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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Publication Details
3.0 Introduction

Bernard Lonergan indicated that theological investigation of particular questions requires the development of a critical history of their origins and evolution, which may lead to that insight which is ‘understanding’. What is true for particular questions is true \textit{a fortiori} of the theological disciplines in which they arise and, in the view of many modern moralists, this is especially so in the case of Catholic moral theology.

However, a critical history of past and current trends in moral theology would take the present work well beyond reasonable bounds. Nevertheless, some general comments will help to establish a context for this chapter.

As noted above, the moral theology of the manuals had been intended to prepare clerical students for ministry in the confessional; this is evident, for example, in the manuals’ emphasis on distinguishing mortal from venial sin, and on resolving doubts of conscience. According to the prevailing view of that ministry, it was necessary for the confessor to know what the moral law would allow or forbid.

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3 See 1.2.1 above.
This explains why the traditional manuals speak of material cooperation as ‘licita’ or ‘illicita’. But such an orientation also carries the risk of a moral minimalism which is less concerned with knowing God’s will and more concerned with avoiding God’s punishment for sin. Moral theology of the manualist period has been described as ‘casuistic, unecumenical, unbiblical, ‘domestic’ in its concern (social morality being relegated to the periphery), centrally controlled, natural law oriented, and sin-centred’.\(^5\) Its view of moral obligation was generally permissive (‘what the moral law allows’) rather than genuinely imperative (‘what God calls me to do’).

Servais Pinckaers OP notes that late in the nineteenth and early in the twentieth century, a renewal of Thomism brought about two reorientations. \(\textit{First,}\) in place of the Commandments some manualists sought to restore the moral and theological virtues as ‘the principle of the organisation of moral material’.\(^6\) It was hoped that this would lead to a more positive view of moral obligation: less of ‘what the commandments allow’ and more of ‘what the virtues require’. But it was not entirely successful:

\[\ldots\] the material itself was not transformed by these improvements. The categories changed, but the content was always shaped by obligations and legal prohibitions. The teaching on the virtues was interesting but remained more theoretical than practical and still suffered from the impoverishment of notions inherited from nominalism. Virtue, prudence, chastity were far from recovering their lost power and dynamism.\(^7\)

\(\textit{Second,}\) the tract on man’s last end and beatitude was restored,\(^8\) but because the overall focus still remained on ‘what the law allows’ the positive moral implications of ‘beatitude’ were never fully explored. So moral theology languished as a poor cousin of canon law, and moral obligation generally continued to be conceived as permissive rather than imperative - except, of course, where it was expressed in the negative: ‘Thou shalt not’.

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\(^5\) McCormick, ‘Self Assessment’, 42.
\(^6\) Pinckaers, \textit{Sources}, 299.
\(^7\) Pinckaers, \textit{Sources}, 299.
\(^8\) See Pinckaers, \textit{Sources}, 200-300.
The Second Vatican Council caught up and gave formal impetus to what had already developed as a substantial movement for renewal in moral theology. It called for a solid grounding in the Scriptures, for a much more positive perspective on the moral life, and for a focus on the Christian’s sense of being ‘called’, of having an ‘obligation to bring forth fruit in charity for the life of the world’. It is notable, however, that conciliar and post-conciliar documents generally provided few specific guidelines on the method or content of this renewal. This may be simply a function of the complexity of the renewal itself, or it might be a recognition that, just as Christians fulfil their moral duty by responding to a concrete ‘call’ from God here and now, so the shape of modern moral theology can be ‘worked out’ only in relation to the concrete moral challenges of contemporary life. In any event the Council has generally been interpreted as calling for not simply a rearrangement of existing material, but a radical refounding of the discipline.

The process of renewal has been anything but smooth. Mahoney notes that it took off in two unplanned and uncoordinated directions - methodology and

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9 Above, 1.2.5.
10 Second Vatican Ecumenical Council, Decree on the Training of Priests Optatam totius. (28 October 1965) 16: ‘Special care should be given to the perfecting of moral theology. Its scientific presentation should draw more fully on the teaching of holy Scripture and should throw light upon the exalted vocation of the faithful in Christ and their obligation to bring forth fruit in charity for the life of the world.’
11 In Sources at 302 Pinckaers notes that, apart from Optatam totius 16, the council made little specific reference to moral theology at all. He maintains that an earlier general statement in the same paragraph of Optatam Totius should be taken to include moral theology: ‘[Seminary students] should learn to seek the solution of human problems in the light of revelation, to apply its eternal truths to the changing conditions of human affairs, and to express them in language which people of the modern world will understand.’ Other than these texts, Pinckaers holds that Gaudium et spes offers only general themes which should be reflected in a renewed moral theology (‘the human condition and vocation, the dignity of the person, human activity in the world, the dignity of marriage and the family, socioeconomic life, the political community and the safeguarding of peace.’ Pinckaers, Sources, 302) while the post-conciliar document of the Congregation for Catholic Education, The Theological Formation of Future Priests (22 February 1976) offers a more specific agenda for renewal.

Mahoney (The Making of Moral Theology, 303) maintains that Gaudium et spes 33 should also be taken to embrace moral theology: ‘The Church is guardian of the heritage of the divine Word and draws religious and moral principles from it, but she does not always have a ready answer to every question. Still, she is eager to associate the light of revelation with the experience of mankind in trying to clarify the course upon which mankind has just entered.’
12 Mahoney, The Making of Moral Theology, 307: ‘It was not simply a matter of tuning the engine and tightening the steering of moral theology, but of a thorough systematic overhaul of the whole vehicle and of sending it off into quite new and (for it) uncharted areas of modern living.’
13 Pinckaers, Sources, 304: ‘The postconciliar era has produced a sort of defrosting of Catholic moral teaching as a new wind sweeps over it. But as often happens when the wind gets too strong,
specific moral issues\textsuperscript{14} - while McCormick identifies fundamental, methodological and ecclesiological issues as basic areas in which modern moral theology is still finding its feet.\textsuperscript{15}

Leaving aside the uneven and at times tempestuous unfolding of the renewal, it is easy to see why methodological issues should figure so prominently. In order to arrive at a positive conception of the nature of moral obligation flowing from Christian vocation, one requires a point of departure which is, at one and the same time, both as universal and as particular as that vocation itself. Raphael Gallagher has suggested that such a point may be found in ecclesiology.\textsuperscript{16} The search for an appropriate ‘point of departure’ is essentially an exercise in hermeneutics; one critical challenge in the renewal of moral theology may well turn out to be the quest for an ecclesiology which grounds, simultaneously and with equally imperative power, both universal moral obligation and particular Christian vocation.

Meanwhile, the methodological, ecclesiological and systematic details of a moral theology faithful to the call of Vatican II are still evolving by means of that energetic dialogue which both precedes and facilitates authoritative verification (or falsification) of particular positions.\textsuperscript{17}

This Chapter will sample the treatment of legitimate cooperation in the genre which succeeded the moral manuals (3.1), and then in more recent magisterial teaching (3.2), before making some preliminary observations on the status of the principle in contemporary moral theology (3.3).
This arrangement of material creates some anomalies: for example, the authors of the modern moral texts studied (Häring, Peschke and Grisez) are contemporaries of other writers who will figure in the following Chapter. It should be emphasised that the intention here is not to facilitate a strictly chronological study, but rather a study of a genre which approximates the traditional moral manuals in intent, if not in method. This section, then, aims merely to study the successors to the moral manuals: for a more comprehensive view of contemporary writing on legitimate cooperation, one should view the material in this and the succeeding Chapter as a whole.

Another anomaly is the placement of papal and other magisterial teaching in this context. The reason for this lies in the method of the traditional moral manuals themselves: they often cited papal and curial documents as definitive sources of moral teaching - for example, the Condemnation of 1679. In addition to their other ends, however, modern texts treat moral theology as a distinct discipline with its own legitimate aims and methods, rather than as merely an interpreter of magisterial teaching. But if magisterial teaching in modern moral texts is less prominent than it was in the manuals, it is perhaps more significant in contemporary moral theology as a whole: for example, the moral teaching of Pope John Paul II continues to have incalculable impact on the discipline as it proceeds along the path of renewal. For this reason it is appropriate to consider modern moral texts and recent magisterial teaching in close proximity, but separately. Again, a more comprehensive view of the status of modern moral thinking about legitimate cooperation would require Chapters Three and Four of the present work to be taken together.
3.1 Cooperation in Later Moral Texts

3.1.1 Introduction

In order not to abandon the moral tradition - or rather, in order to renew it for the benefit of the same Christian community which gave birth to the manuals - a modern moral text must address at least some ‘traditional’ moral issues, albeit in new ways. New approaches are necessary for several reasons: ‘traditional’ moral problems often need to be re-interpreted in light of changing social circumstances, and new cultural contexts sometimes prompt entirely new questions or pose new difficulties which traditional methods could neither foresee nor address.

It is not surprising, then, that contemporary moral texts have employed a number of different approaches - with varying degrees of success - in reinterpreting the challenge of legitimate cooperation. The aim of this section is to gain some insight into the nature and parameters of this re-interpretation, and to illustrate the significance of some of the methodological issues which are proving crucial to the direction of this renewal.

3.1.2 Bernard Häring (1979)

Twenty-five years after *The Law of Christ* Bernard Häring began publication of a new three-volume textbook in moral theology, *Free and Faithful in Christ*.18 By this time his view of the task of moral theology had undergone a considerable revolution:

Moral theology, as I understand it, is not concerned first with decision-making or with discrete acts. Its basic task and purpose is to gain the right vision, to assess the main perspectives, and to present those truths and values which should bear upon decisions to be made before God . . .

[therefore] the author does not follow the trend of those who confine moral theology practically to ‘normative ethics’: his

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first intention is to form a Christian mind set and that profound vision which is essential for Christian maturity.¹⁹

This ‘profound vision’ of the Christian moral life is the key to Häring’s view of a renewed moral theology. Its central concepts are responsibility for one’s Christian life of creative liberty and creative fidelity, and co-responsibility with others for the moral quality of social life.²⁰ This co-responsibility - also expressed as ‘creative mutuality’ and ‘reciprocity of consciences’ - is grounded in a personalism which professes to resist ‘individualistic narrowness’: ‘It is a personalism that confronts each of us with God, with our fellowmen and with all of creation’.²¹ The manualists clearly drew on a very different vision of moral theology, so Häring feels free to claim an independence from their work. Instead of citing the opinions of numerous traditional experts, he turns to . . . great prophetic figures throughout history who have had the charisms of creativity and fidelity, and who, even in the midst of conflict, were as faithful as they were bold in bringing their contributions into the common heritage.²²

Given that ‘creative liberty’ is such an essential aspect of his new vision of the moral life, and in view of this new and prophetic source of inspiration, it is perhaps surprising that Häring’s treatment of cooperation in Free and Faithful in Christ differs so little in structure and content from that which he had offered twenty-five years earlier.²³ Nevertheless, several aspects of his later approach merit attention.


²⁰ Häring 1978, 1.

²¹ Häring 1978, 3. On ‘creative mutuality’ and ‘reciprocity of consciences’ see the same volume at 70-71 and 265-270 respectively. On the latter, see also Terzo Millennio 66-79.

²² Häring 1978, 5.

²³ The introduction to ‘Complicity in the Sins of Others’ in Häring 1979, at 479, virtually summarises Häring 1963, vol II, 495-6. The treatments of formal and material cooperation are virtually identical in structure and content, but the examples of licit and illicit cooperation in Häring 1979, at 483-486, differ from those in Häring 1963, vol II, 500-517, insofar as they are gathered under only three broad headings: cooperation in politics; complicity of managers and employees; complicity in abortion. In the spirit of ecumenism promoted by Vatican II Häring omits from his later work all reference to ‘cooperation in false rites’.
In terms of its meaning, cooperation is seen as a sin against ‘actualising the Truth in love’.24 ‘Charity’ is a virtue for every person, but it has a particular meaning for Christians who are ‘free and faithful in Christ only to the extent that we are grounded in him who is the Way, the Truth, and the Life, and who has promised to send us the Spirit of Truth to guide us into all the truth’.25 By charity towards neighbour the Christian makes Christ present; by failing in charity towards neighbour (for example, by illicit cooperation in his sinful deed) the Christian is unfaithful to Christ.

This orientation is very significant. In his introduction to ‘Complicity in the sins of others’ Häring emphasises that the call from God to be ‘yeast in the dough, salt to the earth’ makes it difficult for the Christian to avoid confronting the problem of cooperation. In practical terms, cooperation in evil can only be avoided completely if Christians ‘opt out’ altogether - but this would preclude them from ever ‘actualising’ Christ in the world. Häring is concerned that Christians must confront head-on the challenge of cooperation in evil, but this will always test the fidelity and creative mutuality which lie at the heart of authentic Christian moral life.

Having distinguished carefully between cooperation and scandal,26 Häring deals with material and formal cooperation in turn before outlining the principles which apply. Here he adds a single paragraph to his earlier treatment of the same principles:

The moral conviction of the principal agent has to be taken into account. The concurrence of my good action with that of another who is convinced that his action is good is not formal cooperation although one might be convinced that the other’s action is wrong. This happens frequently in our pluralistic society. We think, for instance, of situations where the sincere conviction of the main agent is supported by that of a considerable number of good people.27

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24 This is the title of Häring’s tract on charity in which he deals with cooperation - see Häring 1979, 419.
25 Häring 1979, 2.
26 ‘Whereas scandal furnishes the occasion for another’s sin, cooperation, as we treat it here, enters into the actual execution of a sinful action already determined. Of course cooperation also poses the question of scandal.’ Häring 1979, 479.
27 Häring 1979, 482. Emphasis added.
This addition is significant on two levels. On a fundamental level it indicates how Häring’s new orientation leads him to a heightened awareness of the methodological implications of ethical pluralism: it may require a review of the traditional processes of moral decision-making. Translating this to the question of cooperation itself, Häring believes that the principal agent may well be commissioning evil, but in virtue of his sincere but erroneous conscience his action is not formally sinful. Obviously this begs the question of cooperation in formal sin: if the principal agent is not committing formal sin because he is acting in erroneous conscience, then clearly the cooperator is not formally cooperating in formal sin. But Häring is claiming more than that: he holds that this is not formal cooperation at all, and so is presumably at most merely material cooperation. Is this necessarily true?

In Häring’s example it seems obvious that the cooperator is still cooperating in evil, and (in traditional terms) in material sin, since that is what the principal agent is doing. The critical moral question then is: is this cooperation necessarily only material? Could it ever be formal cooperation and therefore seriously wrong, even though the principal agent’s act constitutes ‘merely’ material sin?

In view of the discussion in the previous chapter, the answer to the latter question must be ‘yes’. Even in Häring’s world of ‘creative mutuality’ the cooperator’s action must still be distinguishable from the principal agent’s action, or else the problem of cooperation simply would not arise: the cooperator’s action would always be evil in itself. Therefore it is obvious that the actions of the cooperator must be judged on their own merits, and not merely in relation to the material or formal sinfulness of the actions of the principal agent.

If a cooperator intends the evil which is done unwittingly by the principal agent - and this ‘intending’ may be either ex fine operantis or ex fine operis, according to the traditional approach - then by virtue of this intention his cooperation is formal. The moral quality of the cooperator’s action does not depend on the subjective moral status of the principal agent’s action: thus he may commit

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28 See 2.1.3 and 2.2.2.1 above.
formal cooperation in evil even when his action does not constitute any kind of cooperation in formal sin. For example, a child may not be aware that lighting fires can have serious consequences, but the shopkeeper who sells him matches with the intention that the child should cause damage to property would surely be cooperating formally in that evil. And because it is formal by his own intention, the shopkeeper’s act is evil in and of itself. In the case in point Häring rescues his position only by insisting that the cooperator’s action must be ‘good’ - presumably, not intentionally cooperative (either ex fine operis or ex fine operantis) in the principal agent’s materially evil action.

Häring himself seems to affirm this line of reasoning - if not this conclusion - in the case of a pharmacist who supplies contraceptives to a customer who, he believes, is acting in good conscience:

[the pharmacist here] commits, in my opinion, no formal or material cooperation with a sin of another, due to his conviction that the customer is in good conscience. If there is no sin on the part of the other, there is no cooperation in sin.29

Obviously this position poses other problems. It is true that an evil done in good conscience may not constitute formal sin,30 but that is an issue primarily for the principal agent. In Häring’s example this enters into the cooperator’s deliberation only in terms of whether or not he may leave the principal agent in good faith, and whether in so doing the order of charity remains intact. But here Häring is claiming even more than this: he assumes that if the customer commits no formal sin, then there is no sin at all with which to cooperate - apparently, if there is no culpa there can be no peccatum.

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29 Häring 1979, 485. Emphasis added. It is important to note that this case follows that of ‘formal complicity’ which occurs, in Häring’s opinion, when for example a pharmacist sells an item to a customer while quite aware that the item has only one purpose, and that evil. This is what the manuals would have called ‘formal cooperation in an intrinsically evil act’.

30 This is clear in magisterial teaching: see the Congregation for the Clergy, The Washington Case. (26 April 1971). L’Osservatore Romano 20(164) 20 May 1971, 6-7; Congregation for the Doctrine of the Faith, Replies to Questions. (29 July 1974) as yet unpublished (see this Chapter, footnotes 155 and 156); and the Australian Catholic Bishops’ Conference, Pastoral Letter on the Application of ‘Humanae vitae’. (September 1974) in Nicholas Kerr, comp. Australian Catholic Bishops’ Statements Since Vatican II. (Homebush, NSW: St Pauls, 1985) 151-155.
In terms of the traditional metaphysics this is manifestly untrue. The customer’s good conscience is a question of the subjective or formal aspect of his action, which may be considered in distinction from the objective or material quality of his action. The fact is, the customer is committing (or is about to commit) material sin, and it is in this that the pharmacist’s action will cooperate. Häring’s position here appears indefensible. His approach to the problem of ethical pluralism seems to require him to discount all moral implications of the material sins of others. But if that were the case, it would mean that whenever a principal agent acts in good conscience, the question of formal cooperation by a secondary agent would simply never arise. It is not immediately evident why Häring takes this course.

He next turns his attention to the precise question of cooperation in evil - that is, objective evil or ‘merely’ material sin. Häring immediately introduces two new ideas into his analysis of cooperation:

If, however, the pharmacist himself feels in conscience that these means are intrinsically and absolutely evil, it can be disputed - especially in view of differing opinions on this point even within his own Church - whether respect for the other person’s conscience allows him to serve the customer of good conscience. In this case tolerance may be better for peaceful relationships and for avoiding hard reactions against the Church.31

Häring seems hold that where the principal agent’s act is intrinsically evil ‘respect for the other person’s conscience’ may not suffice to justify cooperation, but ‘tolerance’ may justify merely material cooperation in this act. The same reasoning seems to underpin his closing comments on cooperation, where he deals with a very different scenario:

It is very much disputed and can be disputed whether Catholic hospitals must in all circumstances refuse cooperation (for instance by offering their facilities) for sterilisation when in the eyes of the doctors and patients, it can be qualified as therapeutic in a broad sense. A good reason for allowing doctors who, in conscience, are convinced that this is a positive health service in the particular case, and are ready to offer it only to those patients requesting it in good conscience, can be taken from a broad understanding of tolerance and respect for a sincere conscience, especially in questions and

31 Häring 1979, 485-486. Emphasis added. Häring carefully adds that this reasoning cannot be applied ‘where unjust damage to third persons must be avoided’.
situations where the givenness of an objective moral evil is doubtful.32

Häring makes no effort to define or to develop the concepts ‘respect for sincere conscience’ and ‘toleration’, so it is difficult to evaluate his position accurately. He seems to have received these terms indirectly from an analysis of religious liberty, but the text does not explain what he might mean by them.33 It is possible that he is simply extending into the field of cooperation a principle he treats earlier under the virtue of charity, in which he notes the conditions under which one may omit the duty of fraternal correction.34 Alternatively, his position here may be an expression of his general concern to promote ‘creative mutuality’ and ‘reciprocity of consciences’ - which in his view, seemingly, require one to ignore ‘merely’ material evil. This difficulty in grasping the exact meaning of Häring’s claim may be due to the particular style of his later work, which he deems ‘paracletic’: it is meant to ‘manifest the binding force of the beatitudes, the ‘law of the Spirit’, while also demonstrating the attractive power of the Christian moral message’.35 However he understands them, Häring’s use here of ‘tolerance’ and ‘respect for sincere conscience’ later attracted considerable attention from theological and magisterial authorities.36

Whatever Häring’s intention in the balance of Free and Faithful in Christ, his treatment of cooperation here is neither as coherent nor as satisfying as his earlier work. His goal to ‘form a Christian mind set and that profound vision which is essential for Christian maturity’ would certainly seem to warrant a re-interpretation of the whole problem of cooperation, but his later treatment of the principle is really

32 Häring 1979, 486. Emphasis added. A surprising aspect of this paragraph is that Häring makes no reference at all to the Congregation for the Doctrine of the Faith’s Response Quaecumque sterilizatio. ‘On Sterilization in Catholic Hospitals.’ (13 March 1975) [AAS 68(1976) 738-740] which had been in circulation for three years by the time he published this volume of Free and Faithful in Christ. And in view of his emphasis on reciprocity of conscience in moral life it is equally surprising that while the traditional treatment of cooperation often notes the associated danger of scandal - an obvious problem in this case - Häring here makes no mention at all of scandal.
33 A footnote refers the reader to an article of Charles Curran, which in turn is an interpretation of cooperation based on concepts found in John Courtney Murray SJ, The Problem of Religious Freedom. (London: Geoffrey Chapman, 1965). For further discussion, see 4.1.2.4 below.
34 Häring 1979, 456-458: ‘Fraternal encouragement and correction.’
just a re-working of *The Law of Christ* which fails to preserve its clarity. It is as though the ‘paracletic’ nature of his renewed moral theology and its grounding in his version of a solidly Christian anthropology - his ‘turn to the subject’ - has absolved Häring from the need to develop a sound metaphysical basis for his later position on cooperation in evil, and especially formal cooperation.\(^{37}\)

### 3.1.3 Karl H Peschke

The first edition of Karl Peschke’s *Christian Ethics* (1975) was intended as a response to the call of Vatican II for a renewal of the discipline, and as a ‘handbook’ of moral theology for priests and lay people involved in religious education.\(^{38}\) Both volumes of the work underwent substantial revision in light of the revised code of Canon Law (1983).

Peschke’s understanding of moral theology is grounded in a decidedly scholastic metaphysics:

> Christian ethics or moral theology is that part of theology which studies in the light of Christian faith and of reason the guidelines which man must follow to attain his final goal.\(^{39}\)

This ‘goal-orientation’ is central to Peschke’s design. One of his major insights into method is the importance of both the ontological and the eschatological orientations of the human person: moral theology must attend not only to *who man is*, but also to *who man is to become*.\(^{40}\)

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\(^{36}\) Häring’s ideas attracted the attention of Germain Grisez and Pope John Paul II, both in 1993. See below, at 3.1.4.2 and 3.2.1 respectively.

\(^{37}\) J Gallagher argues that Häring’s emphasis on ‘creative fidelity’ rather than normative ethics leads him in *Free and Faithful* to dissolve the metaphysical foundations of natural law itself because, in Häring’s vision of Christian morality, natural law ‘does not any longer provide access to an objective moral order which the Christian need only look at in order to see. . . . Given the historical, social, and cultural contexts in which persons seek the good, the only caveat that remains of the traditional natural law is that it ought not be sought arbitrarily.’ J Gallagher, *Time Past*, 206. This would explain Häring’s conflicts with magisterial authorities who have consistently sought to preserve the objective moral order.


\(^{39}\) Peschke 1986, 3.

\(^{40}\) Peschke’s approach illustrates the scientific nature of theology as described by Lonergan: ‘*The methods employed are partly of a positive nature, as used in the biblical and historical sciences, and*
The ontological point of departure consists in the study of man’s concrete, existing nature and of the world around him. . . . The knowledge of what man is, what his possibilities are and the limits he cannot transcend, is indispensable for a realistic moral discourse. However in order to decide what man should choose among the many possibilities open to him, the ontological point of departure alone is not sufficient. It must be complemented by the teleological and eschatological point of departure, which informs man about the goal to be achieved, the kind of person he should be and the work he is to do.\textsuperscript{41}

The eschatological orientation is significant not only for the content and general tenor of Peschke’s work, but also for its structure.\textsuperscript{42} One discussion of cooperation is located under ‘Restitution for culpable cooperation in damage’ as was usual in the manuals;\textsuperscript{43} however his more general treatment of cooperation is found not under ‘charity’ but under ‘sin’ - specifically, ‘Responsibility for sins of others and sinful cooperation’, which covers seduction and scandal as well as counselling the lesser evil.\textsuperscript{44} The theme of ‘responsibility’ enables Peschke to present ‘charity’ principally in terms of its positive demands, rather than in terms of what it forbids or merely allows. ‘Charity’ provides for Peschke an eschatological point of departure: his positive vision of the obligations of Christian charity enables him to explain how man’s actions conduct him to his final end, rather than merely circumscribing limits beyond which he dare not go.\textsuperscript{45}

In this light it is understandable that Peschke pays particular attention to the ‘ordo caritatis’. He distinguishes charity as ‘appreciative esteem and benevolence’

\textsuperscript{41} Peschke 1986, 7-8.
\textsuperscript{42} The structure of Peschke’s work is much closer to that of Häring’s \textit{The Law of Christ} than to any of the traditional manuals, or even to Häring’s later text.
\textsuperscript{43} Peschke 1993, 711ff.
\textsuperscript{44} Peschke 1986, 314ff; cooperation is at 320-324.
\textsuperscript{45} Even under ‘sin’ Peschke manages to retain an eschatological orientation: ‘Man is bound to strive after the ultimate end and not to offend in any of his actions against it.’ Peschke 1986, 286. This means that (a) man is obliged to pursue his ultimate end actively, and certainly to avoid anything which would lead him away from that end - or, in view of man's social-historical nature, anything which would lead others away from it; but also (b) given appropriate conditions - and according to the order of charity - man is not obliged in every case to intervene in order to prevent his neighbour’s sin, and may at times even be justified in materially cooperating with his neighbour in
from charity as ‘intensity of affection’, and he distinguishes both of these from charity as ‘responsibility for one’s personal obligations’. Under the last he notes that ‘[o]ur own development, sanctification and salvation depend more on our own responsible acts than does the salvation of our fellowmen’ - which approximates Alphonsus’s position on justifying material cooperation under the order of charity. Thus, in dealing with scandal, Peschke argues that

. . . every moral obligation demands from a man that he should not violate it or wilfully cause its violation; but it does not require by itself to hinder others from violating it; if such an obligation exists, it is usually an obligation of charity.

He uses another of Alphonsus’s criteria to distinguish seduction and scandal from cooperation: seduction implies deliberate moral causality, scandal implies moral causality *praeter intentionem*, but cooperation proper implies no moral causality at all.

In describing the categories and principles of cooperation Peschke attempts to encompass several positions, with mixed success.

First, formal cooperation is defined as occurring ‘when one externally concurs in the sinful deed of another and at the same time internally consents to it. This kind of cooperation is always sinful’. Here he agrees with Davis: formal cooperation requires both intention of the end, *finis*, and intention of means, *quod est ad finem*. It is self-evident that this kind of action is sinful, because an evil end is directly intended. He notes that ‘moral handbooks’ distinguish explicit from implicit formal cooperation: direct intention of the other’s evil end (*ex fine operantis*, by willing the same *finis*) is explicit formal cooperation, while indirect intention of that end (*ex fine operis*, by willing only *id quod est ad finem*) is implicit formal cooperation. He also notes that some authors prefer to use ‘immediate

\[\text{order to fulfil his own obligation to pursue his own ultimate end. Peschke does not greatly develop this latter insight in the context of his discussion of cooperation.}\]

\[\text{46 Peschke 1993, 208f.}\]

\[\text{47 Peschke 1993, 210.}\]

\[\text{48 Peschke 1986, 316.}\]

\[\text{49 Peschke 1986, 314-316. At 321: ‘In contradistinction to seduction and scandal, cooperation does not give rise to the sin of another, but it only assists a principal agent, who is already determined to the evil deed previous to the cooperation.’}\]

\[\text{50 Peschke 1986, 321.}\]
material cooperation’ rather than ‘implicit formal cooperation’, but only the latter is necessarily ‘sinful’.

Peschke also reflects Davis in defining material cooperation, even using identical examples, and he is no more able than Davis to provide a definitive distinction between proximate and remote material cooperation. But then he introduces a confusion:

More useful for the formulation of moral norms however seems to be the distinction between cooperation by means of actions which in themselves are not harmful to others, such as selling a bottle of whisky, giving a key, driving a car, preparing instruments for an operation, and cooperation by means of actions which by their own, internal finality cause harm to another, such as telling a lie, damaging another’s property, beating a person, killing him. All the actions forbidden by the traditional absolutes belong to this second category.

Here he appears to refer to indifferent acts and intrinsically evil acts, but chooses to define these in terms of whether they do harm to another ‘by their own, internal finality’. This is unfortunate, because it seems to place Peschke in the line of consequentialism. But perhaps Peschke here is simply providing an idiosyncratic definition of these critical concepts, in line with the ‘moral/pre-moral’ distinction. The effect is to blur the field of vision at a time when clarity is of paramount importance: ‘damaging another’s property’ may indeed be an action which by its own internal finality does harm to another person, but Davis argues that under extreme conditions it may also qualify as, for example, justified immediate material cooperation. Peschke’s additional distinctions - and the terms he chooses to express them - are not particularly helpful.

In his introduction to ‘Norms for Material Cooperation’ Peschke states:

Material cooperation in sinful deeds of others is in general illicit, since the evil of sin should not be supported by any means; on the contrary it should be opposed and suppressed. Yet on the other

\[51\] Peschke 1986, 322.
\[52\] Peschke 1986, 322.
\[53\] For example, in Peschke 1986 at 265, 276 and 323 he seems to favour the idea of ‘pre-moral’ intrinsic evil, but with Milhaven acknowledges the difficulty of allowing the possibility of intrinsically evil acts at the ‘moral’ level. This question was addressed in Chapter Two in terms of ‘adequate descriptions’ of moral acts.

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hand man often cannot escape some cooperation in the sins of others in order to avoid still greater evils.54

This grounds the justification of material cooperation in a preference for a lesser evil, which at first blush might open Peschke to suspicions of proportionalism. But given that he has defined evil and sin in terms of that which leads man away from his ultimate end, Peschke’s position seems to have a soundly thomistic metaphysical base.

He lists factors to be considered in estimating the sufficiency of reasons to justify cooperation: the gravity of the other’s sin, closeness of one’s cooperation to the sinful act, the indispensability of that cooperation, and one’s obligation to prevent the wrongdoing. These are four of the five factors listed by Alphonsus.55 But Peschke then takes his own path again.

The fifth factor noted by Alphonsus is ‘how greatly the sin offends the demands of justice by virtue of the harm it does to third parties’.56 This passage clearly refers to the harm done by the act (‘the sin’) of the principal agent. In contrast, Peschke’s final norm refers to the damage done by the cooperator’s act:

Material cooperation by means of actions which by their own finality cause harm to others is most of the time not allowed and - if permissible - always requires a much graver reason than other kinds of cooperation. The reason is that in this case one does not merely indirectly make an evil possible, as in the previous category of cooperation, but one directly causes it. Therefore one also has a greater responsibility for it. In such instances a strict proportion is required between the damage inflicted on the one hand and the damage threatening the person who renders cooperation on the other. More exactly that means to say, the damage inflicted upon the other person must be less than the evil threatening the person who cooperates.57

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54 Peschke 1986, 322. Emphasis added.
55 Alphonsus, de caritate 59.
56 Alphonsus, de caritate 59: ‘quanto magis peccatum cum justitia pugnat, idque propter damnum tertii.’
Traditional studies of cooperation follow the pattern of Alphonsus on this point, so it is difficult to see why Peschke chooses to focus on the cooperator’s action and not on the principal agent’s sin. It may be that this is how he wishes to address the question of cooperation in unjust damage without separating it from his general treatment of cooperation. Certainly the examples he offers deal not with causality (the question of who actually causes the harm) but with the proportion between the harm one inflicts on the third party and the harm threatening oneself. The question of restitution for cooperation in unjust damage is handled elsewhere.

It is possible that Peschke here is struggling with a problem which falls somewhere between ‘cooperating in unjust damage’ in the traditional sense, and ‘counselling the lesser evil’ (which follows immediately in his analysis): it is the question of whether one may oneself directly commission a lesser evil in order to avoid a greater harm to oneself. This could be argued in terms of merely counselling for oneself the lesser evil – following one’s own counsel, as it were – although there is a considerable difference between counselling evil and commissioning evil. Alternatively, following Davis, it could be argued in some cases that an adequate description of one’s action would show that one inflicted unjust harm on no-one: in view of the graver threat to oneself, the harm one is forced to cause to a third party could not adequately be described as ‘unjust’. But however it is argued, the question of directly causing harm to others is clearly distinct from that of cooperation in causing harm; by raising it here Peschke seems to introduce more confusion than clarity.

Perhaps it is this uncertainty which prompts Peschke to close his treatment of cooperation with another clear tribute to his principal sources:

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58 Aertnys-Damen refer to ‘cooperatio proxima ad peccatum alterius’ especially the case: ‘si cooperatio tertio innocenti graviter damnosa est, requiritur metus damni saltem aequalis’. (Aertnys-Damen, de caritate 401, III); Davis refers to ‘immediate material cooperation in another’s sinful act’ such as helping the other in destroying property in order to save one’s own life. Davis’s argument is that this is not using an evil means to a good end, because no-one’s rights are invaded: the owner of the property could not reasonable will that his property be preserved at the cost of my life. (See Davis vol. I, 342-343); Häring 1963 refers to ‘material cooperation in a deed which inflicts unjust damage on a third party’, and adds: ‘In this we assume of course that one has a right per se to do the deed which becomes a contributing factor or cooperates in inflicting the damage on others.’ (Häring 1963, vol 2, 499).

59 Peschke 1993, 710-713.
These are some general guidelines to give orientation in the thorny problem of permissible cooperation. The concrete instances of cooperation are very often complicated and therefore inevitably give rise to various opinions. Perhaps there is no more difficult question in the whole range of moral theology.  

3.1.4 Germain Grisez

Among contemporary attempts to renew Catholic moral theology, none is more radical or thoroughgoing than that of Germain G Grisez. At the centre of his vast project stands *The Way of the Lord Jesus*, a proposed four-volume textbook of moral theology for seminary students and others. This monumental undertaking does not pretend to be a successor to the manuals, but rather represents a novel line of Catholic moral reasoning.

This section will attempt to present Grisez’s treatment of cooperation as it has been developed in the three volumes of *The Way of the Lord Jesus* published to date. Because his approach to cooperation is so distinctive it is only possible to summarise Grisez’s position here; and in order to make valid comparisons between that position and the tradition, it will be necessary first to provide an interpretation of his whole project.

3.1.4.1 Grisez’s Project

As moral theology emerged from the era of the manuals, some traditional doctrines came to be considered more or less problematic - among them, the

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61 The first three volumes of *The Way of the Lord Jesus* have been published to date (2001): Vol. 1: *Christian Moral Principles*. (Chicago: Franciscan Press, 1983) [Hereafter: CMP]; Vol. 2: *Living a Christian Life*. (Quincy Il.: Franciscan Press, 1993) [Hereafter: LCL]; Vol. 3: *Difficult Moral Questions*. (Quincy Il.: Franciscan Press, 1997) [Hereafter: DMQ]. Volume 4 is planned for publication in 2004. The whole work is addressed to a very wide audience: *This book is constructed primarily as a textbook in fundamental moral theology for students in Catholic seminaries . . . However, those already ordained to the priesthood, teachers of religion, parents concerned about the catechetical formation of their children, and others may find the book helpful.*CMP, xxix. Similar statements are to be found in the introductions to LCL and DMQ.
62 Cooperation figures in CMP at 300-303, and in LCL at 440-444, but the most developed presentation is in DMQ at 871-897. DMQ applies Grisez’s ethical theory to 200 case studies, fully 25% of which deal with questions of cooperation. The question most relevant to the present study is Question 87: *How far may Catholic hospitals cooperate with providers of immoral services?* This is discussed in more detail at 4.3 below.
teachings on abortion and contraception. \(^{63}\) Traditional doctrinal arguments against these practices begin in natural law and proceed by a kind of deduction to conclude in absolute moral norms. \(^{64}\) But some theologians considered that their grounding in natural law opened these doctrines to question on the basis of the so-called ‘naturalistic fallacy’ - the belief that, because a thing is true in the realm of nature, it ought to be normative for moral behaviour. According to their argument, if natural law theory should prove faulty - if the ‘is’ of nature cannot generate a moral ‘ought’ - then the whole fabric of Catholic moral teaching would be at risk. \(^{65}\) It was to avert this threat that Grisez began a thorough study of natural law theory in Thomas Aquinas. \(^{66}\)


\(^{64}\) The tradition recognises that this is not a strictly logical process, and the ‘induction’ is only apparent: Thomas Aquinas holds that particular moral norms are only like unto conclusions drawn from basic principles; see for example ST I-II, 94, 4: ‘Sed quantum ad quaedam propria, quae sunt quasi conclusiones principiorum communium . . . ’

\(^{65}\) Grisez believed that ‘the whole fabric of traditional teaching would unravel unless it could be shown philosophically that contraception is intrinsically immoral. His setting out to do just that goes far beyond the specific issue of contraception precisely because it is the whole Catholic moral tradition which is implicitly challenged by the denial of the category ‘intrinsically immoral’ . . . But even arguments which support the traditional condemnation of contraception are rejected: the classic argument that the natural finality of the act is morally determinative Grisez accuses of the naturalistic fallacy. This same accusation is leveled at those defending the traditional teaching with a so called ‘perverted faculty argument’, and to those using a phenomenological argument. Presumably because Grisez’s study of Thomas led him to see the value theory of the practically self-evident basic human goods, the speculative move from ‘ought’ to ‘is’ is repeatedly invoked as the weakness of other ethical theories which attempt to defend the tradition.’ Mindling, Germain Grisez, 181-182.


He identified several lacunae. First, in some respects Thomas treats the First Principle of Practical Reason (‘Good is to be done and pursued, and evil is to be avoided’) simply as a corollary to the Principle of Finality (‘All beings act for an end’). But there is an unhelpful circularity in defining something as a ‘good’ because it is an ‘end’ of human action, while simultaneously defining it as an ‘end’ because it is a ‘good’. Consequently, the First Principle of Practical Reason of itself does not provide an adequate basis for establishing specific moral norms such as those prohibiting the evils of abortion and contraception. Some intermediate steps are required to fill the gaps: a value theory to define ‘goods’ in terms more useful than simply as ‘ends’ of human actions; and an ethical theory in which these ‘goods’ may be related to the structures and processes of human choosing in such a way as to ground the claim that they ‘ought’ to be chosen.

In developing his value theory Grisez, like Peschke, notices that it is not only man’s objective nature which provides the rule or measure of moral choices, but also man’s future possibilities. In this perspective, true human goods grasped by practical reason may be considered under the title ‘good’ because they promise to be perfective of the human agent and fulfilling of the potencies (or inclinations or tendencies) which first ‘reach out’ for those goods. The same goods may be considered under the title ‘end’ because the ‘perfection’ towards which they conduct the agent is not only the goal of the particular human action but also the very


67 ‘Free choice is only an initial grounding of Christian moral thought which explains personal responsibility in light of values (goods) which are real apart from one’s freely choosing them. Grisez couples with the position that human persons can choose freely a theory of what they are free to choose (and later on what grounds they choose): morality consists precisely in the responsibilities of freedom.’ Mindling, Germain Grisez, 123. Emphasis original.

68 ‘But scholastic natural-law theory must be rejected. It moves by a logically illicit step - from human nature as a given reality, to what ought and ought not to be chosen . . . . It is not human nature as a given, but possible human fulfilment which must provide the intelligible norms for free choice.’ CMP, 105. Emphasis added. Also: ‘Reason prescribes according to the order of natural inclinations because reason directs to possible actions, and the possible patterns of human action are determined by the natural inclinations, for man cannot act on account of that toward which he has no basis for affinity in his inclinations.’ Grisez, The First Principle, 180.

69 ‘It is true that Grisez describes the goods as ends sought for themselves, perfective of the human agent, fulfilling the capacities of the person. . . . The very way practical reason works is to think in terms of goods to be pursued, and it is [in] thinking thusly (ought thinking) that an entire complex of irreducibly basic human goods are primarily grasped as to-be-done.’ Mindling, Germain Grisez, 133-135.
fulfilment of the agent’s being. However, in the latter sense this ‘perfection’ is to be understood not as a closed but an open state, ‘a guiding ideal rather than a realisable idea’,\textsuperscript{70} an ‘openness to continuing and expanding fulfilment’.\textsuperscript{71} Integral human fulfilment - understood (1) in terms of openness to continuing fulfilment, and (2) not as an ‘individualistic satisfaction of desires’ but rather as ‘the realisation of all the human goods in the whole human community’\textsuperscript{72} - is the end of all morally good choices. Any moral choice which offends or inhibits the possibilities of integral human fulfilment is to be considered ‘evil’.

The next step is to identify which goods are conducive to integral human fulfilment. One category of basic human goods are the ‘existential’ or ‘reflexive’ goods which are honoured in every morally good choice: these include self-integration, authenticity, justice, and holiness. The other category are the ‘substantive’ or ‘nonreflexive’ goods which provide ‘free-standing’ reasons for making particular choices: these include life itself, truth and beauty, and skill.\textsuperscript{73} The basic human goods thus describe both the goal of integral human fulfilment, and the conditions for the possibility of integral human fulfilment. Like first principles they are undervived, and their negation or denial in any moral choice amounts to self-contradiction. The basic human goods fill the first gap in Thomas’ moral theory.

\textsuperscript{70} Mindling, Germain Grisez, 136.
\textsuperscript{71} CMP, 182.
\textsuperscript{72} CMP, 186.
\textsuperscript{73} ‘In sum, there are seven categories of basic human goods which perfect persons and contribute to their fulfilment both as individuals and in communities. Four of these can be called ‘reflexive’, since they are both reasons for choosing and are in part defined in terms of choosing. These are: (1) self-integration, which is harmony among all the parts of a person which can be engaged in freely chosen action; (2) practical reasonableness or authenticity, which is harmony among moral reflection, free choices, and their execution; (3) justice and friendship, which are aspects of the interpersonal communion of good persons freely choosing to act in harmony with one another; and (4) religion or holiness, which is harmony with God, found in the agreement of human individual and communal free choices with God’s will. The reflexive goods also can be called ‘existential’ or ‘moral’, since they fulfill human subjects and interpersonal groups in the existential dimension of their being. The other three categories of basic human goods fulfil persons in the other three dimensions of their being. These goods can be called ‘nonreflexive’ or ‘substantive’, since they are not defined in terms of choosing, and they provide reasons for choosing which can stand by themselves. These are: (1) life itself, including health, physical integrity, safety, and the handing on of life to new persons; (2) knowledge of various forms of truth and appreciation of various forms of beauty or excellence; and (3) activities of skilful work and of play, which in their very performance enrich those who do them.’ CMP, 124.
Grisez’s value theory affirms that it is the totality of these goods that the agent ‘does’ or ‘pursues’, and the denial of them that the agent ‘avoids’, when acting according to the First Principle of Practical Reason. This is specified in his basic principle of morality:

In voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will toward integral human fulfilment.

Note the wording of this principle: it is not only the good which is willed, but also the willing itself, which must be compatible with integral human fulfilment. So both the choice and the choosing are determinative: in traditional terms, morality resides in both imperated and elicited acts.

General determinations of the First Principle of Practical Reason are the basic precepts of natural law - indeed, these precepts are the natural law. But between the First Principle of Practical Reason and the basic principle of morality on one hand and, on the other, specific determinations of these principles (particular moral norms), some intermediate specifications are required in order to establish two necessary relationships: (1) to relate general principles to specific instances of human goods, and (2) to relate specific human goods to integral human fulfilment.

The core of Grisez’s ethical theory are the eight intermediate specifications which he calls the ‘modes of responsibility’. These identify and exclude actions or

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74 Grisez calls this ‘the First Principle of Practical Reasoning’, to emphasise the dynamic nature of human reason directed to action. See for example CMP, 180: ‘The first principle of practical reasoning articulates the intrinsic, necessary relationship between human goods and appropriate actions bearing upon them.’ But note that this principle only delineates what might be done; another phase of practical reasoning is required to choose what ought to be done from this range of possibilities.

75 CMP, 184.
76 CMP, 233: ‘The action of an individual is defined by the proposal adopted by a choice, just as the action of a group is defined by the motion adopted by a vote.’
78 ‘By itself, the first principle of morality is obviously too general to provide practical guidance. Even if acts are defined in terms of choices and human goods, the principle’s bearing on them remains obscure. Specifications of the first principle are needed. They must have a clear bearing on possible choices, so that the relationship - positive or negative - between the choices and integral human fulfilment will be clear. The principles of practical reasoning in general - for example, Life is a good to be preserved - do not specify the first principle of morality, for each refers only to one basic human good, not to integral human fulfilment.’ CMP, 189.
patterns of action which represent kinds of choosing inconsistent with an orientation towards integral human fulfilment. In this way they protect the basic human goods which, precisely because they are oriented to integral human fulfilment which is common to all moral agents, may be portrayed as ontological aspects of moral choosing. The most important existential aspects of moral choosing are the ‘vocational commitments’ by which an individual agent freely constitutes and reaffirms his personal identity in a most fundamental way. In every free choice one bears a responsibility to honour not only the basic human goods but also these commitments. Individual moral choices thus assume great significance. The modes of responsibility mediate between the First Principle and the specific norms which guide individual choices, and so fill the second gap in Thomas’ moral theory.

The ‘modes of responsibility’ provide an important clue to Grisez’s treatment of cooperation in evil. The structure of these modes reveals that they link the basic human goods not firstly with the objects of human choice, but with the process of choosing itself. Morality for Grisez resides primarily in the elicited acts, in the process of choosing which precedes and accompanies imperated acts, because it is here that moral responsibility is most fundamentally attributable to the agent. It is in the elicited act that one first honours both integral human fulfilment and one’s personal vocational commitments. So Grisez’s approach to the naturalistic fallacy amounts to this: he takes the notion of ‘morality’ away from the mere choice of

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79 CMP, 189.
80 Freedom and consistency in choosing are basic to Grisez’s ethical theory. See CMP, 41-59.
81 The eight modes of responsibility are studied in detail in CMP. They are:
1. One should not be deterred by felt inertia from acting for intelligible goods. (CMP 205)
2. One should not be pressed by enthusiasm or impatience to act individualistically for intelligible goods. (206)
3. One should not choose to satisfy an emotional desire except as part of one’s pursuit and/or attainment of an intelligible good other than the satisfaction of the desire itself. (208)
4. One should not choose to act out of an emotional aversion except as part of one’s avoidance of some intelligible evil other than the inner tension experienced in enduring that aversion. (210)
5. One should not, in response to different feelings toward different persons, willingly proceed with a preference for anyone unless the preference is required by intelligible goods themselves. (211)
6. One should not choose on the basis of emotions which bear upon empirical aspects of intelligible goods (or bads) in a way which interferes with a more perfect sharing in the good or avoidance of the bad. (214)
7. One should not be moved by hostility to freely accept or choose the destruction, damaging, or impeding of any intelligible human good. (215)
8. One should not be moved by a stronger desire for one instance of an intelligible good to act for it by choosing to destroy, damage, or impede some other instance of an intelligible good. (216)
external objects or ends, and restores it to its rightful place in the processes of the human heart and mind. The object of a moral ‘ought’ is not an ‘is’ which stands outside the moral agent: at its deepest level it is the moral agent.

In terms of the objects of human choosing Grisez’s ‘integral human fulfilment’ is, as it were, one step nearer to the moral agent than Thomas’ ‘beatitude’. His ‘basic human goods’ identify how it is that the objects of human choosing participate in integral human fulfilment, and his ‘modes of responsibility’ identify how the very process of choosing these objects conducts one towards that fulfilment. In traditional terms, good and evil may indeed reside to some extent in the finis and the id quod est ad finem in themselves, but moral responsibility properly resides in the intending of these, because it is in the intending or choosing, prior to the acting, that the agent expresses his or her fundamental commitment to moral truth: to integral human fulfilment (which is represented in every particular moral object and which underpins every specific moral norm), and to his or her personal vocational commitments. The agent’s primary responsibility is toward this underlying moral truth, and only consequently toward observing particular moral norms. Therefore the most basic moral question is not ‘what does the law permit me to do?’ but ‘what does moral truth oblige me to do?’.

3.1.4.2 Grisez on Cooperation

This structure helps to explain some aspects of Grisez’s treatment of cooperation in evil. In Christian Moral Principles he discusses cooperation in the context of resolving problematic situations of conscience. He summarises the

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82 ‘Like contemplative theology, [moral theology] reflects upon the truths of faith, but it is less concerned to round out the Christian view of reality than to make clear how faith should shape Christian life, both the lives of individual Christians and the life of the Church.’ CMP, 6. This is a problem addressed - with mixed success - by Karl Rahner SJ in ‘On the Question of a Formal Existential Ethics’ in his Theological Investigations 2: Man in the Church. (London: Darton, Longman and Todd, 1963) 217-234.

83 The location of his treatment of cooperation in CMP reveals Grisez’s essentially logical approach to moral reasoning. He moves from natural law to the modes of responsibility (Chapter 8) and then to voluntariness in choosing (9), moral norms (10) and the binding force of moral norms (11), reaching an analysis of Moral Judgment in Problematic Situations (12) which also follows a logical order: doubts of conscience in general (Question A), doubts of fact (B), doubts of norms (C), probabilism (D), resolving doubts in cases of apparently conflicting responsibilities (E) and where one seems obliged to do evil (F), and finally cooperation in evil (Question G, pages 300-303). There are also three appendices to Chapter 12, two dealing with probabilism and one with the principle of double effect.
traditional doctrine, noting the modes of cooperation and identifying cooperation proper as participation ‘in a secondary or subordinate role’.\textsuperscript{84} There are blemishes: he appears to confuse the principal with the cooperating agent, and the morality of cooperation with that of scandal;\textsuperscript{85} and he seems to distinguish material from formal cooperation only rather vaguely in terms of whether the cooperator ‘participates in the immoral act in such a way that it becomes his or her own’.\textsuperscript{86}

A more fundamental difficulty is his assertion that the traditional doctrine of cooperation created an unnecessary problem:

Apparent difficulties arise mainly because it is supposed that being involved in unseemly behaviour or bringing about unacceptable consequences has a moral significance of its own, apart from the morality of one’s choices and other volitional principles of personal responsibility. But that is not the case. One’s responsibilities for what one is involved in is determined by what one personally chooses, freely accepts, and so on.\textsuperscript{87}

Grisez rightly holds that the assessment of cooperation requires a clear distinction between effects which one directly intends and produces, and effects which one does not intend even though one contributes to their production by another agent:

What one does in the strict sense is what one chooses to do - that is, what is sought for its own sake and/or included as a means in the proposal one adopts . . . What one brings about, including all foreseen side effects, is far more extensive than what one chooses to do and ‘does’ in the strict sense. One determines oneself primarily in choosing. In choosing one establishes one’s existential identity by settling one’s personal priorities among the goods on which the choice bears. One does not determine oneself in the same way with respect to foreseen side effects, which are neither sought for their own sake nor included in the proposal one adopts.\textsuperscript{88}

But in his particular perspective on morality the question of responsibility is paramount, and this impacts greatly on his approach to cooperation in evil:

\textsuperscript{84} CMP, 300.
\textsuperscript{85} ‘The morality of cooperation is clear enough in such cases - one who instigates immorality gives scandal and cannot be free of guilt.’ CMP, 300.
\textsuperscript{86} CMP, 301.
\textsuperscript{87} CMP, 302.
\textsuperscript{88} CMP, 239-240.
At the same time, one bears responsibility for foreseen side effects. Since they are foreseen, these effects are voluntary. One could avoid them by not choosing what one chooses. One might not want them, but one does accept them. Thus, while primarily responsible for choices, which directly determine oneself and shape one’s character, one is secondarily responsible for the foreseen consequences of carrying out one’s choices. Since side effects are freely accepted, it makes sense to ask whether one ought to accept them.\footnote{CMP, 240. Unfortunately Grisez does not explain what ‘secondarily responsible’ might mean.}

Grisez believes that circumstances may arise in which ‘accepting foreseen side effects which it would be wrong to choose’ is permissible,\footnote{CMP, 298.} but one who accepts these side effects is still responsible for them. These side effects, then, ought not to be accepted at all unless the proposal adopted (the ‘choosing’) not only excludes these evil effects, but is itself adopted only for an adequate reason:

If a nurse who favours abortion adopts a proposal to kill unborn babies and participates in abortion procedures in execution of the proposal, she is killing unborn babies, and it matters not whether outwardly she does no more than fill out forms. On the other hand, if a nurse is threatened with loss of employment unless she assists a surgeon who is doing abortions, she could be assisting in surgery to keep her job without ever adopting a proposal to kill any unborn baby. The acts of the nurse herself need be no different than what she does in any morally good operation. The acts of the surgeon and the death of the babies not only are no ends of hers, they are not even means she chooses. They are only foreseen consequences.\footnote{CMP, 301.}

What Grisez affirms here is the central importance of the cooperator’s subjective intention and his ‘sufficiently serious reason’: both must exclude absolutely any willing of the evil effects of the principal agent’s action. His position is essentially simple: formal cooperation is excluded (since the proposal one adopts must totally exclude the evil effects - that is, one’s action cannot be not evil in itself), and material cooperation is likewise excluded except for a sufficiently serious reason.\footnote{‘The fact that one does not adopt any proposal which is morally excluded, however, does not free one from moral responsibility - perhaps grave responsibility - for what one helps to bring about. For example, a nurse who prepares patients for abortion not because this behaviour carries} There is little need for the categories ‘immediate-mediate’, ‘proximate-remote’, and ‘necessary-contingent’.\footnote{CMP, 301.}
A second treatment of the question of cooperation is found in *Living a Christian Life* in the context of one’s specific responsibilities towards others with whom one is in community. There still seem to be misconceptions about the traditional principle: he appears to suggest that the ‘formal-material’ classification of cooperation does not apply when a cooperative action is required by obedience to legitimate authority, and he purports to offer three instances of illicit formal cooperation, one of which (‘one intends or one’s purpose includes that another commit a sin’) is clearly a case not of cooperation but of active scandal.

On the other hand the treatment here has the benefit of emphasising again the importance of the sufficiently serious reason – ‘adequate reason’ in Grisez’s terms - and the need to establish a truly adequate description of the various alternative actions from which the cooperator must choose. Grisez also responds to Häring:

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out any proposal of hers but merely as part of her job perhaps ought to look for a different job or refuse to do these preparations by way of testimony to the truth. The abortions she assists really are a foreseen and accepted consequence of her own chosen actions; perhaps she is obliged not to accept this consequence.’ CMP, 302. Emphasis added.

Note that Grisez’s concern is not whether the law permits the nurse to cooperate, but whether her vocational commitments impose any obligation not to cooperate.

The overall context of LCL is vocation understood as ‘the whole of the unique life to which God calls each Christian’ (LCL, xii) and virtue understood as the graces God gives to aid Christian response, especially faith, hope, charity, justice and mercy (xvii). Interestingly, at one point in the Introduction to LCL Grisez espouses an approach to morality remarkably similar to Häring’s ‘paraclesis’: ‘Consequently, at the present time any clear and full articulation of the authentic requirements of Christian life is bound to seem hard and unrealistic. That impression will be greater to the extent that those requirements are regarded, wrongly, as a burden imposed, rather than as necessary implications of sharing with the Lord Jesus in service to his kingdom . . . ’ LCL, xvi.

Cooperation ‘often refers to the action of a group of more or less coequal participants, each making a distinct and appropriate contribution in pursuit of a common end. In such cooperation, involving the exercise of authority and the practice of obedience, one fulfils one’s responsibilities toward others by personally doing what is right and avoiding scandal.

Sometimes, though, cooperation refers not to communal action but to the subordinate action of one who contributes something to the wrongdoing of another, who is the principal agent pursuing his or her proper good. In this sense, cooperation is either formal or material.’ LCL, 440.

Grisez acknowledges his mistake without comment in DMQ, 872 footnote 457.

‘Assuming cooperation is material and the act by which it is carried out otherwise would be morally good, the question is whether one has an adequate reason to do that act in view of its bad side effects.’ LCL, 442.

Grisez’s method of establishing this ‘adequate description’ is to ask a set of questions remarkably like that proposed two centuries ago: compare LCL, 442-443 with Alphonsus, *de caritate* 59.

Unfortunately Grisez then seems to weaken his position on an ‘adequate description’ of moral alternatives in a comment on Häring’s cases of cooperation in *The Law of Christ*: ‘The opinions Häring proposes on most of the examples, considered just as he frames them, seem sound, although sometimes additional circumstances could be specified in which they would be unsound.’ (LCL, 443,
‘respect for consciences’ is not an argument for material cooperation because ‘anyone else’s state of conscience is irrelevant to the [cooperator’s] own act’.99 Finally, he explicitly ties morality to spirituality: the mature and responsible Christian person asks not ‘what will the law allow me to do’, but ‘what is God calling me to do’, so there is great need for prudent discernment in choosing which particular act corresponds with God’s will.100

Grisez’s concern to attain a precise understanding of cooperation is evident in his third volume, *Difficult Moral Questions*, his most developed position on the subject.101 His understanding of material and formal cooperation here sheds light on his vision of the structure of cooperation, and helps to explain a certain variation from the tradition.

. . . contributing to another’s wrongdoing is formal cooperation if, and only if, the act by which one contributes agrees in bad intending with the wrongful act with which one cooperates.

Any other way of being involved is not involvement in another’s wrongdoing precisely as wrongdoing. So, material in this context refers to that about a cooperator’s act which involves him or her in a wrongdoer’s act in such a way that the two acts share no bad intending in common. Whatever is badly willed by the wrongdoer is at most only an accepted side effect, foreseen but not intended, of the material cooperator’s act.

. . . the material cooperator’s act, if not wrong for some other reason, is wrong if, and only if, he or she should not accept the bad side effects of contributing to another’s wrongdoing.102

And Grisez later specifies what he means by ‘bad side effects’:

The basic bad side effect of material cooperation is that one’s action makes some unintended contribution to another’s wrongdoing. That wrongdoing itself always has bad effects, and these often have further bad effects.103

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footnote 60). It is obvious that ‘additional circumstances’ will often constitute a new ‘case’ to be assessed, and naturally a different judgment will be reached. The question may be asked whether this extraordinary criticism reveals in Grisez an ambivalent attitude toward the concept of ‘adequate description’ and, *a fortiori*, toward ‘moral object’.

99 LCL, 441. Compare with Häring 1979, 484-486.

100 LCL, 443. In dealing elsewhere with discernment (LCL, 291-293) Grisez notes that the model he proposes is to be used only where one has eliminated all evil alternatives and is left only with several good alternatives. Grisez’s treatment of the practical role of prudence is developed further in DMQ, 886-889.

101 DMQ, 871-897: Appendix 2 *Formal and material cooperation in others’ wrongdoing.*

102 DMQ, 873.
On one hand Grisez has previously asserted that an agent bears responsibility for foreseen side effects, and here is simply applying this principle specifically to cooperation. On the other hand this position highlights two ways in which Grisez varies from the tradition.

First, the assertion that ‘whatever is badly willed by the wrongdoer is at most only an accepted side effect, foreseen but not intended, of the material cooperator’s act’ takes Grisez’s position here much further than Christian Moral Principles. While it sits happily enough within his own system the impact of this statement, in terms of the traditional view, is extraordinary: it implies that the evil consequences of the principal agent’s act are effects (albeit foreseen and unintended) of the cooperator’s act. This seems to cut directly across the ‘boundary of culpability’ defined by Alphonsus - the critical clarification that, in legitimate cooperation, the evil which is done proceeds not from one’s cooperation but from the principal agent’s own malice. How is Grisez’s position to be reconciled with the tradition?

Only in the context of his criterion of ‘responsibility’ is Grisez’s position defensible. The evil effects of the principal agent’s act may be considered as unintended side effects of the cooperator’s act only if one’s inquiry is restricted to Grisez’s prior question (raised in Christian Moral Principles) of whether or not the cooperator ought to accept these evil effects. His statement on accepting bad side effects is then seen to refer to the importance of a sufficiently serious reason: since the First Principle requires that evil is to be avoided, there is a prima facie responsibility not to accept the evil effects and so not to cooperate at all. In this view, the task of the sufficiently serious reason is essentially positive: it is to establish the rightness of accepting the evil consequences of the principal agent’s act. This is to be assessed in the context of the obligations or responsibilities one bears in light of the basic human goods and one’s personal vocational commitments, and these may exclude cooperation for any number of reasons. On the other

103 DMQ, 879.
104 CMP, 240.
105 For example, DMQ, 889: ‘... the problem of judging whether material cooperation is acceptable is part of the general problem of judging whether bad side effects are acceptable.’
106 Alphonsus, de caritate 63.
107 DMQ, 879-882 notes a large number of ‘bad effects’ which may preclude cooperation.
hand, in line with Alphonsus, one could argue that this ‘rightness’ can be established under the order of charity, where the situation may be portrayed as a choice between two evils: the evil of participating in another’s sin, versus the evil to be suffered if one does not cooperate.\textsuperscript{108} The order of charity permits one to choose to endure the lesser evil.

In order to reconcile Grisez’s position precisely in relation to the tradition, it is essential to emphasise that the cooperator’s ‘accepting’ of these evil effects \textit{in no way establishes the effects themselves as objects of the cooperator’s volition}. It is not the evil effect itself, but the \textit{acceptance} of that evil effect, which is present to the will as an object.\textsuperscript{109} Because they are excluded from the proposal adopted by the cooperator, the evil effects themselves are neither directly nor indirectly voluntary and so the cooperator is not at all morally responsible for them in themselves. But he is morally responsible for the choice to accept them as an unintended aspect of his action, and so the \textit{acceptance} of them is indirectly voluntary. Thomas establishes that the indirectly voluntary is attributable to an agent only if he could and should have acted otherwise.\textsuperscript{110} Grisez argues that the acceptance of these evil effects is indeed attributable to the agent unless their acceptance is consistent with the totality of basic human goods and one’s personal vocational commitments. Alphonsus uses a different argument: the order of charity establishes grounds for the cooperator to believe that he need not refrain from cooperating.

\textsuperscript{108} Alphonsus himself, of course, does not seek to establish the ‘rightness’ of material cooperation, but only its permissibility. In the context of Alphonsus’s thinking on the legitimacy of material cooperation, then, any notion of ‘rightness’ could only be analogical: the ‘rightness’ of enduring one evil rather than another is only analogical to the ‘rightness’ of actively doing an obvious good; furthermore, this (analogical) ‘rightness’ can only be established negatively by a kind of comparison and process of elimination, rather than on strictly positive grounds.

\textsuperscript{109} Grisez has already excluded the evil effects themselves from the proposal which the cooperator adopts (DMQ, 873), and in his discussion of ‘indirect action’ has stated: ‘Since side effects are freely chosen, it makes sense to ask whether one ought to accept them.’ CMP, 240.

\textsuperscript{110} ST I-II 6, 3: ‘\ldots  non semper id quod sequitur ad defectum actionis reducitur sicut in causam in agens ex eo quod non agit, sed solum tunc potest et debet agere.’

At times Grisez seems to doubt the validity of his own position on directly and indirectly voluntary acts, and indeed the certainty of his own judgment. In discussing perplexed conscience, and particularly direct killing, he writes: ‘While I do not wish to deal with specific normative issues here, I admit that my analysis points to the permissibility of certain operations which classical moralists would have excluded. I do not think this position is in significant conflict with received Catholic teaching. However, if my theory and the Church’s teaching should in a particular case lead to inconsistent conclusions, I would follow and urge others to follow the Church’s teaching rather than my theory.’ CMP, 299.
This difference between Grisez and Alphonsus points to a second way in which Grisez varies from the tradition. Throughout Alphonsus’s treatment of cooperation properly so called in *de caritate*, the gravity of his ‘sufficiently serious reason’ (in his terms, the ‘just’ or ‘grave’ cause) is assessed with reference primarily not to the evil effects which will flow from the principal agent’s act, but to the principal agent’s sin itself.\(^\text{111}\) For Alphonsus, the fundamental question of cooperation is whether or not one may permit one’s neighbour to commit that sin, to which the order of charity provides an answer: charity alone does not always require one to prevent the sin.\(^\text{112}\)

In *Difficult Moral Questions* Grisez leans most heavily on Alphonsus’s treatment in *de caritate*, yet criticises Alphonsus because he ‘overlooks [material cooperation’s] possible secondary bad consequences even on the evildoer’.\(^\text{113}\) His initial statement that the ‘basic bad side effect of material cooperation is that one’s action makes some unintended contribution to another’s wrongdoing’ could be taken as equivalent to Alphonsus’s focus on the principal agent’s sin in itself; but Grisez then pays minimal attention to this specific sin, preferring instead to focus on its

\(^{111}\) See for example Alphonsus, *de caritate* 59: ‘1\(^{\circ}\) quanto gravius est peccatum cujus occasio datur; 2\(^{\circ}\) quanto probabilius est, te non cooperante, alterum non peccatum, aut quanto certior est affectus peccati; 3\(^{\circ}\) quanto propinquius tua cooperatio peccatum attingit.’

It is true that in *de caritate* Alphonsus does consider the question of ‘further evil effects’: his fifth condition for assessing the gravity of the ‘just cause’ is ‘how greatly the sin offends the demands of justice by virtue of the harm it does to third parties.’ (*de caritate* 59: ‘quanto magis peccatum cum justitia pugnat, idque propter damnum tertii.’) However, it is clear that even here his primary point of reference is the evil action of the principal agent: the harmful effects of that action are significant only as factors in defining the gravity of its sinfulness.

\(^{112}\) Alphonsus, *de caritate* 66: ‘quando autem alias grave damnum metuis, licite permittere potes peccatum alienius. Nam ex una parte, caritas te non obligat cum gravi damnno peccatum ejus avertere.’ And in *de caritate* 47: ‘Caritas enim nos obligat ad vitandum damnum grave proximi, quotiescumque sine notabili incommodo id possimus.’ The same paragraph makes it clear that this ‘grave harm’ is principally the spiritual harm which the principal agent himself will suffer by virtue of his sinning. Alphonsus’s sense of ‘grave harm’ would seem to belie Grisez’s criticism of lax interpretations of the principle ‘*caritas non obligat cum gravi incommodo*’. DMQ, 877, footnote 463.

Alphonsus’s clear focus on the key question helps to distinguish cooperation from other related issues. In seduction the question is whether or not one may *induce* one’s neighbour to sin; in scandal it is whether or not one may (intentionally or not) *influence* one’s neighbour to sin; in cooperation there is no question of induction, so the issue is whether one may merely *allow* one’s neighbour to sin. There is also a fourth question: see Alphonsus, *de caritate* 57: ‘Utrum licet suadere aut permettere minus malum ad majus evitandum?’ and Peschke 1986, 324: whether or not one may *advise* one’s neighbour to commit a lesser rather than a graver evil.

\(^{113}\) DMQ, 877, footnote 463.
further evil effects. He seems not to have noticed that, in *de caritate*, Alphonsus deliberately excludes the further harmful effects in order to focus on the primary moral problem of cooperation: complicity in the principal agent’s sin.

This oversight leads Grizez into some awkward corners. For example, concerning the process of establishing the existence of the sufficiently serious or ‘proportioned’ reason, Grizez challenges Alphonsus’s argument in *de caritate* 63, proposing instead that ‘if material cooperation is to be morally acceptable, the reason for choosing to do the act that constitutes it must be proportionate to the reasons for not making that choice’. But he does not recognise the significance of Alphonsus grounding a proportioned reason in the order of charity: any ‘comparison’ or ‘proportion’ for Alphonsus is, precisely, the proportion between the evil to which one contributes by cooperating and the evil which one suffers by not cooperating.

Grizez argues that the cooperator is responsible for more than he chooses. This approach seems to lead him at times to confuse physical and moral causality. This and other difficulties notwithstanding, Grizez can be reconciled with the tradition if he is interpreted strictly: the cooperator is responsible for the *acceptance* of the evil effects of the principal agent’s action, but not for the evil effects themselves. In itself this accords with the tradition which argues that what the

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114 DMQ, 879: *‘The basic bad effect of material cooperation is that one’s action makes some unintended contribution to another’s wrongdoing. That wrongdoing itself always has bad effects, and these often have further bad effects.’*

115 DMQ, 877

116 See Alphonsus, *de caritate* 66. Grizez also claims that Alphonsus’s assessment here does not account for the ‘further consequences’ which ‘always flow from knowingly doing what constitutes material cooperation in wrongdoing and accepting those basic bad side effects.’ (DMQ, 877). In the first place, Grizez has again overlooked the reason for Alphonsus’s primary focus in *de caritate*. In the second place, even on his own criticism of proportionalism Grizez would surely concede that it is extremely difficult or even impossible to account for ‘*all* of the reasons grounded in the intelligible goods that may be adversely affected by secondary bad consequences’. (DMQ, 877. Emphasis added.) Even granting that Grizez’s perspective refers to responsibility rather than causality, he here seems to require a moral vision of infinite horizon and an ability to predict evil consequences which occur far from the concrete situation in question. Pope John Paul II himself queries the practicality (and indeed even the possibility) of such an exhaustive assessment of consequences in *Veritatis splendor* 77.

117 There are other apparent misunderstandings: Grizez criticises Alphonsus for not including three obvious factors when considering the strength of reasons to forgo cooperation (DMQ, 878), but Alphonsus has listed precisely these factors in *de caritate* 59; and when Grizez condemns Alphonsus
The cooperator’s act produces is not the evil effects themselves, but a state of affairs which the principal agent will abuse and so produce those effects. That ‘state of affairs’ would in other circumstances be quite innocent - which is what the early authors meant by an ‘indifferent act’. But even where the principal agent is virtually certain to bring about the evil by abusing that state of affairs, there remains a ‘causal gap’ between the cooperator’s action and the evil effect. It is the principal agent alone who fills that gap.

Nevertheless Grisez’s analysis offers valuable insights into some traditional questions. His emphasis on one’s ‘vocational commitments’ offers a new possibility: one’s existing commitments will often provide reasons against cooperating in evil (for example, the danger of scandal), but may also at times provide reasons in favour of cooperating in evil - although Grisez does not develop this promising line of thought at any length.\textsuperscript{118} He not only notes the central role of prudence in assessing material cooperation, but also suggests how prudence might be exercised in practice, scrupulously noting every step the prudent person must take; but then he notes simply that, should the reasons for and against cooperation still seem equally strong, ‘one should discern . . . [and this] will not be difficult’.\textsuperscript{119} Finally, he provides typically insightful analysis of several contemporary approaches to cooperation.\textsuperscript{120}

It is difficult to assess Grisez’s project without being intimidated by its sheer breadth and depth. The perspective he brings to Catholic moral theology is unquestionably valuable, and his greatest achievement lies in developing an epistemological basis for that perspective. But the value of his treatment of material cooperation comes at a price: in contrast to Grisez’s complexity, the traditional

\textsuperscript{118} DMQ, 882: ‘By the same token, if something must be done to fulfil a responsibility flowing from a vocational commitment, there is a stronger reason to accept bad side effects in doing it than if one could forgo the activity without slighting such responsibility.’\textsuperscript{119} DMQ, 889.

\textsuperscript{120} These are the thesis of Charles Curran in his ‘Cooperation: Toward a Revision of the Concept and its Application.’ \textit{Linacre Quarterly} 41(1974) 152-167 (see DMQ, 891-893); and the United States Catholic Conference, \textit{Ethical and Religious Directives for Catholic Health Care Services. Origins} 24(1994) 449, 451-462 (see DMQ 893-897). These two approaches are noted later in the present work.
doctrine of cooperation seems relatively clear and simple to apply. As with the balance of his great project, Grisez’s position on cooperation requires considerable interpretation.

3.1.5 Conclusions

Modern moral texts display a considerable diversity of approach, each requiring a ‘key’ to unlock the text and ‘open it out’ to view. This ‘key’ is essential to grasp not only the author’s concept of the nature and tasks of moral theology, but also his understanding of legitimate cooperation.

The ‘key’ to Häring’s later text is his ‘profound vision’ of the Christian moral life: the Christian is to ‘actualise the Truth in love’, to make Christ present and operative in the world through entering into the ethical ‘stuff’ of the world as salt or leaven.\footnote{See Häring 1979, 419 and 479.} The problem is that this vision is too broad: it is not sufficiently defined or even grounded in a metaphysics which might permit definition of such important concepts as ‘toleration’ and ‘respect for consciences’. A similar problem besets Peschke’s text, to which the ‘key’ is his eschatological orientation: the Christian’s obligations in charity are outlined in the context of the ‘covenant’ relationship between God and man, where there is no separation between the religious and moral life.\footnote{Peschke 1986, 29.} But Peschke does not explain how this general orientation is to be realised in the particular case, in concrete issues of material cooperation.

The ‘key’ to Grisez, on the other hand, is the naturalistic fallacy and his perception of the threat it poses to natural law theory. His achievement is to ground a positive view of moral obligation (‘what God wants me to do’) in a more or less traditional metaphysics - albeit augmented by his own value and ethical theories. The problem with Grisez’s approach lies in exactly the same place: his ‘modes of responsibility’ serve only to eliminate kinds of intending and acting which offend integral human fulfilment, leaving a ‘remainder’ of options from which the agent...
chooses. The question Grisez sets out to answer is ‘which option ought I to choose?’ The answer he offers is disappointingly traditional: one must ‘discern’.¹²³

Grisez’s problem is not that his vision is too wide or ill-defined, but that it does not reach far enough. The breadth of his vision, grounded in a brilliant metaphysics, awaits completion in a spirituality which reconnects the moral subject with the Author, ground and horizon of moral goodness: God Himself, who is both ‘Father’ accessible to the moral agent’s love, and ultimate Mystery remaining forever beyond the reach of reason. The agent must therefore seek the will of God not merely in ‘discerning’, but in the particularly Christian way of discerning: prayer and contemplation.

¹²³ DMQ, 889.
3.2 Cooperation in Recent Magisterial Teaching

This section asks whether official Church teaching on material cooperation since Vatican II has retained or developed any of the orientations identified in the later moral texts. Specifically: what contribution has the teaching Church made to a contemporary understanding of the principle of material cooperation?

The volume of magisterial teaching has been enormous in recent years, and it is a challenge to identify and analyse such a vast amount of material in any logical order. A cumulative or chronological approach would seem obvious, but documents from one source do not necessarily build on (or even acknowledge) earlier documents from the same or other sources. Some statements seek to settle specific questions, conversations or disputes which developed over a number of years, so the question of context is also crucial to a correct understanding of each teaching. It also seems appropriate to choose an ordering of material which respects the relative weight to be accorded different levels of curial intervention, and so the order adopted here is by authority of source: first, recent papal teaching (Pius XII, Paul VI, John Paul II, in 3.2.1); then documents of the Congregation for the Doctrine of the Faith (3.2.2); and finally other curial interventions (3.2.3). The teaching of some episcopal conferences and the writings of some contemporary theologians will be studied in the next chapter.

3.2.1 Recent Papal Teaching

Although Pope Pius XII predates the later moral texts, his teaching on social issues in general and on cooperation in particular prepared the ground for the approaches they would take. He was certainly conscious of a new order in society and new challenges to be met by Christians in the world: the task of rebuilding Europe after World War II was complicated by lack of housing and unemployment, and by even greater threats such as increasingly negative pressures on family life and a declining appreciation of the dignity of the human person.\(^{124}\) It is in such a

difficult environment that Christians are called to live their mission (‘apostolate’) in
the world, but Catholics are never to cooperate in ‘perverse tendencies’ such as
contraceptive sterilisation.\footnote{125} Nevertheless, in pursuing the demands of the common
good it is sometimes permissible to tolerate (‘non impedire’) a lesser evil in order to
avoid an even greater evil or to attain a greater good.\footnote{126} The concept of a ‘tolerable
evil’ is an important element in subsequent treatments of legitimate cooperation.

\textbf{Pope Paul VI} made an indirect contribution in his watershed encyclical
\textit{Humanae vitae}. The manuals had long treated the question of cooperation in
contraceptive practices,\footnote{127} so Paul VI makes no specific mention of it here.
However, he endorses Pius XII’s teaching on tolerable evil and expands it to
embrace personal ethics, while emphasising the basic rule that evil itself may never
be directly commissioned.\footnote{128} This position underscores the two conditions for
legitimate cooperation: legitimate toleration of an evil requires a morally good or
indifferent act and a sufficiently serious reason.

\footnotesize\textit{Address Vegliare con sollecitudine, to Members of the Congress of the Italian Association of Catholic Midwives.} (29 October 1951). AAS 43\textit{(1951) 835-854.} [English text: \textit{Catholic Documents Volume VI} (London: Pontifical Court Club (Salesian Press), 1952) 1-16.] Four subheadings in the English text reveal the Pope’s broad vision of the Catholic’s mission in the world: \textit{I. Your professional apostolate is carried out first and foremost through your personal influence. II. Uphold the value and inviolability of human life. III. Helping the mother in the prompt and generous fulfilment of her marital duties. IV. Defence of the right order of values and the dignity of the human person.}


In his major encyclicals *Veritatis splendor* and *Evangelium vitae* Pope John Paul II seeks to establish clear metaphysical foundations for a renewed moral theology, and to correct some errors which had crept into various efforts at renewal. In these encyclicals he provides clear teaching on both the context and content of Christian moral life.

*Veritatis splendor* is a study of moral law, conscience and the moral act presented against a vast theological and spiritual background. In it the Pope intends to place morality and its rational demands in the context of a broad vision of Christian life. His use of the parable of the rich young man (Mt 19:16-21) and the young man’s central question (‘What must I do to inherit eternal life?’) serve to establish both the eschatological orientation of morality and the inescapable unity of faith and life. In the text itself the Pope takes great pains to relate ‘what I ought to do’ with ‘what the commandments permit me to do’, and adopts an ontological and eschatological stance similar to Peschke’s: who one is and what one does are essentially related to each other, and both are related to one’s eternal destiny.

Love of neighbour springs from a loving heart which, precisely because it loves, is ready to live out the loftiest challenges. Jesus shows that the commandments must not be understood as a minimum limit not to be gone beyond, but rather as a path involving a moral and spiritual journey towards perfection, at the heart of which is love (cf Col 3:14). Thus the commandment

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131 There is an ‘intrinsic and unbreakable bond between faith and morality’ (*Veritatis splendor*, 4) which becomes obvious in light of the experience of God: ‘What man is and what he must do becomes clear as soon as God reveals himself’ (*Veritatis splendor*, 10). There is also ‘a close connection . . . between eternal life and obedience to God’s commandments: God’s commandments show people the path of life and they lead to it.’ (*Veritatis splendor*, 12).

However, in contrast to this positive sense of moral imperative the Pope seems to set the document a more negative goal: ‘In addressing this Encyclical to you, my Brother Bishops, it is my intention to state the principles necessary for discerning what is contrary to ‘sound doctrine’, drawing attention to those elements of the Church’s moral teaching which today appear particularly exposed to error, ambiguity or neglect.’ *Veritatis splendor*, 30. Emphasis original.
‘You shall not murder’ becomes a call to an attentive love which protects and promotes the life of one’s neighbour.\footnote{Veritatis splendor, 15. The ‘goods’ of human life are to be protected in order to protect the ‘good’ of the person himself. The ‘goods’ protected by the commandments are ‘human life, the communion of persons in marriage, private property, truthfulness and people’s good name.’ See Veritatis splendor, 13.}{132}

Nevertheless the commandments do delineate the ‘lower’ limits of the command to love God, and below these limits a commandment is broken; but there are no ‘upper’ limits.\footnote{See Veritatis splendor, 52. This explains why Grisez’s ‘modes of responsibility’ are expressed in the negative: it is always easier to say what one definitely ought not to do, than what one ought to do. Unfortunately the same reasoning explains why Grisez’s theory, as well-intentioned as it is, is so vast and difficult to apply.}{133} Accordingly, one may never willingly commission intrinsically evil acts, because they are ‘by their nature incapable of being ordered to God, because they radically contradict the good of the person made in his image’.\footnote{Veritatis splendor, 80.}{134}

Defending the good of the person is the central thread of Evangelium vitae. The task is made more difficult by social, legislative and moral contexts in which Christian values are not upheld:

The fact that legislation in many countries, perhaps even departing from basic principles of their Constitutions, has determined not to punish these practices against life, and even to make them altogether legal, is both a disturbing symptom and a significant cause of grave moral decline. Choices once unanimously considered criminal and rejected by the common moral sense are gradually becoming socially acceptable . . . In such a cultural and legislative situation, the serious demographic, social and family problems which weigh upon many of the world’s peoples and which require responsible and effective attention from national and international bodies, are left open to false and deceptive solutions, opposed to the truth and the good of persons and nations.\footnote{Evangelium vitae, 4.}{135}

The context of Christian life today includes ‘structures of sin’ which mark society’s ‘moral conscience’.\footnote{Evangelium vitae, 12 and 24.}{136} The mission of the Christian is to proclaim the ‘Gospel of life’ which is the very person of Jesus,\footnote{Evangelium vitae, 29.}{137} to extend that Gospel to people caught up in these structures of sin and in the ‘messiness’ of life today, so that they
too may encounter Jesus and see in their own lives ‘a reflection of God himself’.  
This demands a self-giving which is difficult and challenging, but which must occur if the Church is to allow its witness to be seen and heard even as Jesus allowed his self-giving suffering to be seen when he was raised on the cross.  

Yet as radical and thoroughgoing as that self-giving may need to be at times, the same Gospel of life establishes an order of charity which allows one, given sufficiently serious reason, to prefer one’s own life to that of another. The implication for legitimate cooperation should not be overlooked: if an agent may observe this order of charity in actions in which he himself causes evil effects, it would seem to apply a fortiori when he himself does not cause the evil effects but only participates in the order of legitimate material cooperation. This approximates the position of Alphonsus.

Cooperation in evil is discussed explicitly in regard to the intrinsic evils of abortion and suicide. The ‘network of complicity’ which surrounds abortion is not limited to those who are directly involved, but extends to ‘international institutions, foundations and associations which systematically campaign for the legalisation and spread of abortion in the world’. The canonical sanction for abortion applies to ‘all those who commit this crime with knowledge of the penalty attached, and thus includes those accomplices without whose help the crime would not have been committed’. The last clause implies necessary cooperation, but the text as a whole seems to refer only to formal cooperation: to choose to proceed ‘with knowledge of the penalty attached’ would seem to constitute an explicit intention to commission an act which one knows to be seriously evil.

Similarly the text on cooperation in suicide refers only to formal cooperation:

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138 Evangelium vitae, 32-35.
139 Evangelium vitae, 50-51.
140 Evangelium vitae, 55. The discussion here draws on both Thomas Aquinas (ST II-II 64, 7) and Alphonsus (Theologia moralis Lib. III De praeceptis decalogi et ecclesiae, Tr. IV De quinto et sexto praecepto, Cap. I, Dub. III An et quomodo liceat occidere privata auctoritate iniquum aggressorem), as well as CCC 2263-2269.
141 Evangelium vitae, 59.
142 Evangelium vitae, 62.
To concur with the intention of another person to commit suicide and to help in carrying it out through so-called ‘assisted suicide’ means to cooperate in, and at times to be the actual perpetrator of, an injustice which can never be excused, even if it is requested.\textsuperscript{143}

The fact that the act of suicide is intrinsically evil is beside the point: ‘\textit{to concur with the intention}’ of the principal agent will always constitute formal cooperation, and this is always illicit. Neither of these texts shed light on the possibility of truly \textit{material} cooperation in intrinsically evil acts.

In a particularly incisive passage Pope John Paul II next addresses the arguments of ‘toleration’ and ‘respect for consciences’, and he draws an important distinction.\textsuperscript{144} False tolerance relies on a certain \textit{ethical relativism} which holds that a rejection of absolute moral norms is necessary to guarantee true democracy and mutual respect among people.\textsuperscript{145} True tolerance, on the other hand, accepts absolute moral norms but recognises that sometimes, in the interests of social order and the common good, a lesser evil may be permitted in order to avoid a greater evil.\textsuperscript{146} However, the Pope teaches that

\begin{quote}
public authority . . . can never presume to legitimize as a right of individuals - even if they are the majority of the members of society - an offence against other persons caused by the disregard of so fundamental a right as the right to life. The legal toleration of abortion or of euthanasia can in no way claim to be based on respect for the conscience of others, precisely because society has the right and the duty to protect itself against the abuses which can occur in the name of conscience and under the pretext of freedom.\textsuperscript{147}
\end{quote}

So the ‘\textit{non impedire}’ approved by Pius XII is grounded in pure social expedience, not respect for conscience. Therefore there can be no obligation in conscience to obey immoral laws; indeed, ‘\textit{there is a grave and clear obligation to

\textsuperscript{143} \textit{Evangelium vitae}, 66. The supporting text of Augustine also seems to refer to at least implicit formal cooperation.
\textsuperscript{144} On these concepts, see 4.1.2.3 and 4.1.2.4 below.
\textsuperscript{145} \textit{Evangelium vitae}, 70.
\textsuperscript{146} \textit{Evangelium vitae}, 7, referencing the Second Vatican Ecumenical Council, Declaration on Religious Freedom \textit{Dignitatis humanae}. (7 December 1965) 7.
\textsuperscript{147} \textit{Evangelium vitae}, 71.
oppose them by conscientious objection'. This sheds a little indirect light on the question of material cooperation in intrinsically evil actions: if there is no moral obligation to obey, support or vote for such 'intrinsically unjust laws', and indeed if there is a grave obligation to oppose them, then it would seem extremely difficult to justify material cooperation in the intrinsically evil actions which these laws permit.

But having established the agent’s clear moral duty in the face of intrinsically unjust civil laws, the Pope then addresses a particular problem. A legislator may in some cases be justified in supporting a more restrictive law in favour of abortion or euthanasia if the only alternative is a more permissive law and consequently the production of even more evil effects. One condition is that the legislator’s ‘absolute personal opposition’ to these evils must be well known, which is a guard against scandal. This case is not an exception to the general rule against obeying, supporting or voting for immoral laws because the legislator is in a unique situation.

In the case outlined in Evangelium vitae 73, the legislator has no choice but to cooperate in bringing about an evil law. The only options are (i) to vote for a more permissive law, or (ii) to vote for a more restrictive law, or (iii) to abstain (in which case the more permissive law would prevail). All three options will help to bring about an intrinsically evil law, so the legislator has no alternative but to cooperate in one way or another (either positively or negatively). Therefore the legislator rightly turns his attention to the harmful effects which will attend the passage of the law: he must consider ‘limiting the harm done’ by voting for the option which will have least negative consequences.

Note that this still technically constitutes material cooperation in evil, since it helps to bring about a state of affairs which inevitably will be abused by others. However, on one hand the legislator’s inability to avoid cooperating reduces personal culpability; on the other hand, the possibility of cooperating with fewer rather than more numerous evil consequences in this case constitutes a justifying

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148 Evangelium vitae, 73.
149 Evangelium vitae, 73.
150 Evangelium vitae, 73.
As the Pope carefully indicates, this is not ‘illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects’. To vote for such a law in these circumstances constitutes lawful material cooperation.

It is important to emphasise that the Pope here does not speak of voting for a more restrictive law as ‘choosing the lesser evil’. In regard to abortion or euthanasia, objectively speaking, there are no degrees of intrinsic evil from which to choose, and a more restrictive law in favour of abortion is intrinsically just as evil as a more permissive law. To kill a single innocent human being is an intrinsically evil act, and to kill 100 innocent human beings is also an intrinsically evil act. These acts differ not in how intrinsically evil they are, but in the extent of their evil consequences. Obviously, in terms of the amount of evil done, less is better than more. Therefore the Pope speaks of ‘limiting the harm done’ and limiting the ‘evil aspects’ of the law - that is, limiting the evil consequences.

It is also important in this case to define very precisely the ‘sufficiently serious reason’. The legislator’s cooperation is justified not because of any possibility he or she may have to further limit the harm done by abortion through supporting a still more restrictive law at some undetermined point in the future. Rather, the legislator’s cooperation is justified solely because this particular law will limit the harm which other people will certainly bring about. Future possibilities do not seem to be a factor in justifying cooperation in this case. This passage of Evangelium vitae, then, suggests that it is not reasonable to use a possible but uncertain future benefit to justify cooperation in what is a certain evil in the present.

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151 The question of acting for a ‘lesser evil’ will be taken up again in the next Chapter, at 4.1.2.2. In terms of the traditional metaphysics: a legislator may, in these restricted circumstances, legitimately vote in favour of a law permitting abortion because the legislator’s finis is neither the lesser nor the greater evil but the restriction of evil consequences; his moral object is not to support a law permitting abortion, but to support a law restricting the number of abortions which will be performed. Soto (De justitia et iure (Lugduni, 1582) L. IV, q. 7, a. 3) held that in such a case the moral agent was not intending the lesser evil, ‘but rather the hindrance of the greater evil’. See E T Hannigan SJ, ‘Is it ever lawful to advise the lesser of two evils?’ Gregorianum 30 (1949) 104-129, at 109.

This is also the interpretation of Klaus Demmer MSC in his ‘Tolerancia y cooperación: Una pregunta a la ética del derecho’ in Lorenzo Alvarez Verdes and Marciano Vidal, eds. La Justicia Social: Homenaje al Prof. Julio de la Torre. (Madrid: Editorial el Perpetuo Socorro, 1993) 335. (See 4.1.2 below.) So while the legislator is certainly cooperating in abortion, his cooperation in the evil (creating conditions favourable to abortion) is material; but his cooperation in the good (limiting the number of abortions) is formal, and for this he may be commended.
Even in the unique environment of civil legislation, cooperation in evil is to be justified only on a case-by-case basis according to the concrete circumstances here and now.

The next passage promises to treat the ‘general principles concerning cooperation in evil actions’, but again the teaching is limited only to the rules governing formal cooperation.

Indeed, from the moral standpoint, it is never licit to cooperate formally in evil. Such cooperation occurs when an action, either by its very nature or by the form it takes in a concrete situation, can be defined as a direct participation in an act against innocent human life or a sharing in the immoral intention of the person committing it. This cooperation can never be justified either by invoking respect for the freedom of others or by appealing to the fact that civil law permits it or requires it. Each individual in fact has moral responsibility for the acts which he personally performs; no one can be exempted from this responsibility, and on the basis of it everyone will be judged by God himself (cf. Rom 2:6; 14:12).

Significantly, the next sentence reads: ‘To refuse to take part in committing an injustice is not only a moral duty; it is also a basic human right.’ Two aspects of this sentence merit comment. First, ‘to take part in committing an injustice’ does not necessarily mean material cooperation, since ‘to take part’ may also mean formal cooperation; indeed, this reading is more in keeping with the preceding paragraph. Second, the subsequent sentence makes it plain that the context here is not material cooperation, but the issue of whether anyone can be ‘forced to perform an action intrinsically incompatible with human dignity’. This passage concerns not material cooperation, but coercion to perform intrinsically evil actions.

There are two intriguing aspects of Pope John Paul II’s treatment of cooperation. First, he does not seem to comment at all on material cooperation, even in connection with intrinsically evil acts. The traditional principle already makes it plain that formal cooperation in such evils is always illicit, so one could

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153 Evangelium vitae, 74. At first glance there are remarkable similarities between this statement and the position of Grisez in DMQ. However, Pope John Paul II differs from Grisez in one very important respect: to take moral responsibility ‘for the acts which he personally performs’ is an acknowledgment of the ‘causal gap’ which Grisez seems to overlook.
reasonably look to John Paul II for guidance on the more problematic question of material cooperation - but none is offered. Second, his discussion of tolerance of unjust laws is limited to demonstrating that no-one can be forced to obey such laws. Yet in most of the examples he offers, these laws are not coercive but permissive (such as the decriminalisation of abortion) and it may be argued that these already fall within Pius XII’s teaching on tolerance. However, beyond an attack on ‘ethical relativism’, John Paul II offers no further analysis of ‘tolerance’.

Recent papal teaching on cooperation in evil therefore recognises a new context for Christian life - a world of increasingly secular moral values - but essentially only repeats existing teaching on cooperation, and principally on formal cooperation only. It makes little significant contribution to the question of legitimate material cooperation in evil.

3.2.2 Congregation for the Doctrine of the Faith

Four statements of the Congregation for the Doctrine of the Faith which touch on the question of cooperation in evil are taken here in chronological order.

The Replies to Questions (1974) addressed to the Australian Bishops deal with five related issues concerning practical observance of the Church’s doctrine on contraception expressed in *Humanae vitae*. The first reply applies the traditional

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154 The Pope may be referring to the civil law in Italy concerning access to abortion and the right of individuals and institutes to refuse to participate in abortion. These issues were raised specifically in 1978 with the passage of Law 194: Dionigi Tettamanzi’s very lucid analysis of this law is discussed below, 4.2.1. It is also possible that the Pope may be thinking of the situation in China and certain other countries in which, in order to control population growth, couples are forbidden by law from giving birth to more than one or two children.


156 The *Replies to Questions* were addressed to Cardinal Freeman (and through him to the Australian bishops), and were accompanied by a confidential letter from Cardinal Seper, Prefect of the Congregation. This letter bears the Protocol Number 52/63 and remains confidential. The *Replies*, which bear no protocol number themselves, were forwarded by Archbishop Cahill and made public by individual bishops. In personal communication with the author on 25 May 2000, Fr Brian
doctrine on personal conscience previously affirmed elsewhere.\textsuperscript{157} The second reply underscores the doctrinal authority of \textit{Humanae vitae}, while the third confirms the teaching of \textit{Humanae vitae} that couples making decisions in certain (but erroneous) conscience may be admitted to the Sacraments \textit{for proportionate reasons’}. The last two replies address cooperation.

The fourth question asked whether an individual doctor may materially cooperate by prescribing contraceptive medications for a couple who have reached their decision in certain (but erroneous) conscience. The reply is revealing:

Here should be applied traditional rules, universally accepted by theologians, on material cooperation in the moral evil of others. Let it be noted that the subjective conviction or the good faith of the couple does not of itself justify material cooperation by the doctor. So that this latter [may] be lawful it is necessary that: 1) the doctor does not subscribe to nor approve the wrong intention or action of the couple; 2) the action by which the doctor gives cooperation be not in itself an immoral act; 3) a proportionately grave cause constrains him to cooperate; 4) he does everything possible so that his cooperation is not interpreted as approval, and that there is no public scandal, or, should there be such, that it is opportunely removed, in particular the scandal of the Church’s doctrine on contraception being obscured before the eyes of society.\textsuperscript{158}

Several aspects of this reply merit attention. \textit{First} is the assumption that there exists a single universally accepted interpretation of rules governing material cooperation. The variations noted among the traditional manuals and later moral texts make this assumption tenuous. \textit{Second}, the doctor’s cooperation must be justified by more than simply the couple’s subjective conviction - which casts grave doubt on Häring’s interpretation of ‘respect for conscience’. Then come the ‘conditions’ for legitimate material cooperation: the doctor must not formally cooperate by ‘subscribing to’ or ‘approving’ the couple’s decision; the cooperative act itself must not be evil; there must be a proportionately grave reason to cooperate; and the risk of scandal must be minimised or removed.

Lucas (Archdiocesan Secretary, Archdiocese of Sydney) confirmed that the CDF had issued the \textit{Replies} in English.\textsuperscript{157} Congregation for the Clergy, \textit{The Washington Case}. (26 April 1971). \textit{L’Osservatore Romano} 20(164) 20 May 1971. 6-7. \textsuperscript{158} \textit{Replies}, IV.
Significantly, a ‘proportionately grave cause’ may ‘constrain’ the doctor to cooperate. ‘To constrain’ is an apparently more robust term than ‘to permit’. The implication seems to be that a justifying reason may sometimes lead one to believe that material cooperation is not only permitted, but positively required. While the document does not further address this condition, this seems to be a significant addition to the usual interpretations of ‘sufficiently serious reason’.

The fifth question is very curious:

Quest. V. - Whether a Catholic Institution vg. the Family Planning Clinic, consulted by some couple, may continue to provide them with contraceptive guidance, help and aid in a manner which is objectively evil?159

Given its exact wording, the obvious answer to this question is ‘no’: regardless of circumstances, the First Principle of Practical Reason would always rule out offering ‘guidance, help and aid in a manner which is objectively evil’. However, the Congregation’s reply indicates that it understands this fifth question as an extension of the fourth, interpreting it as referring not to the admissibility of acting in an objectively evil manner, but to the possibility of institutional material cooperation.

The reply is very guarded. Because of their Catholic identity such institutions have a duty to ‘give the world a testimony of the right conception and the true observance of morality’, and to practice ‘Christian charity under the light of the Gospel, by observing the norms of Christian behaviour taught by Christ and his Church.’

In institutions of this kind it is not admissible that a way of acting contradict the objective teaching of the Church itself. If there were to be a general policy of material cooperation in Catholic institutes, it would damage public morality. Therefore, so that in these institutes material cooperation may be licit, motives are required proportionately graver than those required by the general principles on material cooperation (cf. n.IV).160

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159 Replies, V.
160 Replies, V
Three aspects of this reply are significant.

- **First**, the public character of Catholic institutions requires a stricter adherence to Catholic moral teaching. In the first place, the risk of scandal and damage to public morality rules out any ‘general policy of material cooperation in Catholic institutes’. Furthermore a general policy on cooperation in contraception would amount to official acceptance of a practice which, as the previous Reply implies, is permissible only as particular circumstances might indicate in individual cases.

- **Second**, however, and given no ‘general policy’ on cooperation, this response implies that individual acts of material cooperation may nevertheless be commissioned in Catholic institutes provided that the reasons for doing so are significantly more serious than those justifying cooperation by individual Catholic doctors.\(^{161}\)

- **Third**, by making reference to the general principles listed in the previous reply the implication is that in this case an institution might view cooperation as a matter of ‘constraint’ and not merely ‘permission’.

Taken together, these three points are extremely significant. They indicate that the Congregation accepts that material cooperation in evil will sometimes occur in Catholic institutions - indeed by logical extension of the fourth Reply, circumstances in individual cases may sometimes be such that Catholic institutions

\(^{161}\) A variant interpretation of this Reply has been be developed, as follows: the sentence “If there were to be a general policy of material cooperation . . . ” is followed immediately by “Therefore, so that in these institutes material cooperation may be licit . . . ” This could be construed as suggesting that an institute may indeed formulate a general policy on material cooperation if there are ‘proportionately graver’ reasons for doing so. In order to support this interpretation it would be necessary to prove that the ‘material cooperation’ in the second sentence is, or could be, identified with the ‘general policy of material cooperation’ in the first. But this seems somewhat ‘forced’, and the fact that such an identification is not immediately evident from the text itself suggests that this interpretation is untenable.

The interpretation given here is, it is suggested, more supportable. A general policy on material cooperation in some particular evil amounts to an institutional commitment to facilitate that evil. Such a policy would become necessary only when it is foreseen that the question of cooperating in this evil will arise many times, and indeed the very purpose of formulating such a policy is to provide consistent guidance for repetitive episodes of cooperation. But general policies are, of their nature, blunt instruments: they prove their value when they permit one to act without having to engage in close analysis of every fine detail or every particular circumstance surrounding every individual episode or action. Yet, as has been argued, precise assessment of all relevant circumstances is of the very essence of the traditional principle of material cooperation. On these grounds the interpretation of the fifth Reply as given here is more consistent with the tradition: individual episodes of material cooperation are to be assessed on a strictly case-by-case basis and, given a sufficiently serious reason, may be lawfully commissioned on the same basis. This interpretation neither contradicts nor ‘forces’
consider themselves *constrained* to cooperate in evil. Clearly this is not a preferable state of affairs, and individual cases can in no way be ‘generalised’ into formal policies, but the Congregation seems to acknowledge that material cooperation in evil will be, and on rare individual occasions must be, a legitimate option for Catholic institutions. Unfortunately the concise form of the *Replies* allows no opportunity for the Congregation to develop these important considerations.

The *Declaration on Procured Abortion* (1974) accepts that civil law must sometimes tolerate a lesser evil in order to avoid a greater evil, and that it must always respect the freedom of individual conscience. But there are still moral absolutes: ‘the life of the child takes precedence over all opinions. *One cannot invoke freedom of thought to destroy life*’.\(^{162}\) The declaration establishes the teaching later repeated by Pope John Paul II in *Evangelium vitae*:

> . . . a Christian can never conform to a law which is in itself immoral, and such is the case of a law which would admit in principle the liceity of abortion. Nor can a Christian take part in a propaganda campaign in favour of such a law, or vote for it. Moreover, he may not collaborate in its application.\(^{163}\)

However, as noted with the teaching of Pope John Paul II, the reference here seems to be to formal cooperation only: to campaign or vote for an immoral law is clearly to consent to it. It is true that ‘*[d]ivine law and natural reason . . . exclude all right to the direct killing of an innocent man*’,\(^{164}\) but ‘direct killing’ requires either an explicit or implicit intention to kill - which would constitute formal and not material cooperation. The *Declaration* does not address the latter.

The *Response on Sterilisation in Catholic Hospitals* (1975) deals with two issues: the general question of cooperation in therapeutic sterilisation, and the specific question of cooperation in sterilisation in Catholic hospitals. The first paragraph defines direct sterilisation and prohibits it, according to the tradition. The

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\(^{162}\) *Procured Abortion*, 20.

\(^{163}\) *Procured Abortion*, 22.

\(^{164}\) *Procured Abortion*, 14.
second paragraph denies doctrinal authority to contrary theological opinion. The third paragraph applies the doctrine to Catholic hospitals.

First, it is important to note that the third paragraph focuses on institutional cooperation in sterilisation which is ‘officially approved or admitted’, and not on sterilisation as such. The argument is more or less that employed in the Replies to Questions: official approval or formulation of policy in favour of cooperation in sterilisation amounts to official and generalised acceptance of an evil practice. However a second dimension is added: not only ‘official approval’ of direct sterilisation, but even more so ‘its administration and execution according to hospital regulations is something of its nature - that is, intrinsically - objectively evil’. The reasoning is sound: it is impossible to officially approve, to administer and to execute an intrinsically evil deed without intending to do so. The very existence of a regulation for this purpose would amount to an institutional ‘intending’ which would constitute at least implicit formal cooperation. The official approval (administration, execution) itself is intrinsically evil because, as formal, it shares the same moral character as contraceptive sterilisation.

Second, given that the danger of scandal and of ‘creating misunderstanding’ is avoided, there is a broad statement which some moralists have taken to imply that material cooperation in therapeutic sterilisation may be permitted in individual cases:

The traditional teaching on material cooperation, with its appropriate distinctions between necessary and freely given cooperation, proximate and remote cooperation, remains valid, to be applied very prudently when the case demands it.

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165 Sterilisation, 3a: ‘cooperatio institutionaliter adprobata vel admissa’

166 Sterilisation, 3a: ‘Nam officialis approbatio sterilisationis directae, et a fortiori eiusdem secundum statuta nosocomii regulatio et executio, est res in ordine obiectivo indole sua seu intrinsece mala, ad quam hospitale catholicum nulla ratione potest cooperari.’

Again the Congregation does not specify which variation of the ‘traditional teaching on material cooperation’ it wishes applied, and again it is clear that there can be no institutional policies favouring cooperation in sterilisations.

Here the Congregation does not dissemble: firstly, an official policy would commit the institution to general endorsement of cooperation, whereas evaluation of cases on an individual basis enables the hospital to formulate a fully reasoned response to the unique circumstances of each case; secondly, any cooperation which may be offered on an individual case-by-case basis could only be legitimate material cooperation, which of its nature is clearly distinct from (that is, remote from and contingent to) the intrinsic evil of contraceptive sterilisation; thirdly, although it is not stated here it is reasonable to assume that the Congregation would wish to affirm the position it first expresses in the Replies to Questions: a justifying reason in these cases might ‘constrain’ and not merely ‘permit’ the hospital to cooperate.

The Declaration on Euthanasia (1980) acknowledges that while changes in prevailing culture have influenced the way people view suffering and death, there has also been fairly universal acceptance of the basic rights of the human person. Since the question of euthanasia is one of fundamental human rights, no-one should accept arguments based on ‘political pluralism or religious freedom’ to deny those rights. This is a clear rejection of arguments based on ‘tolerance’ and ‘respect for consciences’, at least with reference to the defence of human life itself.

Euthanasia is defined as ‘an action or omission which of itself or by intention causes death, in order that all suffering may in this way be eliminated’. It is ‘a

168 Euthanasia, p.511 [Flannery 2].
169 Euthanasia, p.512 [Flannery 2]. More or less the same definition is used in CCC 2277. But in Evangelium vitae 65 Pope John Paul introduces a slight variation: euthanasia is ‘an act or omission which of itself and by intention . . . ’ (Emphasis added.) If the word ‘intention’ in this text means both the agent’s intention and the intentionality of the action, then the use of ‘and’ rather than ‘or’ makes no material difference to the definition. But if ‘intention’ here means only the agent’s intention, then this variation represents a significant ‘tightening’ of the definition of euthanasia, for it then excludes from ‘euthanasia’ actions which only ex fine operis (but not ex fine operantis) bring about the death of the patient. This ‘tightening’ seems to sit more happily with the existing teaching, expressed in the Principle of Double Effect, which deals with administration of pain-relief which, in sufficient quantity, will also hasten the death of the dying patient. See Pope Pius XII, ‘Address Trois questions religieuses et morales concernant l’analgésie, to the Italian Society of Anaesthesiology.’ (24 February 1957). AAS 49(1957) 129-147.
crime of the utmost gravity': ‘... nothing and no one can in any way permit the killing of an innocent human being ... nor can he or she consent to it, either explicitly or implicitly.’

The interpretation of ‘permit’ here is important. If ‘permit’ is taken only in an active sense, then the Declaration clearly rules out formal cooperation (that is, cooperation by actively granting permission); but if ‘permit’ is taken in a passive sense it could mean that positive steps should be taken to prevent euthanasia (that is, not even passive permission is tolerable). On the other hand, a moral prohibition on ‘permitting’ an evil is meaningful only when the person prohibited is in such a position that their ‘permitting’ is morally significant. If one cannot prevent the evil in any case, it does not seem meaningful to suggest that one should not ‘permit’ it.

The precise meaning of this phrase is unclear, but it may be that in this passage there is at last an indication that not even material cooperation is permitted when one is in any position to prevent such a grievous ‘violation of the divine law, an offence against the dignity of the human person, a crime against life, and an attack on humanity’. If this is the case, the argument seems to be that since human life is the most basic of all human goods, charity and justice demand that those who are able to prevent euthanasia can never permit it to occur, much less explicitly approve it. There is no question here of any ‘balancing’ of goods (my life against the life of the patient), and the order of charity cannot be invoked in order to provide grounds for anyone to believe that they may cooperate in any way - materially or formally, actively or passively - in a direct attack on the life of an innocent human being.

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170 *Euthanasia*, p.513 [Flannery 2].

171 Thus Alphonsus teaches that one may not kill the innocent in order to save one’s own life (*de caritate* 66). These grounds support an argument that this absolute prohibition on all forms of cooperation applies to intrinsically evil acts which constitute direct attacks on human life itself (abortion, euthanasia). But it is not immediately obvious that the same prohibition applies to intrinsically evil acts which do not constitute direct attacks on human life - acts such as contraceptive sterilisation. This will be clarified below (4.3.2), but at this stage it is interesting to note that a comparison of the language and content of these four CDF documents could suggest some distinction between kinds of intrinsically evil acts.
The Congregation for the Doctrine of the Faith has made a great contribution to the development of the principle of material cooperation, on three points in particular:

- **First**, material cooperation is possible where a serious reason ‘constrains’ one to cooperate. This is much more than ‘permitting’ cooperation, for ‘constraint’ implies that a different question is asked: not ‘what does the law permit me to do?’, but ‘what are my obligations under the circumstances in this situation?’ By implication the Congregation appears to concede that, at times, a Christian person or institution may be obliged to cooperate materially in evil - that is, cooperation may be an imperative. But it gives little indication of the grounds on which such a judgment might be reached.

- **Second**, a Catholic institution can never establish any kind of policy of cooperation in evil, since the making of such a policy would be damaging to public morality and would commit the institution to the acceptance of practices which the Church believes are evil. Nevertheless the Congregation apparently allows that grave circumstances may lead a Catholic institution to judge in a particular case that it should cooperate materially in evil. A ‘case-by-case’ approach is necessary, but this does not eliminate all material cooperation in evil.

- **Third**, the Congregation seems to teach that when an action is properly defined as ‘abortion’ or ‘euthanasia’, and when one is able to prevent such evils, then no cooperation of any kind is permissible because these are offences against the most basic of human rights, the right to life itself. Pope John Paul II would clarify this further: because they are offences against such a basic right, actions which are adequately defined as ‘abortion’ and ‘euthanasia’ are intrinsically evil.\(^{172}\)

### 3.2.3 Other Curial Interventions

\(^{172}\) *Evangelium vitae*, 62 : ‘No circumstance, no purpose, no law whatsoever can ever 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.’ However, as noted, the Pope’s treatment of cooperation in these evils is restricted to formal cooperation. It is not immediately clear why he did not deal with the question of material cooperation in these acts, nor take the opportunity to formally extend the Congregation’s exclusion of material cooperation to embrace other intrinsically evil acts such as contraceptive sterilisation. Possibly these matters would have required a more detailed analysis than the encyclical genre normally allows.
The document *Dans le cadre* (1981) addresses basic ethical issues concerning the gravely ill and dying. It reminds nursing staff (who must follow the instructions of attending physicians) that it is absolutely forbidden to perform any action which is, in fact, an act of direct killing: neither the doctor, nor the family, nor the patient himself can release nurses from responsibility for their own actions. A nurse’s subordinate position may place her in a position of cooperation in evil acts, but she may never commission such actions on her own initiative, since hers cannot be anything other than *material cooperation* justified only by a necessity which is evaluated according to the gravity of the act, the degree of participation in the whole process and in the production of the immoral effect, and the motives which prompt the nurse to obey [*aux raisons qui incitent l’infirmière à obéir*] (fear of personal harm in case of refusal, an important good to be safeguarded without exposing herself to the risk of dismissal). Insofar as her position allows, the nurse who finds herself caught up in practices which her conscience condemns, will nevertheless seek to give witness to her convictions.

Three points to note from this text are that ‘a necessity’ may justify material cooperation; that this justification is referred to the ‘production of immoral effects’ and not, apparently, to the sin of the principal agent (presumably, the physician); and the relative weight of the nurse’s motives (sufficiently serious reason) to cooperate.

The third section of the *Catechism of the Catholic Church* (1994) summarises the Church’s moral teaching but provides no comprehensive treatment of cooperation. It offers a modified form of the traditional modes of cooperation in n.1868:

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174 *Dans le cadre*, 7.4.2 (n.1276). In certain circumstances an action which only indirectly leads to a shortening of life may be performed - an application of the Principle of Double Effect.

175 *Dans le cadre*, 7.4.2 (n.1276).

176 By numbering the nurse’s ‘motives’ among factors in the ‘necessity’ which justifies cooperation, this passage seems to imply that these motives do not of themselves constitute a justifying reason to cooperate. Unfortunately the text does not develop this point.

177 Although the Catechism was formally promulgated in 1992, the official Latin text was not prepared until 1994. Since the English version was taken from the Latin text, the 1994 dating is followed here.
Sin is a personal act. Moreover, we have a responsibility for the sins committed by others when we cooperate in them:
- by participating directly and voluntarily in them;
- by ordering, advising, praising or approving them;
- by not disclosing or not hindering them when we have an obligation to do so;
- by protecting evil-doers.\(^\text{178}\)

While teaching that induction and scandal are to be avoided,\(^\text{179}\) the Catechism does not distinguish the unique kind of participation which constitutes cooperation properly so called. Accordingly it is unclear whether by ‘participating directly and voluntarily’ the Catechism means formal cooperation, material cooperation, or participation as a form of induction. In relation to cooperation in abortion and suicide it refers to formal cooperation only,\(^\text{180}\) but makes no comment at all on material cooperation in these evils, or on the significance of such categories as proximity and necessity.

The Charter for Health Care Workers (1995) makes reference to the problem of cooperation only indirectly.\(^\text{181}\) Physicians who ‘voluntarily contribute to the establishing and support of a connection between prenatal diagnosis and abortion’ would cooperate formally with abortion;\(^\text{182}\) and laws which encourage medical staff ‘to cooperate proximatively in direct abortion’ must not be obeyed but must be refused ‘politely but firmly’.\(^\text{183}\) Equally, medical staff ‘cannot cooperate in any euthanistic practice even at the request of the one concerned’ because such cooperation would contradict their identity as ‘guardians of life’.\(^\text{184}\)

Finally, the Vademecum for Confessors (1997) returns to the problem of ‘cooperation in the sin of a spouse who voluntarily renders the unitive act

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\(^{178}\) CCC 1868. Compare with Alphonsus, de restitutione 557.
\(^{179}\) See CCC 1789 (induction) and 2284-2287 (scandal).
\(^{180}\) In the CCC, 2272 (‘Formal cooperation in an abortion constitutes a grave offense.’) makes no reference to material cooperation; and 2282 (‘Voluntary co-operation in suicide is contrary to the moral law’) could mean either formal or material cooperation, but the context implies the former.
\(^{181}\) Pontifical Council for Pastoral Assistance to Health Care Workers, Charter for Health Care Workers. Vatican Translation. (Bombay: Pauline Publications, 1995). The preface notes that this document was ‘approved and quickly affirmed in its entirety’ by the Congregation for the Doctrine of the Faith.
\(^{182}\) Charter, 61. This would include the connection created by Italy’s Law 194/1978: see 4.2.1 below.
\(^{183}\) Charter, 143.
It makes an important distinction between cooperation properly so called on one hand and, on the other, cooperation which comes about as a result of ‘violence or unjust imposition on the part of one of the spouses, which the other spouse in fact cannot resist’. The traditional conditions for legitimate cooperation are repeated: the cooperator’s act cannot be itself illicit, and there must be a proportionately grave reason to cooperate. A third condition, apparently unique to the conjugal context and drawn from the teaching of Pius XI, is that the cooperating partner must seek to help the other spouse ‘to desist from such conduct’. This emphasises the primary focus of conjugal cooperation which, in keeping with the tradition, is the sin of the other spouse rather than the further evil effects of contraception.

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184 Charter, 148, 150.
186 Vademecum, 13.
3.3 Conclusions: The Principle in Moral Theology Today

The Second Vatican Council’s call for a more positive and person-centred view of the Christian moral life has prompted numerous attempts to ‘re-invent’ Catholic moral theology. In the course of this renewal many critical issues have surfaced: methodological issues such as the use of Scripture and the existence of a specifically Christian ethics;\textsuperscript{188} fundamental issues such as the direct-indirect distinction, conscience, moral norms and natural law;\textsuperscript{189} and ecclesiological issues such as the relationship between the magisterium and the theological community.\textsuperscript{190}

The treatment of material cooperation since Vatican II provides a good example of some aspects of this renewal, and of its ‘unevenness’ in general.

3.3.1 The Contribution of Modern Moral Texts: Context

The treatment of cooperation in post-manual moral texts differs from the manualist tradition less in structure and content, and more in terms of the context of cooperation and its meaning in Christian life.

In Häring’s *Free and Faithful in Christ*, for example, the structure of the principle has not changed substantially from his first text, but the context has. He acknowledges that the Christian’s duty to actualise Christ in the world - the mission to be ‘yeast in the dough, salt to the earth’ - cannot be fulfilled without the risk of cooperating in evil, since the only way to avoid cooperation completely is to withdraw from the world.\textsuperscript{191} This casts significant light on the meaning of the principle: it is not intended simply to help moral agents avoid personal sin, but also to help them to fulfil their Christian vocation. The traditional principle serves to

\textsuperscript{188} For a summary and assessment of these, see Pinckaers, *Sources* 95-103 and 315-323.

\textsuperscript{189} Josef Fuchs SJ has written a great deal on these issues: see for example his *Christian Ethics in a Secular Arena*. (Washington: Georgetown University Press, 1984). Most recent histories of moral theology, and indeed most recent moral texts, attempt a summary of these debates.


\textsuperscript{191} Häring 1979, 479.
define the ‘lower boundary’ of the Christian’s response: in living out one’s personal vocational commitments no formal involvement in evil is permissible, and nor is material involvement unless this is justified by a serious reason. But the traditional principle provides no more positive guidance than this, whereas Häring offers a much richer interpretation of the principle.

Scandal also takes on a particular meaning in this context. It still concerns ‘leading one’s neighbour into sin’, but now it also constitutes a contradiction of Christian witness: even if one’s cooperative act seems justified on the grounds that the principal agent will sin anyway, cooperation may still be ruled out if it risks contradicting the very witness one seeks to give.

Häring acknowledges that the mission of Christian witness is more complicated today because society is more pluralist than predominantly Christian. ‘Pluralism’ here does not mean simply ‘non-Catholic’ or ‘non-Christian’ in the sense of religious affiliation: it means not universally founded on Christian moral values or directed by Christian virtues - hence Häring’s position on ‘respect for sincere conscience’ and ‘tolerance’. In light of modern pluralism, Häring’s position might bear this interpretation: if a Christian’s duty is to make Christ present in the world and to proclaim the saving truth of the Gospel, a Christian certainly needs to respect the consciences of all persons; but there is an additional reason to respect those who do not share Christian values, for it is precisely through engaging these persons that the Christian is able to proclaim the Gospel. Häring can be interpreted as arguing that an ‘apostolic imperative’ may justify tolerance of others’ erroneous consciences, and perhaps at times even justify material cooperation in their objectively evil actions.

Häring’s use of these concepts has met stiff opposition: as noted, both Germain Grisez and Pope John Paul II refute their validity, at least with regard to intrinsically evil acts. But whether or not one agrees with his conclusions, Häring’s picture of the Christian’s role in a pluralist society is a valuable

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192 Häring 1979, 482.
193 Häring 1979, 485-486. On pluralism as a context for cooperation, see below, 4.1.
194 LCL, 441; Evangelium vitae, 71.
contribution to what he calls the ‘right vision’ and ‘main perspectives’ of Christian moral life today.\textsuperscript{195} But because he does not develop metaphysical underpinnings for his position, it is difficult to imagine how the traditional principle of cooperation can be made to fit this new vision in practice.

The ontological and eschatological orientations of Peschke’s interpretation reveal another perspective on the problem of cooperation. Moral behaviour concerns realising one’s nature as human by deciding and actualising the kind of person one should be, and therefore determining the kinds of actions one should or should not commission.\textsuperscript{196} He realises that the obligations of Christian charity create certain responsibilities but, like Häring, Peschke is unable to provide a structure of legitimate cooperation to match his vision.

This is the significance of Grisez’s achievement. He too provides an overarching vision of Christian moral life: the basic human goods which fulfill the agent precisely as human, and the personal vocational commitments by which one lives out the Christian life. But unlike Häring and Peschke, Grisez develops a structure to support his vision: the imperative power of these basic human goods and vocational commitments is captured in the modes of responsibility. This grounds a new dimension of meaning: the challenge of cooperation in evil is not primarily about ‘what the law allows’, but ‘what my foundational faith commitment to God requires of me’. Here Grisez accurately reflects the positive trend in modern moral theology.

However, his focus on the wider implications of the principal agent’s act, and on whether the cooperator should accept those implications, makes Grisez’s theory vast and difficult to manage. This highlights a fundamental contradiction in his position: while Grisez has located cooperation within the context of personal vocation and Christian witness, he effectively emphasises only the Christian’s duty not to cooperate in evil. A Christian may cooperate only if none of the basic human goods are offended. His modes of responsibility notwithstanding, what Grisez does

\textsuperscript{195} Häring 1978, 6.
\textsuperscript{196} See Peschke 1986, 8.
not explore sufficiently is the possibility that, in view of the broader social implications of cooperation, the Christian may at times have a vocational duty to bring about some basic human goods precisely by cooperating in an evil - albeit only mediately, materially, remotely and contingently - and even though other basic human goods may be placed at risk.

Furthermore, Grisez’s ‘modes of responsibility’ are really a complex set of exclusions which must be applied in toto in order to arrive at a ‘remainder’ of allowable courses of action. The question one might pose is: given the complex structure of social and economic life today, and the plurality of values which come into play on many occasions, is it really possible in practice to analyse every situation in as much detail as Grisez demands? To put it more simply: in today’s complex world, is Grisez’s interpretation of cooperation any real improvement on the traditional principle?

It is significant that in developing his theory Grisez takes the standpoint of the philosopher he is, intent on covering every possibility and clarifying every shadow of uncertainty. His approach is overwhelmingly objective and logical, even magisterial. Alphonsus, in contrast, took the standpoint of the pastor he was: his concern was to offer authoritative and reliable advice which could be applied in practice by pastors in their daily dealings with ordinary people in concrete situations. The moral tradition generally followed Alphonsus, for good reason: the aim of moral theology in the life of the Church is to help ordinary people respond faithfully to God in the ‘messiness’ of daily life. Importantly, Vatican II’s agenda for the renewal of moral theology retained this practical orientation.

3.3.2 The Contribution of the Magisterium: Content

This point is developed eloquently by Pope John Paul II in his Apostolic Letter Spiritus domini. ‘On the Occasion of the Bicentenary of the Death of St Alphonsus M de Liguori.’ (1 August 1987). AAS 79(1987) 1365-1375.
As noted, the Congregation for the Doctrine of the Faith has made a great contribution in recent years to developing the content of the principle of cooperation. The fact that this development did not come through the successors of the manualists (such as Häring, Peschke and Grisez) is curious. It may be that modern moral texts are still infected with a remnant of the ‘manualist’ tradition which requires them to attempt to cover the entire field of moral theology. At a time when (as McCormick notes) moral theology is more concerned with methodological, fundamental and ecclesiological issues, this means that much of the energy for renewal is put more into foundational matters and less into specific moral problems such as cooperation.

This seems to be the case at least on the ‘macro’ level of moral texts. At the local level, of course, the modern moral theologian still grapples with the ‘messiness’ of life in the world and must offer appropriate advice to real people in real situations. The crucial contributions of the Congregation for the Doctrine of the Faith arose from exactly the same necessity. In this light the content of the Congregation’s interventions take on a particular hue: by implying that Catholic institutions may feel ‘constrained’ in individual cases to cooperate mediately and materially in an evil, the Congregation recognises the extreme difficulties often encountered by many individuals and institutions in the daily course of their Christian lives in the world.

This reveals an aspect of the authentic nature of renewal in moral theology: it evolves in response to the concrete needs of Christian persons seeking assistance in responding to the call of God in their lives. Certainly this was its meaning for the great pastor, Alphonsus, and whatever their shortcomings in preparing confessors, this was also the intention of the manuals. While it may not have figured as clearly at the time in the minds of the Council Fathers, the same desire underlies Vatican II’s call for renewal: that in the midst of the world they engage every day, moral theology should help the people of God to ‘bring forth fruit in charity for the life of the world’.  

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198 Optatam totius, 16.
This is also the significance of Häring’s insight into the role of the Christian person in the world, and the Congregation’s apparent position on the inevitability of cooperation. It is not the direction of moral theology which shapes the lives of God’s people, but the lives of God’s people which shapes the direction of moral theology.

3.3.3 The Contribution of the Moral Agent: Experience

Germain Grisez, in almost a ‘throw-away line’, hints at the unique and irreplaceable role of the moral agent in the whole process of moral decision making. The Christian person wishes to know what it is that God wills. Confronted with the possibility of cooperation in evil, he or she must weigh all reasons for and against cooperating, in the light of the integral human goods and his or her fundamental vocational commitments. However, even after much deliberation, it may be that no particular option seems imperative.

In rare cases the arguments for and against [cooperation] may be so well balanced that the perfectly prudent person would find them equally strong, so that either course would be morally acceptable . . .

In that case, one should discern. Assuming that one has already gathered the necessary information and aroused one’s feelings related to faith and relevant commitments of personal vocation, this discernment will not be difficult. At this final moment, though not a moment before, the conscientious person rightly sees the indication of God’s plan and will in what his or her better, Christian self feels comfortable with.\textsuperscript{199}

Two aspects of this comment merit attention. \textit{First}, it could be interpreted to mean that God has a single intelligible option in mind which it is the agent’s moral duty to discover. In this case, when the rational processes have failed to deliver moral certainty, one must ‘discern’ the one right answer God has in mind - presumably through prayer and contemplation, which seem here to be almost in the nature of a ‘last resort’.

But an alternative initial assumption leads to a different conclusion. It may be in some cases that, when one is faced with several apparently equally possible
options, God allows the moral agent to choose any of them with equal liberty. That is, in this case God may not have in mind a single ‘right’ option which one must simply discover, but instead chooses a different way to honour the freedom with which He has gifted each person. This is fitting, and certainly in line with the New Testament image of God as ‘Father’ and Christians as ‘adopted sons through Jesus Christ’.\footnote{DMQ, 889.} It reflects a more dignified and ‘elevated’ notion of sonship than one which demands only blind obedience to the single, certain, fixed and mysterious will of God. It also honours the dignity of human reason: while it may be imperfect and ultimately unable to attain the heights of God, reason is part of God’s gift to the human person and therefore is normally an adequate process by which to direct one’s moral actions.

Second, however, Grisez’s ‘solution’ - discernment - reconnects moral theology with the fundamental context of Christian moral decision-making. The Christian leads a moral life as a disciple learning to follow the Master. It is in prayer and contemplation, and in growing likeness to Christ, that one finds the heart of the moral life, because this is where the moral agent’s identity as Christian (‘man redeemed by Christ’) is grounded.\footnote{Ephesians 1:5; see also John 1:12; Romans 8:14-17; 1 John 3:1;} Practical knowledge of good and evil is had most profoundly by a kind of ‘connaturality’, a non-discursive ‘self-knowledge in God’, by which the agent knows ‘what God wants me to do’.\footnote{On the role of prayer and contemplation in the moral life, see Edmond Gerard Cullinan, \textit{Contemplation as the Basis of the Christian Life in St Thomas’s Treatise on the New Law.} Doctoral Dissertation. (Rome: Academia Alfonsiana, 1986).} By Christian moral discernment, which transcends mere rational analysis, the moral agent discovers not only the nature and extent of moral obligation (the options one ‘ought’ to pursue) but also the true nature of the liberty given by God: one is free to choose.

\footnote{Austin Fagothey SJ [\textit{Right and Reason: Ethics in Theory and Practice.} 4th edition. (St Louis: C V Mosby, 1967.)] describes ‘connatural knowledge’ as ‘nonconceptual, nonlogical, nondiscursive knowledge, rational in the sense that it is done by the reason or intellect, nonrational in the sense that it is not argumentative or demonstrative or scientific . . . We should not be disturbed at being unable to describe it more clearly; for it is the nature of prescientific knowledge to be obscure, unformulated, and unreflective.’ (52-53). He adds that knowledge by connaturality ‘is not immune from error and needs the criticism, correction, and development ethics can give it.’ (53). Chapter Five of the present work will make use of a similar theory of moral knowledge developed by Pinckaers in \textit{Sources}, 49-74.}
It is only prayerful discernment which enables the Christian to ‘bring forth fruit in charity for the life of the world’, because moral discernment necessarily demands attentiveness to the ‘life experience’ which the Christian brings to prayer. Those who listen to the Word of God openly and in union with the Church will certainly know that they are called to make moral choices which accord with and flow from that experience of the Word. But there is also a sense in which those who approach the Word do so through the mediation of their experiences of the world, experiences of good and evil, experiences of freedom and constraint, and experiences of apparently inescapable complicity in the sins of others. Consciously or not, the agent brings these experiences to the process of moral discernment; they mediate the Christian’s encounter with the Word, and the Word sheds His light on them. This occurs in the very person of the moral agent, who often thereby becomes acutely aware of new meanings, new imperatives and new solutions - or new dimensions of existing solutions. This awareness occurs in that ‘most secret core’ and ‘sanctuary’ of the person in which ‘he is alone with God whose voice echoes in his depths’. In its deepest meaning conscience is thus revealed primarily not as a place but as an encounter; not as a faculty but as a meeting of Word and experience which bears an imperative character.

The fourth chapter of the present work will examine some aspects of the Christian’s experience of apparently inescapable complicity in evil, and the attempts of some contemporary moralists to interpret this experience. The final chapter will attempt to describe a theological interpretation of institutional cooperation in evil, in line with the Church’s desire for a renewed moral theology.

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203 See Pinckaers, Sources, 322-323. This theme is developed in more detail below, at 5.1.3.
204 This bears out Fuchs’ insight into the primacy of ‘personal morality’ in the teaching of Vatican II. See Josef Fuchs SJ, ‘A Harmonisation’, 480-481.
205 Gaudium et spes, 16.