

THE NATIONAL CATHOLIC BIOETHICS CENTER



COOPERATION WITH MORAL EVIL

PREPARED BY THE ETHICISTS OF THE NCBC
FEBRUARY 2013

“If a Catholic health care organization is considering entering into an arrangement with another organization that may be involved in activities judged morally wrong by the Church, participation in such activities must be limited to what is in accord with the moral principles governing cooperation.”
—USCCB, *Ethical and Religious Directives for Catholic Health Care Services*, 5th edition, n. 69.

❖ SUMMARY ❖

- Catholic health care services and health care professionals may face the prospect of assisting immoral actions in direct or indirect ways. The distinctions between types of cooperation are important in determining what constitutes a morally licit action.
- Cooperation is the free and knowing assistance of an individual or institution (the cooperator) in an immoral act performed by another individual or institution (the principal agent).

Formal Cooperation Is Always Illicit

- Explicit formal cooperation occurs when someone wills the evil action of the principal agent, such as a doctor who openly encourages or recommends a direct abortion.
- Implicit formal cooperation happens when a person, for the sake of a good aim, establishes the structure (procedure, protocol, or contractual agreement) by which a specifically described immoral action will take place, grants formal approval to an immoral action, or wills the principal agent’s evil action as the means for achieving some other good. This can be a very common pitfall in institutional collaboration, particularly in prescribing medications, filling prescriptions, and making referrals, as when a doctor who opposes abortion refers a woman to a place where he knows she will obtain a direct abortion.

Material Cooperation May Be Licit with a Proportionate Reason

- It is immediate material cooperation when the action is so intimately linked with the principal agent’s immoral act that they are nearly indistinguishable, as, for example, when an operating room nurse assists a surgeon in a direct sterilization procedure. Many consider such cooperation to be always illicit, others consider it licit with only the gravest of reasons, as when one’s life or a good of similar weight is a stake. In practice, it is virtually never licit.
- Mediate material cooperation occurs when there is a degree of causal (not physical) separation between the action and the principal agent’s immoral act. The degree of causal distance may vary along a scale from proximate to remote.
- In proximate (mediate) material cooperation, there is little causal distance from the immoral action, as when a pharmacy technician delivers the abortion pill, RU-486, to a patient’s room.
- In remote (mediate) material cooperation, there is significant causal distance from the immoral action, as when a janitor cleans the laboratory where he knows that in vitro fertilization takes place.
- To be licit, indirect assistance given to an immoral action must have a proportionate reason. In other words, there must be a proportionate good to achieve or evil to avoid, which must be greater or lesser in proportion to the gravity of the foreseen evil, the degree of causal distance, the dependence of the immoral action on the act of cooperation, the reasonableness of other alternatives, and other prudential judgments.

Theological Scandal May Make Illicit an Instance of Material Cooperation That Would Otherwise Be Licit

- Scandal, or the perception of wrongdoing that leads others to wrongdoing, may be caused by an act involving licit cooperation that would be difficult to explain to inexpert audiences. Foreknowledge of probable and incorrigible scandal makes the cooperation illicit.
- Scandal may often be addressed with proper information, transparency, and education.
- Scandal assessments for ecclesiastical institutions and works ultimately rest with the local ordinary.

❖ FAQs ❖

Question 1. I am a Catholic cardiologist working at a secular hospital that performs abortions. By working here, am I involved in illicit cooperation with evil? Is it necessary to work in a Catholic institution to avoid illicit cooperation?

Reply: The type of cooperation in which you are involved is remote mediate material cooperation. The causal distance between your good actions in caring for cardiology patients and the immoral direct abortions is vast: your good work brings revenue to a hospital that uses a portion of it to finance heinous immoral activities. Yet even remote material cooperation requires a proportionate reason to be justified. In your case, the material assistance is minimal and causally remote, and it is outweighed by the great goods of your livelihood, your healing ministry, and the Catholic witness you can bring by not hiding your faith or your opposition to abortion and by developing respectful human relationships with your colleagues and patients. Achieving a respected position within the institution may aid your ability to effect change over time.

Question 2. I am employed by a social services agency. I distribute clean needles to heroin users as part of a needle exchange program to reduce the transmission of HIV and save lives. I also help with rehabilitation to help users break free of dependency, and so I am very much opposed to dangerous, habit-forming drug use. I care very much about these people, and I want to make sure they stay as healthy as possible, so my aim is to promote their health and perhaps save their lives. Is this morally acceptable?

Reply: The distribution of clean needles with the aim of promoting health and saving lives, protecting heroin users from the dangers associated with the means of their drug use, appears to be an instance of implicit formal cooperation with evil. Despite your irreproachable intention of safeguarding health and life, the means by which that good aim will be achieved is an act of harmful, abusive drug use. In other words, your good aim implicitly contains the evil means of heroin use: the immoral act of injecting the drug with a clean needle is the means by which the users' health will be protected. It is impossible to separate your intention for their good health from the intention that harmful drugs be injected, since the former is dependent on the latter. Your efforts to help curb drug use in other ways are laudable and important, but they do not change the moral assessment of this act.

Question 3. I am a nurse at a secular hospital and I prepare patients for surgery. Sometimes they go into surgery for surgical sterilization. I don't ever go in the operating room, but I'm concerned that this is wrong. I'm married and have four children, and it was very difficult to find this job. My wife does not work, and our health care coverage is through my job. I know my supervisor and am sure I'll lose my job if I refuse to prepare certain patients. What can I do?

Reply: You are involved in proximate mediate material cooperation, which is serious but may be justified to preserve a great good or avoid a great evil, that is, with a proportionate reason. You first need to be sure the risk of losing your job is real, since respectful communication may allay your fears and avert the cooperation. If you are certain that the loss of your livelihood, or other serious harms, are real—which seems to be the case—then the cooperation may be justifiable.

❖ RESOURCES ❖

NCBC Ethicists, "Cooperating with Non-Catholic Partners," in *Catholic Health Care Ethics: A Manual for Practitioners*, 2nd ed., ed. Edward J. Furton (Philadelphia: NCBC, 2009), 265–270. Reproduced by permission.

William Newton, "Avoiding Cooperation with Evil: Keeping Your Nose Clean in a Dirty World," *Homiletic and Pastoral Review*, September 21, 2012, <http://www.hprweb.com/2012/09/avoiding-cooperation-with-evil-keeping-your-nose-clean-in-a-dirty-world/>. Reproduced by permission.