an integral whole) and the proximate end (the intentionality implicit in the means, the object of the discrete act of electio, id quod est ad finem) considered in the context of all morally relevant circumstances.

Thus in their treatment of charity Aertnys-Damen define ‘formal cooperation’ not only in terms of the ‘finis operantis’ but also of the ‘finis operis’. In the former, it is clear that an agent’s intention to assist or facilitate another’s evil deed constitutes formal cooperation: for example, one freely keeps watch for a thief while hoping that he succeeds in his crime. In the latter, cooperation may be considered formal ex fine operis because the cooperator intends an act which of its nature (that is, of its own intentionality) is ordained only to the other’s evil act, and so implicitly intends the evil itself: ‘nam finis operis intrat in essentiam rei; qui ergo vult rem, necessario vult finem operis’.56 For example, without explicitly hoping that the crime succeeds, one keeps watch for a thief; if the act of ‘keeping watch’ is freely undertaken, then its object is clear: it can have no intentionality other than to assist in the crime. For Aertnys-Damen, then, regardless of whether it is intended ex fine operantis or ex fine operis, the evil of the principal agent is intended by the cooperator - which leaves no doubt as to the moral species of formal cooperation.

But Davis defines formal cooperation more restrictively: formal cooperation occurs when the cooperator assists the principal agent ‘in an external sinful act, and intends the sinfulness of it, as in deliberate adultery’.57 So ‘formal cooperation’ for Davis applies only to an act which is both in itself materially evil by virtue of the intentionality or ‘inner purposiveness’ of the act itself (ex fine operis), and also formally evil by virtue of the will of the cooperator who ‘intends the sinfulness of it’ (ex fine operantis). In the first example above, for instance, the act of keeping

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56 Aertnys-Damen, de caritate 398. See also Servais Pinckaers OP, Le Renouveau de la Morale: Études pour une morale fidèle à ses sources et à sa mission présente. (Téqui, 1964) 139: ‘Finis operis et finis operantis ne constituent pas, du point du vue moral, deux sortes de finalités de nature différente; ce sont deux degrés d’une même finalité issue de l’intention volontaire.’ This insight of Pinckaers, and the summary explanation of Aertnys-Damen, serve to prevent the notion of ‘intentionality’ from assuming excessive significance. Even granting the existence of the ‘objective moral order’, every action that is a truly moral action proceeds only from an act of will/intention of a particular human agent.

watch is materially evil, but the cooperator’s desire that the crime succeed makes it formally evil as well.

Using Davis’s definition it seems evident that an act not of its own intentionality ordered to an evil could still be classed as formally cooperative solely on the grounds of the evil intentions of the cooperating agent. For example, a hardware salesman sells a hammer (in itself an innocent act), but hopes that the buyer will use it for some evil purpose. In this case the first condition (that it is an ‘external sinful act’) is fulfilled by virtue of the second (that the cooperator ‘intends the sinfulness of it’): the salesman’s intention is sufficient to render it an ‘external sinful act’ ex quocumque defectu. Thus an act can be made to constitute formal cooperation even if it does not have that intentionality in itself and would in other circumstances be a good or indifferent act. On this point Davis can be reconciled with Aertnys-Damen on the question of formal cooperation ex fine operantis.

But Davis seems to suggest that an act which is not in itself externally sinful, and which is commissioned by one who does not intend the evil of the principal agent, does not strictly constitute formal cooperation at all, even if it directly and immediately assists the principal agent in carrying out his evil deed. The example he offers is ‘to help a burglar to empty the jewels that he is stealing into the burglar’s wallet’. Even ‘without approving of what [the burglar] does’, the cooperator’s act of helping a burglar in such an intimate way seems to have no intentionality other than to assist in the evil deed, which for Aertnys-Damen would be sufficient to render it formal cooperation ex fine operis. Yet Davis deems this ‘immediate material cooperation’, implying that this kind of cooperation is somehow morally distinct from what he defines as formal cooperation. It is on this point that he seems to diverge from Aertnys-Damen.59

59 It is significant that the category ‘immediate material cooperation’ does not appear in Aertnys-Damen in their treatment of charity. They do employ the category in their treatment of restitution, where the question is not centred on one’s duties in charity but on one’s duties in justice to make good any damage for which one is morally responsible. Material cooperation is immediate when one cooperates in the very same evil act as the principal agent; it is mediate when one cooperates by some other discrete action which the principal agent abuses to his own evil end. Since the focus here is not so much on the question of the cooperator’s intention as on the proximity of his action to that of the principal agent, it seems apparent that the matter of ‘immediacy’ bears directly on the
The reason lies in Davis’s account of the moral object of the cooperative act:

Immediate material cooperation in another’s sinful act is always wrong, though there are many apparent exceptions, especially in matters of justice. Thus, under threat of death, I may, very probably, help another to destroy the property of a third person, because if in extreme hunger it is permissible to take the food that belongs to another not in extreme need, it would seem that an analogous method of saving one’s life is not sinful. The owner of the property destroyed is, it is alleged, not reasonably willing that his property should be preserved at the cost of my life. . . . [under the circumstances] this is not using a bad means to compass a good end: the means are not bad, for nobody’s rights are invaded.60

The argument is simple: even though the material action of the cooperator immediately participates in the evil deed of the burglar, the cooperator is not committing theft as such because, in Davis’s view, ‘theft’ is to be defined in terms of taking another’s property against his reasonable will.61 Since it would be objectively unreasonable for the property owner to prefer his property to the cooperator’s life, the cooperator is not committing theft at all. Therefore, regardless of the outward appearance of his action and its obvious immediacy to the burglar’s crime, his cooperation is material and not formal because it has its own distinct and cooperator’s responsibility to make restitution for the harm he himself has caused, and only indirectly on the question of the cooperator’s moral status. See Aertnys-Damen, de restitutione, 782.

For his part, Häring employs the dual sense of ‘intention’ noted here - formal cooperation occurs when the cooperator directly serves the evil: ‘Either through his own inner approval of the principal’s sinful deed (ex fine operantis) or through a cooperation which by its very nature (ex fine operis) is approval of the act he formally makes the (principal agent’s) act his own.’ Häring 1963, vol. II, 496, parentheses and emphasis added. Material cooperation is had by an act which ‘neither in itself (ie by its own inner purposiveness) nor by the intent of the agent, contributes to the sin of another, but is misused or misappropriated by the latter and is thus placed in the service of his sinful activity’. Häring 1963, vol. II, 496, emphasis added. Häring thus requires that neither the agent nor the act itself may have an evil purpose. This reflects Alphonsus, de caritate 66.

Furthermore, Häring traces the distinction between formal and material cooperation to those morally relevant circumstances which ‘penetrate the structure of the action’ and thereby ‘qualify it unequivocally for direct complicity in the sin of another’. Häring 1963, vol. II, 497. This is the question of ‘moral object’, discussed above. To the problem of determining which circumstances do or do not touch the moral object of the act, Häring proposes a practical solution (drawn from Alphonsus) which is remarkably like that later adopted by Finnis and proposed here in terms of an ‘adequate description’ of the act: ‘We hold that if an act is to be appraised as merely material cooperation, it must be such also in relation to the immediately determining circumstances, so that a clear-thinking man can, without wrestling with concepts and abstractions, simply say: ‘What I am doing is in itself good. I am doing it sincerely and with worthy motives. The perversion of my act is entirely due to human malice.’’ Häring 1963, vol. II, 498. Compare this with Finnis, ‘Object and Intention’, 23-25.

legitimate moral object: the preservation of his life. The material aspect of the cooperator’s act may seem to coincide with the burglar’s action, but its moral species is in fact quite distinct.62

Davis could have opted for another argument, along the following lines: one may distinguish between an evil act as peccatum (objectively morally evil) and an evil act as culpa (subjectively morally culpable) since, as Thomas explains, an act is imputed to its agent only when he is master of that activity through his will.63 In Davis’s case, while the cooperator by an external act renders direct assistance to the burglar, the circumstance of fear or ‘duress’ (the threat of death) diminishes his subjective culpability. Fear for his very life places the evilness of the principal agent’s deed beyond the cooperator’s voluntary dominion (which is the meaning of praeter intentionem), and so the total evil of principal agent’s act cannot be imputed to the cooperator.64

Davis’s approach draws attention to the implied questions one may ask concerning an apparently formally cooperative act:

- If one asks about the imputable sinfulness (culpa) of the cooperation, one might well label this act ‘immediate material cooperation’, because where an agent acts under considerable pressure or duress his cooperation may be materially evil (peccatum) but not formally sinful (culpa).
- If instead one asks only about the material evil (peccatum) of the cooperation, then one might prefer to label it ‘implicit formal cooperation’: when the agent acts under duress the intentionality of his action certainly encompasses the material evil ex fine operis, even if by virtue of the duress that material evil is not fully imputable to him.

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61 Davis, vol. II, 269: ‘It is of the essence of theft that a thing be taken with the intention of keeping it, at least for a time, against the owner’s reasonable will; this is unjust taking away.’
62 See 2.3.2 below. At the risk of complicating this analysis: the cooperator’s action is, in Sanchez’ terms, a virtually intrinsically evil action which is rescued from being intrinsically evil because it is justified by an extremely serious reason.
63 ST I-II 21, 2: ‘Dicendum quod sicut malum est in plus quam peccatum, ita peccatum est in plus quam culpa. Ex hoc enim dictur actus culpabilis vel laudabilis, quod imputatur agenti; nihil enim est ait tuum, laudari vel culpari, quam imputari aliqui malitiam vel bonitatem sui actu. Tunc enim actu imputatur agenti quando est in poesitate ipsius, ita quod habeat dominium sui actus.’ See also above, footnote 51.
64 See also below, 4.3.2.
Davis’s approach suggests that there is a real distinction to be drawn between *explicit* formal cooperation and at least some forms of *implicit* formal cooperation. While both are evil according to their basic moral species, he believes that they differ greatly in at least one important respect: in *explicit* formal cooperation the agent is deliberately willing the evil and so is fully culpable; in *implicit* formal cooperation (or that variety which he calls ‘immediate material cooperation’) the agent may not be entirely culpable if, because of extreme circumstances, the evilness of the principal agent’s action is excluded from the cooperator’s voluntary dominion.⁶⁵

In favour of this interpretation it could be argued that too strict an adherence to the two senses of ‘intention’ in Aertnys-Damen might risk contradicting the very tradition in which the principle of cooperation evolved. The moral manuals, which served to clarify and then preserve the principle, had precisely the task which would only be complicated by such a strict interpretation of ‘intention’: the task of helping pastors to assess the culpability of penitents. In his own moral and pastoral works Alphonsus defines formal cooperation in terms of ‘concurrence’ in the evil *will* of the other, while material cooperation is ‘concurrence’ only in the evil *action* of the other.⁶⁶ This suggests that formal cooperation requires the cooperator to approve or intend the evil intended by the principal agent, while to participate without this intention (such as merely through supplying *id quod est ad finem*) might be to leave that evil *praeter intentionem*. When assessing the culpability of penitents in the Sacrament of Reconciliation, for example, this distinction is very important.

Herein lies the value of Davis’s position. Even if it is more strictly accurate to deem such acts ‘*implicit formal cooperation*’, the category ‘*immediate material cooperation*’ not only makes clear where the *source of the act’s objective moral disorder* might lie (that is, in the intentionality or ‘inner purposiveness’ of the material action and not in the cooperator’s formal intention), but also serves to draw

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⁶⁵ This was the point made by the US Bishops in the Appendix to their *Ethical and Religious Directives for Catholic Health Care Services*. [Origins 24(1994) 449, 451-462. Hereafter: ERD] See 461, where the terms ‘immediate material cooperation’ and ‘implicit formal cooperation’ were distinguished on the basis of duress. See below, 4.2.2.2 and 4.3.2.

⁶⁶ Alphonsus, *de caritate* 63. The use of ‘concurrence’ may also be significant; in itself the image of ‘concurrence’ does not require ‘intention’ but only a ‘running together’ or ‘coinciding’ of things. Perhaps Alphonsus is deliberately avoiding the question of intention?
one’s attention to the parallel and not insignificant issue of the subjective moral status of the agent.\(^{67}\)

In summary, then, while Aertny-Damen’s position seems more strictly faithful to Thomas, Davis’s position also has clear practical advantages. Certainly both are represented in the manual tradition.\(^ {68}\)

2.1.4 Conclusions

The moral meaning of a human act is fully determined with reference to several of its aspects: firstly, the moral object, which is the moral matter with which the act is concerned (embracing the totality of ends and means adopted); secondly, the agent’s intentions or other purposes in commissioning the act; and thirdly, the other circumstances which ‘fill out’ the total moral meaning of the act. The moral object is the moral meaning of what the agent actually does, which is quite distinct from the physical or material aspect of the act. The agent intends this moral object explicitly by forming a deliberate act of will to achieve it, and/or implicitly by willing a material action which of its own intentionality or ‘inner purposiveness’ possesses that moral meaning.

These distinctions have great significance for the question of cooperation in evil. Some of the manuals insist that if an agent commissions an act which of its very nature is cooperative in evil, then the agent intends that evil. Others teach that if an agent commissions an act which of its very nature is cooperative in evil, but the agent does not explicitly will that evil himself, then that agent should be held culpable for that evil only if he lacks a sufficiently serious reason for commissioning his act.

This diversity would confuse the question of cooperation in evil, but for three points:

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\(^{67}\) The question of immediate material cooperation will be taken up again in Chapter Four.

\(^{68}\) For an extended discussion of this point see Fabbro, Cooperation, 49-54.
• First, the two sides of this debate seek to highlight two distinct aspects of the problem of cooperation; they are taking two different views of the same reality. The first view emphasises the cause of the evil in formal cooperation, while the second view emphasises responsibility for the evil in formal cooperation. In a correct understanding of cooperation these will not always coincide.

• Second, reference to the structure of the moral act reveals the importance of the first and most fundamental determinant of morality: the moral object. The physical fact that an agent is cooperating in an evil does not necessarily reveal whether that cooperation is formal or material, justified or unjustified. For this to be known the moral object must be known, and the moral object is rationally distinct from the material object. The moral object can be known accurately only when the act in its total moral meaning is adequately described.

• Third, following Alphonsus, it is clear that in order to cooperate legitimately a cooperating agent must have a moral object of his own, distinct from that of the principal agent. This emphasises the importance of the cooperator’s own intentions and the totality of those morally specifying circumstances which touch his own act. This underscores again the need to achieve an adequate description of the act of the cooperator, considered both in itself and as cooperative.
2.2 The Structure of Legitimate Cooperation

2.2.1 Introduction

The preceding description of the metaphysics of the human act permits analysis of the structure of legitimate cooperation. This will be assisted by two preliminary observations.

First: the principle of legitimate cooperation assumes that the ‘First Principle of Practical Reason’ will be observed: ‘bonum est faciendum et prosequendum, et malum vitandum’. This principle bears the following interpretation:

a) a *bonum* which is intended as *finis* of a morally good act often encompasses at least some of the good consequences of the act - but some evil consequences may also occur;

b) only a *good* is to be actively done or pursued or intended as an end - that is, willed as the object of *intentio, finis*, to which the object of *electio, id quod est ad finem*, tends;

c) an evil is not to be *actively done* - that is, not to be willed as an intentional object of a moral act either *ex fine operis* or *ex fine operantis*, even if it would be done only in order to obtain a good;

d) nor is an evil to be *passively tolerated* - that is, permitted to occur even as an unavoidable and unintended consequence (*‘praeter intentionem’*) of a moral act - unless this is warranted by a sufficiently serious reason.

69 ST I-II 94, 2.
70 That the end of a human act may be counted a *bonum* because of the good consequences which flow from that act, is implicit in the agent’s ability to intend one *finis* over another according as one *finis* may serve more purposes than another (ST I-II 12, 3), or to freely choose one means over another according to its superior attraction (ST I-II 13, 6 ad 3). It is also the meaning of Finnis’ statement (‘Object and Intention’, 25): ‘What consequences, results, outcomes of one’s choosing and doing are to be judged intended and what are to be judged side-effects (praeter intentionem) . . . is settled simply by considering why one is doing what one is doing, counting as within the proposal one has adopted by choice everything which one wants for its own sake or for the sake of what one wants for its own sake. . .’
71 This explains why, in the tradition, cooperation is spoken of as ‘lawful’ or ‘unlawful’, rather than as ‘good’ or ‘evil’. This language implies that the moral law requires in c) that if the act by which one cooperates is itself an evil act, then simply because it is an evil act (and not because it is cooperating in evil) it ought never be done; and in d) that to cooperate in evil is not morally
These points allow further definition of two frames of reference which have already been noted in the traditional distinctions of cooperation:

- the cooperative act \textit{considered in itself simply as a human act} must be justified in itself, judged to be good or indifferent in species;

- the cooperative act \textit{considered as cooperating in an evil}: even when the evil which ensues remains ‘\textit{praeter intentionem}’, the act may be judged lawful (‘legitimate cooperation’) only where there is a reason serious enough to override the cooperator’s normal obligation to avoid evil.

\textit{Second}: as described above, it is of the nature of cooperation that a cooperator’s act is used by a principal agent to attain his own evil \textit{finis} - that is, to assist in the fulfilment of the principal agent’s own act. In some sense, then, the whole structure of cooperation can be conceived as a kind of ‘nested set’ of means and ends, with the cooperator’s act in the role of means (\textit{id quod est ad finem}) serving the principal agent’s end (\textit{finis}). This analogy has its limitations: for example, it tends to blur the moral boundary established by Alphonsus, and this opens up the possibility of confusing ‘cooperation’ with ‘double effect’.\textsuperscript{72} But it also highlights the role of the cooperator’s act within the second frame of reference: the fact that it is cooperating in another’s evil.

\textbf{2.2.2 Categories of Cooperation}

Using the structure and the two frames of reference noted above, and recognising that hypothetical examples of cooperation may admit of more than one legitimate interpretation,\textsuperscript{73} the traditional categories of cooperation may be described as follows.

\textbf{2.2.2.1 Formal and Material Cooperation}

\footnotesize{permisssable unless it is justified in the circumstances by a sufficiently serious reason, and then only when the evil remains strictly ‘\textit{praeter intentionem}’.

\textsuperscript{72} It has been noted that, for Alphonsus, each agent commissions his own discrete act: if cooperation is to be legitimate then there must exist a moral boundary between the act of the cooperator and the act of the principal agent, such that the cooperator’s own \textit{finis} and his \textit{id quod est ad finem} are distinct from the evil of the principal agent’s \textit{finis}. See Roy, ‘La Coopération’, 422.

\textsuperscript{73} This is because in a hypothetical example it is always possible to add or remove circumstances which would radically alter the interpretation of the case. This is a danger in virtually all theoretical studies, as the manuals attest. The examples used in the present survey are certainly not so well defined as to restrict their interpretation to only one or other category of cooperation.}
• In the first frame of reference: It is the cooperator’s intended object which provides the form of the cooperative act. If the cooperator intends the same evil object as the principal agent, then the cooperator’s act is evil ex objecto by virtue of his own deliberate intention. For example, it would be formal cooperation for an accomplice, acting freely and willingly, to help a robber commit theft.

• In the second frame of reference: Given that the cooperator does not directly intend the same evil object as the principal agent, he may nevertheless intend that an otherwise-innocent action should be of service to the principal agent in attaining that evil end - in which case, again, the cooperator’s act is evil ex objecto by virtue of his own intention. Here the cooperator is intending that his act, which is otherwise quite distinct and complete in itself, should serve as ‘id quod est ad finem’ to the principal agent’s ‘finis’. For example, it would be formal cooperation for an accomplice freely to assist a robber by driving him away from the scene of a crime, with the intention that the robber escape. Even though the action of driving the vehicle has its own (otherwise innocent) end, the cooperator intends - and therefore makes his act to serve - the robber’s evil end. Despite having its own finis operis it is ordered to the robber’s crime ex fine operantis: therefore it shares in the same species as the principal agent’s act, and by virtue of the cooperator’s intention is explicit formal cooperation in evil.

• Still within the second frame of reference: Even if the cooperator does not explicitly intend to cooperate either in an evil or with the principal agent who is intent upon evil, the cooperator’s action may of its own intentionality or ‘inner purposiveness’ be ordered to assisting the principal agent’s evil act. That is, while the cooperator does not explicitly hold the principal agent’s evil as the object of his act of intentio, that evil may still be, ex fine operis or implicitly, the object of the cooperator’s act of electio. For example, a worker in a pharmaceuticals laboratory freely and willingly makes abortifacient medications. These tablets have only one purpose, so they are only destined to the one evil end. Since willing the means necessarily implies willing the end to which the

74 Note that if the cooperator wills the evil simply and solely by himself, the act is evil ex objecto and in this respect at least does not strictly qualify as cooperation in evil. But it is assumed here that the cooperator intends the evil for the sake of the principal agent or because that evil is also intended by the principal agent - in which case the act truly qualifies as formal cooperation.
means are necessarily ordered,\textsuperscript{75} the cooperator’s act in this case may be described as evil \textit{ex objecto (ex fine operis)} and, if commissioned freely, this qualifies as ‘\textit{implicit formal cooperation’}.\textsuperscript{76}

All of these varieties of cooperation are forbidden under the First Principle of Practical Reason. It follows that if cooperation in evil is ever to be permitted, it can never be \textit{formal} cooperation. This leaves only \textit{material cooperation}, that purely physical participation (\textit{participans}) identified by Alphonsus.

Material cooperation is also defined variously. For Aertnys-Damen material cooperation is ‘\textit{concurrence only in the material sin or evil action of the other but not in his evil will}’ by an action which is indifferent in itself (that is, not evil either \textit{ex fine operantis} or \textit{ex fine operis}) but which the principal agent alone makes to serve his evil end.\textsuperscript{77} For Davis material cooperation occurs when the cooperator helps the principal agent to ‘\textit{accomplish an external act by an act which is not sinful, and without approving of what [the principal agent] does}’.\textsuperscript{78} For Härning material cooperation is had by a good or indifferent act (that is, an act which is not evil \textit{ex fine operis}).\textsuperscript{79} The differences between these positions have already been discussed. In all cases material cooperation is normally unlawful, but may be permitted for a reason which is sufficiently serious to override one’s normal obligation to prevent the other from falling into sin.\textsuperscript{80}

So material cooperation is distinguished from formal cooperation because it has its own moral species, and this by virtue of having its own moral object. The moral species of the cooperative act is determined by the personal intention of the cooperator \textit{and also} by the ‘inner purposiveness’ of the action by which he

\textsuperscript{75} See Aertnys-Damen, \textit{de caritate} 398.
\textsuperscript{76} But note that if the medications could also be used for an innocent purpose, then the worker’s action would not automatically (\textit{ex fine operis}) qualify as implicit formal cooperation in abortion. In this case their destination to an evil end is not implicit in the production of the medications themselves, but would rest with the intention of those who use them.
\textsuperscript{77} Aertnys-Damen, \textit{de caritate} 398.
\textsuperscript{78} Davis, vol. I, 341,
\textsuperscript{79} Härning 1963, vol. II, 496.
\textsuperscript{80} This is based in Alphonsus, \textit{de caritate} 47. Aertnys-Damen state that material cooperation is \textit{per se} illicit, but \textit{per accidens} lawful for a just and proportionate cause (\textit{de caritate} 399); Davis
cooperates, all considered in light of the circumstances surrounding the act - which may or may not justify this cooperation.

2.2.2.2 Immediate and Mediate Material Cooperation

As noted already, immediate material cooperation is defined by some who use this category as ‘cooperation in the sinful act of the other’. Others require that the cooperator ‘actually performs the immoral action in cooperation with another person’ - that is, physically performs all or part of the evil action itself. For example, Davis counts as ‘immediate material cooperation’ the action of a cooperator who helps a burglar ‘to empty the jewels that he is stealing into the burglar’s wallet’.

It may be significant that some definitions refer to cooperation in an ‘immoral action’ rather than in an ‘immoral act’: this could be interpreted to imply that ‘immediate material cooperation’ relates only to the material action performed (id quod est ad finem) and not to the totality of the moral act (which includes the deliberately intended finis). This seems to be the meaning of some manualists who maintain that immediate material cooperation may be excusable when the cooperator has an extremely serious reason for acting.

In any event, because in immediate material cooperation the moral object of the cooperative act is either the same as the moral object of the principal agent’s act,

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81 Davis, vol. I, 341. This is derived from Alphonsus, as distinct from Sanchez who tied cooperation to the fault rather than to the act of the principal agent.


83 See Fabbro, Cooperation, 50-51: ‘In his treatment of immediate cooperation Zalba remarks that, even though the cooperator is subjectively ordered to a good end, the fact that he participates so closely in the evil action will often mean that the object of his action (the finis operis) will implicitly be infected by the evil in which he is actively participating. His cooperation will then be implicitly formal. Nevertheless, Zalba goes on to say that this need not be the case. In special circumstances one can cooperate immediately in the other’s sinful action without incurring its malice. This cooperation is material and can be justified for a proportionately grave reason.’ Fabbro gives the reference as: Marcellinus Zalba, Theologiae Moralis Compendium, 2 vols. Biblioteca de Autores Cristianos (Madrid, 1958) vol 1, n.285.
or at least is difficult to distinguish from it, immediate material cooperation is normally held to share the same moral species as the principal agent’s act.  

By contrast, *mediate material cooperation* is defined as cooperation by an act which is ‘secondary and subservient to the main act of another, as to supply a burglar with tools for his burglary’. Here there is a clear distinction between the act of the cooperator and the act of the principal agent: the cooperator’s act (if considered in itself) has its own clear moral object which qualifies it as good or indifferent, but that act still provides the principal agent with some means or goods or services which are required for the commissioning of the principal agent’s evil act. For example, it would be mediate material cooperation in theft if a storekeeper were to sell a ladder which the buyer subsequently uses in a robbery. Of course, that the service he provides subsequently assists the principal agent’s evil deed must remain *praeter intentionem* for the cooperator.

Foreseeing that his act will be abused by the principal agent (that is, in the second frame of reference), the cooperator must have a sufficiently serious reason for commissioning his act. Haring further insists that the materially cooperative act must be in itself ‘meaningful and justifiable’ if it is to qualify as legitimate material cooperation: that is, when considered within the first frame of reference, the cooperator’s act must in itself be ‘founded in right reason’.

Just as the category ‘immediate material cooperation’ used by some moralists coincides with some senses of ‘formal cooperation’ used by others, as noted above, the category ‘mediate material cooperation’ employed by some moralists seems to equate more or less with plain ‘material cooperation’ employed by others.

### 2.2.2.3 Proximate and Remote Material Cooperation

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85 In Chapter Four it will become apparent that some moralists believe that ‘duress’ provides the cooperator with a different moral object in some cases (which differentiates ‘implicit formal cooperation’ from ‘immediate material cooperation’). See 4.3.2 below.


This distinction is employed only when the cooperator’s act has already been judged to be merely material cooperation - that is, it has its own good moral object distinct from the evil moral object of the principal agent’s act.

Some actions of a cooperator will be more closely connected to those of the principal agent (such as the cooperator who actually holds a ladder for a burglar while he breaks into a building), while other actions will be more remote (such as the cooperator who merely sells the ladder in the first place). That is, although they are clearly distinct from the principal agent’s evil deed, some cooperative acts will more closely serve as id quod est ad finem to the principal agent’s evil finis, and others more remotely serve it. Given that the cooperator’s act is not ordered ex fine operis to the evil end of the principal agent, it is apparent that this ‘proximity’ or ‘remoteness’ cannot originate in the will of the cooperator but is, as it were, an objective potential of his act, either in itself or in its outcomes: the cooperative action has its own potential to be of service, proximately or remotely, to the principal agent. But this potential must always remain praeter intentionem. It must be solely the principal agent’s evil will which actuates this potential and makes the cooperator’s act serve his evil end. For example, the act of selling ammunition to a gun-owner is not in itself ordered to the gun-owner’s intention to shoot his neighbour, but it more proximately serves his evil intention than does the action of, say, the person who manufactures the ammunition.

What are not so evident are the criteria by which some actions are judged to be ‘proximate’ and others ‘remote’ from the principal agent’s evil act. Aertnys-Damen make this judgment according to ‘the matter or means of sinning, or better, whether it serves proximately or remotely the execution of the sin’; Davis refers vaguely to help which is ‘very intimately connected’ or ‘not closely connected’ with the other’s act, while Häring simply calls cooperation ‘all the more serious if the act serves the evil purposes of another not merely remotely but also immediately and proximately’. Some manualists seem to require the cooperator’s act to exercise some form of causality of the principal agent’s evil act (although it has been noted

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88 Aertnys-Damen, *de caritate* 398.
90 Häring 1963, vol. II, 498. These positions are in line with Alphonsus in *de caritate* 63.
that Alphonsus resists this on the grounds that it risks confusing cooperation with induction and scandal), while most insist that the very fact that the act is cooperative constitutes a circumstance which must be taken into account in forming an adequate description of the act.⁹¹ All agree that more proximate cooperation requires a more serious justifying reason.⁹²

Given the uncertainties surrounding this distinction, some manualists hold that proximity or remoteness cannot be more clearly defined and are best left to a prudential judgment of individual cases.⁹³

2.2.2.4 Necessary and Contingent Material Cooperation.

This distinction is based on whether a cooperator, either by office or other circumstance, has a duty or ability to prevent the evil from being done; or whether by withholding his material or service he would be likely to impede the principal agent. That is, the central issue is not how closely the cooperator’s action serves the principal agent’s act, but how necessary it is to the successful completion of that evil act.

Some manualists do not distinguish between necessity and effectiveness. ‘Necessity’ refers to a necessity of agency, and concerns whether this particular agent’s cooperation is necessary for the evil act to be done. ‘Effectiveness’ refers to a necessity of means, and concerns whether the goods or services supplied are necessary for the evil to be done.⁹⁴ When the category is employed, ‘necessity’ in cooperation generally refers to necessity of agency.

Aertnys-Damen require a more serious reason to justify material cooperation when there is a greater necessity of agency. This occurs when a particular cooperator has the ability to prevent the principal agent’s evil deed simply by withholding his services - that is, the sin can be prevented because there would be

⁹¹ See Fabbro, *Cooperation*, 16-19.
no-one else to provide that material or service.\textsuperscript{95} For example, the night-watchman of a business has a greater duty not to cooperate in burglary than, say, the janitor. Among factors required to assess a sufficient reason Davis counts how ‘indispensable’ the cooperator’s act may be to the principal agent’s act,\textsuperscript{96} which is in line with Häring’s assessment that a more serious reason is required if the cooperator’s act ‘should be the indispensable condition for the execution of the [principal agent’s] nefarious design’.\textsuperscript{97}

All three agree: if the required goods or services would probably be supplied by some other cooperator anyway, then there is less necessity (or greater contingency). One then requires a less serious reason to cooperate because one has a less serious moral duty to withhold one’s act. And if the evil will come about regardless of what this particular cooperator does, then the justifying reason would not need to be very strong at all.

It seems, then, that this distinction touches on the sufficiency of the justifying reason: one may have a \textit{prima facie} obligation to prevent an evil from occurring, but in the actual circumstances - including the presence of a sufficiently serious reason - this may not translate into a concrete duty to withhold the good or indifferent services which will be abused.

2.2.3 Conclusions

The structure of legitimate cooperation reflects the two frames of reference noted above. In the first frame of reference the distinction between material and formal cooperation refers to the morality of the cooperative act in itself - the morality of the act considered simply as ‘act’: insofar as one who cooperates formally shares the same evil object as the principal agent, the cooperator’s act is evil in itself. In the second frame of reference the distinctions between proximate and remote cooperation, and necessary and contingent cooperation, refer to the question of whether the act is justified in the circumstances - the morality of the act

\textsuperscript{95} Aertnys-Damen, \textit{de caritate} 400.

\textsuperscript{96} Davis, vol. I, 342.
considered as ‘cooperative’: since the cooperator’s act is good in itself, its morality must further be assessed in light of its nature as cooperating in evil.

Questions of proximity and necessity therefore do not arise until the morality of the act, considered simply as a human act, has been established. Within the first frame of reference a proposed act may be judged evil *ex objecto* by virtue of either the *finis operantis* or the *finis operis*; in either case it is an evil act and ought not be commissioned.

But the question may be asked: is it legitimate even to attempt to evaluate a cooperative act ‘in itself’, without any reference at all to its nature as cooperative? It is reasonable to answer ‘no’, since to assess an action in this way would be to omit circumstances which may touch the very moral nature of the act. Nevertheless it is legitimate to make an *initial* evaluation of the act ‘in itself’ in order to judge whether it merits condemnation ‘in itself’ prior to any consideration of its nature as cooperative. This is clear concerning the first touchstone of legitimate cooperation, the *intrinsically evil act*: only if an act is *not* intrinsically evil - is either good ‘in itself’ or indifferent ‘in itself’ up to this point - is it necessary to proceed to an assessment of it insofar as it is cooperative.

And in that second frame of reference an act which is *not* intrinsically evil may be commissioned even though it constitutes material cooperation in evil, but only if there is a reason sufficiently serious to excuse the cooperator from the obligation to avoid evil. The gravity of this justifying reason will vary with the judgment of proximity and necessity, *inter alia*.

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2.3 Conditions for Legitimate Cooperation

2.3.1 Introduction

These clarifications allow further investigation into the nature of ‘intrinsically evil acts’ and the ‘sufficiently serious reason’ required to justify material cooperation in evil. Like the categories ‘formal’ and ‘material’, these two elements have undergone considerable redefinition during the evolution of the principle: modern definitions of them would be foreign to the early manualists. It is necessary, then, not only to sketch these two elements in the development of the principle, but also to establish clear descriptions of them as they stand today. They play a very important role in the modern understanding of cooperation in evil.

2.3.2 Intrinsically Evil Acts

It is instructive to note that, notwithstanding the evolution since 1610 of the formal definition of ‘intrinsically evil acts’, some aspects of the process of defining these acts have not really changed at all since the time of Sanchez.

Sanchez categorised acts according to the purposes or ends they served: an intrinsically evil act was one which could not be made to serve any good end, while an indifferent act was one which could be made to serve either a good or an evil end, depending on the will of the agent.\(^{98}\) Two points are immediately significant.

First: in his category of ‘indifferent act’ Sanchez held that some acts, while essentially indifferent, are

\[\ldots\] commonly defined in favour of an evil end. These acts have such a connection with this evil use that ordinarily, in fact, they require a good reason to be called indifferent rather than evil in themselves.\(^{99}\)

He illustrates what he means: to kill innocent people and burn their houses would normally be deemed an act which is evil in itself, but in rare circumstances in

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time of war it may be lawful, for example when grave necessity requires it and the agent’s intention is to do no further evil.\footnote{See Roy, ‘La Coopération’, 394, who quotes from Sanchez, \textit{Opus morale in Praecepta Decalogi}. (Parma, 1723) Lib. I, cap. VII, n.7.}

\textit{Second:} it is significant that even though he defines these acts in terms of the purpose they normally serve, Sanchez still describes the connection between moral species and \textit{finis} in terms of \textit{the agent’s implied volition}:

These acts have such a strict relationship to their abusive use that the one who performs them, as an almost necessary consequence, adheres voluntarily to the evil use. . . . According to this interpretation, these essentially indifferent acts are practically evil in themselves.\footnote{Roy, ‘La Coopération’, 395-396.}

This corresponds more or less with the argument that an agent who wills \textit{id quod est ad finem} implicitly wills the \textit{finis} to which those means are ordered.

It has been noted that some more modern moralists hold exactly this position on formal cooperation, but they define the moral species of this kind of act in terms of \textit{the act’s own moral object}, whereas Sanchez defines the moral species in terms of \textit{the uses to which the act can be put}. In both cases, however, the definition of this type of ‘\textit{virtually intrinsically evil act}’ rests on \textit{an adequate description of the act in the concrete}: only when the act is adequately described in terms of all morally relevant circumstances is its moral species finally revealed. So even though Sanchez and the modern moralist use different criteria to define these acts, they are really using more or less the same path to arrive at a definition.

Until Alphonsus, at least, the 1679 condemnation was generally interpreted according to Sanchez’s criteria. In that example, a servant cooperates with his master’s evil action by opening a door, holding a ladder, and similar actions. While they may have been indifferent in other circumstances, the servant’s acts were commonly considered to be intrinsically evil in the concrete case because they were ordered solely to the master’s evil designs: since the master’s act was evil, so was the
cooperation of the servant. Thus the criterion for determining whether an act is intrinsically evil or not was held to be not the cooperator’s act itself but the totality of circumstances in which the act occurred, including especially the moral species of the act with which he cooperated.

Alphonsus drew a critical distinction: even if the cooperator’s act is to be defined with reference to the principal agent’s act, the cooperator’s act still must have its own moral meaning. The evil intention of the principal agent does not affect the morality of the cooperator’s act considered in itself, for this has its own moral species. In the particular case of participans identified by Alphonsus as genuine cooperation, the fact that the cooperator’s act will be cooperative in evil remains praeter intentionem for the cooperator, because his act is rendered cooperative only by the principal agent’s will. This is an essential condition of legitimate ‘material cooperation’ properly so called: Alphonsus emphasises that the principal agent must be already determined to sin, and that the cooperator’s act must be indifferent or good in itself. Obviously, these conditions guarantee that the cooperator’s act has its own distinct moral object.

But Alphonsus further differs from his predecessors in defining an intrinsically evil act not in terms of the use to which it can be put, but more strictly in terms of the effect it has on the evil will of the principal agent:

The criterion which St Alphonsus carefully chooses places the intrinsically evil act by which one cooperates in immediate relation to the concept of formal cooperation. Formal cooperation concurs with the evil will of the other agent which it augments or confirms. For St Alphonsus, the intrinsically evil act is precisely that which achieves such an act of cooperation. An act of cooperation which has the effect of augmenting, of confirming, of rendering more confident the evil will of the other is an intrinsically evil act.

“One may not, however, on account of any fear perform any action which has the effect of augmenting or confirming the evil will of a thief, as for example by keeping watch, or advising of the hour;

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104 See Alphonsus, de caritate 63
105 Thus Häring , for example, insists that the cooperator’s act must be justifiable in and of itself. Häring 1963, vol. II, 498.
or telling him a better way to steal, because these actions are formally and intrinsically evil. 106

Two points are significant here.  First: Alphonsus does not seem to require the cooperator to intend his act to augment or strengthen the will of the principal agent - the question is more simply whether the cooperator’s act, of itself, is apt to exercise such an influence. That is, this influence may follow purely ex fine operis and remain praeter intentionem: one who cooperates with a thief out of fear might in some cases do so by an act which is apt to augment the thief’s evil will, even though this is not what the cooperator intends to do.

Second: Alphonsus offers no objective criteria for determining when a cooperator’s act would have such a causal influence on the principal agent’s will, and therefore no objective criteria for determining when a cooperative act is intrinsically evil. He leaves this to prudent judgment in individual cases. This gap in his otherwise masterly treatment has been explained in terms of the prevailing state of metaphysics: most of Alphonsus’s sources pay scant attention to the tract on human acts, so he does not define ‘intrinsically evil acts’ in terms of their moral object, as later manualists would. Roy notes that it was only in the sixth edition of his Theologia moralis that Alphonsus developed his own treatment of the structure of human acts - by which time his treatment of cooperation had been in its final form for ten years. 107

On the other hand, this lacuna may indicate that Alphonsus considered the assessment of causal influence to be possible only in concrete cases - which is the arena of the virtue of prudence. If this is so, then Alphonsus’s definitions here would seem to concern that second category of acts considered by Sanchez: the ‘virtually intrinsically evil act’ which requires some serious circumstance to rescue it


107 Roy, ‘La Coopération’, 435. See also Fabbro, Cooperation, 38-39. Note that Thomas seems to use not the ‘intrinsice malum’ of Veritatis splendor 80, but ‘secundum se malum’, as in ST II-II 64, 2 ad 3: ‘Et ideo quamvis hominem in sua dignitate manentem occidere sit secundum se malum . . . ’ In the Blackfriars edition the phrase is rendered ‘intrinsically evil’, but it might be better translated literally as ‘evil in itself’: this has the advantage of indicating exactly where and why the action is evil in such a way that no subjective intentions or circumstances can possibly render it ‘good’ - which, of course, is precisely the meaning of ‘intrinsically evil’ in Veritatis splendor 80.
from its normal evil species and justify its commission. In this light it is significant that Alphonsus, like Sanchez, insists that the cooperative act be considered in the context of all morally relevant circumstances:

As with other moralists of his era, St Alphonsus judges the act of cooperation as it is performed here and now. He does not judge in the abstract an act of carrying a gift to someone, but he judges in itself the act of carrying a gift to the concubine of someone. If that act is not conceived as augmenting or confirming the will of the one who commanded it, St Alphonsus does not call it intrinsically evil.  

This is an important condition for an eventual resolution of the problem of intrinsically evil acts. Some later moralists would insist that an intrinsically evil act was not one which in the concrete circumstances served only an evil end, but one which could not serve any good or honest end in any circumstances.  

Others would hold, more in line with Sanchez, that what was otherwise an intrinsically evil act may be rendered legitimate in some particular situations.

These two positions can be reconciled if, like Alphonsus, one maintains the need to describe adequately each act in the context of its concrete circumstances. It is not the mere physical action which is intrinsically evil, but the entire ensemble of the moral object of the act itself, with the agent’s intention, in the concrete circumstances. Morally, the act is not adequately described until all relevant factors are taken into account; but when the act has been adequately described - which requires taking account of neither too few nor too many factors - then the moral species of that particular act is defined.

How does this sit with Thomas Aquinas’ assertion that circumstances can alter the moral species of an act? The answer is: perfectly happily, and the

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110 Rhonheimer, Intentional Actions, 284: ‘What is called ‘intrinsically evil’ [in Veritatis splendor 80], therefore, is concrete choice, describable in behavioral terms, that cannot be reduced to simple ‘behavior’, however, because every choice includes an intention of the will and a corresponding judgment of reason. That is also the reason why the encyclical speaks here about ulterior intentions, and not about intention as such: because ‘object’ and intention are not mutually exclusive terms. There is some intentionality required so that an object of a human act can be constituted.’
111 ST I-II 18, 10; 73, 7.
examples which Thomas offers only serve to illustrate the importance of describing a moral act adequately.

Thomas teaches that in order to describe moral acts adequately one must turn not to the natural forms of acts but to their ‘forms as conceived by reason’. These are neither as self-evident nor as fixed as natural forms. Thus, theft can be defined as ‘taking what belongs to another’. In the simple case, with no other circumstances influencing the act, all acts of this kind are adequately described as ‘theft’. But of the many circumstances which surround every human act in the concrete, some so touch the act that they alter its object and therefore sometimes its species.

For example, ‘retaining the gun of another who would use it to kill an innocent person’ might not be classed as an act in the species ‘theft’ but as an act of another species (perhaps ‘preservation of life’). Similarly a circumstance such as ‘place’ (for example, taking a sacred object from a church) might require an act to be described as ‘sacrilege’ rather than ‘theft’ - in which case ‘theft’ is not an adequate description, but ‘sacrilege’ is. But it is not really accurate to say here that an evil act (‘theft’) has been made good by additional circumstances; it is more accurate to say that, in the circumstances, ‘theft’ is not an adequate description of these particular acts. The natural or physical forms of the external actions may be similar, but their rational or moral forms are radically different, and so they require different moral descriptions as ‘theft’, ‘sacrilege’ or ‘preservation of life’. 

So when Thomas teaches that ‘circumstances can alter the moral species of an act’, he is not teaching that one act may be described differently under two different sets of circumstances. Rather he is insisting that the two different sets of

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112 ST I-II 18, 10: ’... sicut species rerum naturalium constituuntur ex naturalibus formis, ita species moralium actuum constituuntur ex formis, prout sunt a ratione conceptae...’ The example of theft is drawn from this article.
113 ST I-II 18, 10: tollere alienum.
114 In the same vein, it is not accurate to say that the basic moral species of an act cannot be defined from its object, independent of factors such as the agent’s further intentions and other circumstances surrounding the act. It is more accurate to say that, quite independently of the agent’s personal motives for acting and of other circumstances, the object of an act may provide the act’s basic moral species if the moral object (and so the act in itself) is adequately described.
circumstances effectively circumscribe two distinct acts with two different ‘forms as conceived by reason’, which require the acts to be described differently. This may come about in various ways:

- some concrete circumstances surrounding an act are not merely accidental to the act but are essential to it because they touch its moral species;\(^\text{115}\) thus the act of taking something which belongs to another may not always be adequately described as ‘theft’ - it may be ‘preservation of life’, or ‘sacrilege’, depending on essential circumstances.

- from the perspective of the cooperator’s intention: the one who, under duress, cooperates with a thief might not be described as ‘stealing’ as such if he does so purely to preserve his own life. His action may have a similar natural or physical form but his intention is different from the principal agent’s intention, so when he acts only in order to save his own life his action may have a different moral form and might require a different description.\(^\text{116}\)

In contrast to Alphonsus, the modern definition of ‘intrinsically evil acts’ is grounded solidly in the metaphysics of human action. The primary point of reference is the moral object of the act, and that object is measured against ratio recta:

Reason attests that there are objects of the human act which are by their nature ‘incapable of being ordered’ to God, because they radically contradict the good of the person made in his image. These are the acts which, in the Church’s moral tradition, have been termed ‘intrinsically evil’ (intrinseece malum): they are such always and per se, in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances. Consequently, without in the least denying the influence on morality exercised by circumstances and especially by intentions, the Church teaches that ‘there exist acts which per se and in themselves, independently of circumstances, are always seriously wrong by reason of their object’.\(^\text{117}\)

\(^{115}\) ST I-II, 18, 3 ad 2.

\(^{116}\) Fabbro, Cooperation, 4: ‘Vittrant’s analysis [of a similar case] clearly illustrates that in the moral evaluation it is insufficient to consider the physical phenomenon in isolation from the agent’s intention in the concrete circumstances.’ [The reference to Vittrant is given as: Jean-Benoit Vittrant, Théologie Morale. Third ed. (Paris, 1941) n.217.] Fabbro notes that Vittrant here follows Alphonsus, de restitutione 571. This reflects Davis’s argument on immediate material cooperation: see Davis, vol. I, 342-343, and at 4.3.2 below.

\(^{117}\) Veritatis splendor, 80.
So even in cases of acts which gain their (evil) moral species from the *finis operis* itself, it is clear that, from a structural point of view, an act is to be deemed ‘intrinsically evil’ only when it is adequately described. All morally specifying circumstances must be ‘factored in’ in order to describe the moral object (as distinct from the physical object), and only then can the act be placed in its moral species.

But in whatever manner intrinsically evil acts are considered, one problem remains: how does one determine which circumstances are truly accidental to the moral object of an act and so are incapable of altering its species, and which circumstances intimately touch the moral object, are able to alter its moral species, and so are essential to the adequate description and moral specification of the act?

This problem dogs the question of intrinsically evil acts, even in its most recent formulations.\(^{118}\) While it is evident that individual circumstances must be considered within *the sum total of circumstances which provoke or motivate the action and directly accompany it*,\(^ {119}\) it may not be possible to go past the example of Alphonsus who leaves the determination of such difficult matters *‘to the prudence of moralists and to the conscience of each person to judge in particular cases’*.\(^ {120}\)

### 2.3.3 Sufficiently Serious Reason

A ‘sufficiently serious reason’ is required to justify cooperation in evil. The task here is to uncover what ‘sufficiently serious reason’ means, and how it functions in the case of legitimate cooperation.

A ‘sufficiently serious reason’ seems to imply some process of comparing various factors, leading to an outcome which permits cooperation. The key questions here are: *what would be the ‘terms’ of such a comparison?* and *how would the comparison actually be made and an outcome reached?*

\(^{118}\) For modern formulations see *Veritatis splendor* 79-83, and the CCC 1754. Thomas recognises the difficulty of evaluating circumstances in ST I-II 18, 10: *‘Et ideo quod in actu uno accipitur ut circumstantia superaddita objecto, quod determinat speciem actus, potest iterum accipi a ratione ordinante ut principalis conditio objecti determinatus speciem actus . . . ’*


\(^{120}\) Roy, ‘La Coopération’, 434.
An associated question is: does the ‘sufficiently serious reason’ merely permit cooperation, or may it impose an imperative to cooperate? Indeed, is a ‘sufficiently serious reason’ ever really capable of compelling cooperation in evil? This will be discussed in more detail later in the present work, but for present purposes ‘sufficiently serious reason’ will be taken to have the meaning it has generally in the manual tradition: it is ‘sufficiently’ strong to overcome objections which would otherwise forbid cooperation in evil. In other words, ‘sufficiently serious reason’ here is taken as permissive rather than as imperative.

It is useful to note that some manuals prefer the term ‘proportionately serious reason’, or variations of the same. While this raises the spectre of some kind of proportionalism, these terms do have a place in the discussion of cooperation under de restitutione where one task is, precisely, to balance one set of harms against another set of harms. But the problems inherent in trying to balance goods and evils are well known, and in any event the very structure of material cooperation would seem to make such a calculus extremely difficult or even impossible because, from the cooperator’s point of view, the ‘goods’ and ‘evils’ flow from two distinct acts commissioned by two different agents.

Alternatively, ‘proportionately serious reason’ could refer to that ‘proportion’ which must exist in a morally good act between objectum and ratio recta, or between id quod est ad finem and finis. But this is based on a developed metaphysics of the human act, of a kind which does not seem to have played a significant role in the critical early evolution of the principle of material cooperation.

121 For example, Aertnys-Damen hold that ‘Materialiter cooperans ad restitutionem tenetur nisi ex justa et proportionata causa auxilium praestet; tunc enim solum cooperatio ejus licta est.’ (de restitutione, 783. Emphasis added.) and Häring 1963, vol. II, 499 refers to a ‘proportionately good reason.’

In any event it will become clear that even if it has been used in this way by some commentators, the terms ‘proportionate reason’ or ‘proportionately serious reason’ do not adequately capture the meaning intended by Alphonsus and those subsequent manualists who sought to develop his insight into the virtue of charity. It will be argued here that in *de caritate* there is only an apparent ‘apportioning’ or ‘balancing’ of effects; and since it is in *de caritate* that cooperation properly so called is discussed, it is preferable here to use the term ‘sufficiently serious reason’ to express the condition required for legitimate material cooperation.

This discussion addresses two points. *First*, the ‘sufficiently serious reason’ required to justify material cooperation refers to both of the frames of reference used in this chapter. In the first (the act considered in itself), it refers to the need for the agent to hold a sufficiently serious reason to perform the act itself; in the second (the act considered as cooperative), it refers to the need for the cooperator to hold a sufficiently serious reason to permit evil to occur. It is possible, of course, that a single reason may meet the requirements of both frames of reference. *Second*, since the manuals discuss cooperation in two places, *de restitutione* and *de caritate*, there is the possibility that ‘sufficiently serious reason’ may not have the same meaning in both locations. This remains to be investigated.

In the first frame of reference any sense of ‘cooperation’ may be ignored. It is evident that an agent requires a good reason to perform any moral act, and this reason must be good enough to justify the act in view of any evil effects which may follow from that act either directly or indirectly (*praeter intentionem*). Here the ‘sufficiently serious reason’ plays a positive role: given Thomas’ understanding that no human act is indifferent in the concrete, a ‘sufficiently serious reason’ is necessary to render any act morally good in itself.123 As noted, this ‘goodness’ arises from a combination of the intentionality of the action itself, the agent’s further intentions, and any additional circumstances which may be necessary to ‘fill out’ the moral object of the act.

123 ST I-II 18, 9.
However, this particular reason will not automatically satisfy the requirements of the second frame of reference, which considers the act precisely as cooperative in bringing about some evil. Indeed, many acts which are good in themselves would be manifestly unjustified in view of the evil in which they participate, and this is the very heart of the problem of legitimate cooperation. The second frame of reference is therefore the major field of inquiry.

The manuals raise the matter of cooperation in two tracts - *de justitia* (under *de restitutione*) and *de caritate* (under *de scandalo*). Questions in *de restitutione* concern an agent’s culpability (and therefore his duty to make restitution) for damage in which he participates and of which he is a moral cause, if he acts without a ‘just and proportionate cause’. Note that the focus here is not on the cooperator’s own act in itself, but on the evil effects of the action with which he cooperates, insofar as those evil effects impact on a third party. The central question in *de restitutione* is: *is the cooperator justified in allowing harm to come to a third party as a result of the principal agent’s abuse of an otherwise innocent act?*

The function of a ‘sufficiently serious reason’ here is to permit the cooperator to act despite the harm to third parties, which his act is made to serve. The general consensus is that a cooperator who is himself subject to substantial threat of harm may cooperate legitimately - that is, without being held to make restitution - if he does not otherwise exercise moral causality in the harm done. Here the threat of harm to oneself seems to be compared with the threat of harm to the third party, so the function of a ‘sufficiently serious reason’ is to ensure that, even if the cooperator does participate in bringing harm to another, the strict demands of justice are not offended.

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124 See for example Alphonsus, *de restitutione* 571.
125 Alphonsus requires a substantial threat of harm such as death itself (*de restitutione* 571); Aertnys-Damen make the same immediatemediate distinction as Alphonsus, teaching that immediate cooperation is excusable if it is commissioned under threat of harm greater than that threatening the third party, while mediate material cooperation is excusable under threat of equal harm because this constitutes a just and proportionate cause for remote cooperation in harm to another (*de restitutione* 783); Davis notes simply that ‘No one is bound to forestall harm to another at the cost of greater harm to himself’ (vol. II, 314); Häring 1963 vol. III holds that the culpable action must be ‘actually the effective cause, not merely the occasion’ of the damage (487) and that ‘If the agent carried out the evil action freely, he is also liable’ (488) - which implies that the agent is not liable to the extent that his cooperation is not freely given.
In contrast, the ‘simple case’ in *de caritate* defines cooperation properly so called: whether one may cooperate in evil if one exercises no moral causality whatever in the harm which the principal agent is already determined to bring about. Here again Alphonsus sets the terms: the principal agent must already be determined to sin, so that there is no question of moral causality on the part of the cooperator; and the cooperator’s deed must be good or indifferent in itself, so that it is not blameworthy in its own right. The focus then is on a single evil effect - indeed, upon the primary evil effect: the sin or ‘spiritual ruin’ which the principal agent will bring upon himself. The central question in *de caritate* is: *is the cooperator justified in allowing the principal agent to sin by abusing an otherwise innocent act?*

The function of the ‘sufficiently serious reason’ in this case is to excuse the cooperator from the *prima facie* duty to prevent one’s neighbour from committing sin and thereby suffering spiritual harm. A reason such as the ‘threat of grave harm to oneself’ is normally held to justify material cooperation in this case. Here the ‘sufficiently serious reason’ seems to compare the harm which the cooperator would suffer as a result of non-cooperation with the harm the principal agent threatens to cause to himself by abusing the cooperator’s act, so the function of a ‘sufficiently serious reason’ here is to ensure that, even if the principal agent does sin, the cooperator does not offend the strict demands of charity.

Two problems are immediately evident. *First*, in both of these tracts it seems clear that regardless of his good intentions, the cooperator intends (at least implicitly) to permit an evil - which the First Principle of Practical Reason bids him avoid. *Second*, even if this difficulty can be overcome, the ‘sufficiently serious reason’ still seems to require some form of ‘proportioning’ of the harms permitted - and how can the problems of proportionalism be avoided?

In regard to the first objection, the principle of cooperation requires that the cooperator’s act must be itself good or indifferent, and that the evil must flow solely from the principal agent’s evil will. Furthermore as *de restitutione* makes plain, the

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126 Alphonsus, *de caritate* 63.
cooperator is not held responsible if he is not a moral cause of the damage done. If he were a moral cause, the harm done by the principal agent would be attributable to him and could be treated as ‘indirectly voluntary’, in much the same way as the unintended evil effects of an act which he alone commissions (as occurs under the Principle of Double Effect). Clearly there is a difference in physical causality between ‘cooperation’ and ‘double effect’, but if the cooperator exercises moral causality in the principal agent’s evil act the two cases may be treated in approximately the same way. What sets cooperation proper apart, then, is precisely the question of moral causality: in legitimate cooperation the cooperator himself is not a moral cause, even indirectly, of any harm which the principal agent may do to himself or to other parties.

Clearly this holds true for cooperation in both tracts: where the principal agent is already determined to sin, a legitimate cooperative act will exercise no moral causality and the cooperator will not be held responsible for either the principal agent’s sin (in de caritate) or for unjust damage to third parties (in de restitutione).

On one hand the different foci of the two tracts are of great significance. The fact that de restitutione focuses on the harmful effects of the principal agent’s action does not mean that the principal agent’s sin is negligible - rather, this tract is simply asking a specific question concerning restitution. Similarly the focus of de caritate - the principal agent’s sin itself - does not deny that questions of restitution may also arise in connection with a particular case of cooperation. The two tracts simply focus on different aspects of the one phenomenon.

On the other hand, as Alphonsus indicated, the ‘simple case’ of cooperation properly so called raises only the question of the principal agent’s sin - the focus of de caritate - without any question of further harmful effects or of restitution. This is extremely significant, for some later moralists attempted to apply Alphonsus’s criteria for cooperation properly so called in de caritate to clear cases of injustice in

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127 Cooperation differs markedly from double effect: in material cooperation there are two acts and two sets of consequences to consider, whereas in double effect it is a single act which causes both sets of consequences.
The result was a re-confusing of issues which Alphonsus had been so careful to distinguish and define.

It is far more fruitful to follow Alphonsus’s lead: in any given case of cooperation, one ought to treat the issue of cooperation proper under the criteria of *de caritate*, and treat the issue of restitution under the criteria of *de justitia*. This parallels the situation noted above concerning moral causality: where there is no moral causality (cooperation properly so called) one deals with the specific issue of cooperation alone, but where there *is* moral causality one must address the additional question of culpability (and restitution) for indirectly voluntary evil effects.

So does a cooperator actually intend to permit an evil, which the First Principle of Practical Reason forbids? At best only indirectly, and then only for a reason serious enough to excuse his *prima facie* duty not to permit harm to befall his neighbour. In legitimate material cooperation it is clear that, because the cooperator exercises no moral causality whatever and possesses a sufficiently serious reason to act, he is in no way culpable for any evil which results.

In regard to the second objection concerning ‘sufficiently serious reason’ and a ‘proportioning’ of harms: even where any harm done by the principal agent remains strictly *praeter intentionem* for the cooperator, it may be that traditional treatments of cooperation in *de caritate* only seem to define the justification of cooperation in terms of ‘comparing’ this harm with the harm threatening the cooperator himself. It can be argued that there is in fact an entirely different process at work.

In order to develop this argument the situation of cooperation may be described in the following terms: a ‘sufficiently serious reason’ allows one to perform a good or morally indifferent act even though the principal agent will bring about an evil (of whatever kind, and always *praeter intentionem*), because material cooperation in that act is somehow ‘preferable’ to material cooperation in some other

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128 In Chapter Three it will be suggested that Germain Grisez attempts to do this in a later work.
act, or to no cooperation at all. The question then is: is there an *objective* basis for this ‘preference’?\(^{129}\)

It has been noted that the question of charity always arises in cases of cooperation, but the question of justice does not. It therefore seems reasonable to look to charity, as Alphonsus did, to locate an objective basis for the ‘preference’ inferred.

There is generally held to be an order which is to be observed in the practice of charity, and that order places (i) one’s own spiritual good above the spiritual good of one’s neighbour; (ii) the neighbour’s spiritual good above one’s own physical self; and (iii) one’s own physical self above the physical self of one’s neighbour.\(^{130}\) Thus, ‘charity does not oblige us to sacrifice our own body for our neighbour’s safety, except where we are bound to provide for it’.\(^{131}\)

This *ordo caritatis* establishes the ground on which Alphonsus insists that one is not bound to endure grave harm in order to prevent one’s neighbour from sinning.\(^{132}\) Given that one is under no other obligation to prevent the principal agent from sinning, the virtue of charity alone does not demand that the cooperator withhold a good or indifferent act simply in order to prevent the principal agent from coming to spiritual harm, where the *cooperator himself* is also under the threat of spiritual harm.\(^{133}\) Since any sin flows from the principal agent’s evil will alone, the virtue of charity leaves the cooperator free to cooperate or not.

\(^{129}\) This idea of ‘preference’ is found in Johnstone, ‘The Meaning of Proportionate Reason’, 234.

\(^{130}\) Thomas gives the order of charity in ST II-II 25, 12 as: God, self, neighbour, one’s body. See also ST II-II 26, especially 2-5. Alfonso gives another order in *de caritate* 25: ‘(1) seipsum, secundum bona spiritualia; (2) proximum, quoad eadem bona; (3) seipsum, quoad bona corporalia; (4) proximum, quoad eadem; (5) denique seipsum, et deinde proximum, quoad bona externa.’

\(^{131}\) ST II-II 26, 5 ad 3.

\(^{132}\) Alphonsus, *de caritate* 63; and at 66: ‘Ratio, quia, ut mox supra diximus, cum te praestas actionem per se indifferentem, scilicet, quae potest esse bona et mala, non teneris nisi ex caritate ab illa abstinere, ne alter ea abutatur ad peccandum; quando autem alias grave damnum metuis, licite permettire 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.’ Emphasis added.

\(^{133}\) Alphonsus, *de caritate* 66. Others would express this simply in terms of a ‘principle of preference’ without offering any objective grounding for that preference: for example Johnstone (‘The Meaning of Proportionate Reason’, 234-235) considers that Johannes Gury SJ had such a principle in mind when he dealt with this issue in relation to double effect. Interestingly, while Johnstone rightly concludes that the assessment of proportion in this case involves a complex of terms...
Hence the *ordo caritatis* establishes an objective basis for the cooperator ‘preferring’ to cooperate in what is for him a lesser rather than a greater evil. Where there is no obvious good to be done, or when faced with a choice of spiritual harm to oneself or to another, the cooperator who acts for a just cause does not act with the intention of actively doing an evil of any magnitude, since this would be contrary to the First Principle of Practical Reason. Neither does the cooperator enter into a balancing of good and evil effects, or of evil and worse effects. He simply recognises his objective obligations in charity - and the *ordo caritatis* does not oblige him to endure spiritual harm in order to prevent the principal agent from causing spiritual harm to himself.

So as Alphonsus realised, the ‘sufficiently serious reason’ which would justify cooperation properly so called is grounded in the virtue of charity and preserves the order of charity. By observing this order the cooperator preserves the integrity of both himself and his action. The evil which results is not intended either explicitly or implicitly but remains strictly *praeter intentionem*, and this is permissible as long as the cooperator’s act is good or indifferent in itself, that is, it does not exercise any moral causality with regard to the evil which results, and the order of charity is preserved. While it may be an act of the greatest charity to sacrifice oneself for another, the *ordo caritatis* does not require this.\(^{134}\)

On one hand, then, a sufficiently serious reason is required to justify the cooperator’s act simply as an act; on the other hand a sufficiently serious reason is required to exempt the cooperator from the normal demands of charity. In both cases a reason can qualify as ‘sufficiently serious’ only if it maintains the order of charity.\(^{135}\)

\(^{134}\) ST II-II 26, 5 ad 3.


* at 45: ‘proportionate reason means three things (a) a value at least equal to that sacrificed is at stake; (b) there is no less harmful way of protecting the value here and now; (c) the manner of its protection here and now will not undermine it in the long run.’ For McCormick, then, some form of moral calculus is of the essence of proportionate reason.
One major question remains: how does the cooperator know, in a concrete case, that he is exempted from the normal demands of charity? How does he know when he holds a sufficiently serious reason to cooperate in this particular evil in this particular case?

Like the assessment of circumstances surrounding the moral act, this is normally not a matter of absolute certainty but requires prudential judgment. Neither Alphonsus nor subsequent manualists seem prepared to go beyond indicating which factors are to be considered in such an assessment. In Alphonsus’s view these factors include the gravity of the other’s sin, the probability that the other would not sin if the cooperator withholds his act, the proximity of the cooperation to the sin, the right of the cooperator to act in any case, and any offence against justice, especially against third parties.136 Clearly, they also include the cooperator’s basic reason for acting, and that reason would have to be greater or weaker depending on other variable factors. What is certain is that this assessment can only be made when all morally relevant factors are taken into consideration - that is, when the cooperator’s act, considered as cooperative, is adequately described - and this is a matter of prudence.

Figure 2.1 compares - in general terms only - the function of the ‘sufficiently serious reason’ which justifies cooperation in de restitutione with that in de caritate.

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<th>de caritate</th>
<th>de restitutione</th>
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* at 47: charity consists of beneficentia as well as benevolentia and ‘is always controlled by the possible’ - that is, where no good can actually be done one is obliged to do (or permit) the least evil. For McCormick, a moral conflict is essentially a choice between greater and lesser evils.

* at 48: the notion of proportionate reason is always only analogous: when all is said and done, the agent does not engage in a simple utilitarian calculus but in a much more complex - and subjective - weighing of alternatives in which ‘the preference of a good for or in another at the cost of that good for or in myself should not, in view of human weakness and immaturity, be demanded.’ For McCormick, Christ’s command to ‘love one another as I have loved you’ is not to be demanded as an absolute norm but rather proclaimed as a principle of growth.

136 Alphonsus, de caritate 59.
<table>
<thead>
<tr>
<th><strong>Relevant Virtue</strong></th>
<th>Charity</th>
<th>Justice</th>
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<tr>
<td><strong>Focus</strong></td>
<td>The principal agent's sin itself</td>
<td>Further evil effects of the principal agent's sin</td>
</tr>
<tr>
<td><strong>Function of Justifying Reason</strong></td>
<td>To permit my action despite the principal agent's sin</td>
<td>To permit my action despite these evil effects</td>
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</tbody>
</table>
| **Key Questions**   | Am I justified in allowing the principal agent to sin by abusing my good or indifferent action?  
Or In light of the principal agent's sin, am I justified in acting? | Am I justified in allowing further evil effects which will flow from the abuse of my good or indifferent action?  
Or In light of these evil effects, am I justified in acting? |
| **Restricting Cooperation** | Even where there will be no offence against justice in regard to other parties (ie no further evil effects), charity toward the principal agent may require me to refrain from acting | Even where charity toward the principal agent does not of itself require me to refrain from acting, justice may require me to avoid contributing to the production of evil effects which will harm other parties |
| **Permitting Cooperation** | Cooperation may be permitted for a serious reason if the demands of charity are not offended, because my action exercises no moral causality in regard to the principal agent’s sin | Cooperation may be permitted for a serious reason if the demands of justice are not offended, because my action exercises no moral causality in regard to the harm done to others |

Figure 2.1 *Alfonsus*, Theologia moralis: the function of ‘sufficiently serious reason’ in ‘de restitutione’ and ‘de caritate’.

### 2.3.4 Conclusions

Contemporary debates on the moral assessment of human acts reveal divergent positions which, unsurprisingly, are often difficult to reconcile.\(^\text{137}\) At the core of much of this divergence is the question: *what is to count as pertaining to the object of a moral act?*\(^\text{138}\)

\(^\text{137}\) For example, the debate between Richard McCormick and Martin Rhonheimer noted above in this Chapter, Footnote 10.

\(^\text{138}\) See McCormick, ‘Some Early Reactions’, 497.
• Some modern moralists (the ‘proportionalists’) are accused of wanting to include too much in their concept of moral object: not only the finis and id quod est ad finem of the act and its moral meaning in itself, but also all of the agent’s intentions and all surrounding circumstances, including all foreseeable consequences;\(^\text{139}\)

• Others are accused of wanting to include too little in their concept of moral object: no consequences and few circumstances, but two meanings of ‘intention’.\(^\text{140}\)

It is true that some consequences of an act will enter into the definition of its moral object, since often an agent acts precisely in order to obtain those outcomes. These consequences are usually embraced in the notion of finis. But in this context those consequences are to be assessed primarily in relation to ratio recta and not by any calculus of benefits and burdens, or of good and evil effects. An adequate description of the moral act, in other words, will not stop short of embracing whatever is necessary to classify the act in its species, but nor will it wish to confuse that assessment by going beyond what is necessary.

The tradition recognises that in some cases an act will be seen to be ‘evil’ by virtue of its very object, in such a way that no combination of circumstances or further intentions could possibly render this action justifiable or ‘good’. These acts are ‘actually intrinsically evil’, or evil ex objecto in every case.\(^\text{141}\) Thus ‘abortion’ may be described as ‘intrinsically evil’ because no possible complex of circumstances or subjective intentions can alter its fundamental moral meaning: the deliberate and voluntary killing of an innocent human being.\(^\text{142}\)

\(^{139}\) Rhonheimer accuses McCormick of having an ‘expanded notion of object’ in ‘Intentional Actions’ at 285; at 291-300 he assesses this further, insisting that ‘proportionalists’ describe actions in terms of their consequences and commensurate reasons, rather than in terms of their objects seen from the point of view of the acting person.

\(^{140}\) McCormick accuses Rhonheimer of this in ‘Some Early Reactions’ at 501; Rhonheimer defends his view of moral object and intentionality in ‘Intentional Actions’ at 285-291.

\(^{141}\) See Veritatis splendor, 79-83 for a discussion of this point.

\(^{142}\) Pope John Paul II, Encyclical Letter Evangelium vitae. ‘On the Value and Inviolability of Human Life.’ (25 March 1995). AAS 87(1995) 401-522, n.57. See also n.62, where direct abortion is defined as ‘a grave moral disorder’: ‘No circumstance, no purpose, no law whatsoever can ever
The tradition also recognises that in other cases an act will be seen to be ‘evil’ by virtue of its very object as defined in the context of its concrete circumstances, and be ‘virtually intrinsically evil’ or evil ex objecto in this case. But other rare and extreme circumstances may demand another assessment such that, in those rare circumstances, a materially similar act might be adequately described as ‘morally good’. These are acts which Sanchez held to ‘so nearly approach the evil’ that they require a sufficiently serious reason to justify their performance, and without this justifying reason the one performing such acts could be said to intend the evil.143 It is not accurate to say that this justifying reason changes the moral species of the act; it is more accurate to say that, considering the gravity of the reason for acting, this act is more appropriately described in another way. Thus what is ‘theft’ in one situation is better described as ‘preservation of life’ in another, and ‘sacrilege’ in a third.

All of this is critical in the assessment of legitimate cooperation in evil. Structural emphasis on the moral object demands great attention to what it is that the cooperating agent is actually doing: if his act is not evil in virtue of its object and he holds a sufficiently serious reason to act, then his action must be distinguished from that of the principal agent. Furthermore, it is only by attending carefully to the totality of his act - its moral object, his own further intentions, and all other relevant circumstances including the strength of his reason for acting - that the cooperator can determine how his action is most accurately to be described.

The years since the Second Vatican Council have brought enormous changes in the social, economic and political shape of a world in which evil is so often done. How some of these changes might affect the interpretation of the traditional principle of cooperation will be a subject of Chapter Four of the present work. First, however, it will be helpful in Chapter Three to review some of the ways that the principle has been preserved, developed and presented since Vatican II.

make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church.‘