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Cooperation in the Evil Actions of Another

by Fr. Leo Walsh, CSB, STD

During the period when the moral theory of Proportionalism was being promoted by several prominent moral theologians (1970s, 1980s, 1990s), objections to the theory being advanced were that its practical findings were against moral tradition, that it was philosophically untenable and that it is impossible to weigh moral values.

Our interest here is with the third of these, that weighing of values is not possible, and that any attempt to do so leads to moral relativism. It can scarcely be denied that the danger of subjectivism here is real. Danger, though, should not lead ultimately to the rejection of the weighing of moral values.

The importance of the present discussion is its implication for the moral theories dealing with cooperation in the evil actions of another. Cooperation with evil is never a good thing in itself. Yet it is impossible to go through life without cooperating with evil. When is it morally permissible to do so?

Most commentators on cooperation with evil speak of formal cooperation (explicit or implicit) and material cooperation, with its subdivisions of immediate cooperation, mediate and remote cooperation, along with the ideas of necessary or unnecessary cooperation.

With the notion of explicit formal cooperation in the evil actions of another, there is no conceptual difficulty. Explicit formal cooperation is had when the cooperator intends and desires the evil in the action either as an end or as a means. It does not matter whether the principal agent embraces the evil action as such or is mistaken as to its evil. For example, James' girlfriend, Anne, is pregnant. She wants to have an abortion and James is in favour of this, promising to do everything he can to help her obtain the abortion and to care for her afterwards. James may desire the abortion because he thinks that Anne should continue with her studies. Or he may think that an abortion will save his having to contribute financially and otherwise to the child's upbringing.

Anne may think that abortion is permissible, because the embryo is not human yet. None of these facts matters to the reality that James is choosing to help Anne in an act of killing an innocent human being. He is guilty of explicit formal cooperation. By definition, explicit formal cooperation in the evil action of another is always immoral.

Most authors now deal with the notion of implicit formal cooperation. What they mean by this is that the cooperator declares that he or she is not in favour of some action, but his or her actions cannot be interpreted in any way other than his or her intending the evil. For example, a nurse takes part in an abortion surgery, handing the surgeon the instruments, etc. She says that she deplores abortion, but she cooperates so that she is not barred from promotion, or even to save her job. Moralists say that this is implicit formal cooperation and is always immoral. Their conclusion here seems correct, but their analysis demands further thought.



Take another example, where an employee is forced at gunpoint to open a safe for robbers. What differentiates this example from the abortion one above is simply the disproportion or proportion of the values involved. In the abortion example, there is no proportion between protecting one's job and the killing of an innocent human being. In the present example, it is better to protect one's life rather than protect money. The implicit formal cooperation category, in other words, is unnecessary.

Intention is a word that is defined differently by various authors. Here we mean that a cooperator intends the evil involved when his or her action facilitates the evil in one way or another. The cooperation is formal when the cooperator approves the evil as a means or as an end, and such cooperation is always immoral. If the cooperator does not approve the evil involved either as an end or as a means, then the cooperation is material. Whether the material cooperation is permitted or not depends on the proportionality between the good furthered and the evil reluctantly intended.

At this point, some of the traditional categories are helpful in making the judgment as to the proportionality between the good and evil. Immediate material cooperation must be considered very carefully, though the robbing of a safe example makes clear, the immediacy is not always determinative of the moral judgment. Usually, mediate material

cooperation requires a less urgent cause, and remote cooperation even less. The cleaner of a hospital ward for women having abortions is justified by her need of employment.

So we come to the weighing of values. To avoid relativism and subjectivism, there should be groups of people with different expertise working

together to come to a conclusion about various cases, and then this taught by the bishop. This requires a time commitment, but each situation must be considered, and it is quite unacceptable to have some kind of pigeon hole like “mediate material cooperation” in which to place a unique case.

Understanding Moral Certainty

by Fr. Leo Walsh, CSB, STD

“Moral certainty” is a phrase used differently by different people, yet all use the term to arrive at different moral conclusions.

The term may mean that a person has tried as diligently as possible to arrive at a morally correct solution to some problem, and where acting or not acting have importance consequences. The person choosing what seems to be the morally

right choice has moral certainty (that he is acting virtuously),

even if his or her conscience turns out to be erroneous. A young doctor, with no time for medical or ethical consultation, must decide whether to induce a baby of 21 weeks, when the mother needs immediate attention. He chooses the course of action he thinks morally correct.



Others use the term to refer to the likelihood of some outcome being mathematically minimal. For example, some ethicists think that the possibility of Plan B being abortifacient in a particular case is so unlikely that there is moral certainty that Plan B will act to prevent conception, and so its adoption in a rape case is legitimate. When the harm threatened is to a third party, the embryo in this case, the claim seems false.

Our approach is to see matters in terms of doubt, positive and negative. By positive doubt, we mean that the opposite cannot be ruled out, even if it is mathematically very unlikely. Negative doubt is present when there is no evidence for an outcome, where the doubt exists in the mind of the doubter only. Positive doubts should forbid action when the life of a third party is at stake. In the face of positive doubt, there is no moral certainty. When it is a matter of negative doubt, this should be ignored. Your garage is locked and there

is no evidence that someone has broken in. In the morning, you go around looking behind all four wheels in case some homeless beggar has found a key very likely yours, has used it to get into the garage, and is now asleep under your car. If we started to think and act like this, we are in need of immediate psychological help. In the example of Plan B, there is a positive doubt as to the functioning of the procedure.

When it is a matter of the good of the agent him or herself, then prudential judgement should be employed. A young tennis player has a heart condition that should be corrected. The surgery has a 1% of having a bad outcome.

Prudently, he decided to undergo the surgery, which unfortunately left him with brain damage. Yet, to repeat, the decision was **prudent**.

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Launched in November of 2015, *The Canadian Catholic Bioethics Institute at Assumption University* is a champion for ethics education, research and community service. The Institute seeks to raise awareness and respond to the ethical issues in healthcare that touch many of us as patients, families and providers of service.

In the spirit of collaboration, we are committed to providing services to our Diocese, our community institutions, and to all who seek a deeper understanding of healthcare and bioethics.

We are interested in what you have to say. If you have a particular topic of interest or would like to provide us feedback on this publication, please contact:

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