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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5.0 Introduction

The principle of legitimate cooperation exists because a basic truth has been perceived: on some occasions one is justified in cooperating with those who do evil, while on other occasions cooperation is not justified. A history of the principle uncovers data which are significant not only for this particular moral insight, but also for moral theology more generally.

The principle’s critical early phase of evolution (from Sanchez to Alphonsus) saw a substantial clarification of fundamental concepts, in particular the significance of moral causality: if a cooperator exercised no moral causality and held a sufficiently serious reason to act, he could not be held responsible for the principal agent’s evil deed. In the second phase (embracing virtually the entire manual tradition) the traditional metaphysics was employed in order to conceptualise and explain this basic insight: a cooperator’s action may be legitimate if it has its own legitimate moral object and is justified in the particular circumstances. Paradoxically, the achievement of this second phase seems to have complicated the agenda of the third phase (from Vatican II to the present day) which, without sacrificing the benefits of the traditional analysis, seeks to ground an understanding of legitimate cooperation in a broader theology of the Christian moral life.

It has been suggested that while the principle of material cooperation achieved a certain analytical clarity, it was rarely able to deliver absolutely definitive solutions in problematic situations. This is typified by the concept of ‘sufficiently serious reason’: every manualist knew the importance of holding a strong reason to cooperate, but none was able to strictly define ‘sufficiently serious’ beyond listing some of the variables to be considered. The strength of one’s reason to cooperate remains essentially a matter for individual assessment.
The history of the principle on one hand and its inherent limitations on the other prompt a number of observations on the nature of moral theology.

*First*, the principle of legitimate cooperation evolved because Christians, conscious that good is to be done and pursued and evil avoided, needed to *express* and *explain* a basic moral insight in a form suitable to guide moral deliberation.

The history of moral theology reveals that moral principles generally emerge from careful comparison of similar cases and identification of common features. The critical first step, however, is recognition that *morally right solutions have already been reached*, and this is grasped initially more by a non-conceptual ‘moral sense’ or ‘fontal knowledge’ than by any strictly logical deduction. It is only subsequently that comparison of similar cases identifies (that is, conceptualises and names) distinctive common features which may become the terms of a principle. Generally, then, a moral agent’s or moral community’s sense of moral rightness *precedes* its ability to conceptualise and explain the reason for that rightness.

But both this initial ‘fontal knowledge’ and the subsequent analytical reflection are conditioned to some extent by the world-view of the moral agent. On one hand a moral community strives to reach a degree of certainty about moral rightness which transcends subjective individual perceptions - what may be called ‘trans-subjective’ objectivity. But on the other hand, whether one refers to individual moral agents or to entire moral communities, one’s vision of what here and now is ‘to be done’ or ‘to be avoided’ depends on one’s moral world-view: that is, on one’s sense of what is, or at least ought to be, morally achievable or avoidable. As suggested earlier, this is a function of the moral agent’s fundamental stance in

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2 For a developed reflection on the nature of moral knowledge, and the relationship between its non-conceptual and conceptual aspects see Pinckaers, *The Sources of Christian Ethics*, especially 49-57.

regard to moral conflicts and their resolution: those who hold moral conflicts to be inevitable and those who hold that moral conflicts are avoidable will hold different views on what is morally permitted or required. It is not uncommon for both views, and many others on the spectrum between them, to co-exist in a single moral community.

Second, the history of the principle of legitimate cooperation demonstrates that while the evolution of principles obtains for some moral terms the status of objective definition (such as ‘intrinsically evil acts’), it also necessarily involves a good deal of subjective interpretation (such as ‘what constitutes a sufficiently serious reason’). This helps to explain why, having been identified as critical in the early stages of the evolution of the principle, these terms proved difficult to define with precision.

As the limitations inherent in an ‘objective’ metaphysical approach to morality have come into view, recent moral theology has developed a corresponding appreciation of the role of human experience. Central terms of the principle of legitimate cooperation (such as ‘intrinsically evil acts’ and ‘sufficiently serious reason’) demonstrate that both objective moral truth and subjective human experience play essential roles in balanced moral deliberation. On one hand, only reflection on subjective human experience enables one to ‘put words to’ one’s non-conceptual moral knowledge; it is precisely this reflection which converts the ‘world of immediacy’ into the ‘world mediated by meaning’.

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4 See above, 4.1.2.1. In the case of individual moral agents, another element shaping this worldview is the agent’s level of moral development or moral reasoning ability.

5 See Kenneth R Himes OFM, ‘The Contribution of Theology to Catholic Moral Theology’ in Charles E Curran, ed. Moral Theology: Challenges for the Future. Essays in Honour of Richard A McCormick SJ. (New York: Paulist, 1990) 48-73. At 56: ‘Objectivity in the world of meaning asks of us to wed sense data with intelligence and reason. Thus, to obtain moral meaning it is insufficient to rely upon the immediacy of sense data alone. Meaning comes to be in the encounter of the subject with the object of the world of immediacy. The criteria for an authentic encounter are the transcendental precepts: Be attentive! Be intelligent! Be reasonable! Be responsible! . . . What is being proposed is a more critical epistemological method that requires taking into account the role of the subject in discovering the meaning of the objective order. This way of thinking about the matter echoes Lonergan’s idea that “objectivity is simply the consequence of authentic subjectivity.”’ The reference is to Lonergan, Method in Theology, 265.
dialogue is to be meaningful, then the ‘world mediated by meaning’ requires a degree of objectivity about the meaning of such concepts as ‘good’ and ‘evil’.

Third, reflection on human experience also reveals the central role of ‘context’ in moral deliberation. The problem of legitimate cooperation is, in essence, the problem of one moral agent’s interaction with other moral agents in a pluralist society. The concrete and particular givens of that society are often central to the assessment of particular instances of cooperation, so it is not at all unreasonable to hold that an action which constitutes legitimate material cooperation in one set of circumstances may not be justifiable in a different set of circumstances. The difference, of course, is in the way that the particular circumstances which surround each instance impact upon its ‘adequate description’.

The concern for context finds an honoured place in the traditional metaphysics, which understood the need to appreciate the concrete circumstances surrounding an act; the same concern underlies Keenan’s insight into the importance of ‘particular assessment in particular instances’ of cooperation. But as noted, there is still a certain objectivity in moral knowledge which is ‘trans-subjective’ in nature. Therefore the pitfalls of moral solipsism or ‘situation ethics’ can be avoided by insisting on the objective meaning and value of both the original moral insight and the principle which seeks, however imperfectly, to express it. So the present movement toward a ‘person-centred’ moral theology need not necessarily entail any destructive individualism or relativism. If anything, some recent analysis of the principle of legitimate cooperation tends to highlight the fact that the moral agent is always essentially in relationship with the entire moral community, which would seem to guarantee a certain ‘trans-subjective’ objectivity.

Fourth, therefore, an adequate anthropology must go beyond overly simple or individualistic definitions of the human person, and embrace this essentially relational nature of the moral agent. After all, it can be argued that it is only through interaction with others that moral agents are able to express and constitute their identity as persons and as Christian.
The present study has noted that while individual moral agents and institutional moral agents share some attributes in common, they also differ markedly in many respects. It has been suggested that an institution’s corporate structure, its decision-making processes, its access to greater resources, and the ecclesial significance of its actions all seem to place it in a class apart from the individual moral agent.\textsuperscript{6} If (from the objective point of view) much depends on the circumstances and social context surrounding a particular instance of cooperation, likewise (from the subjective point of view) much depends on the specific identity, structure and deliberative processes of the particular institution. This is where the identity of the particular moral agent touches the very heart of moral deliberation - which, in the case of individual moral agents, is the essence of a person-centred moral theology.

In summary, this investigation into the principle of legitimate cooperation in evil has begun to reveal the significance of, and interaction between, (i) the moral community’s fundamental apprehension of moral truth, (ii) the prevailing ethos and world-view of the culture in which that moral community is located, and (iii) the world-view, identity and moral experience of the particular moral agent.

In this final chapter some of these themes are taken up and woven into a ‘theological background’ to the question of institutional cooperation. The inspiration for this lies in the Second Vatican Council’s call to a general renewal of moral theology. Elements of this renewal shed some light on traditional accounts of the principle of legitimate cooperation (5.1), but an underlying assumption here is that fidelity to the agenda of Vatican II must carry this discussion beyond the horizon of a philosophical (essentially metaphysical) ethics and into a truly theological vision of the moral life of Catholic institutions (5.2).

Throughout this chapter the ‘moral subject’ or ‘moral agent’ in focus is the Catholic institution, and specifically the Catholic hospital. There are undoubtedly differences between individual and institutional moral agents, but there are also

\textsuperscript{6} See 4.3.1 above.
sufficient similarities to draw an analogy between a Christian anthropology of the
human person on one hand, and the Christian identity of the Catholic institution on
the other. One aim of this chapter is to recast the moral life of Catholic institutions
against a theological - in particular a Christological and ecclesiological -
background. It will be suggested that the most significant distinguishing mark of the
institutional moral agent is the ecclesial meaning of its institutional acts.

In some senses what follows is a reflection on one possible interpretation of
‘sufficiently serious reason’. Notwithstanding Alphonsus Liguori’s achievement in
distinguishing the evil of cooperation per se (in de caritate) from the related question
of responsibility for the further effects of that evil (in de restitutione), subsequent
treatments generally persisted in interpreting ‘sufficiently serious reason’ as a
balancing of good and evil effects - a more or less consequentialist approach. This
chapter proposes a more fundamentally ontological and existential interpretation,
focussing less on ‘the effects of cooperation on others’ and more on ‘the meaning of
cooperation for the Catholic institution itself.’ It will be suggested that sometimes
an institution’s Catholic identity might justify mediate material cooperation in evil.

While the intention is to ground this possibility within a theology of moral
life, the present approach makes no claims to be either comprehensive or exclusive.
It is offered as a theological reflection, a tentative contribution to a much greater
project, rather than as a fully developed or definitive position. Neither does it aspire
to construct a complete theology of Christian moral life, but only to identify some of
its touchstones. It will have achieved its purpose if it prompts further reflection,
which in turn may shed light on this complex question in contemporary moral
theology.
5.1 Institutional Cooperation in a Renewed Moral Theology

5.1.1 Introduction: Terms of Renewal

The Second Vatican Council’s call for renewal in moral theology sketched only the broadest outline of what must be, inevitably, an intensely searching long-term project. This is to be no mere restoration of an ethics of law or rediscovery of a traditional ethics of virtue, but a radical refoundation. It is to be much more than a search for a new hermeneutic which would simply offer a re-interpretation of the traditional metaphysics. It must not only place moral theology in a new and more vital relationship with other theological disciplines, but must also bring new light to bear on questions which have, under traditional approaches, become only more complex and obscure. Its aim is that moral theology should ‘have a place as authentic theology’, and to that end it is to be deeply rooted in a truly Christian anthropology, in sacred Scripture, systematic theology, philosophy, pastoral practice and spirituality. It is to be a discrete theological discipline in its own right, yet it is also to be considered a part of

. . . a unified scheme of systematic theology . . . a part that concerns the process by which man, created in the likeness of God and redeemed by the grace of Christ, tends towards his full realisation, according to the demands of his divine calling, in the context of the economy of salvation historically realised in the Church.

The present study of legitimate cooperation has retraced the evolution of the principle and its current status in Catholic moral theology. This fifth and final chapter seeks to outline a theological interpretation of a Catholic institution’s legitimate cooperation in evil, an interpretation which is faithful not only to the

9 CCE, Future Priests, 97-101.
10 CCE, Future Priests, 97. The natural and human sciences also have a role to play: indeed, the data of these disciplines have the potential to help moral theology articulate the critical distinction between universal moral principles and concrete moral decision-making: ‘. . . they can throw much light on the situation and on the behaviour of man, encouraging research, revision, the profound understanding of doctrine which lies between the sure and certain principles of reason and faith, and their application to the concrete facts of life.’ CCE, Future Priests, 99. For a fuller discussion of the Council’s agenda of renewal, see Pinckaers, Sources, xvii-xxi and 298-305.
moral tradition but also to the Council’s call to renewal. The last section of this chapter will revisit the Bunbury case in light of this theological interpretation, but it is necessary first to elaborate this view by outlining five themes which reflect Vatican II’s agenda for the renewal of moral theology:

- **First** (5.1.2), a *theological vision of the moral agent as human person*. A renewed moral theology calls not merely for a philosophical anthropology but for a genuine theology of the human person *‘created in the likeness of God and redeemed by the grace of Christ’.*\(^\text{11}\) The foundational analogy between the individual and the institution as moral agents permits certain conclusions to be drawn regarding a Catholic institution’s commitment and responsibilities to moral truth.

- **Second** (5.1.3), the *apprehension of moral truth*. The Church as moral community has a particular insight into moral truth because of its unique relationship with Jesus Christ, the Word made flesh who is himself Truth (John 14:6). The central question here is how the institutional moral agent apprehends this Truth, and how a relationship with Christ can ‘inform’ its moral decisions.

- **Third** (5.1.4), a vision of the *meaning of moral actions*. A Catholic institution shares the individual Christian’s obligation to *‘bring forth fruit in charity for the life of the world’.*\(^\text{12}\) Institutional moral actions take on particular meaning when viewed in the context of a fundamentally sacramental Christology, and an ecclesiology which recognises in the life of the Church both God’s invitation and humanity’s response.

- **Fourth** (5.1.5), *continuity with the Catholic moral tradition* within which the principle of cooperation emerged and evolved to its present standing. A theological ‘re-visioning’ of the principle of legitimate cooperation must stand in continuity with the wisdom of the tradition or risk radical disconnection from its own roots.

\(^{11}\) CCE, *Future Priests*, 97.
• Fifth and finally (5.1.6), the relationship between action and identity. This interpretation of the relationship between an institution’s ecclesial identity and the moral significance of its actions requires an explanation of the ‘mechanism’ which connects the two. An appropriate mechanism can be found squarely within the Church’s moral tradition, in the theory of virtue.

This is an enormous undertaking. The following observations aim only to outline some key themes and lay general foundations.

5.1.2 The Human Person

At the heart of Vatican II’s vision of a renewed moral theology is the person of the moral agent, created in God’s image and likeness and redeemed by Christ. A genuine theology of moral life will affirm the essential unity of the moral agent’s faith and action, since there is an intrinsic relationship between the person of the moral agent and his moral behaviour: it is by deliberate actions that the moral agent both expresses and constructs his identity. This insight requires investigation.

On the question of the regulation of births, the Vatican Council reminds the Church that subjective elements of moral deliberation (good intention, evaluation of

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12 Optatam totius, 16.
13 See CCE, Future Priests, 97. Moral theology is ‘a reflection concerned with ‘morality’, with the good and evil of human acts and of the person who performs them’ (Veritatis splendor, 29). Indeed the Council’s great Pastoral Constitution on the Church in the Modern World Gaudium et spes (7 December 1965) dwells at length on the nature and dignity of the human person in nn. 12-19.
14 See for example Veritatis splendor, 71: ‘Human acts are moral acts because they express and determine the goodness or evil of the individual who performs them. They do not produce a change merely in the state of affairs outside of man but, to the extent that they are deliberate choices, they give moral definition to the very person who performs them, determining his profound spiritual traits.’ It was also noted above (3.1.4.2) that Germain Grisez insists upon the importance of choosing, precisely as such, because it is in choosing that the moral agent first and most responsibly honours (or dishonours) both that integral human fulfilment which he shares with all moral agents and his personal vocational commitments. It is in the elicited acts which precede and accompanying the imperated acts that ‘one establishes one’s existential identity by settling one’s personal priorities among the goods on which the choice bears.’ CMP, 240.
motives) are not sufficient in themselves to lead the agent to moral truth.\textsuperscript{15} Rather, ‘the objective criteria must be used, criteria drawn from the nature of the human person and human action’.\textsuperscript{16} Louis Janssens holds that the official commentary on \textit{Gaudium et spes} makes two important points: first, by insisting that objective criteria can be drawn from ‘the nature of the human person and human action’ the Council teaches that human acts cannot be considered solely from the point of view of an abstract metaphysics but must be referred back to ‘the human person integrally and adequately considered’; and second, this criterion for assessing moral actions is to be considered a ‘general principle’.\textsuperscript{17}

It is clear, then, why a truly Christian anthropology must stand at the centre of a renewed moral theology. If the fullest meaning of moral actions is to be found only with reference to the authentic nature of the one who acts, then moral theology must develop an ‘integral and adequate’ vision of the human person. This is the essence of the ‘personalism’ which Catholic theology has sought to elaborate in recent years.\textsuperscript{18} The next question is: of the many dimensions of the human person, which should be included in an integral and adequate vision of the moral agent? If moral reasoning must deal with ‘the whole range of feeling, perceiving, valuing that each individual has come to experience’,\textsuperscript{19} then the horizons of personalism would seem very wide indeed.\textsuperscript{20}

\textsuperscript{16} \textit{Gaudium et spes}, 51.

It will be noted that this approach is more or less implicit in the ethical theory of Thomas Aquinas, who insists that actions must be understood according to their ‘form conceived by reason’ (\textit{materia circa quam}) rather than their natural or physical form (\textit{materia ex qua}) - ST I-II 18, 2 ad 2. See also 2.1.2 above: the moral object of an action is ‘that moral matter which the act aims to attain or with which the act deals - the materia circa quam, the ‘intelligible subject matter upon which the will’s act of choice bears’, which is the ‘intentional object’; not the physical form, but the ‘form conceived by reason’.

\textsuperscript{19} Himes, ‘The Contribution of Theology’, 55.
\textsuperscript{20} Janssens (‘Personalism’, 94) discerns eight essential dimensions of the human person:
Three aspects of human personhood seem particularly pertinent to the present discussion:

• the human person is created and graced by God and redeemed by Christ,
• the human person is free and self-determining, playing an active role in coming to knowledge of objective moral truth, and
• the human person is relational, being essentially directed towards others.

*First:* it is a fundamental datum of Christian faith that human beings are created in the image and likeness of God (Genesis 1:27). ‘Creation by God’ relates the human person in essence to the whole of created reality while, on the other hand, ‘being in God’s image and likeness’ is the principle of uniqueness which distinguishes humanity from the rest of creation. In the Christian understanding, furthermore, the proper moral subject is not simply ‘man’ but ‘man redeemed by Christ’, and ‘redemption’ means that humanity has ‘the possibility of realising the entire truth of our being’.21

It is by the saving action of Christ that the human person possesses this possibility, but it is only in responding personally to God in

21 Pope John Paul II, ‘Address to Priests Participating in a Seminar on ‘Responsible Parenthood’.’ L’Osservatore Romano 14(828) 2 April 1984. 7+16. See also Veritatis splendor, 38-39. Edward Schillebeeckx OP eloquently states the significance of being created by God: ‘The dogma of creation (supported by our own experience of our contingency) informs us that, in spite of his bodiliness and his essential involvement in this world, man comes from the hand of God as a person and therefore under all aspects possesses an immediate relationship to God which calls him forth as a person - a situated freedom - into existence. Man belongs ‘first’ to God and only secondly to himself. He exists for God. This is his metaphysical and moral significance. The relationship with God is not something added, it is constitutive of man.’ Edward Schillebeeckx OP, God and Man. (London: Sheed and Ward, 1969) 215.
Christ that the moral agent realises or actuates that possibility. So it is that a human being both ‘expresses’ and ‘constructs’ his identity: his deliberate moral actions represent his response to God’s redemptive initiative, and it is by them that he realises the possibility of becoming all that God has created him to be.

The human person’s origin and destiny in God is therefore:

- the basis of human freedom: by his deliberate actions the moral agent chooses to form himself more fully or less fully in the image and likeness of God;
- the basis of moral responsibility: one takes most responsibility for one’s own identity when one is ‘moved and drawn in a personal way from within’ to express one’s response to God through moral actions;
- the basis of moral rightness: the moral worth of a person’s actions is defined in terms of that which ‘strengthens, develops and consolidates within himself his likeness to God’.

Second: the full meaning of moral actions is found only in reference to personhood. The individual moral agent does not determine what constitutes good or evil in moral action, but rather discovers it in the very nature of God and in his own nature created in God’s image and likeness. This is the essence of natural law:

At this point the true meaning of the natural law can be understood: it refers to man’s proper and primordial nature, the ‘nature of the human person’, which is the person himself in the unity of soul and body, in the unity of his spiritual and biological inclinations and of all the other specific characteristics necessary for the pursuit of his end.

So the moral agent’s apprehension of moral truth is also a question of self-knowledge. But this knowledge is not a given, to be received passively: it must be sought actively, particularly if one is to be responsible not only for the content of

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22 Hence the Australian Catholic Bishops’ Conference describes redemption in this way: ‘Redemption means that the dominance of human limitations and failings has been broken. This was achieved for all who follow him when Jesus broke the power of the greatest of all human limitations, death itself.’ See The Word Dwells Among Us. (Melbourne: Collins Dove, 1990) 7.
23 See Gaudium et Spes, 17; Veritatis splendor, 34.
24 Gaudium et spes, 17.
25 Veritatis splendor, 39.
26 Veritatis splendor, 50. Emphasis original. See also the following section.
one’s moral choices but also for the quality of inner motivation which prompts those choices.

The quest for moral truth leads one beyond the immediacy of sense perception and into the realm of ‘meaning’. Thomas hints at this in his understanding of ‘moral object’ in terms of the act’s ‘form conceived by reason’, and it is upon this insight that Bernard Lonergan built his theological epistemology: knowledge of the real nature of things, of their meaning beyond their outward appearances, requires active attention, intelligence, reasonableness and responsibility. This activity occurs most profoundly when the moral agent confronts particular concrete situations which call for a considered response. At the heart of natural law theory is an understanding that universal and objective moral truth ‘stands behind’ every particular moral choice, awaiting realisation by the attentive, intelligent, reasonable, responsible moral agent.

Thirdly: it is this realisation which leads to ‘trans-subjective’ moral objectivity. The meaning of moral experience is known to be objective when it is grasped deeply and personally by moral agents in a manner which transcends their individual subjectivity:

It is manifested as an exigency of truth, which informs and governs the desire for good, at the source of the action, in choice and decision. It is at the very heart of personal action that our guiding light touches us, especially on the level of prudential judgment. This objectivity will be the work of the practical reason penetrating our free will. It will be the truth of goodness. Such objectivity can be called ‘trans-subjective’, for truth and goodness move moral persons to go beyond themselves and overcome the singularities that stand in their way. They provide the only solid basis for moral communion and collaboration.

27 See *Gaudium et spes*, 15.
28 See ST I-II 18, 10; and 2.1.2 above.
29 See Lonergan, *Method in Theology*, 53: ‘Progress proceeds from originating value, from subjects being their true selves by observing the transcendental precepts, Be attentive, Be intelligent, Be reasonable, Be responsible. Being attentive includes attention to human affairs. Being intelligent includes a grasp of hitherto unnoticed or unrealised possibilities. Being reasonable includes the rejection of what probably would not work but also the acknowledgment of what probably would. Being responsible includes basing one’s decisions and choices on an unbiased evaluation of short-term and long-term costs and benefits to oneself, to one’s group, to other groups.’

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An individual moral agent grasps the truth of his personal moral experience, and in so doing uncovers two facts: *first*, that there remains an unbridgeable ‘gap’ between the experience itself and the ability to conceptualise and communicate it; and *second*, that other moral agents have their own moral experience of the same truth. In the former is recognised the incomunicable uniqueness of moral experience that grounds a responsibility which is truly personal, for fidelity to this moral truth constitutes fidelity to one’s very self. In the latter is identified the essential objectivity of the truth encountered in that experience: ‘the more profound the personal truth . . . the deeper [its] resonance and the wider [its] audience’.\(^{31}\)

For example, a moral agent recognises that a central aspect of Christian identity is ‘love of neighbour’ (see Mt 5:43-48). This is actively expressed when one actually seeks to do good for another; at the same time, it is by doing so that the Christian actually becomes what God has called him to be. But it is only in making this choice and in acting this way that one uncovers the essential moral truth which stands behind the command to love - the Truth expressed uniquely and completely in Jesus Christ. As the attentive moral agent recognises the presence of Christ the Truth in and through his moral choices, he recognises also his own authentic Christian identity. Choosing to love one’s neighbour is, therefore, choosing to conform oneself more fully to the image and likeness of God in which one is created, and this reveals one’s own authentic identity. Finally, the relationship between moral truth, Christian identity and moral choosing is not individual but ecclesial: the attentive moral agent recognises that growing conformity to Christ necessarily draws one more deeply into the life of the Christian community.

So it is that the moral agent not only plays an active role in coming to know moral truth, but does so only in communion with other moral agents. The human person is *an essentially relational moral subject*. It is this characteristic which also allows the human person to be an *object* in morality:

In moral theory the object stands over against the acting subject (*objectum*, placed in front of) as a determining element of the

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\(^{30}\) Pinckaers, *Sources*, 65-66.  
\(^{31}\) Pinckaers, *Sources*, 66.
subject’s knowledge and action. The object, being known, awakens love and desire, elicits respect, wins friendship, and initiates relationships of justice and truth. Thus understood, the object can obviously be a person, recognised as such. I can talk about the object of my love, my hope, or my faith. This is what Christ is for Christians, married spouses for each other. In fact, human persons are the chief object of moral theory, for only in the context of persons can we conceive of morality at all.32

If ‘human persons are the chief object of moral theory’, then the problem of cooperation in evil cannot adequately be cast solely in terms of the outward actions of principal agent and cooperator. In some sense the personhood of the moral agent must be central to the equation. It has already been argued that it is insufficient to use vague terms like ‘cooperation with persons’ or ‘the dignity of personal conscience’ with little or no explanation.33 What is proposed here is more fundamental: the claim is that the personhood of the moral agent enters the assessment of cooperation not primarily as modifying the objective moral status of the cooperative act, but primarily in relation to the meaning of this particular action for this particular cooperator.

At its heart the problem of cooperation in evil is this: that an otherwise innocent action, which ordinarily ought not to be commissioned because it lends assistance to another in his evil design, may in a particular instance be legitimately commissioned if the cooperator holds a sufficiently strong reason for doing so. In this case, since it is not morally pre-determined, the cooperative action awaits final moral definition in the cooperator’s intention or reason for acting, and in the surrounding circumstances. Traditionally the justifying power of the cooperator’s reason depends upon factors such as the evilness of the principal agent’s deed, the proximity and necessity of the cooperation, and the evil effects which will result.34 But taking account of the personhood of the moral agent means that the cooperative act must also be assessed in relation to the person of the cooperator himself: whether and to what extent this instance of cooperation is consistent with the cooperator’s

32 Pinckaers, Sources, 67.
33 See above, 4.1.2.3 and 4.1.2.4.
34 See Alphonsus, de caritate 59.
core identity as a person created in the image and likeness of God and redeemed by Christ.

In a sense this is simply a re-statement of natural law theory, but it has two advantages over more traditional approaches to cooperation: it accounts for the acting person as well as for the action itself, and it relates the moral assessment of an action explicitly to the ultimate objective norm of morality, which is God. This view of moral agency is based in a truly theological anthropology which reveals that the most fundamental question for Christian moral behaviour is not ‘what am I to do?’ but ‘who am I called to become?’ Beyond the moral object of the action there lies the object of the moral agent, a finis beyond id quod est ad finem, and in its perfect form that finis is ever the same: to become all that God has created one to be. In a theological perspective, then, assessment of cooperative actions begins in one’s knowledge of self as a person created by God and redeemed by Christ, and terminates in a prudential judgment that fidelity to self demands fidelity to God, and vice versa.

5.1.3 The Apprehension of Moral Truth

Both questions - ‘what am I to do?’ and ‘who am I called to become?’ - are questions of moral truth: the former concerns truth in ‘doing’, the latter concerns truth in ‘being’. The relationship between human nature and human action is central to a Christian understanding of morality and provides ‘objective criteria’ which guide assessment of particular moral acts.\(^{35}\) The questions in this section are, ‘where is moral truth to be found?’ and ‘how is moral truth apprehended?’

As noted, traditional Catholic morality seeks moral truth in natural law. Grisez’s justifiable concern to resolve the so-called ‘naturalistic fallacy’ is symptomatic of the fact that some had come to see natural law theory as flawed by a kind of ‘biologism’ in which the data of ‘raw nature’ is supposed to provide criteria

\(^{35}\) Gaudium et spes, 51; Veritatis splendor, 71.
for moral judgment. This locates moral truth within nature, which reduces the order of morality to a mere reading of empirical phenomena. In this interpretation, moral truth is fully accessible because natural law theory rests on ‘pure - that is, non-religious - reason’.

But an authentic Christian understanding of morality holds that while moral truth ‘speaks’ to humanity through external phenomena, it is not located ‘in’ those phenomena. Historically, natural law theory is not rationalistic but genuinely theological:

... the philosophy of nature on which the scholastics drew in developing their concept of the natural law was itself motivated by specifically Christian concerns, and was developed in part through a process of scriptural interpretation. Moreover, natural philosophy in the twelfth and thirteenth centuries tended to see nature as an expression of divine, transcendent wisdom. For both these reasons, we cannot draw a sharp line between the philosophical and theological aspects of the scholastic concept of natural law; even its philosophical components are more theological than is generally realised.

Primarily, then, the Christian tradition of natural law locates moral truth in the mind and will of God, that Eternal Law which is ‘the ruling idea of things which exists in God as the effective sovereign of them all’. Natural law is ‘nothing other than the sharing in the Eternal Law by intelligent creatures’. The note of ‘intelligence’ is critical: as rational creatures, human beings participate in Eternal Law ‘intelligently and reasonably’, and not merely physically and biologically.

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36 This fallacy is addressed in Veritatis splendor, 46-50. See also the Congregation for the Doctrine of the Faith, Instruction Donum vitae. ‘On Respect for Human Life in its Origin and on the Dignity of Procreation.’ (22 February 1987). AAS 80(1988) 70-102. At 74 (Introduction n.3): ‘... this law cannot be thought of as simply a set of norms on the biological level; rather it must be defined as the rational order whereby man is called by the Creator to direct and regulate his life and actions ...’


38 Porter, Natural and Divine Law, 122.

39 ST I-II 91, 1.

40 ST I-II 91, 2.

41 ST I-II 91, 2 ad 3: ‘... etiam animalia irrationalia participant rationem aeternam suo modo, sicut et rationalis creatura. Sed quia rationalis creatura participat eam intellectualiter et rationaliter, ideo participatio legis aeterna in creatura rationalis propriam lex vocatur: nam lex est aliquid rationis ... In creatura autem irrationali non participatur rationaliter: unde non potest dici lex nisi per similitudinem.’
This takes natural law out of the world of immediacy and places it squarely in the realm of meaning: what is ‘moral’ in human acts relates not to the *materia ex qua* but to the *materia circa quam*, and the ‘reason’ which conceives the moral form of an act is not ‘pure’ reason but ‘*ratio recta*’.\(^42\) Natural law is known first and foremost as ‘*a reflection of the image of God within the human person*’;\(^43\) so moral truth is in some sense an essential characteristic of one created in God’s image and likeness.

But in order to provide practical guidance in the moral life, this truth in the human person’s ‘being’ demands specification in actual ‘doing’. Not surprisingly, then, the tradition also developed its concept of natural law from an interpretation of the Scriptures which provide both general and specific moral rules.

[Augustine] identifies the natural law with the Golden Rule and the Decalogue, a view which is also a patristic commonplace. The former, he says, is a basic moral norm that is known to all, and from this rule, it would theoretically be possible to derive at least the fundamental principles of morality. At the same time, given the pervasive effects of sin, our moral knowledge is at best limited and corrupt. For this reason, God has mercifully formulated the fundamental precepts of the natural law in the Mosaic law, particularly in the Decalogue. Hence, the latter can be considered to be a written formulation of the natural law.\(^44\)

Although the Scriptures also contain precepts which do not belong to natural law (such as the ceremonial precepts of the Old Law), the scholastics considered Scripture and nature as

. . . two complementary modes of access to God’s wisdom and God’s providential will for humanity. The knowledge of God and of God’s law provided through nature is bound to be incomplete and even corrupt; that is why it was necessary for the basic precepts of the natural law to be formulated anew through the Mosaic law. Nonetheless, there can be no fundamental contradiction between natural law and Scripture. These are two different yet mutually complementary ways in which God’s will is expressed to human beings.\(^45\)

\(^42\) See 2.1.2 above.
\(^43\) Porter (*Natural and Divine Law*, 126) traces this view to Augustine.
\(^44\) Porter, *Natural and Divine Law*, 127.
\(^45\) Porter, *Natural and Divine Law*, 132-133. Porter indicates that Thomas teaches the same in ST I-II 94, 4 ad 1. Her point seems to be that traditional natural law theory is both philosophical and theological in nature, but because the order of nature is itself grounded in God’s creative will, even a
It is not surprising then that, as Servais Pinckaers OP suggests, some moralists having come to treat moral theology from the viewpoint of commandments and obligations . . . are primarily interested in strictly normative texts and imperatives in the Scriptures.\textsuperscript{46} In this view the Scriptures are treated principally as a source of moral content, for the discovery of which the science of exegesis is an indispensable tool. Pinckaers rightly notes, however, that an overly scientific approach to the text would deny access to the Scriptures to all but the most expert of readers.\textsuperscript{47}

But the Vatican Council teaches that, because they are the primary locus of revelation for the Christian, the Scriptures are also ‘the principal source of Christian theology’.\textsuperscript{48} So while they do provide normative content, the Scriptures have much more to offer moral agents in their quest for moral truth: as Pinckaers argues, it is in a direct and personal reading of the Scriptures that the Christian pierces through the written word to encounter the ‘Word who is Life’.

Scripture does not merely offer human knowledge and experience, which the reader could reproduce with the aid of the text. Scripture is an instrument used by God to communicate with a human person, to manifest himself as a word spoken, and to produce in the reader’s inmost being the experience of an encounter with a Person who is unique. . . . This obviously calls for personal reading, comparable to an intimate conversation, where one’s first care is to listen.\textsuperscript{49}

This encounter is indeed personal and intimate, but it is ecclesial rather than merely individual for it occurs ‘under the guidance of the Church’s magisterium’:

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philosophical-rationalistic reading of natural law will find its fullest meaning only in relation to an essentially theological apprehension of the unity which exists between the origin and the destiny of all creation, including humanity.


\textsuperscript{47} Pinckaers, \textit{Sources}, 317: ‘Here again the question arises: must the scientific biblical exegete stand between the moral theologian on the one hand and the inspired author on the other, whether he be prophet or evangelist? Can nothing worthwhile be understood without him?’


\textsuperscript{49} Pinckaers, \textit{Sources}, 319.
Clearly this kind of reading is demanding, and cannot remain individual. The Word of God calls for meditation and prayer; it must be put into practice, and this is the principal key to profound, sapiential understanding. We may not isolate ourselves in our own personal interpretation. We must broaden our ideas by entering into a communion of mind and faith with the sacred authors and the entire Church. It is, therefore, an ecclesial reading, done in intimate union with the living tradition and the liturgy, that we must practice.\(^{50}\)

This approach to the Scriptures raises a number of important questions for moral theology in general, but two in particular bear directly on the present study.

*First*, Pinckaers is right to suggest that the moral value of the Scriptures does not stop at normative moral content, that ‘substantial’ or ‘ontological’ moral truth exists beyond the ‘wrappings’ of the text,\(^ {51}\) and that this moral truth may be found ‘through’ the text.\(^ {52}\) For moral truth is not primarily a datum to be understood, but a Person who is to be encountered.\(^ {53}\) Moral truth is found not primarily in the words on the page, but in the Word whom the writers had themselves encountered (1 John 1:1-3), the Word who is grace and truth (John 1:14). Consequently, the Christian grows in moral goodness not primarily by conforming his actions to the content of the written word, but primarily by conforming himself to the Word (John 14:23) and finding in that relationship a source of life (John 6:53-58). Here again one notes the essential connection between ‘being’ and ‘doing’ in the Christian moral life.

Moral theology must certainly attend to the scriptural texts and to particular passages which provide ‘moral content’ - the *strictly normative texts and imperatives.* But what Pinckaers suggests is both prior and subsequent to exegesis. In a direct and personal reading of the Scriptures one encounters the ultimate norm of morality, the creating and redeeming God in whom one finds an answer to the basic

\(^{50}\) Pinckaers, *Sources*, 322.

\(^{51}\) Pinckaers, *Sources*, 317.

\(^{52}\) Pinckaers, *Sources*, 318-319.

\(^{53}\) See Pope John Paul II, Apostolic Exhortation *Catechesi tradendae. Catechesis in Our Time.* (16 October 1979). AAS 71(1979) 1277-1340, n.5: ‘... at the heart of catechesis we find, in essence, a Person, the Person of Jesus of Nazareth, ‘the only Son from the Father ... full of grace and truth’ (Jn 1:14), who suffered and died for us and who now, after rising, is living with us forever. It is Jesus who is ‘the way, the truth, and the life’ (Jn 14:6), and Christian living consists in following Christ, the sequela Christi.’
moral question: ‘who am I to become?’ The written text is logically and chronologically secondary to the Church’s experience of Christ himself, the incarnate Word of God who as it were stands ‘behind’ and ‘within’ the written word. The encounter takes place in the innermost core of the Christian person and is the heart of Christian moral experience, for Christ is that Truth who awaits discovery by the attentive moral agent, the living God who is experienced in ‘the depths of human reality . . . within the trauma of conversion’. The moral agent’s role in discovering moral truth is not passive but active: the Word is accessible only to those who personally take up the Scriptures for direct and active reading.

Secondly, this encounter with the Word provides a fundamental motivation for particular moral choices. The encounter with Christ does not leave the moral agent unaffected but demands a personal response, so particular moral choices are no longer a matter of ‘what am I to do’ but ‘who am I to become because of this encounter’. Christ’s invitation to ‘follow me’ is an invitation to ‘become Christ’ or to ‘put on Christ’ - not merely in one’s external actions but, through them, in the depths of one’s very being and identity. In the ‘trauma of conversion’ the Christian’s choice to become more fully the image and likeness of God is a choice to be converted more and more into the Christ he has encountered. The Christian’s choice to ‘follow Christ’ by loving one’s neighbour as Christ commands (John 15:12) is a choice to conform oneself, or to be converted more and more, to the image and likeness of the Christ one experiences in and through the Sacred Scriptures.

This encounter with the Word, this invitation to become Christ more and more, occurs in the context of the ecclesial community. Therefore the moral actions of Catholic institutions find their fullest meaning only in the context of the nature and mission of Christ and of the Church.

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54 Pinckaers, Sources, 323.
55 Pinckaers, Sources, 321.
57 St Augustine, In evangelium Johannis Tr. 21, 8 (PL 35, 1568): ‘non solum nos Christianos factos esse, sed Christum. Intelligitis, fratres, gratiam Dei super nos capitis? . . . Christus factus sumus.’
58 Romans 13:14; 1 Corinthians 2:16.
5.1.4 The Meaning of Moral Actions

Just as the Scriptures are intended not merely to communicate moral content but to mediate an encounter with the Person of the Word, Christian theology has a vastly more noble and expansive task than merely to articulate the data of faith. At its inception the Second Vatican Council was reminded that the Church’s teaching office - and, it is suggested, a fortiori theology itself - is ‘predominantly pastoral in character’.\(^{59}\) Christian theology aims to enable individuals and the Church as a whole to give ‘an accounting for the hope that is in you’\(^{60}\) and so to make a more conscious and complete response to Christ in the concrete particulars of life in the world.

The problem of cooperation in evil constitutes a challenge to Christian identity because it requires a moral agent to discern whether cooperation will enable one to ‘bring forth fruit in charity for the life of the world’ - that is, whether cooperation will promote or diminish one’s likeness to Christ.\(^{61}\) This challenge has an essentially theological aspect since, for the Christian, the basic moral question ‘who am I to become?’ is a theological question.\(^{62}\) To put it another way: if, in the matter of legitimate cooperation, questions such as the moral status of the cooperative act and the definition of ‘sufficiently serious reason’ lie in the ethical foreground, then questions of ‘being a follower of Christ’, ‘realising one’s Christian

\(^{59}\) Pope John XXIII, ‘Opening Address to the Second Vatican Council.’ (11 October 1962) in Walter Abbott SJ, ed. The Documents of Vatican II. (London: Geoffrey Chapman, 1967) 710-719. At 715: ‘The substance of the ancient doctrine of the deposit of faith is one thing, and the way in which it is presented is another. And it is the latter that must be taken into great consideration with patience if necessary, everything being measured in the forms and proportions of a magisterium which is predominantly pastoral in character.’

\(^{60}\) 1 Peter 3:15 (New Revised Standard Version).

\(^{61}\) It is important to note that ‘fruit’ here could never refer to the evil effects of the principal agent’s action: by definition, an evil action can never be motivated by true charity. But realisation of the cooperator’s Christian identity might well be considered among the ‘fruit’ brought forth by the cooperator ‘in charity, for the life of the world’.

\(^{62}\) This is evident even in the traditional metaphysics of human action: Thomas argues that every being acts for an end, and all truly human acts have but one end, namely God (ST I-II 1, 1 and 8). Likewise in more recent moral theology: not only do Germain Grisez’s basic human goods include ‘religion or holiness, which is harmony with God’ (CMP, 124), but his other criterion for right moral choosing - personal vocational commitments - obviously encompasses the Christian’s sense of being called to follow Christ.
identity’, and ‘bringing forth fruit in charity’ constitute a theological horizon. The following brief comments on Christology and ecclesiology aim to sketch only an outline of this background.

Transcendental Thomism offers a starting point, in its concept of the essentially symbolic structure of being. So as to ‘be’ in the order of reality a being must express itself in some way. This self-expression symbolises the ‘being-in-itself’ and makes it real, and yet is distinguishable from it. This structure of self-expression has two important implications.

First, since symbols operate by a process of mediation, the medium itself is of crucial significance: the medium is the very self-expression of the being which reveals itself. This sense of the medium assumes particular significance within the theological horizon of ‘Revelation’, the fact that God communicates the divine presence to humanity.

If God desires to be present to human beings, God’s presence must create a symbolic expression for itself in order that it can be ‘real’ for human beings, since the complete disparity between God and the human makes an unmediated presence and communication of God impossible. Thus in this case ‘symbolic expression’ means that God, in order to reach human beings, to be given or uttered to them, is present in a created medium that retains its created uniqueness, but is transparent to an interpretive recognition of God.

Second, in consequence, the concept of ‘personal communication’ takes on a specific meaning: the mutual self-expression of personal subjects constitutes not just a dynamic of ‘self-revelation’ or mediated dialogue, but a more fundamentally intimate encounter between the subjects themselves.

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63 Karl Rahner (d. 1984) pointed out in a fundamental essay that in the strict and proper sense a symbol is never a mere pointer, but is always a “real symbol”. This is based on the philosophical consideration that all being necessarily creates its own “expression”, in order to come to itself, to discover its own being. This means that all being is necessarily “symbolic”. A being realises itself by expressing itself. To put it another way: a symbol is effective because it brings a being to reality. That is what is meant by “real symbol”: a genuine symbol does what it symbolises. . . . Anyone who has understood the essential character of symbolism cannot play off the “merely symbolic” against the “real”.” – Herbert Vorgrimler, Sacramental Theology. Translated by Linda M Maloney. (Collegeville, Minn.: Liturgical Press, 1992) 10.

64 Vorgrimler, Sacramental Theology, 10.

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A turning toward this medium does not imply ordinary growth in knowledge or information; instead, it is a self-opening of the human person for God’s self-communication, an opening that is not the autonomous work of the human person, but is caused by the prevenient grace of God. Thus it is in this turn to this medium that the person becomes conscious of the most intimate nearness of God; it is here that revelation occurs.65

These two points shed light on the unique meaning of the Incarnation, that union of the human and the divine in Jesus Christ who is the medium par excellence of God’s self-communication.66

As God, Jesus Christ is the (self-)Revelation of the Father to humanity in and through the Word-made-flesh;67 while as human, Jesus Christ freely responds fully and in complete obedience to the will of God.68 In his entire being - ‘his words and deeds, his silences and sufferings, indeed his manner of being and speaking’69 - Jesus Christ is the real symbol of God, in himself both containing and conveying the presence and invitation of God to mankind. At the same time, in his entire being, Jesus Christ offers mankind’s fullest and most perfect response to that invitation, even to accepting death on the Cross in fidelity to the Father’s will. In his own person and in every aspect of his life, then, Jesus Christ typifies the particular dialogical symbolism which the Christian community identifies as ‘sacramental’. Jesus Christ is the sacrament of salvation.70

The sacramental structure of the Incarnation highlights three points of significance for the present discussion on cooperation in evil:

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65 Vorgrimler, Sacramental Theology, 10-11. This structure describes the Christian’s personal encounter with the Eternal Word in and through the Scriptures.
66 See CCC 464-469, summarising the teachings of the Councils of Nicea I (325), Ephesus (431), Chalcedon (451), and Constantinople II (553).
67 CCC 456-460 and 516.
68 CCC 475, citing Constantinople III (681).
69 CCC 516.
• First: the fact of the Incarnation teaches that human experience cannot be neatly separated into spheres of ‘sacred’ and ‘profane’. God’s complete self-realisation in Jesus takes place in a realm marked by evil and sin - indeed, it takes place because of evil and sin. If God did not flee the profane but sought in Jesus to bring to it the divine saving presence, then neither must the Christian person - or, it will be suggested, the Catholic institution - flee the challenge of evil. Far from divorcing oneself from the realm of evil and sin, the individual Christian and the Catholic institution must be present and active within that world. The moral agent, therefore, not only recognises that the challenge of cooperation in evil is virtually unavoidable, but accepts that positive engagement in and with the realm of evil and sin is an aspect of Christian identity.

• Second, Jesus Christ, the sacrament of salvation, communicates God’s presence in this realm precisely in order to redeem it. Even personally culpable evil - not merely ‘malum’ but also ‘peccatum’ and even ‘culpa’ - can be redeemed through God’s salvific will realised in the life, death and resurrection of Jesus. The ‘message about the Cross’ is essentially a message that God’s nearness can be obscured by evil and sin, but not destroyed by them - indeed, the resurrection reveals God’s triumph over them. The Christian cooperator may be assured, then, that even those who do evil in the world can be redeemed if and when they respond to the God who communicates himself to them.

• Third, the sacramentality of Christ is not restricted to the historical Jesus or the Risen Lord, but by the power of the Holy Spirit extends to the whole Body of Christ in history. The Church, in Christ, is ‘in the nature of sacrament - a sign and instrument, that is, of communion with God and of unity among all men’; it is ‘the instrument for the salvation of all; as the light of the world and the salt of

71 Vorgrimler, Sacramental Theology, 17-18: ‘First, a separation of reality into sacred and profane realms is impossible within Christian faith. A sacred realm (i.e., related to the ‘sacrum’, the ‘holy’) would absorb people and things that are removed from the ‘profane’ and are ordered exclusively to God, reserved to God, and close to God alone. In contrast, the incarnation of God in Jesus of Nazareth affirms that the realm in which God comes to human beings, communicating God’s own self and remaining with them, is not removed from the world, no matter how depraved that world may seem to us to be. Christian separation from the evil in this world thus does not express itself in the creation of a sacred space, and the religious realisation of Christianity cannot consist in sacred actions [only].’

72 1 Corinthians 1:18 (New Revised Standard Version).

73 See Vorgrimler, Sacramental Theology, 18.
the earth (cf Mt 5:13-16) it is sent forth into the whole world’; it is ‘the universal sacrament of salvation’. The Church itself is sacrament, the medium of God’s self-communication in the world, because it is the Body of Christ.

If Christ is the sacrament of God, the Church is for us the sacrament of Christ; she represents him, in the full and ancient meaning of the term, she really makes him present. She not only carries on his work, but she is his very continuation, in a sense far more real than that in which it can be said that any human institution is its founder’s continuation.

The Church, the community of believers, is the Body of Christ present in the world for the salvation of the world - ‘to bring forth fruit in charity for the life of the world’. Jesus continues to proclaim the Gospel of salvation to the present age in and through the life of the community of Christians. They make Christ present in the world, just as Jesus makes the Father present in the world. Jesus Christ is the sacrament of God, and the Church is the sacrament of Christ.

For the purposes of the present study on cooperation in evil it is possible to distinguish two aspects of ‘sacramentality’. The reference point for the first, which might be called the ‘ontological’ aspect, is the sacramental symbol itself: in the case of Jesus Christ, in himself and for himself Jesus is the sacrament of God.

74 Second Vatican Ecumenical Council, Dogmatic Constitution on the Church Lumen gentium. (21 November 1964), 1; Gaudium et spes, 42.
75 Lumen gentium, 9.
76 Lumen gentium, 48; Gaudium et spes, 45; Decree on the Church’s Missionary Activity Ad gentes. (7 December 1965), 1 and 5.
77 Henri de Lubac, Catholicism. (London: Burns, Oates and Washbourne, 1950) 29, cited in Dulles, Models of the Church, 63. At 63-64 Dulles notes that the notion of ‘church as sacrament’ has origins in Cyprian, Augustine, Aquinas and Scheeben, was developed by de Lubac, and further taken up by Rahner, Semmelroth, Schillebeeckx, Smulders, Congar, Groot, and Martelet. For a short history of the concept see also Vorgrimler, Sacramental Theology, 32-40.
78 Optatam totius, 16.
79 See Jörg Splett, ‘Symbol’ in Karl Rahner SJ, ed. Encyclopedia of Theology: The Concise Sacramentum Mundi. (New York: Seabury, 1975) 1654-1657. Splett (following Hegel and Fichte) suggests that the notion of ‘symbol’ necessarily includes the concept of ‘self-communication to another’ in such a way that it makes little sense to speak of a ‘symbol for its own sake’ - or, as here, to speak of Jesus Christ as a sacrament of God in himself. See Splett, ‘Symbol’, 1655. Nevertheless the Church’s traditional theology of sacrament seems to include some such distinction, by which it is possible to speak both of a sacrament existing in itself by virtue of being properly confected (which is a distinguishing mark of the seven sacraments), and also of a sacrament effectively conveying (communicating) to another the grace (reality) it contains (symbolises). See for example CCC 1128: ‘From the moment that a sacrament is celebrated in accordance with the intention of the Church, the power of Christ and his Spirit acts in and through it, independently of the personal holiness of the
reference point for the second aspect, which might be called ‘existential’, is the community among whom and for whom the symbol mediates the self-communication of the other: in the case of Jesus Christ, among his disciples and for the life of the world Jesus is the sacrament of God.\(^80\)

A sacrament is not a static but a dynamic reality, having ‘an event character’ because it is a true symbol of God’s presence and action in the world.\(^81\) This is of enormous importance for the Church.

The Church becomes Church insofar as the grace of Christ, operative within it, achieves historical tangibility through the actions of the Church as such.

The Church becomes an actual event of grace when it appears most concretely as a sacrament - that is, in the actions of the Church as such whereby men are bound together in grace by a visible expression. The more widely and intensely the faithful participate in this corporate action of the Church, the more the Church achieves itself.\(^82\)

This suggests two points: first, to some extent at least, the ‘sacramentality’ of the Church subsists in, or coexists with, the lives of the individual Christians who make up the Church; and second, it is by means of its own corporate action in the world that the Church ‘achieves itself’ or realises its identity as sacrament.

**First**: through baptism the individual Christian ‘becomes Christ’ or ‘puts on Christ’; through confirmation and Eucharist this Christian identity is uniquely nourished and strengthened; but it is through personal vocational commitments and moral choices, through engagement with the world and taking responsible action

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80 To cast it in Johannine terms: ontologically, Jesus Christ is the sacrament of God in himself and continued to be so even though ‘the world did not know him’ and ‘his own people did not accept him’ (John 1:10-11); existentially, Jesus Christ is the sacrament of God actually encountered and received by ‘all who did accept him’, those to whom ‘he gave the power to become children of God’ (John 1:12). Not everyone who saw Jesus recognised in him the presence and self-communication of God, but only those who ‘saw his glory, the glory that is his as the only Son of the Father, full of grace and truth’ (John 1:14). What initially distinguished the Christian community from the rest of humanity, then, is their ‘turning-to-the-medium’ of God’s self-revelation precisely as such, and their radical self-opening to the God whom they encounter in Christ. What ultimately distinguishes the Christian community from the rest of humanity, however, is that it is constituted ‘sacrament of Christ’.


therein, that the individual Christian concrely ‘real-ises’ that identity. By baptism the individual Christian ‘is configured to Christ’ in a more or less ontological sense, but it is by taking action in the world the Christian ‘makes Christ present’ for the life of the world, realising his Christian identity existentially.

Second: with regard to the ontological aspect of its corporate sacramentality, the Church is most fully ‘sacrament of God’ when the community of believers actually gathers in order to be the Body of Christ, active in and for itself in its own liturgy - most especially in Eucharist. With regard to the existential aspect of its sacramentality, however, the Body of Christ must be active well beyond the boundaries of its own membership. Individually and corporately, Christians must take action in the world, doing that which Christ established the Church to do in order to become in fact that which Christ established the Church to be - the continuing presence in history of God’s offer of salvation in Christ.

83 CCC 1272.
84 See Dulles, Models of the Church, 70: ‘The Eucharist is indivisibly Christological and ecclesiological. In its Christological aspect it actualises in a palpable way the presence of the Redeemer with the congregation of those who look to him in love and trust. In its ecclesiological aspect the Eucharist celebrates and solidifies the union of the faithful with one another about the holy table. Inasmuch as the celebration of the Eucharist is the sacramental anticipation of the heavenly marriage banquet, the final, eternal form of the community of the saints shines forth even now in this solemnity, just as the source of the Church, Christ’s own sacrifice, is present in it.’

In this regard the Second Vatican Council provides two key points of reference: the Church’s role as the ‘soul of human society’, and its missionary nature. The relevant documents are the Pastoral Constitution on the Church in the Modern World Gaudium et spes. (7 December 1965), and the Decree on the Church’s Missionary Activity Ad gentes. (7 December 1965).

First, the Second Vatican Council held not just the coexistence but indeed the compenetration of the earthly and the divine: see especially Gaudium et spes, 40. This compenetration means that while its mission is truly religious rather than political or social, the Church ‘is able, and indeed it is obliged, if times and circumstances require it, to initiate action for the benefit of all men, especially of those in need, like works of mercy and similar undertakings’ (Gaudium et spes, 42). The Church esteems truth and goodness in human institutions wherever it finds them, but it is particularly in working for unity that the Church fulfils its nature as sacrament (Gaudium et spes, 42). These are all aspects of the Church’s sacramental nature - see Gaudium et spes, 45: ‘Every benefit the people of God can confer on mankind during its earthly pilgrimage is rooted in the Church’s being ‘the universal sacrament of salvation’; at once manifesting and actualising the mystery of God’s love for men.’

Second, in order to be in fact the ‘universal sacrament of salvation’, the Church ‘strives to preach the Gospel to all’ (Ad gentes, 1). The Church is missionary by its very nature (Ad gentes, 2), and indeed missionary activity is essentially sacramental, ‘the manifestation of God’s plan, its epiphany and realisation in the world and in history’ (Ad gentes, 9). In the world, and especially in the realm of those who do not know God or who deny God’s existence, the Church must implant itself ‘in the same way that Christ by his incarnation committed himself to the particular social and cultural circumstances of the men among whom he lived.’ (Ad gentes, 10). All Christians have a duty to ‘manifest the new man which they put on in baptism, and to reveal the power of the Holy Spirit by whom they are strengthened at confirmation’ (Ad gentes, 11). This ‘revealing’ is more than merely
Now it can be argued that the Church is most clearly active and effective in the world beyond its own boundaries when it acts in and through those structures and institutions which rightly claim an ecclesial identity. Catholic institutions are one of the principal and most clearly identifiable ways in which the Church fulfills its mission as sacrament in the world: for example, it has been noted that the Church fulfills its mission to continue the healing ministry of Christ through the ministry of health care in Catholic hospitals.86

In the context of the present study on institutional cooperation it has also been noted that, in view of the more public ecclesial identity of Catholic institutions, the Congregation for the Doctrine of the Faith considers that material cooperation in evil is harder to justify for institutions than for individual Catholics, an argument apparently based on the danger of scandal.87 But an ecclesiological argument can also be mounted: in virtue of their more public ecclesial identity, Catholic institutions bear a significantly greater responsibility than Catholic individuals to ensure that their institutional actions realize the Church’s - and their own - ‘sacramental potential’.

According to this argument ‘a general policy of material cooperation in Catholic institutes’ would be damaging not only to ‘public morality’, but to the sacramental nature and identity of the Church itself, that is, to the Church’s ability to make Christ present in the world. The same argument might support the contention that ‘proportionately graver’ reasons in a particular case may convince a Catholic institution that fidelity to its sacramental identity positively requires it to cooperate mediately and materially in an evil perpetrated by others.

In many arenas of life in the world the Church, through its institutions, mediates the saving presence of Christ who attends to the whole needs of the human

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86 See 4.3 above.
person, including especially the need for salvation. ‘To make Christ present in the world’ is the essential mission of the Church in every aspect of its life, and therefore it is the essential mission of all of the Church’s institutions: it is the mission of the Catholic school beyond mere education, of Catholic social welfare agencies beyond meeting merely human needs, of diocesan structures beyond temporal administration, and of the Catholic hospital beyond simply caring for the sick. And if the Church as a whole cannot fulfil its mission in isolation from the world in which evil and sin are present, then Catholic institutions cannot fulfil the sacramental potential of their own particular ecclesial identities unless they are prepared to engage the very powers of the world which make that mission so necessary.

These threads of systematic theology - and in particular of ecclesiology and christology - have a great deal to offer a theological vision of Christian moral life in general, and of institutional cooperation in particular. They demonstrate, first and foremost, that institutional actions do not exhaust their meaning in reference to the particular institution alone, but find their fullest meaning in the identity and mission of the Church as the sacrament of Christ.

- Like the acts of an individual moral agent, a Catholic institution’s actions are more than isolated single events: they represent both ‘interior’ and ‘personal’ responses to particular moral situations, but they are also ‘constitutive’ and ‘existential’ responses which both express and construct the very identity of the institution itself. Taken in their fullest meaning, institutional moral actions flow from an institution’s sense of self-identity and mission: they express ‘who I am’, and they make real ‘who I am called to become’.

- Like the individual moral agent, a Catholic institution acts according to its consciousness of moral truth found first and foremost in the Person of Jesus Christ, who is encountered in and through the Christian community, in particular in the Scriptures and the Sacraments. Prior to conforming its actions to the content of positive moral law - and certainly never contrary to that law - an institution seeks to conform its very identity to the Person of Christ in and through identification with the Church, the sacrament of Christ. Its moral actions, then,

\[\text{See 3.2.2 above.}\]
are an expression of its daily ‘conversion of heart’ in conformity with Christ and the Church.

- Through the Catholic institution the Church makes present the saving life, death and resurrection of Christ for the salvation of the world. Like the individual Christian, the Catholic institution is to ‘bring forth fruit in charity for the life of the world’ precisely because this is the mission of the whole Church. But because of its more public ecclesial identity, a Catholic institution’s moral actions have particular sacramental significance.

5.1.5 Continuity with the Catholic Moral Tradition

How does this view of institutional action correspond with the traditional interpretation of legitimate cooperation in general, and of institutional cooperation in particular?

*First* it must be admitted that this ‘sacramental’ view of institutions interprets their actions from just one of several possible perspectives. Nevertheless, to grasp the ontological and existential significance of external moral actions is, it is claimed, faithful to a theology which acknowledges the central significance of the moral agent, and this is certainly in keeping with the teaching of the Second Vatican Council.

This view obviously ascribes great importance to the particular intention of the cooperating institution, but this is not to say that institutional actions can never be adequately described unless one takes account of those intentions. The proposed ‘sacramental’ view of institutional actions, on the contrary, assumes the traditional position on intrinsically evil acts: some actions so ‘radically contradict the good of the person’ that they can never express the moral agent’s Christian identity.

The present proposal would exclude all actions which could be conceived as ‘intrinsically evil’ or as ‘implacably opposed to one or other of the basic human

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88 See John 15:1-17, especially v.16.
goods’ because, even if moral theology is to grant a central position to the person who acts, *a moral agent is never entirely self-defining*. Rather the identity of any moral agent, individual or institutional, finds its fullest definition in reference to its relationship with, and fidelity to, the Truth. It is only in the encounter with Christ that a person’s most profound identity is revealed, since the individual moral agent is not merely ‘man’ but ‘man redeemed by Christ’. Like the Church itself, Catholic institutions can be fully defined only in relation to Christ’s saving and redeeming activity. Whether individual or institutional, a moral agent’s ability to conform his exterior actions to this identity is proportionate to his conversion to the Word who is Truth. This is a precondition for the present view of institutional cooperation.

*Second*, however, an institution’s particular intention (as distinct from the intentionality of its exterior acts) does often play a critical role in determining the meaning of its moral actions. Given that an external action is not already morally determined (as it would be in an intrinsically evil act), deliberation about possible alternative actions may lead an institution to a state of equilibrium or poise wherein arguments in favour of cooperation seem perfectly balanced by arguments against cooperation. In this case it is possible that *a desire to express the institution’s fullest identity, an intention to fulfil its sacramental nature - to be the presence of Christ here and now -* could be the deciding factor. After all, ‘fulfilling one’s identity’ is not to be measured solely in relation to the effects which follow upon one’s action, but also and even primarily in terms of faithfulness to one’s personal vocational commitment.91

But neither can the external effects of one’s cooperation be entirely discounted, as the traditional teaching on scandal warns. The present proposal is, in one sense, an interpretation of Alphonsus’s position on the primacy of charity in cooperation properly so called. Alphonsus held that cooperation in evil can sometimes be permitted according to the order of charity because ‘*charity does not*...

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89 See *Veritatis splendor*, 80.
90 CCE, *Future Priests*, 97.
91 The three guiding principles noted above (4.3.4) come into play at this level.
oblige’ when meeting its needs causes one ‘grave inconvenience’. The present question is whether charity can impose a positive obligation to cooperate in evil. The answer offered here is: a Catholic institution may be constrained to cooperate in evil if, in a particular case, cooperation is required of it in order to be faithful to its ecclesial identity. The question of whether this obligation flows from charity or elsewhere will be addressed in the next section.

At the same time, of course, it is important to recall that in de caritate Alphonsus deliberately excluded aspects of cooperation which might be treated under the virtue of justice: were the demands of justice to be offended by cooperating, then the institution would need a substantially more serious reason to cooperate and might also be required to make restitution for the evil effects to which it had contributed. Indeed, in many instances the demands of justice will compel an institution not to cooperate at all.

For, thirdly, even if the institution’s action is not evil either in itself or as cooperative, it is still necessary for a cooperator to hold a sufficiently serious reason to cooperate. In this theological interpretation of the moral life, ‘a desire to express the institution’s fullest identity, an intention to fulfil its sacramental nature - to be the presence of Christ here and now’ might constitute such a reason, but only if:

- it is foreseeable that no injustice will be done to third parties, and
- the alternative to cooperating would deny the institution the possibility of entering a situation in which it could and should be active as the offer of God’s salvation in Christ.

And still institutional cooperation in evil often poses the risk of scandal, a risk that is all the greater because the cooperator in question is a Catholic institution. But where there is no risk of scandal and where the demands of justice will not be offended in relation to third parties, a Catholic institution might conceivably consider that its sacramental nature requires it to commission an action which another will abuse, if it is only by cooperating in this way that the institution can extend to the

92 Alphonsus, de caritate 63. See 1.1.4 above.
principal agent God’s offer of salvation in Christ. This sacramental role might include the possibility of exercising a positive influence upon the principal agent at a later time, but that in itself would not justify cooperation: it is rather the institution’s possibility of being here and now the presence of Christ, of extending here and now God’s offer of salvation, which might justify material cooperation in evil. As noted, it seems necessary to assess every instance of cooperation on the basis of its concrete circumstances and on present actual probabilities, not on mere future possibilities which may never eventuate.\(^93\)

Furthermore, an institution’s total vocational commitment is often extremely complex. For example, a Catholic hospital must provide excellent medical care, keep all relevant civil and ecclesiastical laws, and operate according to best business practices and highest professional standards. Even when taken together these do not fully define the Catholic hospital’s identity, but each element is so essential to its total vocational commitment that an institution could not reasonably claim to be a ‘sacrament of Christ’ if it culpably failed to fulfil - or worse, actually contradicted - one or other of them.

The task of ‘realising’ or expressing a hospital’s vocational commitment is complicated even further when one recalls that an institution’s identity rests in many hands.\(^94\) There is a formal and official identity which may be enshrined in the hospital’s mission statement or constitution, and there is an informal (but no less real) identity which is expressed in the behaviour of individuals who act in the name of the corporate whole. The formal identity of a Catholic hospital is given shape by the ecclesial community it represents in the field of health care, by the goals and intentions of its founders, and by the ‘accumulation of traditions as ways of doing things’ which make this institution distinct from other similar institutions.\(^95\) Ideally it is this ‘formal institutional identity’ which is realised in the behaviours of individuals within the hospital. Since patients and others encounter the institution

\(^93\) See the comments at 3.2.1 above in relation to *Evangelium vitae*, 73.
\(^94\) See 4.3.1 above.
first and foremost through those individual behaviours, these are of great significance.

Because individual behaviours have such significance in Catholic institutions, hospital administrators bear special responsibility to ensure that all institutional actions, whether formal or informal, are appropriate. For example, because ‘respect for persons’ is an essential aspect not only of good health care but also of Christian charity, a Catholic hospital can authentically express its ecclesial identity and vocational commitment only if individual members of staff act respectfully in all of their ministrations. Clearly this includes not only dealings with patients, but also relationships among staff members, and relationships between management and employees. Or again, since a Catholic hospital acts as a corporate whole through decisions and actions undertaken by its management acting in the name of the institution, hospital management must be structured and must operate always in complete conformity with this aspect of its identity.

For is not just in providing good medical care that a Catholic institution expresses its sacramental identity, since many hospitals provide excellent medical care. Nor is its identity expressed simply by constructing a ‘Catholic environment’, or by providing Catholic chaplaincy services, or by formally enshrining a Catholic mission statement - nor, indeed, just because it chooses to enter into cooperative ventures with other health systems in order to provide a full range of medical care to a particular community which might otherwise be deprived. Rather, the defining aspect of a Catholic hospital’s identity is its ecclesial meaning: the fact that when the institution acts, it is the Church which acts. The institution has a sacramental nature because the Church is sacramental, and a Catholic hospital can extend the healing mission of Christ into the present day only because the Church itself is charged with that mission. Therefore a Catholic hospital can most authentically realise its identity only when the institution as a whole, in all of its corporate actions and in all of the actions of its individual members, conforms itself to the Church’s own identity as sacrament of salvation.
The relationship between institutional identity and institutional action - or between ontological and existential identity - suggests that a theological view of institutional cooperation might find an appropriate interior structure in an ethics of virtue.

5.1.6 Cooperation and Virtue

To develop a comprehensive theology of virtue is not only beyond the scope of the present work, it is largely unnecessary in an era in which the ethics of virtue is undergoing something of a revival. However, two points should be borne in mind in the brief comments which follow.

First: strictly speaking, virtue theory applies to individual moral agents and can be applied to institutions only analogically. That is to say, one might well consider a good individual to be virtuous, but one does not normally apply the description ‘virtuous’ to an institution.

On one hand, virtuous action on the part of an individual (for example, an employee) properly flows from and perfects that individual alone, and it is only by analogy that the actions of individuals could be said to ‘flow from and perfect’ the institution as such. On the other hand, it has already been suggested that just as the Church acts in the field of health care through its Catholic hospitals, an institution such as a hospital acts through individual agents such as doctors and nurses - so it is not altogether unreasonable to transfer the term ‘virtuous’ from individual to institution. Insofar as an individual acts in the name of the institution, the virtues of the individual are the virtues of the institution - so, for example, an institution can

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97 See 4.3.1 above.
be said to act prudently if the one who acts in the name of the institution acts with prudence.  

Second: the idea of ‘virtue’ here is the classical concept rather than the neo-scholastic version of the later manuals. In the classical view the intellectual virtue of prudence, for example, does not direct the moral virtues from a distance, as it were, by merely supplying knowledge of the virtuous mean; rather, it interacts very intimately with the moral virtues such that practical wisdom shapes the very life and identity of the moral agent. For a virtue not only renders a moral action good but also makes its possessor good; and a moral action is truly good not just when the right thing is done, but when it is done rightly. Thus, in the case of prudence:

The actions of the truly virtuous person express his settled, intellectually informed commitment to live the sort of life that is a good life for human beings. It is sometimes possible for a person who does not have this sort of settled commitment to perform the sorts of actions that a truly virtuous person would perform, but her actions will not be truly virtuous actions precisely because they do not flow from an intellectual commitment to live in a virtuous way (I-II.57.5; I-II.58.4).

Further articulation of the classical concept of virtue would take the present discussion beyond reasonable bounds, but these brief comments help to explain how the proposed sacramental model of moral life finds an appropriate ‘mechanism’ in an ethics of virtue. The specific virtues in question are charity and prudence.

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98 In any event the suggestion here is only that the structure of virtue sheds some light on how the proposed sacramental model of institutional moral life might function in particular instances of cooperation.

99 Cessario, Moral Virtues, 77: ‘Christian wisdom, on the other hand, develops in an individual, at least in part, as a result of both inclination and experience. Thus, Aquinas insists that the moral virtues and prudence operate according to a kind of synergy, that is, they exercise a causal influence on each other. As a result of this synergy of prudence and the virtues, Christian wisdom, in accord with lex aeterna, really enters into and shapes the appetitive life of the individual. In turn, the rectified appetitive powers enable prudence to grasp intellectually the will’s bent towards the good.’ See also ST II-II 47, 1.

100 ST II-II 47, 4.

101 ST I-II 57, 5.

102 Porter, The Recovery of Virtue, 163.

103 Of course, the virtue of justice also plays a role when cooperation might contribute to harming third parties.
It has been noted that Alphonsus identified the order of charity as an objective basis for preferring cooperation in evil to non-cooperation.\textsuperscript{104} By the same token, of course, it may sometimes be an act of the very greatest charity to refuse to cooperate at all. But can charity ever \textit{compel} one to cooperate in evil?

An answer might begin with the nature of charity, the theological virtue which ‘reaches to God by joining us to Him’:\textsuperscript{105}

Aquinas holds that charity . . . functions as the supreme organising principle in the personality of the justified, by which not only all their actions but all their desires and impulses are directed toward God (II-II.23.3, 7). Through charity, the individual is enabled to participate in the very mind and will of God, not only to fulfil the precepts of the natural law . . . but even to grasp intuitively what God’s will is for the individual in any given situation. That is why wisdom is the gift of the Holy Spirit that corresponds to charity (II-II.45.1, 2). At the same time, charity transforms not only the behaviour but the affections and the whole person of the justified.\textsuperscript{106}

Now it would seem from this description that charity could never compel one to cooperate in evil, since evil can never ‘join us to God’. But this would be to overlook the very reason that ‘cooperation in evil’ has been such a complex question for moral theologians through the ages: while the First Principle of Practical reason certainly obtains, it is not the cooperator but the principal agent who does evil. When cooperation in evil is rightly deemed ‘legitimate’, the cooperator does no evil at all but justifiably provides goods or services which are abused by the other. So the present question concerning cooperation and charity, the virtue which directs the acts of all other virtues to our final end,\textsuperscript{107} may be formulated variously:

- is it conceivable that virtuous moral agents may believe themselves to be \textit{compelled} by charity to provide particular goods or services which will be abused by another for an evil end?
- could cooperation in evil ever be, or at least appear to the moral agent to be, \textit{congruent} with union with God, the moral agent’s final end?

\textsuperscript{104} See 2.3.3 above.
\textsuperscript{105} ST II-II 23, 3: ‘\textit{caritas attingit Deum quia conjungit nos Deo}’
\textsuperscript{106} Porter, \textit{The Recovery of Virtue}, 169.
\textsuperscript{107} ST II-II 23, 7.
• is it possible that virtuous moral agents might believe that cooperation in evil is 
\textit{necessary} if they are to express here and now their Christian identity and fulfil 
their Christian mission to make present God’s offer of salvation in Christ?

These questions cannot be answered in the abstract, since so much depends 
on the concrete details of the particular instance. Indeed, the tradition’s success in 
discerning different categories of cooperation - formal and material, immediate and 
mediate, proximate and remote, necessary and contingent - arose from a moral 
conviction that some kinds of cooperation are acceptable not in theory or in general 
but \textit{only according to the concrete facts of the particular case}. Likewise, recent 
controversy over the legitimacy of immediate material cooperation in the case of 
intrinsic evil emphasises that \textit{in particular cases} some kinds of cooperation are never 
acceptable.\footnote{See 4.3.2 above.} On the other hand, it was noted above that the magisterium itself has 
suggested that moral agents may \textit{in some cases} feel ‘constrained’ to cooperate,\footnote{See 3.2.2 above.} and even Germain Grisez acknowledges that one’s vocational commitment may 
\textit{sometimes} provide a strong reason to accept ‘bad side effects’.\footnote{See 3.1.4.2 above. 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.’}

This suggests that the question of whether an institution can feel itself 
\textit{compelled} to cooperate in evil finds an answer not immediately in charity, the 
thegological virtue which directs moral virtues to their \textit{end}, but in the virtue of 
prudence, the intellectual virtue which in particular cases directs the moral virtues to 
their \textit{mean}.\footnote{ST II-II 47, 7. Indeed, in ST II-II 23, 6 Thomas acknowledges a close congruence between 
these two virtues: ‘But faith and hope attain to God according as from him comes knowledge of truth 
or possession of good, but charity attains God himself so as to rest in him without looking for any 
gain. This is why charity is higher than faith and hope, and consequently than all the virtues. \textit{By a} 
like argument prudence, which appertains to the reason itself, is better than the other moral virtues, 
which touch the reason in so far as that establishes the medium in our deeds and feelings.’}

Under the direction of charity, the aim of all moral virtues is the same, 
namely, to achieve human good. The human good is grasped in natural reason by
While it is charity which inclines a moral virtue to its proper end and synderesis which apprehends that end, prudence has a distinct and critical role:

Yet quite how and through what we strike the virtuous mean, this is the business of prudence. For though keeping the mean is the aim of moral virtue, nevertheless it is in the correct marshalling of the means to the end that the mean is found.\textsuperscript{113}

It is essential to note here the distinction between the ‘mean’ of a virtue and the ‘means’ by which a virtue is realised.\textsuperscript{114} The latter is \textit{id quod est ad finem}, where the \textit{finis} is the end to which charity inclines. But the former, the ‘mean’ of a virtue, always consists in ‘conformity with reason’, and ‘conformity with reason is specified in different ways for the different virtues’:\textsuperscript{115}

\ldots the mean of these virtues is said to be the rational mean, which is determined by reference to the individual’s own overall good. \ldots [But] it is the task of prudence to determine what, concretely, the mean of the virtue is. That is to say, synderesis determines the \textit{formal} end of the virtue, namely, correspondence to the mean, whereas prudence determines the \textit{substantive} ends of the virtues (cf II-II 47.7 ad 3).\textsuperscript{116}

Thomas’ theory of virtue, then, already provides an answer to the ‘gap’ which Germain Grisez proposes to fill by way of his complex value theory,\textsuperscript{117} and Thomas’ answer is ‘the virtue of prudence’. The First Principle of Practical Reason dictates that good is to be done; charity orients the moral agent toward the good and synderesis apprehends that good; but it is the virtue of prudence which plays the pivotal role of determining what constitutes the specific ‘instantiation’ of human good in any particular case:

Natural reason, functioning as synderesis, generates the principle that the good of the human person is to be in accordance with reason. Prudence, which takes account of the specifics of an

\textsuperscript{112} ST II-II 47, 6 Resp. \& ad 1.
\textsuperscript{113} ST II-II 47, 7.
\textsuperscript{114} Because of this possibility of confusion between the ‘mean’ of a virtue and the ‘means’ of a virtue, the second sentence of the preceding passage (‘\textit{Licet enim attingere medium sit finis virtutis moralis, tamen per rectam dispositionem eorum quae sunt ad finem medium inventur}’) might better be translated: ‘For although attaining the mean is the end of moral virtue, nevertheless that mean is found in the right disposition of those things which are for the end.’ As Porter argues (\textit{The Recovery of Virtue}, 159), prudence always locates the mean of virtue, but sometimes does not seem to be required to identify the means to attain it.
\textsuperscript{115} Porter, \textit{The Recovery of Virtue}, 160. The reference is to ST I-II 64, 2.
\textsuperscript{117} See 3.1.4.1, above.
individual’s own character and circumstances, determines what, concretely, it means for this individual to be in accordance with reason; prudence does this in and through determining the mean of the virtues relative to the individual and to the demands of equality and the common good. That is to say, prudence determines what amounts to a substantive theory of the human good, at least as it applies to this individual in his particular setting, although of course the individual may not be able to formulate that theory in any systematic way.118

So the virtuous mean is determined in relation to both the individual moral agent and the particular situation with which the agent is confronted. In the context of the present discussion, this means that the virtuous mean is determined in relation to the identity of the institution and its present and future possibilities to make Christ present in the particular situation. For prudence must consider numerous possibilities, including the goods which are actually achievable within a given situation and the concrete subjective possibilities of the particular moral agent.

How does this apply to the question of institutional cooperation in evil, and to the proposed ‘theological background’ to institutional cooperation?

Insofar as a Catholic institution is conscious that it acts on behalf of the Church to make Christ really present in a given field of endeavour, it can be said to have a ‘settled commitment’ to be a sacrament of Christ, to become what God desires it to become. As for an individual moral agent, the basic moral question for a Catholic institution is, ‘who am I to become?’ The answer is always ‘a sacrament of Christ’. This commitment permanently informs and guides the actions of the institution, and in turn those actions ‘real-ise’ that commitment. In all of those actions it is charity which keeps the institution oriented toward the good which is its proximate end (and towards God as its ultimate end), and it is charity which impels the institution to fulfil its Christian vocational commitment.

This ‘settled commitment’ to the good applies to all of the institution’s actions, including those which may be cooperative in evil. Cooperation in evil must

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118 Porter, The Recovery of Virtue, 162. Emphasis added. Germain Grisez’s great contribution is
be assessed in terms of the specific circumstances surrounding each instance, and one particular question is always, ‘what is the good to be done in this concrete situation?’ It is charity which orients the institution toward doing the good in general terms, but it is the virtue of prudence which permits the institution to ‘instantiate’ the good according to the concrete circumstances of the particular case. That is, an institution’s ability to determine where a realisable good might lie in a concrete situation, and whether on balance that realisable good ought to be done in fact, is a function of the virtue of prudence.

Two further comments are warranted. The first concerns the analogy between individual and institution: an institution as such could be said to possess the virtue of charity insofar as a ‘settled commitment’ to its ecclesial meaning is a more or less permanent and determining feature of institutional life and work. It might be formally enshrined, for example, in a mission statement. But the very nature of the virtue of prudence suggests that it is possessed not so much by the institution per se as by individuals within the institution.

Thomas teaches that reason consists in three ‘acts’: counsel and judgment, which pertain to speculative reason, and command which pertains to practical reason. The role of prudence is to ‘charge our conduct with right reason’, and since actual moral conduct concerns the concrete and particular, it is evident that prudence is most properly an exercise of practical reason. It is for the leadership and administrators of institutions to make practical determinations of the ‘realisable good’ in concrete situations, and so it is most properly these individuals, acting in the name of the institution as such, who must possess the virtue of prudence. Nevertheless, in virtue of the analogy, an institution guided by prudent administrators could be said to act prudently itself.

Second: as noted, there is general agreement that cases of cooperation in evil are among the most complex and difficult in the whole run of moral theology, and

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119 ST II-II 47, 8.
120 ST II-II 47, 1 ad 3; 4.
opinions on what is justified and unjustified cooperation are many and varied. This further explains the need for an institution’s administrators to possess the virtue of prudence, and especially for that ‘part’ of the virtue which deals with difficult cases.

Thomas teaches that prudence includes the ‘special virtues’ of *eubulia* (concerning counsel), *synesis* (concerning sound judgment in cases where normal rules of conduct apply), and *gnome* (concerning sound judgment in truly exceptional cases).\(^{121}\) The last, *gnome*, he describes as follows:

Now sometimes it happens that something has to be done which is not covered by the ordinary rules of conduct, such as when we should not return a deposit entrusted to us by a would-be attacker of our country, or some other such case. We ought, therefore, to judge matters of this kind by certain principles higher than the ordinary rules followed by sound judgment. They call for a corresponding superior virtue of judiciousness, and this is called *gnome*, which implies a certain sharpsightedness of judgment.\(^ {122}\)

A single instance of institutional cooperation may be fraught with many complicating factors: the particular institutional structure, the many permutations of professional and corporate relationships which are possible between institutions, the need to retain an often historically-conditioned institutional identity while simultaneously addressing very contemporary social and cultural situations, to name just a few. The urgency of assessing possible cooperative relationships is often compounded by economic pressures, and the whole process further complicated by the fact that moralists often disagree among themselves on the proper classification of proposed actions: does a particular action constitute mediate or immediate material cooperation? is it too proximate or sufficiently remote? is it necessary or contingent? is the institution’s end, to make Christ present, likely to be achieved in this way? The task of determining the reasoned mean among an institution’s actual possibilities in the concrete case would surely demand precisely that ‘sharpsightedness of judgment’ which is the specific virtue of *gnome*.

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\(^{121}\) ST II-II 48.
\(^{122}\) ‘*perspicacitatem judicii*’. ST II-II 51, 4.
Finally, Thomas notes that prudence belongs principally to command, which ‘consists in bringing to execution what has been thought out and decided on’ by eubulia and either synesis or gnome. Therefore prudence has a certain imperative character: the virtuous person must act according to the decision reached in prudence.

Here there is, perhaps, an answer to the question of whether a moral agent (such as a Catholic institution) could ever feel compelled to cooperate in evil in order to realise its nature as a sacrament of God’s offer of salvation in Christ. It is charity which inclines a Catholic institution to desire realisation of its own sacramental nature (as a proximate end conducting it towards its final end, which is God), but it is prudence which (i) ultimately determines the extent to which this end is practically realisable in the concrete circumstances of the situation, which (ii) settles upon the means to realise it, and which (iii) commands that the external act be performed.

Of course, prudence commands not only the attainment of good but also the avoidance of evil. If in a particular situation it is unable to identify ‘realisation of the institution’s sacramental nature’ as an attainable good - if, for example, it identifies that overall there is no good to be attained, or if it determines that any positive action would represent a contradiction of the very identity the institution seeks to realise - then prudence may command that no action be taken at all. In this case ‘to do nothing’ may be considered an action commanded by prudence, and a virtuous action at that: an example of practical wisdom informing the virtue of temperance, perhaps, or courage, or justice. Here still the moral agent is inclined to the good by charity, and here still prudence determines the virtuous mean.

But the point of this section is that prudence may determine that, although another agent will certainly abuse the Catholic institution’s good action and thereby bring about evil, its own vocational commitment to make present God’s offer of salvation in Christ is still an attainable good to which charity inclines that institution. Whether or not the principal agent responds to that sacramental presence is not the

\[123\] ST II-II 47, 8.
primary measure of the goodness and validity of the institution’s cooperative action, any more than the actions of the Old Testament prophets are to be judged good and valid according to the number of sinners who actually repented.\footnote{124} Faithfulness to one’s own identity carries, to some extent, its own measure of validity.

To summarise: fidelity to God demands fidelity to oneself and to one’s very identity as a person redeemed by Christ. A Catholic institution has a sacramental identity, a mission to become Christ and to make Christ present in the concrete circumstances of life in the world. So it is that the person of the moral agent enters into the heart of the moral decision, and that moral decisions are governed by the virtues of charity and prudence which must take account of the concrete circumstances of the particular moral agent and the particular case. It is of the essence of prudence to ordain only those actions by which the particular moral agent, in view of all concrete circumstances, may attain the realisable good. Love of God may incline an institution towards entering a cooperative relationship in order to make present there God’s offer of salvation in Christ, and for precisely the same reason prudence may command the institution to enter that cooperative arrangement.

In the question of institutional cooperation, as in all moral matters, it seems that ‘only the soul which really loves the good can be prudent, but only the prudent soul can really do the good’.\footnote{125}

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\footnote{124} The Scriptures abound with examples of prophets who were faithful to their prophetic mission ‘in season or out’, regardless of the effects of their preaching - see 2 Timothy 4:1-2; Isaiah 6:9-10; Ezekiel 3:27. The prophets expressed their prophetic identity by their words and actions, by responding faithfully to their personal vocational commitment. Their mission was not defined by the reception they received, but by their actions themselves.

\footnote{125} Crossin, \textit{What are they saying about virtue?}, 16, where he summarises the virtue theory of Josef Pieper in Pieper’s \textit{The Four Cardinal Virtues}. (Notre Dame: University of Notre Dame Press, 1966).
5.2 Assessing Institutional Cooperation

Whereas material cooperation commissioned by an individual moral agent has traditionally been assessed from the standpoint of the metaphysics of human action, this interpretation of institutional cooperation proposes an additional theological criterion. The aim of this final section is to outline some of the implications of this interpretation, and to suggest how a theological view of institutional material cooperation might be applied to the case study with which this work began, the Bunbury case.

5.2.1 Some Implications of a Theological View of Institutional Cooperation

There are three immediate benefits in the proposed view of cooperation: it underlines the need for an individual assessment of individual cases; it places the person of the moral agent squarely at the centre of moral decision-making; and it affirms the unity which must exist between moral decision-making on one hand and spiritual life on the other - in other words, the unity of reason and faith.

The proposed theological view of institutional cooperation emphasises the importance of judging each case on its merits. There are many varieties of institutional structures and collaborative corporate arrangements, and many different social and political environments to be accounted in the assessment of institutional cooperation. The breadth of this range of variables suggests that individual instances of cooperation are best evaluated by those with greatest knowledge of the circumstances surrounding the particular case.

This interpretation of cooperation ideally requires the Catholic institutional moral agent to be aware of its ecclesial sacramental identity, and to seek to realise that identity in and through the cooperative arrangement it is considering. A great deal, therefore, rests on the Catholic institution’s consciousness of its mission, on its ability to identify its own mission with that of the ecclesial community in whose name it acts, and on its actual desire to realise its ecclesial identity as sacrament. There can be, and often will be, significant variations in these.
On one hand this might seem to complicate the practical implementation of this view of institutional cooperation: like individual moral agents, institutions may be considered to possess greater or lesser abilities to identify their moral obligations and to act upon them.\textsuperscript{126} On the other hand, this is precisely why the Catholic moral tradition developed an appreciation of ‘objective’ and ‘subjective’ morality, and why there is today a revival in the ethics of virtue. The fact that an objective moral obligation exists, is a datum quite distinct from a particular moral agent’s subjective appreciation of being bound by that obligation.\textsuperscript{127} Much depends on the particular institution’s consciousness of its ecclesial identity and of the obligations which flow from that identity. For example, two hospitals may enter virtually identical collaborative arrangements with other institutions: for one, cooperation is simply good business and nothing more; for the other it represents an authentic opportunity to make Christ present in the field of health care. The outward or physical actions may be identical, but they have very different moral meanings.

For the person of the moral agent is engaged in the very ‘stuff’ of morality, especially in moral decision-making. In the fuller theological sense proposed here, morality concerns the meaning which human acts have in relation to the present and future identity of the moral agent, as expressing and constructing that identity. Moral decision-making requires the moral agent to assess an external action in the light of its meaning for his or her identity as the acting person. The key moral question in the theological view is not ‘what am I to do?’ but ‘who am I to become?’

At the same time, universal norms of morality preserve the objectivity of moral goodness by orienting the institutional moral agent toward authentic moral truth. As much as a Catholic institution is responsible for formulating its unique


\textsuperscript{127} This is the meaning of the so-called ‘principle of graduality’: see Pope John Paul II, Apostolic Exhortation Familias consortio. ‘The Role of the Christian Family in the Modern World.’ (22 November 1981). AAS 74(1982) 81-191, nn.9 and 34 in particular.
subjective response to the invitation of Truth, and so for constructing its particular institutional identity, it is also required to affirm the universal and objective hallmarks of its ecclesial identity. Because the measure of goodness is universal, there is no place here for a ‘situationism’ in which anything and everything can be justified on the grounds that it ‘seemed right in the circumstances’. The ‘rightness’ of institutional moral action rests primarily on the authenticity of the institution’s response to God’s invitation, not on a subjective balancing of goods or values or outcomes.

This view of institutional cooperation also restores a traditional emphasis to morality: the life of virtue. The moral life is about much more than ‘sins to be avoided’: in its essence it concerns ‘what God wants me to be and to become here and now’. Moral actions not only express the agent’s response to God’s invitation, they also realise it: they make the agent to be what God wants him or her to be. This is the nature of virtue. Thus moral life is reintegrated with spiritual life, and faith with reason.

But this theological interpretation of institutional cooperation would represent only a vague theory if it were not grounded in the traditional interpretation of legitimate cooperation. It is applicable in practice because it complements and does not contradict that tradition. If an institution’s action is itself immoral, or if it constitutes formal cooperation in evil when assessed according to the traditional criteria of intention and intentionality, or if it constitutes unjustified material cooperation (because there is no sufficiently serious reason), or if it constitutes mediate material cooperation which is too proximate under the circumstances, or if cooperation would give scandal, then the present theological interpretation cannot ‘rescue’ the cooperative act by making it somehow legitimate or justifiable.

In other words, this theological perspective does not significantly impact the traditional ethical categories or their application to the particular case. Rather it adds a dimension to the interpretation of ‘sufficiently serious reason’: if all other elements are favourable and only a ‘sufficiently serious reason’ is lacking, then an
institution’s intention to realise its ecclesial identity as sacrament may constitute a sufficient reason in a particular case.

This raises a question which, in terms of actually applying the proposed view, requires a very clear answer: *who makes the assessment of legitimacy in instances of cooperation by Catholic institutions?*

Where the moral agent is an individual person, it is obviously for the agent himself or herself to make this judgment, for only the individual can answer the question ‘who am I to become?’ The general principle seems to be: *the judgment of whether a proposed course of action will or will not express the moral agent’s identity lies with the moral agent whose identity is at stake.*

In some respects a Catholic hospital acts in its own name to realise its unique institutional identity, and so the assessment of cooperation rests with the institution itself - that is, with the management structure responsible for institutional actions. But a Catholic hospital also has an ecclesial identity: it can claim to exercise Christ’s ministry of health care only because that ministry belongs to the Church as a whole. Therefore the assessment of institutional cooperation must also rest with the ‘management structure’ responsible for ecclesial actions: that is, with the bishop of the local Church.

If an institution’s management and the diocesan bishop were to work independently in assessing proposed collaborative arrangements then, in the ideal case, they would reach identical judgments. Of course it is possible that they would not, and for perfectly legitimate reasons: a diocesan bishop may not possess all of the required medical or other professional knowledge, and an institution’s management may not have access to all of the required theological and ethical skills. Nevertheless, it seems unreasonable to remove from the diocesan bishop the right and duty to assess the morality of actions undertaken in the name of the Church he leads. Since this question is raised in terms of the theological model proposed, it is reasonable to draw a solution from the same model: the Christology and
ecclesiology evoked here place the diocesan bishop squarely in the focus of decision-making.

In some instances, perhaps, the proposed view will make cases of cooperation easier to solve in theory but harder to solve in practice. But if it is necessary to go beyond an ethics based in the traditional metaphysics of human action and reach a genuine theology of Christian moral life, it is equally necessary to appreciate that the Christian moral life is grounded in the Christian spiritual life. This is where the moral agent encounters moral truth in the Person of Jesus Christ, and it is in this encounter that the moral agent is called to ongoing conversion of heart - indeed, to ongoing conversion of self - through moral actions. Neither institutional nor diocesan leadership need fear the challenge of institutional cooperation if they remain faithful both to the moral tradition of the Church on one hand and, on the other, to that prayer and contemplation which are the very heart of the Church’s spiritual and moral life. The claim here is that, insofar as the present proposal unites these aspects of a Christian’s life, it represents an approach to material cooperation which is entirely faithful to both Thomas Aquinas’ view of Christian morality and the Vatican Council’s call to renewal. It is an approach which may prove useful in evaluating instances of institutional cooperation.

5.2.2 The Bunbury Case Revisited

A practical application of this view of institutional cooperation can be illustrated by re-reading the case study with which this work began, the collaborative arrangement between the St John of God Catholic Hospital and the public Regional Hospital in Bunbury, Western Australia. As suggested earlier, this requires an appreciation of the significance of, and interaction between, (i) the Catholic Church’s insight into cooperation in evil; (ii) the social ethos and world-view prevalent in the 1990’s in Western Australia in general and in Bunbury in particular;

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128 On Thomas’ view, see Cullinan, *Contemplation as the Basis of the Christian Moral Life*. On the Second Vatican Council’s agenda for renewal, see 5.1.1 above.
and (iii) the world-view, moral experience and sense of self-identity of the St John of God Hospital in Bunbury.\textsuperscript{129}

The relationship between these elements will emerge more clearly as the Bunbury case is reinterpreted in terms of a renewed moral theology. The two specific foci here are (a) the hospital’s sense of itself as a moral agent ‘created by God and redeemed by Christ’ which possesses an ecclesial identity and a sacramental mission, and (b) whether the various configurations of institutional collaboration which were proposed would constitute or contradict that core identity.

An insight into the institutional identity of St John of God Hospital Bunbury can be gained by reviewing something of the history of the hospital itself and of the religious congregation which established it.

The Sisters of St John of God were founded in County Wexford, Ireland, in 1871. The date is significant: Ireland at that time was emerging from the poverty of The Famine and, in virtue of the Land Act of 1870, was transforming itself from ‘a nation of peasants to a nation of landowners’.\textsuperscript{130} The catalyst for the Sisters’ foundation was Bishop Thomas Furlong of Ferns, who wanted to establish ‘a nursing Congregation in his diocese who would care for the poor in the workhouses and in their homes’.\textsuperscript{131} The core of the foundation was a small group of religious from the Congregation of Bon Secours, a community of Sisters founded in Paris in 1824. The confluence of Bishop Furlong’s charitable intention and the Sisters’ dissatisfaction with their present congregation was surely providential. In a very real sense the St John of God Sisters were called into existence by a local Church precisely in order to fulfil the Church’s mission to care for the poor and the sick.

Periodic revisions of the St John of God Sisters’ Constitution reveal that the Congregation has always envisioned an apostolate which would keep pace with changing social, cultural and religious needs. The 1873 Constitution stated that,\textsuperscript{129} See 5.0 above.\textsuperscript{130} John Scally, \textit{To Speed on Angels’ Wings: The Story of the Sisters of St John of God}. (Dublin: Columba Press, 1995) 34.
apart from the perfection of its members, the Congregation had several specific characteristics, among them *‘the introduction of religion and salvation into the families of worldlings, rich and poor, above all, in their last moments; the care of the sick, both rich and poor, in hospitals and in their own homes’*.  

There was also an openness to other fields of the apostolate which the sisters might identify: they could also *‘take charge of schools, and any other works of charity the bishop of the diocese may approve of’*.

With this sense of identity the first eight Sisters arrived in Australia in 1895, and opened their first hospital in Perth in the same year. In 1896, in response to a typhoid epidemic in the Western Australian goldfields, they established another hospital in Coolgardie (which they subsequently moved to Kalgoorlie); by 1900 they had added three schools; and by 1912 another five schools, a school of nursing, and the Kimberley Mission. St John of God Hospital, Bunbury, was their fifth Australian hospital when it opened in 1927.

By all of these works the Sisters of St John of God expressed and constituted their Congregational and ecclesial identity, and fulfilled their mission among the people of Australia. In combining the provision of hospital-based health care with proclamation of the Gospel the Sisters perhaps reflected the spirituality of Bishop Furlong, but this fusing of charitable and religious works was also very much a distinctive mark of their Congregation, suffusing every aspect of their mission. This persists in the new Bunbury health campus.

By the time the new Bunbury hospital was under consideration in 1989, the Congregation was already developing a more specifically Christological and ecclesiological sense of itself:

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133 Scally, *To Speed on Angels’ Wings*, 214.
134 These data are taken from Sr Mary Eugenia Brennan SJG, *The Love of Christ Urges Us*. (Subiaco WA: Sisters of St John of God, 1994) *passim*.
135 Scally (To Speed on Angels’ Wings, 45) notes that for Bishop Furlong, *‘true poverty was the absence of the awareness of Christ present in the world and in the human person.’*
For the Congregation,
as for the Church itself,
there is but one mission, the mission of Jesus.
Anointed by the Spirit (Lk 4.18; Is 42 and 61),
Jesus was sent by the Father
to set his people free:
to liberate them from oppression,
from everything, within and without,
which prevented them from reaching the full stature of their
personhood.

The Congregation seeks
to continue and make present again
in concrete, specific time and place,
this liberating mission of Christ,
and in particular,
to show forth by its ministries,
by the witness of its consecrated members
and by the visibility of its corporate existence,
the compassionate care of Christ for his people.

The particular apostolic concern
of the founders of the Congregation
was the faith-view of the people:
‘the introduction of religion and salvation
into the families of worldlings, rich and poor.’

Nurturing this faith-view of life
is the essential apostolic concern
of the Congregation.
In their ministry of holistic health care,
education, catering services,
pastoral and social work,
and in all their activities,
the concern of the members is ultimately
the building up of the kingdom of God.
In working with people,
and in turn being enriched by them,
they discharge their unique role
in the apostolic, social and cultural life of the world in which they
live.

As the Church is missionary by nature,
so too is the Congregation.136

Three aspects of this statement of self-identity are directly relevant to the
present discussion.

• *First*, the St John of God Sisters are very aware that their mission is the mission of Christ and of the Church. The language used to express the identification of these two missions is more or less sacramental: ‘to continue and make present again . . . the compassionate care of Christ for his people.’ The Congregation is conscious of its ecclesial and sacramental identity, and the realisation of that identity is clearly a primary object among its moral choices.

• *Second*, the Congregation holds as central the ‘personhood’ of those with whom it works: its ministry is largely determined by the needs and best interests of the people themselves, both rich and poor. In this way the Congregation recognises another primary object of its moral choices: the good of the person. It is here that the charitable and religious aspects of its mission coincide: the very same actions which express the Congregation’s religious self-identity also realise its foundational commitment to Christ’s command of practical charity towards neighbour.

• *Third*, the Congregation is aware that it expresses its sacramental identity in various ways: ‘by its ministries, by the witness of its consecrated members, and by the visibility of its corporate existence.’ Both formal and informal aspects of institutional identity are acknowledged: the Congregation’s authenticity rests in the hands of both the individual members of the Congregation and the visible corporate ‘self’ of the Congregation as a whole. The same applies to the Congregation’s hospital in Bunbury: not only is the provision of holistic health care an expression of the Congregation’s sacramental identity, but that identity rests simultaneously with the hospital as a ‘corporate self’, and with the staff of the hospital.

When it was evaluating various configurations of institutional collaboration with the regional hospital, St John of God Bunbury was aware of itself as a moral agent ‘created by God and redeemed by Christ’, possessing a specific ecclesial and

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137 *In order to remain faithful to the apostolic vision of its founders, the Congregation constantly seeks to respond to the changing patterns of society and the particular demands of time and place, by reformulating its theology of mission, adjusting its spirituality accordingly, and flexibly adapting its community structures and apostolic procedures.* The 1989 Constitution, cited in Scally, *To Speed on Angels’ Wings*, 217.

sacramental identity. Public consultation had reassured the Congregation that its hospital ministry in that town was recognised and valued by the people, and the Sisters themselves wished to continue a ministry which had occupied, for some, a major portion of their religious lives. By providing Catholic health care the hospital had offered the people of Bunbury an opportunity to experience Christ’s compassion for the sick. Through their ministrations the Sisters made present and active the saving love of God. The decision to continue a ministry in Bunbury by entering a collaborative relationship with the regional hospital represents a desire to realise this identity.

The two-fold nature of the Sisters’ ministry – delivery of health care and witness to Christ – warrants closer attention. The charity which orients the St John of God Sisters toward God and neighbour – a charity which the St John of God Hospital Bunbury seeks to make real for the people of that town – is intended to bear fruit for the life of the world, beginning in the lives of the patients themselves. In some ways, then, the physical ministrations of hospital staff are both an end and a means: an end, insofar as it is by this care that the patient is restored to physical health; and a means, insofar as hospital care at St John’s has a unique quality which enables the patient to encounter, identify and respond to the presence and action of God. These aspects of the intention of the caregivers sets health care at St John of God Hospital Bunbury apart from health care provided at the regional hospital.

Awareness of St John of God Hospital’s ecclesial identity played a major role not only in the decision to enter a collaborative arrangement in the first place, but also in determining the final collaborative structure and in settling the range of services which St John’s would provide within that arrangement.

The first proposed configuration in Bunbury (Proposal 1) was for St John’s to build and manage a single new public hospital. But this would have required St John’s to provide, or to cooperate formally in providing, immoral procedures such as abortions and contraceptive sterilisations. On these grounds alone St John’s would
have rejected Proposal 1 - but before this became necessary it was rejected for other reasons.\footnote{See the Introduction to this work.} Several other proposals were eliminated for reasons of cost.

That left the option of collocated campuses with some shared ancillary services. The final configuration of these services on the collocated campuses minimises, but does not entirely eliminate, the risk of material cooperation in evil. This is most likely to arise where one campus provides services to the other, but the kinds of services which are actually provided make the risk of cooperation very remote. For example, there are no referrals for abortions or sterilisations from one campus to the other because all attending physicians are aware of St John’s opposition to such immoral procedures and to any involvement in them.

These practical considerations will always be major factors in the assessment of proposed collaborative relationships, and the need to fully appreciate these practicalities makes it clear that accurate assessment can only be made from a position of close proximity to the facts. But the objectivity which can and must mark these deliberations cannot be that arising from a purely theoretical, metaphysical assessment of ‘the case’. It must be that ‘trans-subjective’ objectivity which is attainable only when all responsible parties - that is Sisters, hospital staff, administrators and diocesan bishop - enter deeply and openly into the assessment of the concrete possibilities of the particular instance. When all parties engage in an honest search for the best moral choice, when they work together guided by that \textit{‘wisdom that responds to life’s deepest questionings’},\footnote{\textit{Wisdom that responds to life’s deepest questionings}} then they are able to attain a degree of unanimity which only occurs through encounter with the same moral truth.

In summary, St John of God Bunbury saw that it has a mission to give witness to Christ through providing health care in Bunbury; both the Sisters and the people of Bunbury consider that ministry an important aspect of their lives; and a decision to withdraw from Bunbury would have robbed the Sisters of an essential aspect of their identity, the town of a powerful witness to Christ, and the Church of
an opportunity to be what it is created to be - a sacrament in the world of the presence and action of God in Christ.

The Bunbury case therefore brings to light several touchstones of legitimate institutional cooperation which emerge from a theological view of Catholic institutions, and which complement the three general ‘principles’ noted earlier.141 These are (a) the extent to which a proposed cooperative action authentically realises the mission of the institution to make Christ present among those to whom the institution ministers in the name of the Church; and (b) the consequences - for the institution, for those to whom it ministers, and for the Church - of not cooperating. If these can be reduced to a fourth principle or axiom to guide future deliberation on institutional cooperation, it might be worded in this way:

When a Catholic institution’s activity is deemed necessary for the Church to fulfil its divine mission in a particular field, this may constitute a sufficiently serious reason for the institution to engage in that activity, even though it may also thereby constitute material cooperation in evil.

5.2.3 Two Examples of Institutional Cooperation

As noted, St John of God eventually chose to provide oncology and palliative care services in the final configuration of collocated health campuses.142 The background to this option, and to another which did not eventuate, is revealing.

5.2.3.1 A Case for Institutional Cooperation

Several factors are driving the current trend in health care toward shorter stays in hospital, among them better surgical techniques which require shorter recovery times, the financial pressures of managed care and ‘case mix’ (in which funding is linked to the number and variety of patients admitted), and the need to limit patient exposure to nosocomial infection. One side effect of this trend is that hospital staff generally have very limited time in which to offer the patient anything but the necessary medical attention. This limited exposure severely curtails

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140 Pinckaers, Sources, 66.
141 See 4.3.4 above.
142 See the Introduction to this work.
opportunities to expose the patient to the Catholic identity and mission of the institution.

However, exceptions occur in oncology and palliative care which, by their very nature, generally require hospitalisation over much longer time-frames. In oncology there are often repeat admissions as a cancer either does or does not respond to treatment, and the very nature of palliative care often means that periods of hospitalisation are prolonged. Furthermore, oncology frequently - and palliative care by definition - are ‘end-of-life’ phases of health care. That usually means that, in addition to requiring specialised medical care, the patient has particular emotional, psychological, social, familial and spiritual needs. Preparation for death is often a difficult experience for both the patient and his or her family, a time when extra care must be taken to meet sometimes urgent personal needs while maintaining quality health care. Patients and families often require constant spiritual and pastoral care to help them deal with the life-changing transitions which are taking place.

In offering this care - not as an ‘added extra’ but as a normal and ongoing aspect of its holistic health care - the St John of God Hospital expresses and constitutes its identity as sacrament of Christ the divine physician. In view of the spiritual nature of the human person, it can be argued that respect for the dignity of patients demands the provision of more than the purely medical aspects of health care. And in view of its sacramental nature, it can be argued that St John’s has a positive duty to offer those wider services - indeed, failure to do so would amount to failure to meet one of the essential aspects of its ecclesial identity and mission. In light of this, the decision to cooperate with the regional hospital at collocated campuses was not an option but an imperative: in order to be faithful to its own identity and mission St John’s had to maintain its health-care ministry in Bunbury, and the ‘collocated campuses’ option was the best way to do so.

Note, furthermore, that St John of God fulfils its ministry without offending the demands of justice toward third parties: there is no scandal attaching to the cooperative venture. A careful campaign of public information has borne fruit, and the collocation is not considered problematic by either the Catholic or non-Catholic
people of Bunbury. Rather, this arrangement is seen as the best way for the Sisters to express their ‘settled commitment’ not only to the town and its people, but also to the Church and to the Congregation’s own identity. In the circumstances, it can be argued that it would have been scandalous if the hospital had chosen not to collocate.

The St John of God Sisters rightly considered that provision of oncology and palliative care services offered a special opportunity to make an uniquely Catholic contribution to hospital care in Bunbury, a contribution which both benefited the people of Bunbury and realised the hospital’s institutional identity. A second opportunity for cooperation, however, was less clear-cut and raised more intriguing problems.

5.2.3.2 A Case for Institutional Cooperation?

Every surgical hospital requires access to a Hospital Sterilisation Supply Unit (HSSU) which prepares instruments for various surgical procedures. Instruments are collected from theatres, sterilised, and made up into ‘surgical packs’ which contain a range of instruments required for particular operations. These packs are labelled according to the procedures for which they are prepared. During the planning phase of the Bunbury project, St John of God Hospital considered submitting a tender for providing a HSSU for both campuses.

It must be understood that St John’s was determined not to provide any immoral surgical procedures itself - procedures such as terminations of pregnancies (TOP) or contraceptive sterilisations. But running a HSSU would mean that St John’s would have to prepare surgical packs so that these immoral procedures could be performed on the regional campus: for example, St Johns might be asked to provide the regional hospital with packs labelled ‘TOP’. This would have involved St John’s in cooperation in evil. The critical questions are: ‘what kind of cooperation is this?’ and ‘would it ever be justified?’

The initial answers are straightforward enough. Provision of surgical packs which are destined only for an immoral procedure would involve St John’s in formal cooperation in that procedure, and this could never be justified. According to the
By the traditional analysis, the object of the act of providing packs labelled ‘TOP’ would necessarily intend (ex fine operis) the provision of the immoral procedure itself - in manualist terms, ‘an act which of its own intentionality is ordained only to the other’s evil act also necessarily intends the evil itself’.\textsuperscript{143} Since TOP is in fact immoral, cooperation in this way will always be formal and unjustified.\textsuperscript{144} Even in the presence of ‘duress’, when some would consider cooperation to be ‘immediate material’, the act by which cooperation is rendered would share the same moral object as the immoral procedure itself. As argued above, if a cooperative act is already deemed immoral, then St John’s could not invoke a theological argument to justify such cooperation based on ‘fidelity to its ecclesial identity and sacramental mission’. Furthermore the Congregation for the Doctrine of the Faith’s determination in the \textit{Replies to Questions} would rule out any institutional policy or arrangement favouring such cooperation.

But then other possibilities emerge. For example, St John’s might have offered to manage a limited HSSU which provided all surgical packs except those plainly destined for immoral procedures. The regional hospital could obtain these packs elsewhere - from another regional hospital, for instance - which would remove from St John’s the danger of formal cooperation in those procedures. One argument in favour of this arrangement is that when the unit was asked to provide a ‘TOP’ pack, a chain of events might be set in motion: an initial refusal by St John’s might prompt inquirers to ask ‘\textit{why will you not provide this pack?}’, and this might create an opportunity for St John’s to explain the reasons for its opposition to such immoral procedures - in other words, an opportunity for evangelisation.

The most curious feature of this possibility is that, far from threatening the institution’s ecclesial identity and mission, providing a limited HSSU would

\textsuperscript{143} See 2.1.3 above.
\textsuperscript{144} Note that if a surgical pack could serve more than one procedure, one legitimate and the other immoral, and where that pack was labelled only for the legitimate use, then the act of preparing that pack need not constitute formal cooperation in the immoral procedure. In this case the connection between preparing that pack and its immoral use is purely \textit{per accidens} and comes about only by virtue of the surgeon’s evil will. Of course packs labelled for innocent surgical procedures might also be used for immoral procedures, but this would take the principal agent’s evil beyond the range of the cooperator’s reasonable foresight.
positively promote St John’s ability to bear witness to Christ by creating opportunities for that witness to occur. Such opportunities sit fairly comfortably within St John’s ecclesial identity and sacramental mission; but could the theological argument support this alternative? A brief analysis is revealing.

In the alternative HSSU proposal, St John’s would never have supplied surgical packs destined only for immoral purposes, so there would have been no formal cooperation in the immoral procedures. Certainly this proposal includes the probability that another agency will provide the packs in question; however, St John’s does not intend that another agency will provide these packs but only acts in the knowledge that this will probably happen. Furthermore, even provision of seemingly ‘innocent’ surgical packs might constitute cooperation in evil if those packs are used for evil purposes, but that is not always a possibility which can be foreseen in a particular case. In traditional terms, the immoral procedures themselves, their outcomes, and the provision of the necessary surgical packs would remain praeter intentionem for St John’s: none of these would be either direct or indirect objects of intention. The objects of St John’s volition, rather, would have been (directly) the provision of all other packs so that legitimate surgical procedures might be performed, and (indirectly) the creation of opportunities to explain its moral stance to those who inquire. It is in regard to the latter that the theological argument might be employed.

This arrangement might have created occasions on which St John’s ecclesial identity and mission could have been realised in particularly effective ways, at times when those inquiring were most open to perceive the presence of moral truth. From this point of view it is arguable that St John’s had a duty to propose this configuration of service provision, precisely in order to create those opportunities and so realise its identity and mission. But in any event, St John’s was not given this option: the State Government refused to countenance what it considered to be a ‘piece-meal’ approach to a core medical service, and chose to have the regional

145 Grisez might argue that this still constitutes formal cooperation, since the proposal St John’s adopts would still include the provision of TOP packs, albeit sourced from another HSSU. See for example CMP, 240. This objection is addressed above, 3.1.4.2.
hospital provide the HSSU. On one hand this deprived St John’s of an excellent opportunity to realise its identity as sacrament of God’s offer of salvation in Christ; on the other hand, it obviated the need for St John’s to reach a definitive moral evaluation of this complex and intriguing possibility.

5.2.4 Conclusions: Institutional Cooperation, Past and Future

The present work has attempted to portray the history of the principle of legitimate cooperation as an evolution which more or less matches that of moral theology in general.

In the early part of its evolution the problem of cooperation in evil was treated largely in the context of confessional practice, as a matter of pastoral concern. Its complex structure and many permutations made it necessary to develop clarity about categories and kinds of cooperation, so that confessors might know how best to assist penitents in practice. But differentiation of various aspects of cooperation and clarification of related questions (such as scandal and induction) created the impression that the principle was more concerned with theoretical clarity than with offering practical pastoral help to penitents. In other words, the principle took on a life of its own, particularly in the manuals.

This probably led some to believe that all problems of cooperation in evil can be resolved at the level of objective norms and metaphysical theory. Vatican II realised that this is not true - not for the problem of cooperation in evil, nor indeed for any moral question. From the outset the Council saw the role of moral theology (and of the Church in general) as essentially pastoral: to proclaim the Gospel by word and work, to help Christians respond ever more faithfully to God’s invitation in Christ, and so to ‘bring forth fruit in charity for the life of the world’.146

This challenge has a specific meaning within the context of Catholic moral theory. Charity is the virtue which orients humanity toward its ultimate end, which

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146 Optatam totius, 16.
is God. To ‘bring forth fruit in charity’ in the midst of a pluralist world, therefore, represents a challenge to produce goodness in the world by remaining oriented toward God in all things and in every institutional action, and so witnessing continually to the validity of this orientation. This is a duty not just for the Church’s own sake, but also and even primarily ‘for the life of the world’: that is, in order to continue in the world the presence and activity of Christ who has come ‘so that they may have life, and have it to the full’ (John 10:10).

The Second Vatican Council sought to resolve the pastoral difficulties created by an excessive emphasis on objective morality, and to restore the person of the moral agent to the centre of moral analysis. This means much more than merely ‘excusing’ certain actions on subjective grounds (for example, erroneous conscience): it also means accepting that the person of the moral agent contributes something to the full objective moral meaning of particular actions. Note that the Council’s concern was not with objective morality as such, but with an excessive emphasis upon it: the traditional metaphysics and moral theory continue to play an essential role in clarifying the objective meaning of human actions. The challenge rather was to restore the balance between objective or doctrinal clarity on one hand, and subjective or pastoral benefit on the other. The so-called ‘law of graduality’ is one attempt to bring these two together.\textsuperscript{147} The theological interpretation of legitimate cooperation proposed here is another.

What this interpretation offers moral theology in general, and the principle of legitimate cooperation in particular, is a framework which links practical moral decision making to the authentic Christian identity of the moral agent. The former is in the realm of practical reason, the latter in the realm of faith: in contrast to the traditional ‘metaphysics of agency’, this ‘theology of agency’ ties these two inextricably. As an interpretation of moral theology in general, this proposal also has the benefit of relating the moral agent to the entire body of the Church: for example, the full moral meaning of the actions of a Catholic institution can only be assessed in the context of that institution’s ecclesial identity and its mission to make

\textsuperscript{147} See \textit{Familiaris consortio}, 9 and 34; \textit{Vademecum}, 9.
Christ truly present and active in the world. With regard to the specific question of cooperation in evil, this proposal emphasises the compelling power of ‘vocation’: sometimes, despite the evil which will be done by others, a Catholic institution simply must cooperate with them in order to bring about a good which only it can produce and which is necessary ‘for the life of the world’.

One important question is whether the proposed ‘sacramental’ view of institutional actions can also apply to individual moral agents. In some senses it would seem so: the structure of self-realisation through action is the same, and it can be argued that since by Baptism one is grafted into the ecclesial Body of Christ, one also shares the mission and identity of that Body. But insofar as it is more readily identifiable as acting in the name of the Church, a Catholic institution has a more obviously ecclesial role as ‘sacrament’. On the other hand, of course, whether individual or institutional, a moral agent’s ecclesial identity will play an active role in shaping moral actions only to the extent that the moral agent is aware of that identity and wishes to ‘real-ise’ it. It is not simply ‘ecclesial identity’ but ‘awareness of ecclesial identity’ which makes the moral agent’s self or ‘person’ operative in moral decision-making. The present work has proposed that this awareness can and should play a decisive role in the resolution of at least some instances of institutional cooperation in evil.

What of the future of the principle of legitimate cooperation? It has been argued here that the traditional metaphysical analysis of cooperative acts must be retained, since this brings a great deal of clarity to what are often very complex situations. But that metaphysical approach alone cannot always produce satisfactory outcomes, often precisely because it tends to exclude the moral agent as a constitutive element in morality. As instances of cooperation become ever more complex, it will seem harder and harder to analyse and resolve them using only the traditional approaches. Some additional terms of analysis are required. The suggestion here is that, since moral actions both express and constitute the identity of the moral agent, the importance of ‘real-ising’ this identity should be taken into greater account in the analysis of cooperative situations.
All of this is particularly true in the case of Catholic institutions. The world today is becoming more institutionalised. In bigger and bigger cities individuals are thrust ever closer together, and yet are more and more anonymous to one another; this makes it difficult to know exactly with whom one is cooperating and what their intentions are. The business world is increasingly dominated by national and multinational corporations supplying a vast range of consumables, which brings the institution more intimately into the lives of individuals. These corporations are often engaged in a wide range of businesses, not all of which would be morally acceptable. Individuals who engage the services or accept goods from those corporations will find themselves more and more caught up in cooperation in these evils.

The need for clear Christian witness in this world is urgent, yet it seems increasingly difficult to know with certainty exactly what one ought to do. As time goes by, not only will institutional cooperation become more complex, but Catholic institutions will have to assess their options in terms broader than simply their own particular institutional identity or mission. In the future the Church as a body will insist even more strongly that its institutions assess cooperative ventures in light of their ecclesial identity and mission, and only enter those which promise to enable the Church to fulfil its mission to ‘bring forth fruit in charity for the life of the world’.

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This study established four major aims:

• to explore the meaning of cooperation in evil through studying the evolution of the principle of legitimate cooperation;
• to explore the similarities between ‘cooperation between individual moral agents’ and ‘cooperation between institutional moral agents’, and suggest how the principle of legitimate cooperation might be applied to institutions;
• to suggest a theological framework within which to view institutional cooperation;
• to demonstrate that a truly theological interpretation of legitimate cooperation in evil can be, at one and the same time, grounded in the Catholic moral tradition and responsive to the Second Vatican Council’s call to a renewal of moral theology.

In addressing these aims the author expresses his sincere hope that this study will make a useful contribution to the Church’s understanding of institutional cooperation in evil.