

Why Not Dirty Your Hands?

1

Or: on the supposed rightness of (sometimes) intentionally cooperating in wrongdoing

Luke Gormally

1. Introduction

“Why not dirty your hands?” is a somewhat misleading title, since the thesis I want to consider is that it is sometimes right intentionally to cooperate in wrongdoing. And if it really were right one would not be dirtying one’s hands thereby. Hence the clarificatory subtitle.

The purpose of considering the thesis is not to convince anyone of it, nor, on the other hand, to argue against it. The purpose of considering an argument for the thesis is to display some of the key elements of a mindset or moral outlook in which preoccupation with whether one is engaged in formal cooperation in wrongdoing is to a large extent unintelligible.

Since the mindset in question is a powerful influence in our society and culture it would be foolish to think that Catholics and other Christians might be untouched by it. And in so far as they are, they will be prone to confusion in their practical thinking about problems of cooperation.

Having brought out the principal elements of this mindset – utilitarian or consequentialist is the appropriate adjective to describe it – I would like to spend the rest of the paper calling to mind the key contrasting elements in the moral outlook of the orthodox Christian, which alone make sense of the way we discuss problems of cooperation.

2. Cooperation at the coalface

It is important to have a sense of the multifarious ways in which choices to cooperate in wrongdoing can present themselves, as well as of the ways in which what is at issue can fail to be grasped. Something of this complexity and of the ways in which what is at issue can be obfuscated were brought home to me in the winter months of 1979-1980 when I spent many hours interviewing more than thirty Catholic healthcare professionals, in different parts of England, about the ethical problems they encountered in their work, with a special focus on problems of cooperation. These professionals ranged in position from Dean of a Medical School to student nurse and all professed to be practising Catholics. The most frequently cited reason a number of them had for thinking that practices such as giving contraceptive advice or assisting in sterilization procedures were not morally problematic (i.e. presented no choice about possibly wrongful cooperation) was that both practices were in many cases entirely justifiable. Here what I was encountering was the ripple-effect among the Catholic laity of the very public rejection by many moral theologians and by a number of bishops of the teaching of *Humanae Vitae*. Some of my interviewees had, indeed, arrived at the conclusion that the Church possessed no distinctive authority to teach moral truth. None of them, however, professed to think that abortion or starving handicapped babies to death was ever justifiable. Nonetheless, some of them had participated in the acknowledged

wrongdoing of abortion and the killing of handicapped babies.

and *should provide such support.*

In conducting interviews I used as a heuristic device some of the categories of contributory responsibility for another's wrongdoing which St Thomas identifies in his discussion of duties of restitution.¹ In particular the following ways of bearing some responsibility for what the principal perpetrator of wrongdoing gets up to seemed relevant. It is arguable that not all of these categories of contributory responsibility should be called forms of cooperation; but they are certainly forms of complicity.

- * first, one can be an accomplice in the actual doing of the wrong, as someone providing assistance;
- * secondly, one can give one's agreement to the wrongdoing, where prior agreement is required;
- * thirdly, one can advise the principal agent to carry out the wrong;
- * fourthly, one can *fail* to advise the principal agent against the wrongdoing when one *could* and *should* do so;
- * fifthly, one can *fail* to order the principal agent not to act as he intends when one *could* and *should* do so;
- * sixthly, one can provide support or concealment of a kind without which the principal agent could not carry out the wrong he proposes; and
- * seventhly, one can *fail* to provide support of a kind which would have prevented the wrongdoing when one *could*

An example of that last category was brought to my attention by a student nurse in her final year of training and who was working in what was regarded as the worst ward of a long-stay psychiatric hospital. The other staff on the ward had told her that she would be "blacked" if she attempted ordinary care of patients. Patients who soiled their beds were to be left in that condition; physical violence and mental torture were commonplace. The pressures on her to become a party to these practices were very strong. But what made her position particularly difficult was the futility of whistleblowing. Her superiors within the hospital, who could and should have prevented what was happening, were adept at burying complaints and were interested rather in taking measures designed to prevent a public enquiry into what had been going on for years. They were complicit in the wrongdoing taking place on Ward X by their failure to support a whistleblower when they could and should have provided support.

The desire to save one's own skin is a motivation which leads people into a variety of forms of cooperation in the wrongdoing of others. Not a few doctors, when juniors, have encountered the consultant who does not hesitate to intimate sabotage of their career prospects if they do not comply with his wishes. Sometimes it can require considerable courage to stand firm in face of such threats. It is likely to be the person who recognises how he ought to act who realises that courage is needed. But not all are clear-sighted. Here I want to reflect on a line of reasoning people can invoke, or be encouraged to invoke, as justification for cooperating in

¹ St Thomas Aquinas, *Summa theologiae* 1a 2ae, q.62, a.7.

wrongdoing. Reflection on this reasoning can lead us to see the radical contrast between an outlook which is characteristic of the secularist mind-set so influential in our society and the outlook which should characterise a Christian.

3. The “no difference” argument

A nurse is asked to “scrub up” to assist in an abortion in theatre; a house officer is told to write up a dose of sedation for a handicapped child which she knows to be part of a regime established by the consultant in order to suppress demand-feeding by the child to ensure his early death by starvation. The nurse and the house officer might be persuaded to comply by the thought: my refusing to do so will make no difference to the outcome because if I don’t do it someone else will. So what harm is avoided by my refusing to do it? If they haven’t got this line of reasoning already up their sleeve there are philosophers around – bioethicists – who would like to sell it to them. And it is worth looking at what they have to say to get the measure of the underlying mindset.

So, let us turn to consider the thought: there is no good reason against my assisting in wrongdoing because my refusal to do so will make no difference.

A number of philosophers have argued for something like this claim. Here I shall consider Michael Bayles’s defence of the claim which he offers precisely in commending it to doctors, nurses and lawyers.²

² Michael Bayles, “A Problem of Clean Hands: Refusal to Provide Professional Services”. 5 (1979) *Social Theory and Practice*: 165-181. Bayles’s interest is in what a principal agent could reasonably think, but his argument applies, *mutatis mutandis*, to what an ancillary agent might reasonably think.

Bayles’s starting point is the claim that the basis for a reasonable refusal to assist is that thereby you prevent a state of affairs in which some wrongdoing occurs. But if the wrongdoing is going to occur in any case, because someone else will provide the assistance if you don’t, there is “no moral gain” from refusing to provide the assistance. “... the world is not morally worse”, as he puts it, if you rather than someone else provides the assistance. In short, it makes no difference whether or not you do it, because if you don’t someone else will. The conclusion is not that you have an obligation to provide the assistance, only that it is not morally wrong to do so:

All that need be assumed is that if an act makes no difference to the occurrence of moral wrong, it is not morally wrong. To deny this premise would be irrational, for it would be to claim that doing A is wrong but refraining from doing A is not wrong, although there is no difference in the moral wrong that results.³

In face of the suggestion that Jack’s assisting in wrongdoing might make Jack a morally worse person, Bayles’s response is to say that providing such assistance cannot make Jack a morally worse person unless it is wrong *for Jack* to provide the assistance. But the conclusion of the “no difference” argument is that it would not be wrong for him to provide the assistance. While it would be better that the principal agent not do what he proposes to do, the issue, Bayles insists, is whether it is any worse if Jack aids him than if Jill does. The objection that Jack’s assistance makes Jack a morally worse person either assumes that it is worse if Jack assists than if Jill does or ignores the issue.

³ *Op.cit.* 169.

Bayles's argument assumes or implies four propositions any one of which is sufficient to render unintelligible Catholic teaching about the morality of cooperation in wrongdoing. These propositions are:

First: that a person is as responsible for what he foresees will be the outcome of his refusal to assist in wrongdoing as he would be for the outcome of assisting. It is to be noted that Bayles thinks a person as responsible for what someone else foreseeably does in consequence of his refusal to do it as he is for doing it himself.

Second: that a choice is wrong depends on a calculation of the overall utility or disutility of the foreseeable consequences of the choice.

Third (following from the second proposition): there are no intrinsically evil choices. There can be circumstances, for example, in which murder is the right thing to do. Readers may recall the famous case devised by the late Bernard Williams in his critique of utilitarianism in which Jim, a botanist researching plants, wanders into a small South American town to find himself, as a distinguished overseas visitor, given the choice by the local militia captain, Pedro, of killing one of the twenty Indian hostages Pedro had intended to execute. If he is willing to do the killing Pedro will spare the other nineteen hostages. If Jim refuses to kill one of them, then all twenty will be killed by Pedro. As Williams remarks, a consistent utilitarian will regard it as *obviously* right that Jim should kill one of the hostages. In truth we don't need exotic examples like this to get the point. Consider the reasoning that has from time to time been offered to justify the killing of handicapped babies: that the overall foreseeable consequences for a family of life

without a handicapped baby are better than the foreseeable consequences of life with a handicapped baby.

Fourth: that it is *not* the case that the effect on the agent of his or her choices is an independent ground for determining the wrongness of choice which cannot be subsumed into some overall calculation of consequences.

Jonathan Glover in a paper on the "no difference" argument⁴ took issue some years ago with Solzhenitsyn's absolutism about lying. In his Nobel laureate lecture Solzhenitsyn said:

And the simple step of a simple courageous man is not to take part in the lie, not to support deceit. Let the lie come into the world, even dominate the world, but not through me.

Glover's comment on this is to say that there will be cases in which ... to obey the principle [never be party to lying] is to do so at the cost of the total outcome being worse. The strict consequentialist will say that the principle tells us to keep our hands clean, at a cost which will probably be paid by other people. It is excessively self-regarding, placing considerations of my own feelings or purity of character far too high on the scale of factors to be considered.⁵

The formulation of this criticism reveals the assumption that what I make of myself in and through my choices is to be counted as simply one factor in the calculation of overall consequences of choice which should determine what I choose to do. And it is clear for Glover that even if I make a murderer of myself in choosing to kill someone, that consideration will not

⁴ Jonathan Glover, "It makes no difference whether or not I do it". *Aristotelian Society, Supplementary Volume* 49 (1975): 171-190.

⁵ *Op.cit.* 185.

necessarily override other considerations which favour the killing. Speaking of the man who is resistant to killing the innocent, he comments that one can admire such a character-trait while thinking that it leads to the wrong decision, as would be the case if, in Bernard Williams's scenario, Jim were to refuse to shoot an Indian.

Bayles and Glover are utilitarians. A utilitarian believes that our choices should be determined by calculating which of our possible courses of action will in their consequences maximise utility, where utility for a modern utilitarian is most commonly taken to consist in the satisfaction of preferences and the satisfaction of preferences consists in states of affairs. States of affairs will be innumerable various, but the consequentialist has to assume that the calculations required in order to compare options allow us to use some common measure for purposes of comparison.

A Catholic who has reflectively assimilated the Church's moral teaching will not have any reason to think utilitarianism represents a defensible picture of what it is to be reasonable in the choices we make. But utilitarianism is such a strong presence in our society and culture that it would be foolish, as I have already remarked, to assume that all Catholics or all Christians are free of its influence.

Utilitarianism has been a decisive influence in the formulation of public policy and legislation, particularly as they govern the practice of medicine. The 1990 *Human Fertilisation and Embryology Act*, for example, rests on the ethical foundations supplied by the

1984 Warnock Report.⁶ Those foundations are straightforwardly utilitarian: the law regulating the reproductive technologies and embryo research was to be based on calculating the benefits of various provisions, and in the calculus of benefits it was decided, pretty arbitrarily, that the human embryo should count for relatively little compared with the value attached to the satisfaction of adult desires, whether they be the desires of the infertile, the desires of research scientists, or the desires of the biotech entrepreneurs. What we have in this country now in permissive legislation in this field is entirely in line with Warnock's thinking.

4. Human agency and responsibility in the Catholic moral tradition

I want to use Bayles's utilitarian argument for commending some intentional cooperating in wrongdoing as a foil to bring out the picture of human agency, and the picture, therefore, of human dignity, which underlies Catholic casuistry about cooperation in wrongdoing.

Necessarily as human beings we want fulfilment, we seek our flourishing. Our practical reasoning, that is, our reasoning about what to do (as distinct from our theoretical reasoning – our reasoning about what is the case) is given intelligible direction in the search for fulfilment by certain basic principles, starting points without which the exercise of practical reasoning to that end would be impossible. The fundamental principle is that good is to be done and sought and evil is to be avoided. And we have a built-in capacity for recognising what count as those fundamental features of our flourishing which are the “goods”

⁶ *Report of the Committee of Enquiry into Human Fertilisation and Embryology*. London: HMSO 1984.

we should seek: life enjoyed in a measure of health, truth, friendship, justice, solidarity, integrity, a right relationship to God, and others. As Germain Grisez puts it: “These basic truths about what is good for us are like a law written in our hearts to shape our deliberations and guide our free choices and actions.”⁷ And that law has been written in our hearts by our Creator. It is a fundamental feature of our connatural dignity as human beings – by which I mean the basic dignity which comes with coming into existence as a human being – that God has provided us with this built-in directedness to the fundamental ingredients of human flourishing.

We cannot, however, maintain, in our practical deliberation and choosing, a right relationship to the goods which make for our flourishing as human persons if we do not observe a number of moral absolutes, that is, norms which exclude in all circumstances the choice of certain types of act. Because all the basic goods as they present themselves to us in deliberation and choice are concretely aspects of one or another person’s fulfilment, and because the connatural dignity of human beings is such that we should respect what is integral to their fulfilment, we should never treat the goods of human persons as mere means to our own purposes. The moral absolutes set minimal conditions of respect for that dignity of human persons which is implicit in our God-given orientation to those goods. So there should be no murder, that is, no intentional killing of the innocent, because it is contrary to the dignity which belongs to us just in virtue of the fact that we are living human beings. No adultery, which is contrary

to recognition of the fact that the proper expression of our sexual capacities belongs within marriage in which spouses treat each other as irreplaceable. Only in that relationship is the choice of sexual intercourse consistent with respect for the dignity of the other person. No choice of contraceptive intercourse, which is contrary to the disposition to live marriage as a relationship essentially ordered to the good of children. No lying, that is, knowingly conveying falsehood in statements which purport to convey the truth, because lying corrupts in us respect for truth. No bearing of false witness, which is contrary to the good of justice; and so on.

All these types of choice are identifiable in non-evaluative terms, so that it makes sense to ask, for example (as the utilitarian clearly does ask): Why should I never intentionally kill an innocent person? Why should I not have intercourse with someone else’s spouse? Why should I not deliberately render intercourse sterile in circumstances in which it might otherwise be fertile? What are under consideration here are *types of act* identified by reference to the practical reasoning people engage in, reasoning which issues in proposals for choice. A proposal specifies what they have in mind to aim for, either as a means to their goal or as their goal. If a person chooses to act on a particular proposal, that proposal is the reason for which a person is acting, in the sense that it explains what they are up to. In scholastic terminology this is standardly referred to as the *object* of a person’s act. (This fact about terminology is mentioned here to help make intelligible a text of Pope John Paul II referred to below.)

⁷ Germain Grisez, “Human Free Choice and Divine Causality”, unpublished lecture; Ms p.10.

Ancient pagan philosophers recognised the importance of at least some moral absolutes if we are to be truly reasonable in the choices we make. Aristotle, for example, thought you “must always be wrong” if you committed adultery, theft or murder.⁸ Much more important than the witness of pagan thinkers is the constant testimony of Christian tradition to the indispensable role of moral absolutes in governing human choice. From Jesus’s reaffirmation of the Ten Commandments⁹ and the witness of the Apostolic tradition to their central importance in Christian life, right through to the authoritative teaching of John Paul II, the Church has been clear about the importance of moral absolutes.

In his encyclical *Veritatis Splendor* Pope John Paul, confronting the teaching of dissenting moral theologians who have denied that there can be moral absolutes, wrote:

Reason attests that there are objects of the human act which are by their nature ‘incapable of being ordered to God’, because they radically contradict the good of the person made in his image. These are the acts which in the Church’s moral tradition have been termed “intrinsically evil” (*intrinsice malum*): they are such *always and per se*, in other words, on account of their very object, and quite apart from the ulterior intentions [by which the Pope means the further aims] of the one acting and the circumstances.¹⁰

⁸ *Nicomachean Ethics* 2.6: 1107a9-17. On Aristotle and ancient and medieval commentators on him on the topic of moral absolutes see John Finnis, *Moral Absolutes*, Washington, D.C.: Catholic University of America Press 1991, pp.31-36.

⁹ *Matthew* 19: 16-19.

¹⁰ Pope John Paul II, *Encyclical Letter “Veritatis Splendor”*, section 80.

And a few paragraphs later the Pope adds:

... in the question of the morality of human acts, and in particular the question of whether there exist intrinsically evil acts, we find ourselves faced with the *question of man himself*, of his *truth* and of the moral consequences flowing from that truth. By acknowledging and teaching the existence of intrinsic evil in given human acts, the Church remains faithful to the integral truth about man; she thus respects and promotes man in his dignity and vocation. Consequently, she must reject the theories ... which contradict this truth.¹¹

The theories in question developed in the minds of at least some of the dissenting moral theologians under the influence of utilitarianism.

It is a central feature of man’s connatural dignity that he is able to give shape to his life in virtue of the orientations his practical intelligence gives to his will and in virtue of his ability freely to choose in ways consistent with those fundamental orientations to the basic goods. In the exercise of intelligence and choice man exhibits the truth that he is made in the image of God. If the exercise of practical intelligence recognises the normative conditions of human flourishing and our choices are consistent with moral truth then we have some share in the providential wisdom of God – the wisdom of God for our lives manifested in the directiveness given to practical intelligence by the basic goods and by the moral absolutes.

Of course this is an inadequate statement of the extent of our potential

¹¹ *Op.cit.* section 83.

sharing in divine wisdom in the conduct of our lives. For, because of the Fall we lost a secure orientation in our lives to what truly fulfils us and we became prone to think that it is down to us to determine what *counts* as making for our fulfilment. Hence the distorted understandings of human autonomy which have featured in human history, so that we have sought to provide for what we have taken to be our needs by inventing gods – the fundamental sin of idolatry – and by killing God in the person of Jesus. But precisely the death and resurrection of Jesus have made possible a profound sharing in the wisdom of God through the Holy Spirit, present in the Church and in her ministry of teaching and poured abroad in our hearts to give us hearts of flesh responsive to the will of God for our flourishing. The grace of conversion restores our orientation to what is good, enables us freely to choose it, and makes possible our living in what Pope John Paul calls “the order of love”: that is, sharing in the inner Trinitarian life exhibited in self-giving love in our own lives.¹²

The nature of our salvation in Christ makes clear that the restoration of our dignity consists precisely in our living on God’s terms. Our fulfilment as human beings lies in the Kingdom of Heaven. Heaven, however, is not an extrinsic reward for a way of life in which human choice bears no intrinsic relationship to the reality of heavenly life. On the contrary, those human goods which give point and purpose to our choices will find their transformed

realisation in heaven.¹³ Respect for those goods in this life and an upright dedication to sharing in their realisation serve to build up the Kingdom, most of all by shaping in us dispositions of openness to the fulfilment for which we were made. So what most of all matters in this regard is the character we acquire.

To live well we need to become the kind of persons God wants us to be. God makes available to us all that is necessary to that end.

Our ability to choose what to do with our lives and in our lives cannot have as its purpose bringing about what we may think of as “best states of affairs”. For a number of reasons, of which I shall mention two. First, the significant consequences of our choices stretch way beyond our capacity to know or anticipate. Secondly, the whole ambition to compare the overall consequences of various options assumes that there is some common measure to make the attempted comparison meaningful. But what could the common measure be that would enable us to compare the overall benefits of the consequences of either choosing to help starve a senile patient to death or choosing to help sustain her life. The choice to help starve her would certainly have as its consequence that she was killed; and might have as its further consequences that a hospital bed was released for another patient; that various doctors and nurses were relieved of the burdens of her care; that perhaps some hitherto wavering colleague was confirmed in collusion in such behaviour; and perhaps many foreseeable consequences of various kinds for the patient’s relatives.

¹² See Luke Gormally, “Pope John Paul II’s teaching on human dignity and its implications for bioethics”, in Christopher Tollefsen (ed) *John Paul II’s Contribution to Catholic Bioethics*. Dordrecht: Kluwer 2004.

¹³ Vatican Council II, *Pastoral Constitution on the Church in the Modern World*, “*Gaudium et Spes*”, section 39.

The choice to help sustain the old woman's life, on the other hand, could have as its consequences: that she was allowed to die a natural death; that some patient did not get a bed she needed; that one's medical and nursing colleagues were helped by one's willingness to care for that old woman to remain true to their professional responsibilities; that others, including relatives, were not left with uneasy consciences about the old woman's death.

There is no way the choice of what to do about feeding the patient could be rationally based on comparing the overall utility or benefit of the consequences of each option, because those consequences are incommensurable goods or evils; that is, there is no common measure which would allow us to assign comparable positive and negative values to those consequences.

While we are given a share in God's wisdom, through natural law and revelation, sufficient for us to choose rightly and shape our lives to play the roles God has for us in his providential designs, we do not have God's own knowledge of those designs. So a Christian will not let his moral outlook be infected by the secularist assumption that it is down to us to try to calculate how to bring about the best states of affairs in the world. Human responsibility cannot be of that kind. It is only in God's power to bring good out of the many evils that are truly outside our control; but we know that it is in the nature of divine wisdom to bring good out of evil. In our present condition, however, we have no comprehensive insight into God's doing of this, though many of us surely have the experience of God's gracious providence in delivering us from evil. We need to trust in that providence if

we are ever tempted to start thinking like a utilitarian.

It is because the character we shape by our choices matters greatly for our living well, and because the moral absolutes are so important for shaping our choices, that the traditional casuistry about cooperation in wrongdoing is important. That casuistry is first of all concerned with whether we share the intention of the principal agent in wrongdoing, that is, with whether our actions are chosen precisely to achieve his objective. This concern reflects the moral significance of the distinction between intended and foreseen consequences of our choices, a significance which is tied to the central importance of moral absolutes and their significance for the formation of character.

Absolute prohibitions necessarily bear not on physical causation as such but on chosen courses of conduct, i.e. courses of conduct specified by the reasons for which they were chosen. Thus the prohibition of murder is not a prohibition on *any* causing of the death of innocent human beings (for you might do that as an unforeseeable consequence of something else you do) but is in its main part a prohibition on *intentionally* killing innocent human beings. A course of conduct is identifiable as intentional precisely by reference to the practical reasoning of the agent. Thus a course of conduct is a case of intentional killing if what results in the killing was brought about, or allowed to happen (when it might have been prevented) because a person chose that course of conduct in order to bring about the death of another. The purpose of securing the other person's death was the *reason* for the chosen conduct.

An absolute prohibition bears on what is intentional for two main reasons. First, because persons are most fully answerable for those courses of conduct they decide on in the light of their reasoning about their goals and the means to achieving them. At the other extreme to such fully deliberative choices are those states of affairs one brings about without intention or foresight of doing so and for which, absent culpable negligence, one is not held responsible. In between, so to speak, are states of affairs one *foresees* one will bring about but which one's reasons for acting make no part of what one seeks to achieve. The standard textbook illustration for the distinction being made here is the hastening of death which may result from the use of opiates or analgesia which are solely to control symptoms.¹⁴ Death in this kind of case is no part of what one seeks to achieve. Of course, if what one is seeking to achieve is a relatively unimportant good and the foreseen side-effects of one's choice involve significant harm to someone, then one may for that reason be under an obligation to refrain from that choice. But sometimes unintended harm to another is a foreseeable outcome of the pursuit of objectives one has entirely good reasons to pursue, as when a surgeon undertakes high risk surgery to save someone's life, and the surgery itself kills the person.

Casuistry about material cooperation is clearly concerned with those of one's actions which, though not intended to assist wrongdoing, foreseeably do so. The absolute prohibitions of traditional morality concern intentional actions

(more broadly, intentional courses of conduct) because of the fundamental importance to human flourishing of having people *never* act for *reasons* which are directly contrary to the human good, identifiable in terms of the basic goods.

The second reason why absolute prohibitions bear on intentional actions is directly related to the first. When we act, our choices do not merely bring about states of affairs in the world. If, for example, as a doctor I embark on a regime of terminal sedation of one of my patients who is not as yet in the terminal phase of dying precisely in order to hasten that patient's death, my practical reasoning is not confined to specifying that a particular state of affairs should obtain, namely that my patient should become comatose and die. My practical reasoning importantly specifies *what I am committed to doing or to being* in order to bring about the desired state of affairs: for example, that *I* will prescribe sedation, that *I* will ensure that food and fluids are in no way delivered to the patient, that *I* will overcome the resistance, say, of nursing staff to this regime; and so on.¹⁵ My chosen commitment to these means to my ends shapes my character. In general, reasons which specify bad objectives (whether ultimate objectives, or intermediate objectives towards achieving ultimate ones), to the realisation of which I commit myself, shape a bad character, with all the implications that has for human well-being. Thus, for example, a commitment to assist someone to kill for a particular type of reason (the mother doesn't want the unborn child,

¹⁴ It should be noted that the standard textbook illustration fails to reflect the best of contemporary practice, since correctly administered use of opiates tends to prolong rather than shorten life.

¹⁵ See Luke Gormally, "Terminal Sedation and the Doctrine of the Sanctity of Life", in Torbjörn Tännsjö (ed) *Terminal Sedation: Euthanasia in Disguise?* Dordrecht: Kluwer 2004: 81-91.

or the adult children no longer want to care for their senile mother) contributes to shaping a disposition to kill for that kind of reason. And that kind of disposition can become second nature; that's what character is – second nature. I once sat on a commission considering the physical and psychological *sequelae* of abortion for women. We interviewed an abortionist who claimed to have carried out about 100,000 abortions; he had been doing 100 a week for the past 20 years. He was a millionaire. He talked as if it was an utterly unproblematic way of giving women what they wanted and of earning money by doing so. I recall hearing of another abortionist who was interviewed by a pro-lifer who had gone along to tell him that he intended to picket his abortion clinic. In the course of their conversation the pro-lifer asked the abortionist, a man who had carried out a few thousand abortions but nothing like 100,000, whether he could remember having an uneasy conscience about any of the abortions he had carried out. After some thought the abortionist replied: Yes, I had an uneasy conscience about the first abortion I did and I can still remember the woman, but since then it's really been fairly routine.

In contrast to intentional courses of conduct, what I do not seek to achieve, such as the side-effects of what I do, does not involve commitments which *necessarily* serve to shape character in this kind of way. The psychology of character formation is an important part of the background to understanding the rationale of absolute prohibitions.

In saying this I do not mean to suggest that material cooperation cannot affect one's character. Professor Grisez has

discussed ways in which it can,¹⁶ and Professor Kaveny has discussed the way in which what begins as material “intimacy” with evil-doing can, by a process of “contamination”, transform one's original intentions.¹⁷

All I wish to emphasise here is that the framework of traditional morality makes clear that formal cooperation with wrongdoing will *necessarily* corrupt character. Anyone with a traditional understanding of what it means to live well will have decisive reasons against any formal cooperation in wrongdoing. But whether or not one should materially cooperate will depend on considerations other than the precise character of what one chooses to do. Those considerations, in all their complexity, are the topic of other contributions to this volume.

5. Conclusion

In this paper I have used a utilitarian line of argument, purporting to show that it can sometimes be right intentionally to cooperate in wrongdoing, in order to bring out the main features of a traditional and orthodox Christian understanding of moral responsibility. We are not responsible for producing “best states of affairs” in the world. There is no rational way of identifying such states of affairs as objects of choice. We obviously do have positive duties of justice and charity towards others in our pursuit of the human good. But more fundamental to the practical wisdom we have received for the conduct of our lives are the absolute

¹⁶ See Germain Grisez, *The Way of the Lord Jesus*, Volume 3: *Difficult Moral Questions*. Appendix 2: “Formal and material cooperation in others' wrongdoing”. Quincy, Illinois: Franciscan Press 1997: 871-897, esp.879-880.

¹⁷ See M. Cathleen Kaveny, “Appropriation of Evil: Cooperation's Mirror Image”. 61 (2000) *Theological Studies*: 280-313, at 305ff.

negative duties we have to refrain from certain types of act. Failure in practice to recognise these exceptionless norms corrupts character. What we make of ourselves through our choices is what we most of all have control over and what, therefore, we are most of all answerable for. If you are a Christian you know you possess the dignity of a person whose character matters in the eyes of God; if you are a utilitarian your character can be traded in for what is often the illusory project of maximising benefit. God looks to us to cooperate in the realisation of our fulfilment. So above all we should be concerned to grow in those dispositions of mind and heart – the knowledge and love of what is truly good – which will make us fit citizens of the Kingdom of Heaven. That fundamentally is what is at issue in the casuistry about cooperation in wrongdoing.

This paper is published in Cooperation, Complicity and Conscience, the proceedings of the Linacre Centre's 2003 Conference.

© The Linacre Centre for
Healthcare Ethics,

38 Circus Road,
London NW8 9SE
England

Tel. +44 (0)20 7266 7410
Fax +44 (0)20 7266 5424
admin@linacre.org

Registered Charity No. 274327