



# CHAPTER 22

## Principle of Legitimate Cooperation: Applications

Sister Renée Mirkes, OSF, PhD

The goal of this chapter is to assist the **CREIGHTON MODEL FertilityCare™ Practitioner (FCP)** to evaluate teaching situations that are morally problematic—situations from which the practitioner can foresee both good and bad effects.<sup>1</sup> A characteristic common to all of these cases is that the good action of the practitioner, teaching fertility appreciation and respect, could be used by a client/couple to further their wrongdoing. Examples include teaching a couple (a) who are currently involved in a wrongdoing (fornication or the use of condoms) which could be facilitated by the practitioner’s instruction or (b) who have an evil goal (avoiding pregnancy indefinitely without serious reason or resorting to artificial insemination) that could be implemented by using the knowledge gained from the practitioner or (c) who superimpose a contraceptive mentality on their use of the **CREIGHTON MODEL System (CrMS)** instruction even to the extent of viewing abortion as a backup measure in the face of an “unwanted” pregnancy.

In this chapter, the proposed moral evaluation of these teaching scenarios consists of a single analysis in two versions: one detailed and one abridged. The first version, a comprehensive treatment of the case, is of more use to a practitioner who has an interest in the theoretical detail and nuance of applying the

moral principles of double effect and cooperation.<sup>2</sup> By analyzing a case in summary fashion, the second version gives a condensed analysis and is better suited to a practitioner who would prefer a non-technical approach.

### Introduction to Case Analyses

The *first principle of morality*, the fundamental canon of living a moral life, instructs me to ‘seek out and do the good and avoid evil.’ I am “doing good” when I take those means that will lead me personally, and assist others, to attain the happiness for which God has created us (and given us the grace to attain). Hence, “doing or intending good” means that I must follow the natural law (given us by God in the way he created us) and the revealed law (given in the Holy Scriptures and Sacred Tradition). What the principle means by “avoiding or not intending evil” is that I ought not act so as to stand in the way of my and others’ attaining the happiness that God has willed for us. Hence, if I want to *be* a good person, that is, if I want to pursue a good moral life, I must also *do* good and not evil. As an **FCP**, I want to be good by intending good and not evil in the choices of my personal as well as professional life.

It is important that I comprehensively understand the term “intention” or “intending,” because it can be used to refer to three different kinds of “intending.” (1) In everything I deliberately and freely do, I intend to strive to attain true happiness for myself and for others. This is *my intention of my ultimate end*—that for which I do everything else and, thus, what is most important to me in life. (2) But I can achieve happiness only by choosing to do some particular act as *a means to that end*. This is *my intention of the moral object*, the action I choose to do in order to achieve my end. These two intentions (1 & 2) are kept in tandem: one as the end; the other as a means to that end. It is these two intentions that primarily and essentially determine the moral goodness or badness of a human act. So, if my end is an intention of the *true* ultimate end and my intention of the moral object is a *good means* to that good end, my action is primarily and essentially good, that is, both as an end and as a means. (3) Sometimes I also have one or more accidental or circumstantial intentions or motives that color and qualify the morality of what I primarily and essentially intend, but they cannot make good what is essentially evil (cf. endnote #8).

So, for example, an **FCP** intends, as (1) her ultimate end, to serve God and neighbor and, hence, as (2) a means to that end, intends to serve God by the act of teaching couples the **CrMS**. But, sometimes, the practitioner may have (3) certain secondary, circumstantial motives in her teaching such as (a) improving her skill (a good secondary motive that *enhances* her essential motivation); or (b) showing off how much she knows (a bad motive which, because it is only secondary, *lessens*, not abrogates, the essential goodness of what she is doing).

Keeping all of the above in mind, I admit that it is relatively easy to discern whether a prospective action of mine would be good when that action is good in itself as well as in its effects. If my action were a good action with only good effects, I also can clearly see that choosing such an action would mean I would be (a) intending *only* the good and defining myself, thereby, as a morally good person and (b) avoiding the evil.

What is not so easy for me to discern is this: How

can I be sure that I am doing good and avoiding evil, that is, how can I be sure I respect the first principle of morality, when a prospective good action of mine would result in double (or two kinds of moral) effects, some good and some bad? Would I really be avoiding evil in the case of a double-effect action?

The *principle of double effect*, which is really a set of norms or conditions, is designed to help me to discern if I am doing good and avoiding evil even *when my good action produces both good and bad effects*. This principle assists me to differentiate between (a) a prospective double-effect action that is morally acceptable because in choosing it I would be directly intending the good and only tolerating the wrongdoing as an evil side effect and (b) a double-effect action that would be morally unacceptable because in choosing it I would be directly intending the evil.

The situation of cooperation can further complicate double-effect actions. What if the act I am deliberating about is a good action (teaching a couple fertility awareness and respect) but choosing to do it would involve me (bring me into cooperation) with a couple who are doing evil by abusing their fertility through, say, fornication? In this situation, I could foresee that my act of teaching would not only realize the good effects I intend (fertility awareness and appreciation) but also produce some bad effects such as the continuation or escalation of the evil that the couple intends. Am I, by teaching this couple who are doing evil, *also* acting immorally? If not, what conditions need to be met before my act of teaching in this morally mixed situation would fulfill the first principle of morality (doing good and avoiding evil)?

Enter the *principle of legitimate cooperation*. This principle applies the norms of double effect exclusively to *one* category of *double-effect actions*, namely, those involving cooperation in evil. Cooperation in evil differs from other double-effect actions because, rather than the action’s mixed effects originating from a single moral actor or agent, they result from the involvement between *two parties or moral agents*: one party doing a good act who is brought into cooperation with a second party who is doing something immoral.

Amidst all the complexity of this kind of double-effect, cooperative act, the norms of the principle of legitimate cooperation help me to steer a straight course and remain faithful to that primary moral canon of doing good and avoiding evil. Its (double-effect) norms specify what must be in place before my prospective, cooperative act of teaching could be considered legitimate (that is, a cooperative act that intends the good and only tolerates the evil as a side effect).

As such, the principle of legitimate cooperation requires that, in any teaching involving cooperation, I must be intending (a) *a good means*—a good moral object constituted by the physical object of my act understood in light of a good motive or reason for cooperating that, because it is just and because it is proportionate to the tolerated evil, is also directed to (b) *a good end*.<sup>6</sup> Talking specifics, my good motive for teaching CrMS—to promote fertility awareness, appreciation and respect—to a couple who are doing something wrong intends both my true happiness in union with God and the couple’s true happiness with God. This couple have wandered off the true path to God; I do not want to encourage their wandering but to do what I can to get them back on the path and moving in the right direction.

Choosing to teach a couple who are doing evil would be legitimate cooperation if I directly intend the good action of teaching the CrMS and its good effects and only indirectly intend or tolerate the couple’s wrongdoing and its bad effects. So, even though I can foresee that teaching a genitally active, unmarried couple, for example, involves me, in a way, with the wrongdoing of fornication and its related evil effects, I can legitimately teach them if the reason for doing so is both just and proportionate. Teaching a couple in this situation and under these moral parameters is cooperating in a morally acceptable or legitimate way since, in my action and its effects, I am doing good and avoiding evil. In short, fidelity to the norms of the principle of legitimate cooperation guarantees fidelity to the first principle of morality.

## Defining Terms

### **Principle of Legitimate Cooperation:**

The norms or conditions for legitimate cooperation, taken together, constitute a principle. And, as any principle is meant to do, it comprehensively explains its subject matter, in this case, what it means to cooperate in evil in a morally acceptable way. The principle of legitimate cooperation demonstrates that cooperation in evil is morally acceptable when the cooperator’s action is both essentially good (by direct intention of the ultimate end, by direct intention of a good moral object as a means to that ultimate end, and by indirect intention or toleration of its evil effects) and accidentally good (by intention of its proportionately good consequences and the avoidance of serious scandal).

### **Presupposed Norm of Cooperation in Evil:**

Before an appeal to the principle of legitimate cooperation is appropriate, one must consider whether there is a way to accomplish the intended good other than by means of cooperating with wrongdoing. If the good that one intends to accomplish in legitimate cooperation can be achieved by a means not involving cooperation, one should not cooperate and then, of course, need not appeal to the principle of cooperation.

### **Norms of the Principle of Legitimate Cooperation:**

In a legitimate act of cooperation in evil the cooperator: (1) must intend a good moral object as an appropriate means to the true ultimate end; (2) must intend the true ultimate end; (3) must directly intend the good of his/her cooperative act and only indirectly intend or tolerate the evil effects of the wrongdoing; (4) must intend the good circumstance of proportionately good effects (good effects that are equal to or greater than the evil effects); (5) must intend the good circumstance of either eliminating the likelihood of serious scandal or limiting it to a level that would be consistent with the proportionate good of her cooperative act and its effects.

**Legitimate Cooperation:**

What the principle means by the term “cooperation” is not that of two parties working together both of whom entirely agree about a project, but that of two parties working together who are, in some important respects, in disagreement about a project. The cooperator’s good means and good end disagree with the wrongdoer’s bad means and/or bad end.

**Wrongdoer and Cooperator:**

The two parties who are brought together by an act of cooperation in evil are the wrongdoer and the cooperator. The wrongdoer initiates the wrongdoing, and the cooperator is involved with the wrongdoing by means of some otherwise distinct action. The wrongdoer is the party who directly intends a specific evil; the (legitimate) cooperator is the party who directly intends a specific good and only tolerates the wrongdoing *as an evil side effect*. The (legitimate) cooperator accepts or allows the wrongdoer’s evil because he recognizes that doing so is *the only way* that he could accomplish the good he intends. Of course, if the cooperator’s action were to be done in the context of an *illegitimate* kind of cooperation, it would also be immoral.

**Legitimate Cooperation:**

The term “legitimate” is intended in the moral not the legal sense. Cooperation is of two kinds: formal and material. Formal cooperation is always morally wrong or (morally) illegitimate. Material cooperation is of two kinds: mediate material cooperation which is legitimate and immediate material cooperation which is illegitimate.

**Direct/Indirect Willing:**

In legitimate cooperation, the cooperator directly wills or intends both the good act and its good effects, and only indirectly wills the actions evil effects. That is, the cooperator who is acting ethically does not intend the evil effects either as an end or a means and would prevent them if this were possible without frustrating the good effects that he does intend. The evil effects which are *intended only by the wrongdoer* result *indirectly* from the good intended by the cooperator (cf. endnotes #4, 5).

**Formal Cooperation**

Cooperation is formal when the cooperator concurs in the wrongdoer’s intention of a bad end and/or a bad means by encouraging, praising, advising, or otherwise supporting the wrongdoer’s evil action. Concurring in the bad will of the wrongdoer could happen in two ways: (1) by sharing in the wrongdoer’s bad intention, that is, motive (e.g., the owner’s motive for building an abortion facility is the same as that of the abortionist who works in the facility: to provide abortion to women as their legal right), (2) by sharing in the wrongdoer’s bad means (e.g., the surgical nurse who shares in the bad action of the abortion provider by directly assisting him during the abortion but who does so because he cannot find another way to make a living for her family) or (3) by sharing in the wrongdoer’s bad end *and* bad means (e.g., the physician assistant who shares in the motive of the abortionist by wanting to provide abortion to women as part of their “reproductive rights” and who also shares in the bad action of the abortionist by directly assisting him during the abortion procedure).

**Material Cooperation**

Cooperation is material when the cooperator does not share the bad will of the wrongdoer but is involved with the wrongdoing for a good motive and with a good means. Material cooperation is of two kinds: mediate and immediate. When the cooperator’s material involvement is only contingent or accidental to the performance of the wrongdoing, he cooperates in the evil indirectly or mediately. If mediate material cooperation realizes a proportionate good and is without serious scandal, it is a morally legitimate kind of cooperation.

When the cooperator’s material involvement is necessary or essential to the performance of the wrongdoing, he cooperates in the evil directly or immediately. And, since immediate cooperation is morally equivalent to formal cooperation, it is also morally indistinguishable from the wrongdoing. For that reason, immediate material cooperation is illegitimate.

**Necessary vs. Contingent:**

The necessary/contingent factor helps the cooperator to discriminate between material cooperation that is immediate and material cooperation that is mediate. Perhaps the simplest way to determine necessity is for the cooperator to ask whether the wrongdoing would cease if there were no cooperative act. When the act of material cooperation facilitates or assists the wrongdoing in such a way that it contributes to the evil in an absolutely *necessary* or essential way, it constitutes *immediate* material cooperation. That is, the wrongdoing will take place *only* if the cooperator is involved (e.g., the abortion clinic's receptionist who schedules women for abortions [who insists that she is opposed to abortion but] whose actions are such that they are necessary for the actual delivery of abortions [abortions are by appointment only]).

But the act of material cooperation that is associated with the wrongdoing in a *contingent* or accidental way is *mediate* cooperation. The wrongdoing will take place even if the cooperator is not involved (e.g., that of an abortion clinic's janitor/maintenance person who is morally opposed to abortion, intends to change jobs just as soon as he can find another opening, and whose cleaning responsibilities do not affect the delivery of abortions).

**Proximate vs. Remote:**

After the cooperator determines that he would be cooperating in a mediate material way—that is, his act would be contingently material to the wrongdoing—he then needs to determine the degree or level of contingency or mediacy—just *how* contingent or mediate would the cooperation be? Would the cooperation be closer (in a moral sense) to the wrongdoing and, therefore, more proximately contingent to it? Or, would the cooperation be more removed from the wrongdoing (in a moral sense) and, therefore, more remotely contingent to it?

The *more proximately contingent* the cooperation, the closer it is to the wrongdoing. The closer the cooperation to the wrongdoing, the more likely it is to cause evil results. Hence, the norm of a proportionate good requires that

proximately contingent cooperation realize good effects that are *greater than* its evil effects. Conversely, the *less proximately contingent* the cooperation, the further removed it is, morally speaking, from the wrongdoing. The further the cooperation from the wrongdoing, the less likely it is to cause evil results. Therefore, the norm of a proportionate good requires that remotely contingent cooperation realize good effects that need be only as great as, or *equal to*, its evil effects.

Of course, remotely mediate cooperation, being further removed, morally speaking, from the wrongdoing, is the morally preferable kind of mediate material cooperation. That said, however, proximately mediate material cooperation is also morally legitimate, for it, too, has no absolutely necessary connection to the wrongdoing.

**Proportionate Good:**

The norm of a proportionate good stipulates that the good that one intends in a cooperative action and its effects must be morally equal to or greater than (that is, morally proportionate to) its foreseen evil effects.

As one of several conditions that adjudicates the morality of double-effect acts of cooperation, the concept of a proportionate good has its roots in the traditional definition of legitimate cooperation formulated by St. Alphonsus Liguori (d. 1787). His definition stipulates that, for someone to cooperate in a material way with the evil of a second party, there must be a just and proportionate reason to do so (cf. endnote #7). One way to establish a proportionate reason for cooperating is to demonstrate that the cooperative act would realize good effects that are morally proportionate to its evil effects. Without a proportionate good, there is a greater likelihood that the evil intended by the wrongdoer would be so great that one would be causing more evil than good by cooperating. Cooperation of that kind would, of course, be illegitimate and contrary to the first norm of morality.

Unfortunately, the norm of proportionate good, as it is traditionally enshrined in the principles of cooperation and double effect, has fallen on hard times. Since the late 1960s, a moral

methodology called proportionalism has, as its name might suggest, misinterpreted and misapplied the norm of a proportionate good.

In his encyclical, *Veritatis splendor*, John Paul II has underscored the Church's case against proportionalism and cogently demonstrated its theoretical and practical errors. First, the Pope exposed proportionalism's essential error: the assertion that, in principle, every concrete moral norm, even a concrete negative norm, admits of exceptions when the positive values intended exceed ("are proportionate to") the negative values. Second, he corrected the error by reiterating the truth of what the Church has always taught, namely, that some concrete negative moral norms are *always* objectively immoral no matter the motives of the agent or other circumstances (e.g., that it is always wrong to directly intend to kill innocent human beings who are not actually aggressors). Cooperation, then, is never moral if the cooperator intends to violate such an exceptionless negative norm.

The moral analyses of cooperation modeled in this chapter apply the norm of a proportionate good, not as proportionalism would, but in a manner faithful to the traditional Catholic position articulated by the Pope. Therefore, instead of treating the norm of proportionate good in isolation from the other conditions of double effect and legitimate cooperation (as proportionalists do), this chapter adheres to the traditional view that proportionate good, as the fourth of five norms, must be contextually understood and applied. In that way, the norm of a proportionate good is considered *only after* the cooperator determines that his cooperative act is essentially good. That is to say, the cooperator's act is good both as a means and as an end.

When, for example, a practitioner thinks about whether to teach a couple involved in wrongdoing, she first examines her action's essential morality by appealing to the first three norms of the principle of legitimate cooperation. Once she sees that teaching fertility appreciation in the situation under consideration would be good both as a means and as an end, she is in a position to discern further whether the intended good of her teaching would be greater than the

intended evil of the wrongdoer. As long as the practitioner considers all the norms of these principles and in the proper order of their importance, she will avoid the proportionalist errors of (a) defining the morality of a cooperative action based *solely* on (a distorted interpretation of) the criterion of its proportionate good and of (b) giving in to the temptation to rationalize: e.g., allowing a circumstantial good to determine an action's essential morality; defining an intrinsically evil action as morally good by virtue of what is merely an accidental good of its circumstances.<sup>8</sup>

Likewise, a traditional consideration of the norm of proportionate good averts the irrationality of requiring that the moral agent "weigh" the good and evil effects of his action in a quantitative manner. It is illogical to conclude that the moral weight of an action's good effect is equal to that of one of its bad effects *in the way proportionalists propose*—as if one were talking about a one-pound sack of soybeans being equal to a one-pound sack of oats. One simply cannot "weigh" the moral, qualitative realities of an action's good and evil effects as if they were quantities, nor can one require that good and evil effects be compared *against each other* in a *quid pro quo* manner.

In direct contrast, *this* is the way a practitioner ought to determine that fourth norm of the principle of legitimate cooperation, the norm that requires that, in her cooperative act, she intend a proportionate good. First, she should consider the good effects of her act of teaching, taken *as a whole*, and compare/contrast that with the action's evil effects, taken *as a whole*. Second, by prudentially comparing the totality of good effects and the totality of bad effects against the *common measure or standard* of the ultimate end of happiness, she should ask: Would the good I intend through my cooperation, taken in its totality, more readily move me and my client/couple closer to our final end than the totality of its evil would more readily lead us away from that end?

If the practitioner's intuitively prudential response to that last question is yes, then the practitioner will have fulfilled the condition of proportionate good and is ready to consider the

cooperative act against the fifth and last moral condition, namely, that of scandal.

### Scandal (theological):

Scandal takes place when one person's word or deed that appears to be evil provides a temptation to sin for some other person. The bad example involved in scandal, especially that set by someone of good character, tempts others to follow it, or may simply lead them to think that the wrongdoing is not as bad as it really is. In the cases under consideration, the practitioner's act of teaching might appear to be evil to the couple or to others who are looking on, in the sense that teaching the **CrMS** seems to condone the couple's evil. Prudence helps the practitioner discern when a legitimate act of cooperation could lead to such scandal, and, if so, how likely it would occur and how serious the scandal would be. If there is scandal but not of any import, and/or not very likely to occur, the practitioner may still cooperate in a morally legitimate way. But, if the scandal is serious and very likely, the practitioner may not proceed, even with mediate material cooperation.

## How to Proceed

When a practitioner is prudentially discerning whether to teach (or to continue to teach) in a situation that involves her in the evil of a client/couple, she should proceed as follows:

- A. Examine the moral object of your prospective act of teaching (what you intend to do and why you intend to do it): Would your intention of the moral object of your act of teaching be good and, therefore, consistent with the intention of your ultimate end, namely eternal happiness in God?
- B. If the answer is yes, you would not share the bad will of the couple by teaching them. Your action of teaching would be materially, not formally, cooperating in the couple's wrongdoing. Since not all forms of material cooperation are legitimate, you need to further determine the manner in which you are materially cooperating by consulting the necessary/contingent distinction.
- C. Would your teaching be *necessary* to the performance of the couple's wrongdoing? If yes, you would be materially cooperating in an *immediate* way and, as such, your teaching would be morally equivalent to the client/couple's wrongdoing and to formal cooperation and, therefore, would be immoral and an act to be avoided.
 

However, if you discern that teaching this couple would only be *contingent* to the wrongdoing (the couple would continue their wrongdoing even if you did not teach them the **CREIGHTON MODEL System**), you would be mediate cooperating in their wrongdoing and, therefore, would be cooperating legitimately. Since materially cooperating even in a mediate or contingent way requires a proportionate reason for doing so, you also need to determine two additional characteristics of your act of teaching: its degree of contingency to the wrongdoing and whether it realizes a proportionate good.
- D. Therefore, you must, **first, estimate** where, on a possible continuum of contingency, your cooperative act would lie. To do this, consider the proximate/remote distinction: Just *how* contingently would your teaching be to that of the wrongdoing? Or, put in another way, *to what extent or degree* would your teaching be *contingent* to the wrongdoing—e.g., remotely contingent? less remotely contingent? or proximately contingent? The further removed your teaching is from the couple's wrongdoing, the more likely it is that your teaching will realize a proportionate good, good effects that are equal to or greater than the evil intended by the couple.
- E. **Second, prudentially judge** whether the good you intend by teaching would be equal to or greater than, that is, proportionate to, its foreseen evil effects (list these effects as modeled

in Table 22-1). If you discern that your teaching and its good effects, taken in their totality, would more readily move both you and your client/couple closer to your/their final end than the totality of its evil effects would lead you/ them away from that end, you would have a proportionate reason for cooperating. That is, you would have a proportionate reason for cooperating in a remotely mediate, material way.

The moral and practical significance of step (D) (though admittedly vexing since determining degrees of contingency is prudential not mathematical; intuitively estimative not hard and fast) is that the degree of contingency of your action to the wrongdoing will determine the proportionality of good effects that must be realized by your cooperative act. Accordingly, (a) should your act of teaching be more remote from the wrongdoing (more remotely contingent), the good effects of your teaching would only need to be *equal* to its evil effects or (b) should your act of teaching be more proximate to the wrongdoing (more proximately contingent), the good effects of your act of teaching would need to be *greater than* its evil effects. (Again, remember that the terms “equal to,” “greater than,” “closer to,” and “remote from” are prudential estimations or approximations, i.e., moral or qualitative, not mathematical, considerations.)

- F. Scandal:** The final norm to be considered after determining that your cooperative act of teaching would be morally legitimate [because (1) it is a good act, (2) it is done for a good reason (3) it directly intends the good, only tolerates the evil and (4) it realizes a proportionate good] is this: What is the likelihood that teaching this couple would cause serious scandal? Will teaching this couple make them think that their wrongdoing is less evil than it is? Will it lead others who learn that you are teaching couples who are doing an evil action related to marriage, family and human procreation to reasonably think that it is less evil, or that you, a Christian, are a hypocrite? *Note, however, that you need not avoid “scandalizing”*

*people who criticize you unreasonably for doing something legitimate.* Therefore, if the likelihood of scandal would be insignificant, you may teach this couple; if significant, you may not teach them, despite the fact that you had prudentially discerned that teaching would be legitimately cooperating in the couple’s wrongdoing.

## Applying the Principle of Legitimate Cooperation to Cases

### Case #1

An unmarried, genitally active, cohabitating “couple” (engaged or not engaged) approach me,<sup>3</sup> an **FCP**, for instructions in the use of the **CREIGHTON MODEL FertilityCare™ System** in order to avoid a pregnancy. By teaching this couple the **CREIGHTON MODEL System**, would I be legitimately cooperating in their wrongdoing?

### Case #1: A Detailed Analysis

The first thing I need to determine is whether teaching the **CrMS** to this unmarried, genitally active couple would be formally cooperating in their evil. Since I am aware that involvement in another’s objectively wrongful behavior can be, and sometimes is, wrong, the burden falls on me to reasonably demonstrate that teaching this couple would not be cooperating in their wrongdoing in a formal way, nor in an immediate way, nor in a wrongful material way.

If I were cooperating formally with the couple described, I would have to intend the same bad end in teaching the method that the couple would intend in their use of it. In the situation at hand, I can foresee that the couple would intend to continue their illicit genital intercourse and to make family planning decisions that ought to be made only within the covenant of marriage. But, were I to teach them, I would intend *precisely the opposite*. I would not want the couple to adopt these evil motives nor carry them out; I would want them to practice chastity and to either get married, to continue their relationship



but without genital contact, or to break off their relationship altogether. Consequently, teaching this couple is not formal cooperation because in teaching them I do not intend the same evil they intend in using the method.

But would teaching them be morally legitimate material cooperation? To answer that I must look at the necessary/contingent factor. Would my teaching be instrumental or necessary to their fornication? Because I can see that the couple would fornicate

even if I do not teach them, I conclude that (a) my teaching would only be contingent to their wrongdoing; (b) I would not be directly intending the evil of fornication but only tolerating it as a side effect of the good I intend; and (c) I would, as a result, be cooperating in a mediate, not immediate, material way.

However, fornication is a serious evil and, despite the fact that my cooperation with it would be mediate or contingent to the wrongdoing, I still need to discern whether I have a proportionate reason for

### Case #1: A Condensed Analysis

As a practitioner, one of my initial reservations about teaching this couple who are unmarried and genitally active is the fear that the couple will take the information I give them and use it outside the proper context of marriage. What's really at the heart of my concern is whether I would be inappropriately cooperating in the couple's evil by teaching them. That is, will what I teach this couple encourage or tempt them to continue their fornication?

While I think there is some chance that, by teaching them, I might facilitate their fornication and thus cooperate in their wrongdoing in a morally unacceptable way, I think that is not very likely to happen for several reasons (cf. Table 22-1, pp. 200-201).

First, it is certainly not wrong in and of itself to teach unmarried persons the truth about their fertility. Just as every mature person has a right to information that can be put to a good use, so mature persons like this couple have a right to information about their fertility, genitality, and sexuality.

Second, I would make clear to this couple that I do not condone genital sexual activity outside of marriage. I would explain that fornication is wrong because genital sexual activity demands the context of a committed marriage and, therefore, I would challenge them to experience the freedom of a chaste courtship.

Third, since the couple would most likely continue their fornication even if I did not teach them, I conclude that my instruction would not be necessary or instrumental to their bad behavior.

Fourth, my exposure to the prudence and wisdom of practitioners who have been teaching the **CREIGH-**

**TON MODEL System** for 25 years demonstrates that, just as an encouraging number of their genitally active, unmarried clients have decided (a) to move up their marriage date, (b) to adopt secondary virginity by refraining from genital relations until their marriage, or (c) to end the relationship because they recognized that it was not built on true love and self-gifting, so will a good portion of my clients.

Fifth, even if this couple were to continue rather than give up their fornication, I also understand that teaching them to avoid a pregnancy would help them to avert the added evil of bringing a child into the world outside a committed marriage.

Sixth, even if this couple were to continue or increase rather than give up their fornication, I also see that my requirement of avoiding genital contact during their fertile days would help them to avoid at least some acts of fornication.

Seventh, I recognize that teaching this couple the **CrMS** would deter them from resorting to another evil, that of contraception and a contraceptive mentality.

For all of these reasons, I prudently judge that I would not cooperate in an illegitimate way with this couple by teaching them because my instruction would not encourage or tempt them to fornicate. In sum, if I were to teach this couple, (a) I would be indirectly willing or tolerating<sup>4,5</sup> their fornication and its evil consequences but never directly intending them; (b) the good I intend in my act of teaching and in its good effects would be greater than its evil effects and, therefore, (c) I would be legitimately cooperating in their wrongdoing.

cooperating. That is, I need to establish that my cooperation, at the least, would be proximately contingent to the evil and that it would realize a proportionate good (cf. Table 22-1).

So I ask: To what extent would my teaching be contingent to this couple's wrongdoing? Or, how far removed from the couple's fornicating behavior would my teaching be? Because I would make it clear to the couple that my reason for teaching them would be to impart knowledge of and to engender respect for their sexuality, including their fertility, and that respect for their fertility includes using it in the only morally appropriate setting, namely, marriage, I see clearly that I would be distinguishing my good intention for teaching from the bad intention of the client/couple. I would not tell the couple to have intercourse; I would explain, in an objective way, what achieving- and avoiding-related behavior is, without implying that I would expect them to have intercourse accordingly. I would talk about using intercourse on fertile days to achieve a pregnancy and on dry days to avoid a pregnancy in a way that would let them know that, first, I would expect them to abstain and that, second, they would be learning this material now so that, post-wedding day, they could implement it.

I would ask them or challenge them in a similar manner each follow-up session. Through the requirement of abstinence, I would consistently try to lead them to adopt secondary virginity, moving them farther down the road of chastity and sexual fulfillment and farther away from the dead ends of using one another, objectifying the other as a means to pleasure on demand, ruining themselves, etc. Even when I would give seminal fluid instructions, I would do so in a way as much divorced from the subjective situation as possible. I would consistently challenge them by pointing out that having genital relations seldom settles anything or seldom gives them the knowledge of each other that they really desire and need in order to eventually build a marriage that will last.

Now, to assist my mental assessment about degree of contingency and a proportionate good, I try to make it more concrete and practical by: (a) making a list of both the foreseen good and evil effects as modeled

in Table 22-1; (b) estimating just how certain I am of their occurrence; (c) listing the good and bad effects not only in respect to the couple, but in respect to me, the cooperator, and to the larger society, and (d) consulting not just my own experience in similar teaching situations but also the cumulative experience of seasoned teachers.

Having done that, I am confident in concluding that teaching the **CREIGHTON MODEL System** to this couple would only be remotely contingent to their wrongdoing and, as a direct result, would realize a proportionate good (which, in this case, would be a greater good). The verification of a proportionate good comes from judging that the good I would realize by my teaching, taken as a whole, would more readily lead me and my client/couple to our ultimate end than its evil effects, taken as a whole, would deter us from that end.

As cautioned above, even after I have carefully discerned that by teaching this couple I would be (a) intending a good moral object as an appropriate means to the true ultimate end; (b) intending the ultimate end; (c) directly intending the good and only tolerating the evil; and (d) intending the good circumstance of a proportionate good, I would not be warranted in teaching them if I could foresee that my teaching would cause serious scandal. In the case being considered, I discern that the couple would have a clear idea of my good motive for teaching and, based on that, would not take scandal from my teaching. Furthermore, they give me no reason to think that third parties would take scandal from the situation since the couple seem very private about what they are doing and why they are doing it.

My final conclusion about teaching this unmarried, genitally active couple is this: I would not only be intending the good realized in (a-d above), but I would also be intending (e) the good circumstance of either eliminating the likelihood of serious scandal or limiting it to a level that would be consistent with the proportionate good realized by my cooperation. (As for any other secondary circumstantial motives [e.g., to be admired, to make an excessive profit] I may have for teaching this couple, I will try to avoid those that would lessen the goodness of what I am doing.)

Hence, by teaching this unmarried, genitally active couple, I would be cooperating in their wrongdoing in a legitimate way.

One more caveat is in order. Just because I conclude that my cooperation with *this* particular couple would be morally legitimate doesn't mean that every other case like it would be equally acceptable. Because of the extenuating circumstances surrounding different situations, and/or because of the possibility of a change in my will or what I intend in future cases, I would need to run each new prospective scenario through this same moral assessment process. I should judge each future case involving an unmarried, genitally active couple on its own merits and should re-test the validity of my motive and my action each time this situation arises in the future.

## Case #2

A married couple who evidence a contraceptive mentality (being closed to any pregnancy, even to the extent of being tempted to have an abortion should they get pregnant) approach me, a **Fertility-Care™ Practitioner**, for instructions in the use of the **CREIGHTON MODEL FertilityCare™ System**. By teaching this couple the **CREIGHTON MODEL System**, would I be legitimately cooperating in their wrongdoing?

### *Case #2: A Detailed Analysis*

The first thing I need to determine is whether teaching the **CrMS** to this couple who are intent on using the method in an anti-procreative, and possibly anti-life, way would be formally cooperating in their evil. I recognize that teaching this couple to promote knowledge and appreciation of their fertility would be (a) an intention of the ultimate end of happiness (that is, human fulfillment by union with God) and, therefore, (b) an intention of a good means (i.e., a good moral object). Experience confirms that a potent antidote to this couple's contraceptive mentality is knit into the warp and woof of **CrMS** instruction. It is precisely this vision that I would want to share

with the couple: (a) respect for the truth about marriage which includes openness to conceiving new human life and (b) the appreciation that every new human life is an inviolable gift. Hence, if this couple were to get pregnant, I would continue to be there for them, helping them to recognize that their child's life must be tended and cared for as that of any other human person.

In fact, past experiences have taught me that a relationship of trust develops between me and the client/couples I teach. In this new situation, such a relationship would assign me the unique position of being able to reason with this couple and to encourage them to reconsider their decision to abort an "unplanned" baby. Therefore, what I intend by teaching this couple—to lead them from a contraceptive mentality that sees abortion as backup contraception into a genuine understanding of the meaning of marital intercourse and human conception—is good both as a means and an end. Teaching this couple would not be formal cooperation because in teaching them I do not intend the same evil they intend in using the method.

But would teaching them be legitimate material cooperation? To answer that I must look at the necessary/contingent factor. Would my teaching be instrumental or necessary to their contraceptive and abortive intentions? Because I can predict that the couple would continue in their contraceptive mentality even if I would not teach them, I judge that (a) my teaching would only be contingent to their wrongdoing; (b) I would not be directly intending their contraceptive ends but only tolerating them as a side effect of the good I intend; and (c) I would, as a result, be cooperating in a mediate, not immediate, material way.

However, being absolutely closed to pregnancy without serious reason is a grave evil and, despite the fact that my cooperation with it would be mediate or contingent to the wrongdoing, I still need to discern whether I would have a proportionate reason for cooperating. That is to say, I need to establish that my cooperation would, at the least, be proximately contingent to the couple's evil and that it would realize a proportionate good.

## Case #2: A Condensed Analysis

My initial reservation about teaching a couple who are closed to life even to the extent of resorting to abortion if a pregnancy would occur is that, first, I might not be able to dissuade them from their contraceptive mentality and, second, if they do get pregnant while I am teaching them, they might give in to the temptation to pursue an abortion.

Again, although it would be possible that my teaching might illegitimately cooperate in this couple's contraceptive mentality and perhaps even somehow encourage them to give in to the temptation to have an abortion, I do not think the prospects for such an outcome would be very likely.

First, it is not wrong to provide information to married persons about their fertility and sexuality. Mature persons, including this couple, have a right to such knowledge.

Second, in all of the follow-ups with this couple, I would gently point out the importance of openness to life within marriage and how respect for that truth increases the very closeness and deep love for which they claim to be looking.

Third, the one thing about which I am sure is that I will forfeit my only chance to change this couple's attitude toward pregnancy and abortion if I would not teach them at all or if I would stop teaching them at some point during their instruction. Changing their mind on these issues requires that the couple come to trust and respect me, and I would only be able to cultivate a trusting relationship if I would teach them and/or continue

to teach them.

Fourth, based on a commonsense knowledge of human nature, I would conclude that, if I would not teach them and would not, then, have the opportunity to challenge them, their contraceptive mentality would most likely persist if not deepen.

Fifth, were I to teach this couple, I could help them avoid the added evil of pursuing their contraceptive ends through abortifacient contraception or through sterilization.

Sixth, teaching this couple would help them avoid the abuse of their fertility and sexuality through immoral family planning methods.

Seventh, the reluctance of this couple to talk to me about their plans to use the method contraceptively and the clarity of my good intentions in teaching them lead me to judge that teaching them would not cause serious scandal to them or to third parties.

For all of the above reasons, I prudently judge that, were I to teach in this situation, my cooperation would not encourage or tempt the couple to continue their contraceptive use of the method. Therefore, since what I would intend to do by teaching this couple—the intention of the ultimate end and a good means, the toleration of its bad effects, the realization of a proportionate good, and the elimination of serious scandal—I would be doing good and not evil by taking this couple on as my clients. By teaching this couple, I would be legitimately cooperating in their wrongdoing.

So I ask: To what extent would my teaching be contingent to this couple's wrongdoing? Or, how far removed from the couple's anti-procreative behavior would my teaching be? To put the contingency/moral proportionality of my teaching in specific terms: I see that, on the one hand, it is true that, were this couple to abort their baby, the evil of the abortion would outweigh any good I am trying to do for them. But, on the other hand, I see that it is just as true that it is not certain that they will abort and, importantly, what I am doing *lessens* that probability. As I reflect on the matter, then, I identify solid reasons for adjudicating

that the good of my action and its good effects, taken as a whole, make my act of teaching sufficiently contingent (and, therefore, morally proportionate) to the couple's wrongdoing.

First, by teaching this couple, I would consistently challenge them in a loving way to see new human life as a gift to be welcomed, not as a threat to be avoided at all costs.

Second, at the same time that I would be trying to move the couple out of their contraceptive mindset

by helping them to understand what constitutes serious reasons for spacing children, I would also be instructing them as conscientiously as I would a couple who needed to avoid a pregnancy for serious medical reasons. I would advise them to be conservative in their use of days of fertility; I would consistently emphasize in follow-ups that, if they use fertile days for intercourse or genital contact, they should expect to get pregnant, and I would monitor their charts diligently, correcting any charting errors that might lead to miscalculations about fertile or infertile days. I would caution them that, while the method is 99.5% effective in avoiding a pregnancy, such effectiveness is realized only when users of the method are accurate and consistent in applying the method.

After discerning that my cooperative act would involve me with the couple in a remotely contingent way, I need to further assess whether the good of my teaching and its good effects would be equal, in a moral sense, to the evil that might follow from the couple's contraceptive mentality. I reasonably predict that, by teaching this couple and in realizing many of the good consequences I've already discerned and listed in Table 22-1, I might also be able to transform their contraceptive mentality in some small, but dramatic ways. (a) I would have opportunities during follow-ups to dialogue with them about the rights of the developing human being *in utero* and about why these rights flow from the baby's dignity as a member of the human race; (b) I could convince the couple to think outside the "box" of regarding a pregnancy as a catastrophic event, and (c) I would help to change their belligerent attitude toward a possible pregnancy by bringing them to a realistic understanding of child-as-gift.

Therefore, despite the seriousness of being involved with this couple who seem to be intractably closed to procreating, I prudentially decide that I have a reason for cooperating with them that is both just (good) and proportionate, that is, proportionately good. The verification of a proportionate good comes from judging that the good I would realize by my teaching, taken as a whole, would more readily lead me and the couple to our ultimate end than its evil effects, taken as a whole, would deter us from that

end. Another factor which would speak in favor of cooperation is the reality that deciding *not* to teach would, in this case, be an example of negative material cooperation. In other words, I would cooperate in the wrongdoing of this couple by failing to do what I can to deter them from it.

As a last step in my prudential discernment process, I deduce that, given the reluctance of this couple to admit their contraceptive mentality to me, they would also be reticent about discussing their procreative plans with others. Because of this, I would surmise that there is only a remote possibility of anyone taking scandal from my involvement with this couple's wrongdoing.

My final conclusion about teaching this couple who intend to permanently avoid pregnancy without serious reason is this: I would be (a) intending a good moral object as a means to my true ultimate end; (b) intending the ultimate end; (c) directly intending the good and only tolerating the evil; (d) intending the good circumstance of a proportionate good, and (e) the good circumstance of either eliminating the likelihood of serious scandal or limiting it to a level that would be consistent with the proportionate good realized in teaching. (As for any other secondary circumstantial motives I may have for teaching this couple, I would try to avoid those which would lessen the goodness of what I am doing, e.g., to be admired, to make an excessive profit.)

### Additional Cases

Other teaching situations where I, an **FCP**, would be involved with the wrongdoing of a client/couple:

- A. An unmarried woman comes to me to learn the **CrMS** in order to achieve a pregnancy as quickly as possible and in hopes that this development will convince her vacillating boyfriend to stick by her. By teaching this woman, would I be legitimately cooperating in her wrongdoing?
- B. A married couple who are infertile or subfer-

tile come to me to learn the **CrMS** in order to identify their peak time of fertility so that their attempts to conceive a child using artificial insemination (AI) or intrauterine insemination (IUI) are more effective, or their intent to make use of gender selection prior to IUI is more assured. By teaching this couple, would I be legitimately cooperating in their wrongdoing?

- C. A married woman comes to me to learn the **CrMS** and makes it clear that she wants to keep all plans of achieving or avoiding a pregnancy secret from her husband for vindictive reasons. By teaching this woman, would I be legitimately cooperating in her wrongdoing?
- D. An unmarried, genitally active couple come to me to learn the **CrMS** to achieve a pregnancy. By teaching this couple, would I be legitimately cooperating in their wrongdoing?
- E. A newly married couple approach me and ask me to teach them. They make it clear on the original intake form that they absolutely never want to have children. By teaching this couple, would I be legitimately cooperating in their wrongdoing?
- F. A married couple approach me for instructions in the **CrMS**. The wife has a cardiomyopathy that, exacerbated by pregnancy, would be a threat to her life and that of the baby. The couple tells me that they are going to “supplement” their practice of **CrMS** with condom use, just for extra protection. By teaching this couple, would I be legitimately cooperating in their wrongdoing?
- G. A married or unmarried couple approach me to learn the **CrMS** to avoid a pregnancy, and they announce in the first follow-up that they will be using a condom, just to be extra confident about not conceiving a child. By teaching this couple, would I be legitimately cooperating in their wrongdoing?
- H. A married couple have three children. They had been encouraged not to have more chil-

dren both by their physician and by their family and friends. The wife had used OCs during her reproductive years but felt unwell while on the pill. Dissatisfaction with the pill prompted her to learn **CrMS**. The couple entered the program five years ago. Now that the wife is age 40, she and her husband have been encouraged to be sterilized. Since they’re in the process of a long-term follow-up with me and are thinking of being sterilized in a year or so and make this known to me, would my involvement with this couple be legitimate cooperation in evil?

In each of these cases, I need to proceed as I did in the first two cases (review “How to Proceed” on p.189).

While space does not permit the application of each of the five norms of the principle of legitimate cooperation to each of the above cases, I would like to make a few general remarks. In case A, if the woman would prove to be intransigent in her wrongful plans, I would also be stymied in teaching her, since many of the good results that I, the couple, and society would normally experience could not be realized. On the other hand, if I see that the woman is open to a different way of thinking and acting in this situation, I would continue to teach her because I could reasonably predict that I would still have a chance at realizing a proportionate good by doing so. However, I would stop teaching her if she refused to rise to these challenges.

I could also reasonably conclude that if I were to teach the woman described in case C, I would most likely not be able to realize most of the good effects listed in Table 22-1 whether for the couple, for the practitioner, or for society. Hence, I would not be able to fulfill the norm of a proportionate good (in other words, the totality of the evil effects following from my cooperation, taken as a whole, would more readily take me and the couple away from our ultimate end than the good, taken as a whole, would lead us toward it). Therefore, I could not involve myself with the injustice of failing to give the husband what is his due: the right and duty to share equally in the couple’s vocation to responsible parenthood.

In respect to couple D, while I might agree to teach

them, I would do so on condition that they give up their goal of achieving a pregnancy until they marry. I would not give them achieving-related instructions unless they would also agree to refrain from genital intercourse until marriage. If I would not see compliance with the instructions to avoid fertile days and to set a marriage date, I would not risk the evil of bringing a child into an unstable relationship and denying a child its right to be conceived, gestated, brought to birth in, and brought up within, marriage.

But, all other things being equal, I think there would be every reason to predict in the other cases that, given the grace that comes with using the method, and based on the accumulated experiential knowledge of seasoned **CrMS** educators, the evil could be tolerated due to the greater good that would help to soften and to change the hearts of the respective wrongdoers. Experienced **FCPs** testify that they have repeatedly witnessed their clients giving up the backup condom practice, reversing their decisions to never have children or to use artificial reproductive technology.

I use the adverb *often* purposefully. As I have maintained in cases #1 and #2, one must take each new case and re-identify one's motives for teaching. In addition, the practitioner must recognize what is unique to each current case and enumerate the good and evil effects according to those specifics. It is always dangerous to treat cooperation in evil as a *routine* matter because the practitioner's own conscience can be hardened by the example and influence of the wrongdoer who is acting immorally. If the totality of good effects in a particular case does not represent a proportionate reason for teaching and/or does not avoid serious scandal, then the practitioner should not teach in that instance.

In the additional cases, what counts on the side of teaching is that the practitioner is probably the *only* person who would be in a position to influence the couple for the good, and, therefore, the one person most able to make a moral difference in their lives.

## Concluding Remarks: Prudential Decision-Making and Scandal

Archbishop Daniel E. Pilarczyk offers a wise directive regarding the morally “mixed” teaching situations that are the subject of this chapter. Prudential decision-making is critical in these very specific and complex situations, and it is possible for prudent persons to disagree as to the course of action that should be taken. As Pilarczyk notes:

One weighs the principles against the situation and makes the best decision possible while respecting the demands of both. This is not always easy. Two prudent persons can conceivably come up with different responses to the same set of problems if the problems are sufficiently complex. Likewise, situations that appear similar may actually differ from one place to another and the same prudent person might come up with different responses to the same set of problems if the problems are sufficiently complex. Likewise, situations that appear similar may actually differ from one place to another and the same prudent person might come up with different responses to each. What we must remember is that we are dealing with highly specific situations. . .<sup>9</sup>

The decision of a **CREIGHTON MODEL Practitioner** to teach in the morally problematic situations considered in this chapter is defensible when that decision is based on the model presented here: a moral analysis that is faithful to the theoretical and practical understanding of traditional Catholic morality.

However, others may not necessarily come to the same conclusions about whether it is prudent to teach in these situations. If the latter decision is also based on the thorough kind of analysis set forth here—reasonable, based on supporting evidence from their accumulated teaching experience, and faithful to the Catholic moral tradition—it too could be a defensible position.

It might also happen that an outside party—a layperson, priest or bishop who knows the irregular moral

situation of the couple being instructed—could disapprove of the practitioner’s decision to teach a couple who intend evil in their use of the method. The compilation of these chapters is one way that the founders and developers of the **CREIGHTON MODEL *FertilityCare*™ System** are fulfilling their

responsibility to do everything possible to ward off potential misunderstanding and scandal. Hopefully, after reading this chapter, interested parties will appreciate the practical wisdom of its method of moral reasoning and its application to teaching situations involving cooperation in evil.

## Footnotes

- 1 A morally conscientious person will need to apply the principle of legitimate cooperation to situations involving cooperation in evil. Whether I am a follower of Christ or a person acting from a well-informed conscience based on right reason, I have to be able to distinguish, in my acts of cooperation, between directly intending evil (incurring sin thereby) and indirectly intending or only permitting or accepting foreseeable evil effects that follow from my good action (not sinning). Learning to identify legitimate forms of cooperation is not an option for someone living in the 21st century, in a world where good and evil, right and wrong, exist not only side by side but also mixed together in complex ways. Since governments and public institutions, including institutionalized religion, commit some injustices, and since one could not live a normal life without having to associate with these, cooperation in evil has become a consistent feature of modern day life. It’s up to the prospective cooperator to discriminate between wrongful and legitimate cooperation by holding fast to the first principle of morality in double-effect, cooperative acts: Pursue and do the good; avoid evil.
- 2 **CREIGHTON MODEL** service providers are encouraged to take advantage of the consultation services of the **Center for NaProEthics**, the ethics center of the Pope Paul VI Institute, particularly for assistance in evaluating complex teaching situations such as those analyzed in this chapter.
- 3 I am using the first person throughout the moral analyses to model how the individual practitioner ought to think through the nature of her teaching and its possible consequences within prospective situations of cooperation in evil: not in terms of some external third-party person, but in terms of her own person and her own choices. To male practitioners: I use the feminine pronoun (she and her) in referring to the practitioner not to exclude you but just to recognize the reality that most **CrMS** practitioners are female.
- 4 To intend evil indirectly could also be described as allowing it, accepting it as a given, or tolerating it as a side effect. Implied in the notion of allowing or accepting evil is that of the cooperator foreseeing the evil but not intending it. By tolerating or indirectly intending an evil, the cooperator only accepts the foreseeable evil as a side effect of his action rather than intending it as a means or an end.
- 5 For a solid presentation of the difference between direct/indirect willing particularly in the context of legitimate cooperation, see Benedict Ashley, OP and Kevin O’Rourke, OP, *Health Care Ethics*, 4th ed., (Washington, DC: Georgetown University Press, 1997), 193-99.
- 6 The “good” of my ultimate end (human fulfillment by union with God) the good that I ought always promote or realize through my choices and actions is spelled out in what are called the basic human goods. These are the needs I have as a human being which, when met, promote the ultimate end of the moral life: eternal happiness in God. The basic human goods are the building blocks of human fulfillment, and they are the reasons for which I act. They include: (1) health, security, necessary material possessions; (2) marriage and family; (3) society or the common good; (4) truth about oneself, others, and God as a basis of love for them and moral living (cf. Ashley, *Theologies of the Body: Humanist and Christian*, 2nd ed [Braintree, MA: The Pope John Center, 1985]). The specific good that is being promoted in the cases being considered by the FCP in this chapter is (2) marriage, but the other three goods as well.
- 7 “That [cooperation] is formal which concurs in the bad will of the other, and it cannot be without sin; that [cooperation] is material which concurs only in the bad action of the other, apart from the cooperator’s intention. But the latter [material cooperation] is licit when the action is good or indifferent in itself; and when one has a reason for doing it that is both just and proportioned to the gravity of the other’s sin and to closeness of the assistance which is [thereby] given to the carrying out of that sin.” The Latin phrase used by Ligouri—*justa causa et proportionata*—is the primary source of the RC’s centuries-long theological reflection on the meaning of proportionate reason or proportionate good in the context of double-effect cooperative actions. English translation from the Latin: Grisez, *Difficult Moral Questions*, Vol. 3 (Quincy, IL: Franciscan Press), 876.



- 8 A proportionalist could, for example, define contraception as a morally good act by virtue of any one of a number of good circumstantial intentions. Married people routinely insist that they have a good motive or motives for contracepting in their marriage, e.g., wanting to provide more adequately for the children to whom they have already given birth. But the fact of the matter is this: to contracept for family planning purposes, by its very nature, intends only one thing: the deliberate suppression of the good of procreation. Good circumstantial intentions for contracepting, then, while they might lessen its evil, never essentially alter it.
- 9 Archbishop Daniel Pilarczyk, “The Church as Teacher” in *Ethics Committees: A Challenge for Catholic Health Care*, eds., Sister Margaret John Kelly, D.C., and Father Donald McCarthy (St. Louis, MO: Pope John Center and the Catholic Health Association, 1984), quoted in Rev. Orville N. Griesse, *Identity in Health Care: Principles and Practice* (Braintree, MA: The Pope John Center, 1987), 392.

Table 22-1:  
Case #1: Discerning a Proportionate Good

Applying the fourth norm of the principle of legitimate cooperation to the question of whether to teach an unmarried, genitally active couple:

“...to assist my mental assessment about the degree of contingency and a proportionate good, I try to make it more concrete and practical by: (a) making a list of both the foreseen good and evil effects as modeled in Table 22-1; (b) estimating just how certain I am of their occurrence; (c) listing the good and bad effects not only in respect to the couple, but in respect to me, the cooperator, and to the larger society, and (d) consulting not just my own experience in similar teaching situations but also the cumulative experience of seasoned teachers.”

The Case <i>for</i> Teaching	How certain am I that this effect will occur? [VC = very certain; MC = moderately certain; NC = nominally certain]	The Case <i>against</i> Teaching	How certain am I that this effect will occur? [VC = very certain; MC = moderately certain; NC = nominally certain]
Reasons for teaching grounded in the <b>good effects the couple</b> will experience as a result of my teaching		Reasons for not teaching grounded in the <b>evil effects the couple</b> will experience as a result of my teaching	
1. Acquire knowledge of and show respect for their fertility.	1. VC	1. Be scandalized because they will equate my teaching them with moral approval of their fornication	1. NC
2. Learn to respect and honor each other as persons and to never use each other as things.	2. VC	2. Be scandalized because they interpret various phases of the teaching protocol (e.g. instructions to avoid and seminal fluid instructions) as directions to have or avoid intercourse at certain times.	2. NC
3. Be consistently challenged to develop chastity—self-mastery, control of passions—by avoiding genital activity until marriage.	3. VC	3. Be stubborn about their sin of fornication: more likely to continue the fornication and less likely to quit the immoral sexual behavior.	3. MC
4. Be given opportunities to develop other key virtues which sustain and complement chastity (part of the virtue of temperance); prudence, justice, courage.	4. VC		
5. Be inspired to move up the wedding date and avoid further fornication.	5. NC		
6. Brought to the realization that their relationship is not built on a rock and ought to be dissolved altogether.	6. MC		
7. Learn to improve communication skills in sexual and family planning issues.	7. VC		
8. Be prepared for parenthood by learning to be selfless and to put off sexual gratification for the sake of the other spouse and mutually agreed upon goals.	8. MC		
9. Avoid an out-of-wedlock pregnancy which brings a child into a situation lacking the security and commitment of marriage.	9. VC		
10. Implement the <b>SPICE</b> instructions and begin to understand that sexuality is much more than genitality.	10. VC		
11. Avoid contraceptives and hence not act against the good of procreation.	11. MC		
12. Avoid contraceptives that could be abortifacient.	12. VC		
13. Learn about and perhaps use other medical applications of the <b>CrMS</b> for good gynecological health.	13. VC		

Table 22-1 cont'd

The Case <i>for</i> Teaching	How certain am I that this effect will occur? [VC = very certain; MC = moderately certain; NC = nominally certain]	The Case <i>against</i> Teaching	How certain am I that this effect will occur? [VC = very certain; MC = moderately certain; NC = nominally certain]
<p>Reasons for teaching grounded in the <b>good effects</b> that I, an FCP, will experience:</p> <p>14. Exercise my right and duty to impart knowledge and respect for fertility and for the basic goods of procreation and marriage.</p> <p>15. Grow in an even greater appreciation of why it is important to save the gift of self until marriage.</p> <p>16. Grow in the ability to teach as Jesus did, never compromising the truth but always presenting it with compassion; hatred of sin; loving the sinner.</p> <p>17. Grow in an ever greater understanding and appreciation of human sexuality in its fullest dimensions.</p> <p>18. Develop the knack of law of gradualness counseled by Pope John Paul II: to turn the couple in the right direction and help them to move gradually toward authentic goals.</p>	<p>14. VC</p> <p>15. VC</p> <p>16. VC</p> <p>17. MC</p> <p>18. VC</p>	<p>Reasons for not teaching grounded in the <b>evil effects</b> that I, as an FCP, will experience:</p> <p>4. Become morally desensitized and tempted to give implicit approval of fornication because of repeated exposure to unmarried sexually active couples who are upbeat, affable, successful people whose overall character does not seem to be negatively impacted by the wrongdoing.</p> <p>5. Be in a position where the basic good of interpersonal harmony is negated by the fact that my will and that of the wrongdoers are at odds.</p>	<p>4. NC</p> <p>5. MC</p>
<p>Reasons for teaching grounded in the <b>good effects</b> that <b>society</b> will experience as a result of my teaching:</p> <p>19. Become more good to the extent that the persons involved have done and experienced the basic goods of procreation, marriage, and harmony in human relationships</p> <p>20. Become more good since there is a better chance for a prospective child to be born into a committed marriage and family life if the parent were taught the <b>CrMS</b></p> <p>21. Become more good as we move closer toward a culture of life and further away from being a culture of death.</p>	<p>19. VC</p> <p>20. VC</p> <p>21. VC</p>	<p>Reasons for not teaching grounded in the <b>evil effects</b> that <b>third parties</b> will experience:</p> <p>6. Be scandalized when they find out that, because I am a morally upright person and I am teaching this couple, that perhaps I approve of the couple's behavior and/or that I do not think fornication is a serious evil.</p>	<p>6. MC</p>

After determining the essential goodness of my teaching both as an end and as a means, I then prudentially judge that, upon review of the good and evil effects of my cooperation and comparing them against my ultimate end, teaching the CREIGHTON MODEL System to this unmarried, genitally active couple would only be remotely contingent to their wrongdoing and, as a direct result, would realize a proportionate good (which, in this case, I would estimate to be a greater good). The verification of a proportionate good comes from judging that the good I would realize by my teaching, taken as a whole, would more readily lead me and my client/couple to our ultimate end than its evil effects, taken as a whole, would deter us from that end.

