

enforcement would be a capitulation to injustice. It would sanction the seizure of power by this injustice and would surrender the world to the dictatorship of force. (107)

The necessary resistance to the Nazi regime conclusively showed that “an absolute pacifism is untenable” (102). At times, however, the renunciation of lethal force, efforts at reconciliation, and “gestures of humanity” may be called for.

Cardinal Ratzinger specifically urges Christians to “do everything to ensure that conscience prevails and is not crushed by ideologies or partisan interests” (106). He further encourages them to be agents of reconciliation and to defend the capacity of reason to arrive at knowledge of the good. “Sick reason ultimately regards as fundamentalism all knowledge of definitively valid values and every insistence that reason is capable of discerning truth” (111). Two constant themes of Cardinal Ratzinger’s recent writings have been the existence of both pathologies of reason and pathologies of faith, as well as the need for reason and faith mutually to correct each other.

Part III is on the identity and foundations of Europe. Cardinal Ratzinger argues that three things are crucial if the European constitution is to give shape to a more united Europe. These are the protection of human dignity and human rights (146), the preservation of marriage between a man and woman (148), and “reverence for that which is holy to other persons and reverence for the Holy One, God.” (149). He further argues that faith in God is “the surest guarantee of human dignity” (159), that acceptance of homosexual partnerships as the equivalent of marriage would call into question “our concept of man,” and abandoning responsibility before God would deny Europe’s historic identity. It is the task of creative Christian minorities to “help Europe regain the best elements of its inheritance. This will allow Europe to serve the whole of mankind” (150). This theme of dedicated Christian minorities has surfaced in a number of the Cardinal’s writings.

While this collection of short essays does not probe the political philosophy undergirding modernity, it still directs the reader’s attention to very important individual and political challenges, and argues persuasively to show the merit of Catholic political wisdom.

J. BRIAN BENESTAD, PH.D.  
Professor of Theology  
University of Scranton  
Scranton, PA 18510  
benestadj1@uofs.edu

---

***Cooperation, Complicity and Conscience: Problems in Healthcare, Science, Law and Public Policy, edited by Helen Watt. London: The Linacre Centre, 2005. 332 pages. Index***

In Chapter 1 of this volume, “Cooperation, Complicity and Conscience: The Background to the Debate,” Bishop Donal Murray recognizes that in order to appreciate fully the moral nature of cooperation in the evil of others, it is important to understand the fundamental reason why issues of cooperation arise in the first place. The dilemma of cooperation occurs because of the kind of freedom that humans possess. This is not the creative freedom of God but a freedom that is limited in a variety of ways from the fact that we are embodied beings immersed in a physical world and are influenced by the decisions of others. Bishop Murray shows that the problem of cooperation is finding a balance between living and acting in what is often a murky world on the one hand, and “seeking after a kind of illusory purity” (3) on the other.

Luke Gormally, in his “Why Not Dirty Your Hands?” (Chapter 2) focuses on the one essential condition presupposed by the principle of cooperation. This is the fact that the moral order consists in goods and evils which have a status independent of any individual calculation of the results of actions, that it is an order which contains a number of morally

absolute norms. The fact that the result of a principal agent's act would be the same whether or not one cooperates is irrelevant to assessing the morality of the cooperator's action on the basis of moral absolutes. The claim, for example, that it is morally acceptable to intend cooperation in an evil because the same results would obtain whether one cooperates or refrains from cooperating, assumes that utilitarianism and consequentialism are true. Gormally critiques these theories and shows how a Christian morality supports the principle of cooperation.

In Chapter 3, "Cooperation in Evil: Understanding the Issues," Bishop Anthony Fisher, O.P., presents an explanation of the traditional principle of cooperation and its distinctions between the various types of cooperation in evil. He gives a brief taxonomy of traditional examples of cooperation and then provides cooperation analyses of five modern examples: sterilization in American Catholic hospitals; the use of condoms by persons with HIV; medically supervised drug-injecting centers in Australia; Catholic participation in granting certificates for pregnancy counseling in Germany; and political support for limiting abortion laws. Bishop Fisher's analysis is quite helpful. In the last third of the chapter he identifies several philosophical issues that account for disagreement over what type of cooperation is operative in the sorts of examples he considers. Two of these issues include disagreement over the nature of the human act and intention. His explanations of these issues are problematic insofar as he ascribes to *Veritatis splendor* a dichotomous view of the human act and to the extent that he does not account for the traditional distinction between proximate and remote ends in his account of the issue of intention.

In her "Tax Lawyers, Prophets and Pilgrims: A Response to Anthony Fisher" (Chapter 4), M. Cathleen Kaveny argues that Bishop Fisher's account of the principle of cooperation offers a "stark choice" between being either "Catholic tax lawyers" or "prophetic witnesses." In the case of the latter, according to Kaveny, what is important are

the reasons not to cooperate in evil and the things we have an obligation not to do rather than the positive obligations of Christian commitment. Kaveny offers a *tertia via*, what she calls the "pilgrims on the way," which emphasizes the good that cooperation may accomplish as part of the evangelical mission of the Church. This is a *via media* that avoids both the legalistic approach, which views the values of the Kingdom of God as irrelevant to cooperation, and the way of prophetic witness, which emphasizes the risks and dangers of cooperation.

Bishop Fisher offered the Catholic tax lawyer as a metaphor to explain contemporary abuses of the principle of cooperation. He did not propose it as theological methodology. By transforming Bishop Fisher's metaphor and adding three additional methodologies (the third being the "stance of the Celestine"), Kaveny's analysis unnecessarily complicates what is essentially a three-fold problem: (1) the principle of cooperation has been erroneously understood as a permissive principle rather than as a guide for avoiding evil while doing good; (2) there is a failure to understand that as a limiting principle the principle of cooperation actually complements the related but distinct positive obligations and virtues concerning the doing and pursuing of good; and (3) the significant differences in the way that the principle of cooperation has been applied are in the main due to an inability to distinguish proximate from remote ends in specific cases and to a failure to recognize the moral importance of this distinction.

Alexander R. Pruss, in his "Cooperation with Past Evil and Use of Cell-Lines Derived from Aborted Fetuses" (Chapter 5), argues that it is possible to cooperate in the past evil of abortion through the use of, and research on, vaccines that are produced from fetal cell lines developed from cells extracted from an aborted fetus. Pruss argues for a middle position between the extremes of the "radically restrictive" and "radically permissive" positions, whereby the use of these cell lines is material cooperation justified only if there is a "sufficiently beneficial" purpose. By pro-

moting the goals of the original researchers who illicitly extracted the cells, anyone who makes use of the cell lines is part of the action plan of original researchers and thus materially cooperates in the past abortion.

The central problem with Pruss's argument is that he does not make it clear how by participating in the morally good part of a principal agent's action plan, which commenced in the past, one necessarily contributes to the original illicit act that was a part of that action plan. Accomplishing or realizing the same good end once held by a principal agent who used an evil means is not a contribution in that past, completed means. Cooperation in a past, completed act is not possible.<sup>1</sup> Cooperation in contemporaneous or future acts of abortion is possible. Insurmountable scandal associated with abortion is also possible. The issue of vaccines needs to be evaluated in the theological tradition on scandal, which Pruss chooses not to pursue.

Chapter 6, on "Cooperation Problems in Science: Use of Embryonic/Fetal Material," by Neil Scolding, provides a summation of the central ethical arguments in favor of human embryonic stem cell research and their corresponding counter-arguments. Scolding poses seven questions pertaining to cooperation in embryonic stem cell research, from direct collaboration to the possibility of giving patients information in the future about treatments that use embryonic stem cells. Some of the modes of cooperation examined by Scolding are presumed immoral, but an explanation why is lacking.

Chapter 7, "Medical Training: Cooperation Problems and Solutions," by Charlie O'Donnell, provides a helpful practical guide for medical students, interns, and residents on how to avoid immoral cooperation in medicine. Chapter 8, "General Medical Practice: The Problem of Cooperation in Evil," by Mike Delany, does the same thing

for physicians who have completed their training. Each chapter outlines typical situations of potential cooperation and gives specific suggestions about how to avoid immoral cooperation. O'Donnell properly situates the principle of cooperation in the context of the commandment to love God, but he provides a flow chart of the principle that does not use the traditional categories of the principle and does not explain or define some key concepts.

Helen Watt, in "Cooperation Problems in Care of Suicidal Patients" (Chapter 9), considers four scenarios of refusing life-sustaining treatment that account for the various ways in which the conjunction of motives for suicide and motives for refusing burdensome treatment may morally affect cooperation in the evil of suicide by health-care providers. Watt outlines scenarios in which (1) the motive for suicide is strong but the burden of treatment is not a reason for refusal, (2) the motives for suicide and refusal of treatment are each strong, (3) the motive for suicide is weak but the motive for avoiding treatment is strong, and (4) the motives for suicide and avoidance of treatment are weak. She concludes that a weak motive for suicide is not morally sufficient to override a patient's refusal of life-sustaining treatment. Watt also considers the issue of the risk for legal and professional penalties that ought to be accepted for noncompliance with a suicidal request and the issue of transferring a patient with such a request.

Watt's analysis of the four scenarios is quite helpful but would have benefited by placing the various motives to the extent possible in a means-ends structure in which the act of deliberation and the distinct will-acts of wish, intention, and consent are accounted for. Such an approach would also help to identify proximate and remote ends in the scenarios and identify more precisely the moral object in each scenario.

Chapter 10, "The Holy See and the Convention on the Rights of the Child: Moral Problems in Negotiation and Implementation," by Jane Adolphe, is a thorough account of why the Holy See ratified, with reservations, the

<sup>1</sup> See Peter J. Cataldo, "A Cooperation Analysis of Embryonic Stem Cell Research," *National Catholic Bioethics Quarterly* 2.1 (Spring 2002): 35-41.

United Nations 1989 Convention on the Rights of the Child. By assisting in the drafting process, the Holy See was able to intervene in many significant issues, and by ratifying the Convention the Holy See helped secure a number of essential rights concerning, for example, the integrity of the family, abduction, and care for the sick child. However, the Holy See has come under pressure from the U.N. on her reservations about contraception and abortion. The refusal of the Holy See to yield to these pressures is a case study of avoiding immoral cooperation.

Chapters 11 through 14 represent an extended debate between Colin Harte and John Finnis on the ethics of voting in favor of legislation that proposes to restrict abortion. Both authors analyze and interpret *Evangelium vitae*, n. 73, a critical text on the subject:

In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to “take part in a propaganda campaign in favor of such a law, or vote for it.”

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. . . . In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.

Harte argues that legislation which restricts abortion in some way but also either explicitly or implicitly permits abortion is intrinsi-

cally unjust and must not be supported according to *Evangelium vitae*. However, legislative proposals that repeal abortion laws are not intrinsically unjust and are a morally justifiable attempt to limit the evil aspects of abortion law so long as there is no insurmountable scandal associated with such an effort.

Finnis argues that voting for legislation that places restrictions on existing abortion law is morally permissible because the legislation makes the law more restrictive and does nothing but prohibit abortions under certain circumstances. The analysis that leads to this conclusion is both what Finnis calls “dynamic” and “comparative.” The analysis looks to see what change is made in existing law by the new legislation and makes a comparison to determine the restrictive effect of the amending statute. Finnis’s conclusion is also based on the argument that a particular law is not, contrary to Harte, equivalent to its statutory statements and formulations. Rather, a statute is inclusive of an entire set of propositions which constitute its legal meaning and effect and which the statute makes legally valid.<sup>2</sup> This entails that the mere inclusion of such words as “abortion is permitted” in a restrictive statute does not ipso facto mean that the statute is introducing or continuing permission for abortion. Rather, the statute amends in specific ways a permission that is and will be present independent of the restricting legislation.

Finnis’s central argument is compelling and is a correct interpretation of *Evangelium vitae*, n. 73. While it may be true that

---

<sup>2</sup>For explanations of the irreducibility of the proposition which may be consistent with Finnis’s argument, see Germain Grisez, *Beyond the New Theism: A Philosophy of Religion* (Notre Dame: University of Notre Dame Press, 1975): 40–52; and Peter J. Cataldo, “J. H. Newman and the Relationship between Catholic Belief and Learning,” in *Faith Seeking Understanding: Learning and the Catholic Tradition*, ed. George C. Berthold (Manchester, NH: Saint Anselm College Press, 1991): 148–150, and “Whitehead and Aristotle on Propositions,” *Process Studies* 12.1 (Spring 1982): 15–22.

a cooperation analysis is not required to answer the narrow question of how it is possible to avoid being an equi-principal agent in unjust legislation, the question of whether there is immoral cooperation in unjust legislation or in an act of abortion itself is legitimate and is a concern of many.

Richard S. Myers, in his "U.S. Law and Conscientious Objection in Healthcare" (Chapter 15), provides a helpful account of the current legal pressure on Catholic health care and other institutions in the United States to conform to a secular moral vision. He describes a number of examples of this pressure and gives a clear summary of the federal and state law on religious liberty as it affects Catholic institutions in particular. Myers argues that the most desirable strategy for preserving the identity of Catholic health care is not to defend it on religious or theological grounds, because this risks legal marginalization. For Myers, the strategy should be to mount a defense strictly on the moral grounds of the natural law. In the interim before the Catholic moral vision can be fully respected, Myers suggests that the approach of Catholic health care should be limited to conscience protections regarding abortion and euthanasia. Whether or not it is a sound decision to exclude contraceptive mandates from the strategy, the cooperation problem of complying with such mandates remains and must be addressed.<sup>3</sup>

This collection of papers represents a comprehensive and helpful study of the range of contemporary issues relating to the moral problem of cooperation in evil. The volume makes an important contribution to an important moral question for theorists and practitioners alike.

PETER J. CATALDO, PH.D.

Consultant

The National Catholic Bioethics Center  
Philadelphia

<sup>3</sup> See Peter J. Cataldo, "Compliance with Contraceptive Insurance Mandates: Licit or Illicit Cooperation in Evil?" *National Catholic Bioethics Quarterly* 4.1 (Spring 2004): 99–126.

## Books Received

*A Balm for Gilead: Meditations and Spirituality and the Healing Arts.* Daniel P. Sulmasy, O.F.M., M.D. Washington, D.C.: Georgetown University Press, 2006. 169 pp.

*Bioethics and Armed Conflict: Moral Dilemmas of Medicine and War.* Michael L. Gross. Cambridge, MA: MIT Press. 2006. 399 pp.

*Biotech/Patent Law/Theology: Proceedings of the ITEST Workshop, October 14-16, 2005.* Robert Brungs, S.J., and Marianne Postiglione, R.S.M., eds. St. Louis, Missouri: ITEST Faith/Science Press, 2006. 284 pp.

*The Future of Assisted Suicide and Euthanasia.* Neil M. Gorsuch. Princeton, New Jersey: Princeton University Press, 2006. 326 pp.

*Human Life, Action and Ethics: Essays by G. E. M. Anscombe.* Mary Geach and Luke Gormally, eds. St. Andrews Studies in Philosophy and Public Affairs. Charlottesville, Virginia: Imprint Academic, 2005. 322 pp.

*Human Nature in Its Wholeness: A Roman Catholic Perspective.* Daniel N. Robinson, Gladys M. Sweeney, and Richard Gill, L.C., eds. Washington, D.C.: Catholic University of America Press, 2006. 342 pp.

*Kidney for Sale by Owner: Human Organs, Transplantation, and the Market.* Mark J. Cherry. Washington, D.C.: Georgetown University Press, 2005. 272 pp.

*Let Me Go to the Father's House: John Paul II's Strength in Weakness.* Stanislaw Dziwisz, Czeslaw Drazek, S.J., Renato Buzzonetti, and Angelo Comastri. Boston: Pauline Books & Media, 2006. 126 pages.

*A Meaningful World: How the Arts and Sciences Reveal the Genius of Nature.* Benjamin Wiker and Jonathan Witt. Downers Grove, Illinois: InterVarsity Press, 2006. 257 pages.

*Medical Care at the End of Life: A Catholic Perspective.* David F. Kelly. Washington, D.C.: Georgetown University Press, 2006. 191 pages.