**Cooperation in evil or complicity in evil? Negotiating the terrain**

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**Abstract**

Cooperation in wrongdoing is an everyday matter for all of us, though we need to discern when it is justified and when ‘formal’ cooperation is at stake, as opposed to ‘material’ (unintended) cooperation, whether justified or otherwise. In this paper, I offer some examples of material cooperation, and also formal cooperation where the cooperator intends a choice on the part of another which is wrong in itself, including wrongful preparation for some further wrongful act. I also offer examples of formal cooperation where the cooperator intends, not a choice wrong in itself on the part of another but a choice wrong in the circumstances, as thought by the other to cause serious, uncompensated harm to third parties.

What is cooperation in evil? The phrase conjures up visions of human rights abuses like the war crimes which stained the last century and indeed, the abuses that stain our own. Cooperation in evil does certainly *include* cooperation in human rights abuses, historical or ongoing – from the bombing of civilians, and torture of prisoners right through to the mass-killing of the unborn. Sadly human beings have not stopped abusing each other, nor, of course, do abuses cease to be abuses if carried out by colleagues, friends or allies.

However, if by “evil” we simply mean “moral wrongdoing”, it becomes clear that cooperation in evil, conscious or unconscious, is an everyday matter for all of us. We live in a network of relationships and our own actions often intersect with the actions of those acting wrongly, raising questions of how we should respond. That includes more minor matters such as spreading gossip: a friend, for example, may be trying to tell me something that – however interesting to both of us – she really should not be telling me because that is unfair to the person concerned. Or a workman doing house repairs for me may want to be paid in cash – not simply for convenience but so as to avoid paying taxes he really ought to pay. In many cases, we ourselves hope to benefit from a process that currently involves or has involved others’ wrongdoing – for example, we may buy products from companies that exploit their staff or rent property to those who use it in wrongful ways. Should we say something, we may ask ourselves, or somehow withdraw from the situation?

Most of us cannot live in strict isolation from others, nor should we be too strict in trying to control other people’s actions or express our disapproval. Living in society requires a certain reticence about the choices of others, who sometimes need to be left to make their own mistakes – assuming that is what they are. Other times, however, we need to ask if we ourselves are acting wrongly in facilitating or failing to oppose or benefiting from certain actions of other people. (Note that this is not about *judging* other people who may, in any case, be in good faith or pressured or confused, perhaps about some complex moral issue. Rather, it is about when it is right for us do what facilitates, builds on or seems to endorse objective wrongdoing whether culpable or otherwise.)

Clearly, this is not a straightforward area and distinctions need to be made. While principles can be discerned to guide us in this area, we should not expect that such principles will immediately resolve each new dilemma. Even where a morally conclusive principle is in question, we still need to ask ourselves if our particular dilemma is indeed the kind to which that morally conclusive principle applies. That said, it does help to know what to look out for, both as regards what may be morally conclusive and as regards what is, at least, morally relevant, even if other factors should be considered too.

**Contents of the Heart**

So what are the principles we should be using, then, in the area of cooperation in evil? Before going further, it is good to remind ourselves what morality more generally is all about. Morality is not ultimately about (or not directly about) results, but is rather about our mental “inputs” to our actions, as opposed to their “outputs” happening in the world.[[1]](#footnote-1) Morality is about the contents of the heart.

True, these contents include any intentions we may have to affect the external world for good or ill; however, *all* our intentions, not just our *further* intentions, count when it comes to judging an action morally. “The end does not justify the means”, in that anybad intended means unfortunately ensures that we will be acting wrongly, however good our further aim.

Bad ‘means’ include the bad intentions we share with others such as those we deliberately assist in doing wrong. When we share or otherwise intend the very intention that *makes* the person’s action wrong, this is fairly uncontroversially formal cooperation, something itselfwrong in all cases. (Later I will be discussing some examples of morally excluded formal cooperation which complicate this rather simple picture, but there are certainly cases where the shared or relevantly linked intentions of main wrongdoer and cooperator[[2]](#footnote-2) suffice for the moral wrongness of both their actions.)

**Wrongful Plans**

As we think about cooperation, and especially formal cooperation, it’s important to remember that *trying* to do something wrong – even preparatory or unsuccessful trying – is itself morally wrong. Imagine a violent criminal in the process of pulling the trigger on his gun to shoot someone dead. Just as it is wrong for the criminal to *finish* pulling the trigger with the intention of killing his victim, it is wrong for him to *begin* pulling the trigger with that very same intention. And it was wrong for him earlier to pick up the gun and load it, and earlier still to form his homicidal plan. All these violent intentions are wrong, and no such intention of the criminal may therefore be shared or intended by us, however unlikelythe intention is to succeed.[[3]](#footnote-3)

All choices deliberately aimed at a wrongful action, up to and including the final choice, are morally wrong – which in turn surely means that it is wrong for us to share such wrongful choices, or otherwise intend that others make them. It’s important to stress this, not least as formal cooperation can be well-motivated while remaining unjustified: think of someone who recommends to the criminal that he shoot at the legs only or that he choose a victim who is not a child. Here we need a sharp distinction between telling people what *not* to do, and telling them *to* do something with the intention they do it where the action in question is itself morally wrong, even if less wrong than the person’s current plan. This seems inescapably a case of formal cooperation in evil, and as such morally excluded[[4]](#footnote-4) however good the motivation.

**Material Cooperation in Evil**

In contrast, *material* cooperation occurs where we do not share or intend any wrongly-directed plan of another, even if we share some more innocuous intention (for example, driving along the road). It includes cases where we help someone do wrong in effect, but that is not what we intend in what we do. While such cooperation is common and often justified, it is by no means always justified: the messages we send out by our cooperation or the harm it does directly can fail to be balanced by any good we hope to achieve. For example, if abortion wrongly harms both woman and baby, taxi-drivers should not take a woman to an abortion clinic simply to earn their fare – even if they have no intention whatever that the woman undergo the abortion as opposed to arrive at a certain address.

There are also many examples in the area of “appropriation”[[5]](#footnote-5) of past evil, sometimes included in the term material cooperation, where it is indeed wrong to accept a benefit sourced in the past wrongdoing of others. A daughter, for example, should not pay her college fees with money her father has gained by criminal means.[[6]](#footnote-6) Apart from giving her father the impression she accepts his crimes or is prepared to overlook them, there is perhaps an independent disvalue attached to her accepting the very gift for which her father may have committed the crimes in the first place: she is helping her father achieve his ultimate end, if not the means by which that end is achieved. Yet for all that, if the father leaves his money to the daughter in his Will, it may perhaps be permissible for her to accept it as her father can no longer be misled by this – though she should also be careful not to give others the impression she accepts the way the money was gained. If we pass to the next generation, and consider whether the woman’s children are justified in accepting the inheritance she leaves to *them,* it is still more doubtful that it is wrong for the children to accept the money, tainted as it is. The more pairs of hands in between the wrongdoing and the benefit, and the less those hands are part of an organised system, the less likely it is that bad messages will be communicated by accepting the benefit.

Such considerations are relevant to those discerning whether to accept vaccines, including Covid 19 vaccines, whose development involved at some point the descendants of cells obtained in morally heinous ways. If a vaccine was, for example, tested on a cell-line descended and developed 50 years ago from tissue from an aborted baby, a decision to accept the vaccine cannot be equated with a decision to accept a transplant of foetal tissue itself (as in certain ill-starred attempts to treat Parkinson’s Disease[[7]](#footnote-7)). The second involves very close and even horrifying advance complicity in abortion and tissue harvesting and concerns, unlike the vaccine tested on the old foetal cell-line, actual foetal remains. The messages sent out by using a vaccine tested on a decades-old cell-line widely circulating in labs throughout the world also need consideration but are not the same as those sent out by using the body of a just-destroyed unborn child to treat one’s own.

**Formal Cooperation in Evil**

This brings us back to formal cooperation: in science and medicine, there are many examples of cooperation where the cooperator intends a choice wrong in itself on the other’s part, including wrongful preparation for some further wrongful act. We might think of those who collaborate with abortionists, whether directly or through a go-between, to obtain fresh foetal material which is wanted for research. As arrangements are made in advance to collect the tissue, this involves the collector, perhaps the scientist liaising with the collector if these are different, in formal cooperation with the abortionist’s preparations for abortion (for example, getting the woman’s consent and arranging details of collection in advance). The collector may be the one who harvests the tissue, sometimes even while the unborn child is still alive. Or the abortionist may himself agree to harvest tissue or at least, to do the abortion in a way that promotes successful harvesting – again, for the person who asks him, this is formal cooperation and absolutely morally excluded.

Moving from science to medicine, other examples of formal cooperation include doctors referring patients to other doctors specifically for procedures such as abortion or euthanasia. If abortion is morally wrong, and if this is also true of formal cooperation in wrongdoing, then a doctor may never intend, as opposed to foresee, that another doctor will perform an abortion. Nor may the doctor intend that the woman herself form the intention to get an abortion from a colleague after the first doctor declines to do the abortion. If the first doctor mentions, factually and in general terms, the right to a second opinion, to cover him or herself and defuse the situation while offering positive help with the pregnancy, this should not be with the intention, however conditional, that the woman plan to get an abortion elsewhere. The doctor should not be intending that anyone form a wrongful intention, whether the woman herself or another doctor. Nor does this depend on whether the woman is *likely* to get an abortion from another doctor (it may be too late in her pregnancy for this to happen legally, for example). Once again, wrongdoing is about the contents of the heart. Trying to do something wrong, however unsuccessfully, and however much in good faith, is itself wrong objectively for someone to do, and thus presumably wrong for us to intend that they do.

**Well-Motivated Formal Cooperation**

Formal cooperation can be particularly tempting if we are trying to save lives, support those in difficult situations or otherwise make a difference. For example, a prolife counselling centre might advertise itself in such a way as to suggest that it offers women abortions or at least, abortion referrals. This may seem entirely justified at first sight, but perhaps less so when we think about it further. It is one thing for a prolife counselling centre to keep the word “prolife” out of its advertising material. The centre may need to do this so as not to discourage those with crisis pregnancies who desperately need to talk through their situation, but who believe, thanks to media propaganda, that prolifers only care about saving babies. But if the prolife counselling centre actually tries to “tempt” those seeking abortion to try to access abortions via them, this is formal cooperation in the woman’s abortion-seeking behaviour, albeit for the best possible motives. Good motives are admirable but they are not enough: *all* our intentions must be good to make our action good, not just our further intentions. The end does not justify the means: when it comes to wrongful intentions, we might say, one strike and you’re out.

**Unjustified Intentions**

I would now like to return to the definition of formal cooperation given earlier, with a view to asking if there are cases of formal cooperation which do not fit this very narrow definition. These are cases where the cooperator does not intend a choice wrong *in itself* on the part of another – a vengeful choice, say – but *does* intend and even invites a choice which is in the circumstances morally indefensible.

To explain the problem, I would like you to imagine a wartime situation where a spy in enemy territory wants to distract the attention of an enemy soldier.[[8]](#footnote-8) The spy arranges for the soldier to see a lever which the soldier wrongly believes will kill innocent civilians by releasing gas if the lever is pulled. Perhaps the soldier then intends to kill civilians, or perhaps the soldier is indifferent to killing civilians but just likes pulling levers. In fact, pulling the lever will kill no-one but will merely distract the soldier in a way helpful to the spy. No-one will be harmed, but rather people will be saved while the soldier is distracted.

Is this formal cooperation on the spy’s part? Surely it will be if the spy is actually intending that the soldier intend to kill innocent people – say, to punish a conquered population. However, what if the spy is “merely” intending that the soldier intend to pull the lever, for *whatever* reason? Is that minimal intention on the spy’s part also formal cooperation – and if not, is it morally permissible?

One question we might ask here is whether an intention to kill innocent people is currently *necessary* to the soldier’s being motivated to pull the lever – in the sense that, barring miracles, only this wrongful intention will spur him to do so right away. If so, that is at least relevant morally, even if the spy does not intend that further intention.[[9]](#footnote-9) We will come in a minute to the question of mixed motivations, but just as physical causation of harm which serves as a necessary means can be morally conclusive, even arguably where that means is not intended,[[10]](#footnote-10) perhaps the same is true when the unintended but effective means to our end is either the unmixed or the overwhelmingly bad motivation of the other person. At any rate, proactively inviting choices based on such a motivation seems especially problematic.

These are difficult issues, and we should be careful not to be stricter than morality in fact demands. In any case, however, there is a clearer objection to intending the soldier pull the lever. Perhaps the soldier just likes pulling levers and is indifferent to the deaths he knows he will cause. I want to argue that the spy simply intending the soldier pull the lever, irrespective of any intention to kill anyone, is a case of formal cooperation in evil. That is because, although the intention to pull levers is not wrong in itself, this particular intention to pull a lever is already morally excluded in the circumstances. As a death-causing act (or one imagined by the soldier to be so) this lever-pulling is seriously wrong *unless* that act is also thought by the soldier to e.g. save other lives, meeting the conditions of double effect. Let’s say, the lever-pulling was thought to be diverting gas from a more densely populated part of the city where the gas was currently escaping, and the soldier was intending to save those other lives while still foreseeing some unintended deaths.

However, no such excuse for the death-causing action is present as the soldier understands it. He lacks sufficient reason to pull the lever given the deaths he *thinks* he will cause, even if he does not *intend* to cause them. So this particular intention that he pull the lever – an intention shared and even induced by the spy – is morally wrong, *not* on its own but in combination with a concurrent mental state: belief in the harm lever-pulling is thought to cause. The spy inviting the lever-pulling is very aware of and informed by this concurrent mental state even if he does not positively intend it.

**Mixed Motives**

It might be objected that to say that we may never intend an intention which, although not wrong in itself, is known to be accompanied by wrong-creating mental states would be too demanding a requirement. For example, I might dictate a letter over the phone to my secretary which I know that she will write with spiteful glee as it involves a reprimand of a colleague she dislikes. However, this is a different kind of case from the case of the solider as the secretary has sufficient *good* reasons to type the letter – reasons she has *also* made her own – in addition to the bad reason of gloating over her colleague’s reprimand. Typing the letter is not an act which stands in need of further justification in the same way as performing a death-causing act (or an act thought to be death-causing) like the soldier pulling the lever. The soldier’s intention to pull the lever given the deaths he thinkswill follow is simply not justified by mere enjoyment of pulling levers. What makes his act immoral is not any bad or *intrinsically* bad intention in his case as in the case of the spiteful secretary, but the lack of a sufficiently *good* intention[[11]](#footnote-11) – or at very least, *foresight of sufficient benefit* to justify the foreseen harm.[[12]](#footnote-12)

Of course, if we imagine a different kind of act – the soldier deliberately affects the bodies of innocent people in ways known to be lethal – then no good further intentions could justify him assuming a right to do this.[[13]](#footnote-13) Innocent people have a right to bodily integrity, which such deliberate, very harmful, non-therapeutic invasions of their body-space will violate. When relevantly linked to what the person intends, certain foreseen evils can be morally determinative i.e. what one author has described as “unintended morally determinative aspects (UMDAs)” of the person’s action.[[14]](#footnote-14) Not all side-effects are “mere” side-effects that sufficiently good intended effects could outweigh. Rather, some side-effects or unintended aspects of our actions are morally conclusive in conjunction with what we *do* intend. [[15]](#footnote-15)

In a similar way, unintended aspects of the *cooperator’s* action can surely be morally determinative for the cooperator, including the fact that the wrongdoer with whom one is cooperating lacks all justification for an action the wrongdoer sees as causing major uncompensated harm to other people. That intention-foresight combination is here mirrored by the cooperator’s own intention-foresight combination: that the other do X, which the other believes will cause Y and no good which would in fact justify the harm of Y. I would call this *formal* cooperation in a wrongful choice, even if the wrongmaking aspects of the choice of the cooperator as well as the main wrongdoer are a matter of intention-plus-foresight and not intention alone.

**Material Cooperation Revisited**

# Examples of spies and amoral soldiers may seem remote from our lives, but structurally similar cases in everyday life can no doubt occur. That said, often enough the kind of cooperation in evil we are looking at on a daily basis is material, not formal cooperation in the wrongdoing of others. It thus demands not automatic rejection once identified, like formal cooperation, but rather a judgement call – a weighing of pros and cons, whether this happens instinctively or needs further thought.

# Material cooperation can be a difficult area to negotiate without being either too rigorous or too lax, bearing in mind there may be much at stake in terms of relationships, vocations and opportunities to do good. Some material cooperation in evil will always be necessary, simply because we live in a fallen world. It is not always the case that we sin by being too willing, rather than too reluctant to cooperate materially. I will end with two quotations, the first from Archbishop Anthony Fisher of Sydney, Australia who makes some points about cooperation in evil that should resonate particularly with Christians. He notes:

Even Christ’s little band paid taxes some of which were no doubt used for wicked purposes; despite his entreaties, when Jesus cured the sick some of them went on to sin some more; after repeatedly evading his persecutors, Christ eventually allowed himself to be arrested, thereby occasioning his false trial and terrible execution. All sorts of wickedness goes on in our society, and we finance it through our taxes, elect leaders who allow it and fail to do much to change things. More immediately, almost anything we do can be an occasion, opportunity or means for someone else to do something wrong. To avoid all cooperation in evil would require that we abandon almost all arenas of human activity – such as family, workplace, government, health system, Church – and could well constitute a sin of omission.[[16]](#footnote-16)

# In similar vein, Dr Mike Delany, a British general practitioner (family physician) points out that “the minefield we need to cross is not merely one of particular moral transgressions but also the rather more ensnaring danger of a disabling scrupulosity”.[[17]](#footnote-17) As he notes, “Most areas of life are tainted by the spirit of a post-Christian culture” and “Faced with this, we may develop an envy for the cloistered life but, without a religious vocation, might instead seek an existence in the secular world which engages it least – a pseudocloister.”

# This, says Dr Delany, “may provide blanket protection from temptation [by which he means, certain *kinds* of temptation] and an unsullied feeling, but refusal to engage the world inevitably results in failure to evangelise it and, having buried our talents, we could find ourselves empty-handed when account is finally rendered.” The Christian life, says Dr Delany (and here I will end my own reflections) does involve risk. [[18]](#footnote-18)

1. J L A Garcia, “Intentions in Medical Ethics,” in Human Lives: Critical Essays on Consequential Bioethics, ed David Oderberg and Jacqueline Laing (MacMillan: 1997)173-4. [↑](#footnote-ref-1)
2. I will use the term “cooperator” in this article to include, not just one who assists a main wrongdoer but an equal accomplice or even instigator or proactive “tempter.” [↑](#footnote-ref-2)
3. Helen Watt, “Addressing Unjust Laws without Complicity: Selective Bans versus Regulation,” in Contemporary Controversies in Catholic Bioethics, ed. Jason T. Eberl (Dordrecht: Springer, 2017): 567–582. Note that it is not just attempts – however unlikely to succeed – that should not be intended but other acts of bad will such as gloating over past evils (for example, it would be wrong to intend that someone do such gloating to distract her from some future-focussed evil intention). [↑](#footnote-ref-3)
4. Vatican edition John Paul II, Evangelium vitae (March 25, 1995), 74: “Indeed, from the moral standpoint, it is never licit to cooperate formally in evil. Such cooperation occurs when an action, either by its very nature or by the form it takes in a concrete situation, can be defined as a direct participation in an act against innocent human life or a sharing in the immoral intention of the person committing it.” It is not clear from this two-part definition whether these are separate possibilities. Similarly, it is not clear whether “sharing” means a literal sharing of the entire wrongful plan of action (as when A and B both intend that A successfully murder C) or whether more restricted overlap would be included (as when B intends only the attempt, and A the success of that attempt). [↑](#footnote-ref-4)
5. Kathleen Caveny, “Appropriation of Evil: Cooperation’s Mirror Image,” Theological Studies 61 (2000): 280-313. Perhaps too we can sometimes “appropriate” our own regretted wrongdoing (think of someone who steals from another poor but unidentifiable person and now regrets her crime but nonetheless needs the money to stay alive). [↑](#footnote-ref-5)
6. For a similar case, see Question 39, Germain Grisez, Way of the Lord Jesus, vol. 3, Difficult Moral Questions (Quincy, IL: Franciscan Press, 2004). [↑](#footnote-ref-6)
7. Charlotte Lozier Institute, “History of Fetal Tissue Research and Transplants”, July 27, 2015, https://lozierinstitute.org/history-of-fetal-tissue-research-and-transplants/. [↑](#footnote-ref-7)
8. This example is adapted from one of Paul Manata. I am grateful to Daniel Hill for a helpful discussion of the example and variants. [↑](#footnote-ref-8)
9. Note that in terms of *sharing* intentions, the spy and the soldier share neither the intention that innocent people be killed (the spy knows this will not happen) nor the intention that the soldier form a homicidal intention (people do not normally intend to form their own intentions). I owe this point to Daniel Hill. However, the spy does share with the soldier the intention that the soldier “set about trying” to kill innocent people though with the important difference that the spy intends the soldier try unsuccessfully, not successfully. [↑](#footnote-ref-9)
10. If, for example, in giving emergency treatment to one conjoined twin we discovered the treatment would only work through causing the death of the other twin, this might affect whether we thought the treatment justified, even if we did not *intend* the death we had only just discovered was a causal means to achieving our therapeutic goals for the first twin. Mutatis mutandis, one could argue that in other situations where the effective means to our goals is another’s wrongdoing, we may not choose anything where the outcome entirely depends on our provoking – deliberately or otherwise – that wrongdoing. [↑](#footnote-ref-10)
11. There remains, however, the problem of cases where we do feel that, under some kind of pressure or threat, we may cooperate with, if not instigate, an immediate choice of another that is not justified in the circumstances. For example, we may serve an angry drunk where his acquiring a drink, if not wrong in itself on his part is certainly wrong in the absence of any excuse at that moment for feeding his addiction. In this case, however, the further motive of not just securing a drink but getting drunk is in no way furthering our own goals which are the simple making available of the coveted drink to avoid the person getting threatening or making a scene. [↑](#footnote-ref-11)
12. If the soldier in such a situation was not actually motivated by the aim of saving lives this would normally be viciously callous. Perhaps, though, there are times when someone may register the life-saving effect as morally relevant but have no time to actually intend it before the act is completed (he might be told first that he will kill people and then immediately afterwards that he will save more than he kills). [↑](#footnote-ref-12)
13. If such shutting-off was required, it would be arguably permissible to ask the soldier to do it expressly for the life-saving reason even if the soldier added his own homicidal motivation (the same pattern as in the Secretary case). [↑](#footnote-ref-13)
14. Anthony McCarthy, “Unintended Morally Determinative Aspects (UMDAs): Moral Absolutes, Moral Acts and Physical Features in Reproductive and Sexual Ethics”, Studia Philosophiae Christianae 52(2015): 143-158; Helen Watt, Anthony McCarthy, “Targeting the Fetal Body and/or Mother-child Connection: Vital Conflicts and Abortion.” Linacre Quarterly 87 (2019): 147–60. Note the difference between cases where the agent deliberately invades what he knows to be an innocent person’s body-space, on the one hand, and on the other, his “merely” affecting the environment, as in the spy example, in a way he knows will affect some innocent people. In the former case, the choice-plus-foresight combination is morally conclusive *whatever* the benefit to others, due to the catastrophic foreseen effect on the health of the person whose body is thus invaded (principle of totality). In the latter case the choice-plus-foresight combination is morally conclusive due partly to the absence of major benefit to others (because of the lack of any balancing effect e.g. in diverting the gas from elsewhere). [↑](#footnote-ref-14)
15. Even in archetypal cases of homicide of a kind that we would certainly call deliberate killing, the victim is not often killed *because* he is innocent, any more than because he is 6 foot tall. It is at most the killing, not the victim’s innocence, that is intended as such. See Alexander Pruss, ‘Defining Murder’, presentation to Bios Centre, <https://bioscentre.org/now-online-professor-alexander-pruss-presents-at-the-bios-bwip-seminar-series/>; also Watt and McCarthy 2019. [↑](#footnote-ref-15)
16. Bishop Anthony Fisher, “Cooperation in Evil: Understanding the Issues,” in Cooperation, Complicity and Conscience: Problems in Healthcare, Science, Law and Public Policy, ed. Helen Watt (Linacre Centre: 2006), 29. [↑](#footnote-ref-16)
17. Mike Delany, “General medical practice: the problem of cooperation in evil,” in Cooperation, Complicity and Conscience: Problems in Healthcare, Science, Law and Public Policy, ed Helen Watt (Linacre Centre: 2006), 129. [↑](#footnote-ref-17)
18. Delany, “General Medical Practice,” 128. [↑](#footnote-ref-18)