

Intellect and Virtue: The contraception mandate and ‘cooperation with evil’

By John Garvey

The Affordable Care Act that Congress passed in 2010 directs employers to provide health insurance or pay a fine.

New regulations adopted by the Department of Health and Human Services will also require employers to provide full coverage for contraceptives, abortifacient drugs and sterilization procedures that the Catholic Church teaches are gravely immoral.

There is a modest exemption for some religious groups (churches and religious orders), but most of them still have to comply.

This is a religious freedom issue, but some doubt its importance. After all, when we provide health insurance at The Catholic University of America, are we morally responsible for all of the procedures it covers? Why would we be more responsible than we are for the wages we already pay? Perhaps one of our employees or contractors spends that money in strip clubs or on cocaine.

Just what are we morally responsible for? It cannot be for every result of every action we perform. It would be absurd to blame me for a hot dog vendor's extramarital affair, just because my lunch purchase helped finance it.

At the other extreme, it seems equally absurd to maintain the innocence of Pontius Pilate, who allowed a grave miscarriage of justice with his feigned and strategic indifference to Jesus' fate.

Catholic moral theology calls this the problem of “cooperation with evil.”

When C (the Cooperator) assists A (the Actor) to do some immoral act, intending to advance A's wrongful purposes, we have a case of formal cooperation. Formal cooperation is intrinsically wrong.

Think of a getaway driver: He does not rob the bank, but he deliberately assists the robber to escape with the money. The driver cannot claim that he is merely driving a car, a lawful act. He is guilty of formal cooperation because he intends to advance the robber's purpose.

This is the most obvious reason why Catholic institutions should decline to provide insurance for contraception, abortion and sterilization. The insurance policy is a way of paying for immoral drugs and services – as a criminal financier might pay for the bank robber's gun, mask, satchel and car.

It is no excuse to say that one is fronting the money, and that what the robber does with the gun, etc., is his moral responsibility. The health insurance provider, like the robber's financial backer, intends to advance the principal actor's ends.

There is a second, distinct reason why institutions like ours object to covering contraception, abortion and sterilization in our health insurance policies. Our mission as a Catholic university is not just to teach students microeconomics and Spanish literature. We are concerned with their growth in grace as well as wisdom.

We teach them in class, in the sacraments, in the activities of student life, that these activities are immoral. Most, we hope, heed the lesson. To pay for these same activities in one office while we condemn them elsewhere will inevitably cause the virtuous to doubt the truth or the sincerity of our teaching.

Herein lies the fundamental wrongness of the health care mandate. Thomas Jefferson's "Bill for Establishing Religious Freedom" proclaimed "that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."

How much more wrong it is to compel financial support for putting those opinions into practice. (The recent solution announced by the president – ordering insurance companies to make the payment – does not solve the problem. They will make the

payment out of our account.)

It would be a feeble defense to claim that we do not really intend to cooperate in immoral practices because the government is making us do it.

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