

# COOPERATION WITH PAST EVIL?

## A Defense of the Magisterial Teaching on Vaccines with a Connection to Abortion

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**ABSTRACT:** The recent Covid-19 pandemic has raised several moral questions, including the liceity of using vaccines produced from tissues that have a connection with aborted human fetuses. In continuity with the previous Magisterium, the Congregation for the Doctrine of the Faith published a note in December 2020 in which it addresses the subject, declaring the liceity of vaccination according to the principles of cooperation in evil. The article intends to explore whether and to what extent this way of arguing is sound. To do this, we initially present the system of cooperation with evil according to the Catholic moral tradition. Then we proceed through the different documents in which the Magisterium deals with the morality of using biological material of an illicit origin. After that we analyze scholars' debates regarding the way in which the magisterial documents argue about the liceity of vaccination. We conclude that, although it is not evident at first sight, the CDF's arguments according to cooperation with a past evil are sound.

**KEYWORDS:** Covid-19, vaccination, abortion, cooperation with evil, magisterium of the Church.

**RIASSUNTO:** La recente pandemia di Covid-19 ha sollevato diverse questioni morali, tra cui la liceità dell'uso di vaccini prodotti da tessuti che hanno una connessione con feti umani abortiti. In continuità con il precedente Magistero, la Congregazione per la Dottrina della Fede ha pubblicato nel dicembre 2020 una Nota in cui affronta l'argomento, dichiarando la liceità della vaccinazione secondo i principi della cooperazione al male. L'articolo intende esplorare se e in che misura questo modo di argomentare sia corretto. Per fare questo, presentiamo inizialmente il sistema di cooperazione al male secondo la tradizione morale cattolica. Si presentano poi i diversi documenti in cui il Magistero si occupa della moralità dell'utilizzo di materiale biologico di provenienza illecita. Successivamente si analizzano i dibattiti degli studiosi sul modo in cui i documenti magisteriali argomentano sulla liceità della vaccinazione. Concludiamo che, sebbene non sia evidente a prima vista, gli argomenti della CDF sulla cooperazione con un male passato sono validi.

**PAROLE CHIAVE:** Covid-19, vaccinazione, aborto, cooperazione al male, magistero della Chiesa.

SUMMARY: I. *The System of Cooperation with Evil*. 1. Formal and Material Cooperation with Evil. 2. Immediate and Mediate Material Cooperation. 3. Proximate and Remote Cooperation. 4. Active and Passive Cooperation with Evil. 5. Moral Evaluation of Cooperation with Evil. II. *The Teaching of the Church Regarding Cooperation with Evil and Vaccines of an Illicit Origin*. 1. PAV 2005: Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses. 2. CDF 2008: *Dignitas Personae*. 3. PAV 2017: Note on Italian Vaccine Issue. 4. CDF 2020: Note on the Morality of Using Some Anti-Covid-19 Vaccines. III. *Scholars Interpreting the Magisterium*. 1. Authors' Evaluation of Formal and Material Cooperation in Use of Vaccines with a Connection to Abortion. 2. Authors' Evaluation of Appropriation of Evil in Use of Vaccines with a Connection to Abortion. IV. *Conclusion: Appropriation of Evil or Passive Cooperation with Evil?*

In recent years, there has been a renewed theological and pastoral interest in addressing the issue of cooperation with evil. Notably in order to address the issues of conscience raised during the Covid-19 pandemic due to vaccines that had a connection with abortion, a specific articulation as to the nature of cooperation with evil in this case was provided by the Magisterium of the Church in December, 2020. This articulation came in the form of a doctrinal note issued by the Congregation for the Doctrine of the Faith (CDF), now known as the Dicastery for the Doctrine of the Faith, and was ordered to be published by Pope Francis. This doctrinal note, moreover, initiated much discussion in regards to the nature of cooperation with evil in general, as well as in regards to the conclusion made by the CDF.

It seems to us that there are, generally speaking, three positions taken in regards to the reception of a vaccine with a connection to abortion: (1) that the reception of a vaccine with a connection to abortion is, in general, not morally licit, (2) that the reception of these vaccines is morally licit according to the principles of cooperation with evil, as evident in the doctrinal note of the CDF, or (3) that the doctrinal note from the CDF offers a sufficient conclusion as to the moral liceity of such an action, but offers an insufficient argumentative process (that being cooperation with evil), arguing that one is metaphysically incapable of having a form of cooperation with a past, completed evil. Evaluating these positions is the ultimate goal of the present work.<sup>1</sup>

<sup>1</sup> As we will explain later on, our analysis will consider directly only the two positions that share the conclusions of the CDF.

But, in order to accomplish this, there are two other prior evaluations that must be given. First, a general though brief explanation of the nature of cooperation with evil must be presented. This will correspond with the first part of this work. Second, an overview of the occasions in which the Church has addressed the particular issue of reception of vaccines with connection to abortion according to the system of cooperation with evil must be presented. This presentation will correspond with the second part of this work. After having presented these parts, we will then evaluate the aforementioned positions taken in regards to the CDF doctrinal note on the reception of Covid-19 vaccines with connection to abortion. It seems to be worth mentioning beforehand that we believe that both the conclusion and the argumentative process contained in the CDF doctrinal note sufficiently and accurately describe the nature of moral action of receiving such vaccines; that is to say, we believe that it can be theologically accurate to speak of cooperation with a past evil.

## I. THE SYSTEM OF COOPERATION WITH EVIL

The question of reception of vaccines with a connection to abortion, and its moral evaluation within the system of cooperation with evil has been addressed by the Church prior to the 2020 doctrinal note. Notably, in 2005, the Pontifical Academy for Life (PAV) offered guidance on this issue in the document entitled *Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses*.<sup>2</sup> This document references Dominicus Prümmer's and Karl Peschke's treatments of this topic as a consultative resource for understanding the nature and distinctions of cooperation with evil. Here, Prümmer and Peschke follow the tradition by referring to cooperation as a concurrence in another's sinful act.<sup>3</sup>

<sup>2</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses*, Vatican City 2005, reprinted in «The National Catholic Bioethics Quarterly» 6/3 (2006) 541-550.

<sup>3</sup> D.M. PRÜMMER, *Manuale Theologiae Moralís*, Herder, Freiburg 1953<sup>11</sup>, tomus I, pars I, tract. IX, caput III, art. III §2, 447: “*cooperari generaliter est operari cum alio; cooperari igitur ad malum est concursus praestitutus actioni pravae alterius*” [all translations of Prümmer's tomus I and tomus II are our own]; K.H. PESCHKE, *Christian Ethics. Moral Theology in the Light of Vatican II*, I, C. Goodliffe Neale Ltd., Alcester 1989, 320: “cooperation in the sins of others is any physical or moral concurrence with a principal agent in a sinful deed”.

According to Prümmer, there are three ways in which a cooperator can concur in the evil action of another: (1) by influence on the will of the agent (by means of command, adulation, counsel, etc.), (2) by participating in the act itself, and (3) by providing the necessary faculties or materials for the evil action.<sup>4</sup> It should be noted that the first kind of cooperation, that by means of influence on the will of the agent, “is essentially no different from scandal.”<sup>5</sup> However, Prümmer says that cooperation differs from scandal in that scandal “causes the evil will of the sinner (by advice, command, or example), whereas cooperation *presupposes* the evil will of the sinner and is a means of bringing this evil will to completion in an external act.”<sup>6</sup> Having recognized this distinction between scandal and cooperation, it is then possible to consider the various distinctions in kinds of cooperation as presented in the PAV 2005 document: (1) formal and material cooperation with evil, (2) immediate and mediate material cooperation with evil, (3) proximate and remote cooperation with evil, and (4) active and passive cooperation with evil.

### *1. Formal and Material Cooperation with Evil*

The first question that may arise is how this concurrence takes place in the intention of the cooperator himself. According to the PAV 2005 document, “*Formal cooperation* is carried out when the moral agent cooperates with the immoral action of another person, sharing in the latter’s evil intention.”<sup>7</sup> Thus, when an action of cooperation with evil is directly willed because of its link with the intention of the malefactor,

For a detailed analysis on how this tradition arises in the XVIII century and how it has developed up until the present day, cfr. A.M. CUMMINGS, *The Servant and the Ladder: Cooperation with Evil in the Twenty-First Century*, Gracewing, Leominster 2014. As this author shows, there is still much discussion among scholars about the exact meaning of the different criteria involved in the system of cooperation with evil, depending mainly on different action theories. However, for the purpose of this article, we believe there is no need to address these differences; it is enough to use these widely accepted, simple definitions.

<sup>4</sup> Cfr. PRÜMMER, *Manuale Theologiae Moralis*, tomus I, 447.

<sup>5</sup> *Ibidem*.

<sup>6</sup> IDEM, *Vademecum Theologiae Moralis* (trans. Gerald W. Shelton), The Mercier Press, Cork 1956, 140.

<sup>7</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

one is guilty of a formal cooperation with evil.<sup>8</sup> Because of this, formal cooperation occurs when a cooperator *directly intends* a concurrence with the malefactor's evil act.

This brings forth the type of cooperation to which formal cooperation is distinguished, that of material cooperation. "When a moral agent cooperates with the immoral action of another person without sharing his or her evil intention, it is a case of *material cooperation*."<sup>9</sup> Since all cooperation is designated by a certain concurrence with the evil action of another, material cooperation with evil is a concurrence that, while not sharing the intention of the malefactor, is said to have "the foreseen effect of facilitating the principal agent's wrongdoing."<sup>10</sup> This kind of cooperation takes place "either because the collaboration is forced on [a person] or because the assistance takes place as an inevitable collateral effect of an action that [one] must perform for another important reason."<sup>11</sup> In this case, the evil action of the malefactor with whom one's own action cooperates is "tolerated or endured, without this implying an approval of the other's behavior, inasmuch as cooperation derives inevitably from an action that must be done for whatever reason."<sup>12</sup>

Thus, all moral action that facilitates the completion of a malefactor's evil action can be either willed directly in its concurrence with such an action, and be specified as formal cooperation with evil, or it can be indirectly willed in its concurrence with such an action, thus being specified as material cooperation with evil.

## 2. Immediate and Mediate Material Cooperation

At this point, it is possible to distinguish the kinds of material concurrence between the malefactor and the cooperator. The PAV 2005 doc-

<sup>8</sup> Cfr. A. RODRÍGUEZ LUÑO, E. COLOM, *Chosen in Christ to be Saints I: Fundamental Moral Theology*, Edusc, Rome 2014, 384; PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

<sup>9</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

<sup>10</sup> A. FISCHER, *Catholic Bioethics for a New Millennium*, Cambridge University Press, Cambridge 2012, 72.

<sup>11</sup> A. RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines Using Cells from Aborted Fetuses*, «The National Catholic Bioethics Quarterly» 6/3 (2006) 455.

<sup>12</sup> RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 384.

ument identifies immediate material and mediate material cooperation in this way: “Material cooperation can be further divided into categories of *immediate* (direct) and *mediate* (indirect), depending on whether the cooperation is in the execution of the sinful action per se, or whether the agent acts by fulfilling the conditions – either by providing instruments or products – which make it possible to commit the immoral act.”<sup>13</sup> Thus, the kind of material cooperation is evaluated according to the connection with the act of the malefactor, rather than with his intention, as in the case of formal cooperation. “[The cooperation] is immediate if one concurs in the evil act itself, as to help a burglar to empty the jewels that he is stealing into the burglar’s wallet. It is mediate if one provides means and other helps for the evil deed without joining in the evil act itself, as to supply the burglar with the keys to the house or with tools for his burglary.”<sup>14</sup> Concur in this sense does not mean to directly concur with or share the *intention* of the malefactor, for such a concurrence would be formal cooperation in evil; rather, concur in this sense means that one’s action “runs with” the *act* of the malefactor itself (either directly or indirectly), facilitating his evil intentions.

Mediate (indirect) material cooperation pertains to concurring with another’s evil action by providing the means for accomplishing the evil. “Mediate or indirect material cooperation occurs when one provides another with an instrument which the other person will use to do evil; e.g. selling wine to a person who will use it to become intoxicated.”<sup>15</sup> Thus, characteristic of mediate material cooperation is if there is some distance between the action of providing the instrument or means for the immoral action and the immoral action itself.<sup>16</sup> Melina provides a helpful description of the distinction between immediate material cooperation and mediate material cooperation by placing the distinction in terms of *continuity*. “Immediate is that which is verified when there is not a discontinuity between the principal agent and the agent that collabo-

<sup>13</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

<sup>14</sup> PESCHKE, *Christian Ethics*, 322.

<sup>15</sup> RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 384.

<sup>16</sup> Cfr. A. WONG, *The Ethics of HEK 293*, «The National Catholic Bioethics Quarterly» 6/3 (2006) 478; M.C. KAVENY, *Appropriation of Evil: Cooperation’s Mirror Image*, «Theological Studies» 61 (2000) 285.

rates; mediate, when on the contrary one can detect a break and there is necessarily a further decision, so that the one who does the evil can proceed in the execution of his purpose.”<sup>17</sup> Thus, immediate material cooperation takes place when *there is no mediation* between the action of the principal agent and the action of the cooperator, and, further, the action of immediate material cooperation is designated by a reasonable continuity with the evil of the malefactor.

### 3. *Proximate and Remote Cooperation*

In describing the distinction between immediate or mediate material cooperation, an example provided by Rodríguez Luño and Colom is that of a person selling wine to someone who will use it to become intoxicated. In this case, there would, generally speaking, be a mediation between the purchase of the wine and the illicit use of the wine.<sup>18</sup> Thus, it is clear that the merchant would have a mediate material cooperation in the illicit use of the wine, rather than an immediate material cooperation. The seller of the wine, while knowing that the wine could be used for illicit reasons, remains physically distant from the illicit action.<sup>19</sup> Being physically distant from the illicit action, this is designated as a kind of mediate material cooperation; but, in evaluating the “closeness,” both temporally and morally, of the selling of the wine to the illicit use of the wine, it would seem that the merchant’s action is proximately connected with the illicit use.

Continuing the example given above, it would be clear that a woman who stocks the shelves at the store does not necessarily share the evil intention of someone who might buy the wine to get drunk, even though she knows that some people will buy the wine in order to get drunk. Thus, not sharing the evil intention, she would be capable of a

<sup>17</sup> L. MELINA, *La cooperazione con azioni moralmente cattive contro la vita umana*, in E. SGRECCIA, R. LUCAS LUCAS (a cura di), *Commento Interdisciplinare alla “Evangelium Vitae”*, LEV, Città del Vaticano 1997, 474 (our translation).

<sup>18</sup> Cfr. RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 384.

<sup>19</sup> The situation would be different if the wine seller, while recognizing the illicit intention of the buyer, were to sell the malefactor the wine, open the bottle for him, and hand it to him so that he could drink it then and there. Clearly, there is in this case overlap in the action of the seller and the malefactor, thus signifying immediate material cooperation.

material cooperation in evil, and it is clear that such material cooperation would be both mediate and remote. This same category of mediate, remote, material cooperation with evil would also apply to many others who might know or reasonably assume that their actions could cooperate with evil actions; the grape-picker at the vineyard, the truck driver delivering the wine, etc.

#### *4. Active and Passive Cooperation with Evil*

A final distinction that is made in the PAV 2005 document – a distinction that is key to understand the CDF 2020 doctrinal note on Covid-19 vaccines – is the distinction between active and passive cooperation in evil. Compared to the previous distinctions mentioned above, we will spend more time describing this distinction, as it seems to be the least studied of the distinctions made in cooperation with evil mentioned in the PAV 2005 document. This document states:

A further distinction made in classical morality is that between *active* (or positive) cooperation in evil and *passive* (or negative) cooperation in evil, the former referring to the performance of an act of cooperation in a sinful action that is carried out by another person, while the latter refers to the omission of an act of denunciation or impediment of a sinful action carried out by another person, inasmuch as there was a moral duty to do that which was omitted.<sup>20</sup>

This passage of the PAV 2005 document cites this distinction between active and passive cooperation by referencing the Catechism; we cooperate in other's sins "by participating directly and voluntarily in them; by ordering, advising, praising, or approving them; by not disclosing or not hindering them when we have an obligation to do so; by protecting evil-doers."<sup>21</sup> Thus, as referenced in the Catechism, one cooperates with evil according to various means, some being active (by participating directly and voluntarily) and some being passive (not disclosing or not hindering them when we have an obligation to do so). And so, in failing to denounce or impede the evil action of others, one's own omission is said to be concurring with the evil act completed by another if there is a moral duty to make such a denouncement or impediment. The PAV 2005 document also states that when analyzing passive coopera-

<sup>20</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

<sup>21</sup> *Catechism of the Catholic Church*, n. 1868.



tion, one can apply the same distinctions as one makes when analyzing active cooperation. “Passive cooperation can also be formal or material, immediate or mediate, proximate or remote.”<sup>22</sup>

Rodríguez Luño provides a helpful example of cooperation with evil that can be seen in both active and passive modes; that of counterfeiting money. One could certainly have an active cooperation in the illicit act of counterfeiting: “participating in the printing of counterfeit bills, providing suitable paper and ink to the principal agent while knowing how he will use them.”<sup>23</sup> Or, one could cooperate with counterfeiting the money even without partaking or aiding the act of counterfeiting itself: “bringing the bills into circulation, consciously agreeing to be paid in counterfeit bills or to use them in some way.”<sup>24</sup> In short, the person who accepts counterfeit bills, even without aiding in the production of them, would still be guilty of cooperating in the counterfeiting through a culpable omission of denunciation or prevention while having a duty to do so; i.e., he is committing a passive cooperation with evil.<sup>25</sup>

Rodríguez Luño discusses various distinctions in cooperation with evil in cases of cooperation in unjust damage in his manual, *Chosen in Christ to Be Saints. III: Moral Virtues and Bioethics*. Here, this author follows the same distinctions that Prümmer makes in his manual.<sup>26</sup> “Traditionally, six types of positive [or, we could say, active] cooperation, and three forms of negative or passive cooperation are distinguished.”<sup>27</sup> The three types of negative cooperation are *mutus* (being silent), *non obstands* (not preventing), *non manifestans* (not denouncing).<sup>28</sup> “The negative or passive co-operator is he who says nothing *before* the damage has been done,

<sup>22</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

<sup>23</sup> RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 454.

<sup>24</sup> *Ibidem*.

<sup>25</sup> Cfr. *ibidem*.

<sup>26</sup> PRÜMMER, *Manuale Theologiae Moralis*, tomus II, pars I, tract. XI, quaestio III, caput III, art. II, 96.

<sup>27</sup> A. RODRÍGUEZ LUÑO, *Chosen in Christ to be Saints III: Moral Virtues and Bioethics* (2019, Translation of *Scelti in Cristo per essere santi. III: Morale speciale*, Edusc, Roma 2012<sup>2</sup>, available at: [https://www.eticaepolitica.net/corsodimorale/Chosen\\_III.pdf](https://www.eticaepolitica.net/corsodimorale/Chosen_III.pdf)), 80.

<sup>28</sup> *Ibidem*, 80, 81.

does not interfere with the action *during* its accomplishment of the action, or does not report anything about it *afterwards*.”<sup>29</sup> For Prümmer, positive (active) cooperation is called positive as such, “because it is done through a positive act, either physical or moral”<sup>30</sup> and negative (passive) cooperation is called negative as such, “because it is done through an omission of an act which ought to have been done.”<sup>31</sup> Important here is that in positive (active) cooperation in the unjust damage committed, one’s positive act (either of a physical or moral nature) is done simultaneous with or in-view-of the injustice committed. Only in this sense could we speak of there being any morally relevant active cooperation in evil. In this way, one could not be morally responsible for *providing* a kind of active cooperation for an evil having been already committed in the past. It is metaphysically impossible to provide positive aid to a past evil having already been completed.<sup>32</sup>

But, whereas active cooperation is characterized by providing or contributing something to the malefactor’s evil (either in his intention or his action), in passive cooperation, one cooperates by a kind of omission, a “not providing,” whatever might prevent or stop the evil intentions or actions of a malefactor. Prümmer makes these points even clearer: “*Mutus* is said of him who does not speak before the injury or forewarn that another will be injured [...] *non obstans* of him who while the injury is being inflicted, does not stop it [...] *non manifestans* is said of him who after the injury is done does not denounce the evildoer [to rightful authorities or superiors].”<sup>33</sup> Thus, in passive cooperation with evil in the case of unjust damage, one is able to cooperate with the evil intention of the malefactor (regardless of when he committed the evil) by not denouncing the evil when having an obligation to do so.

<sup>29</sup> *Ibidem*, 81.

<sup>30</sup> “*Sex vero priores vocantur cooperatio positiva, quia fit per positivum actum sive physicum sive moralem*” (PRÜMMER, *Manuale Theologiae Moralis*, tomus II, 96).

<sup>31</sup> “*Tres posteriores modi dicuntur cooperatio negativa, quia fit per omissionem actus debiti*” (*ibidem*).

<sup>32</sup> Cfr. S. KAMPOWSKI, *Cooperation, appropriation, and vaccines relying on fetal cell line research* (January 24, 2021): <https://www.catholicworldreport.com/2021/01/24/cooperation-appropriation-and-vaccines-relying-on-fetal-stem-cell-research/>.

<sup>33</sup> PRÜMMER, *Manuale Theologiae Moralis*, tomus II, 104.

Since, as was mentioned in the PAV 2005 document, passive cooperation can be evaluated according to the same distinctions as active cooperation, it might be helpful to apply these categories to the example provided by Rodríguez Luño. In the case of someone knowingly using the counterfeit money given to him, it would seem that, generally speaking one would have a formal passive cooperation with the one who counterfeits the money (as it is likely that the person is using the money because he shares the intention of the one who counterfeited the money). Even though it is metaphysically impossible to render positive aid to the illicit act by knowingly using counterfeit bills (and thus it would be metaphysically impossible to cooperate by an active mode by using the bills), “formal cooperation, instead, remains a metaphysical possibility, even if it regards past actions: it is enough to approve of them.”<sup>34</sup> But, if someone were to use the bills, not because he shares the intention of the counterfeiter, but rather because he does not have enough genuine money to buy food, then it would seem that this man would have a material passive cooperation in the counterfeiting. Not sharing the evil intention of the counterfeiter, this man cannot be said to have a formal cooperation (concurrence) with the evil intention. But, since the evil intention was to produce fake money for the sake of use, to use the money would be to have a certain concurrence with the evil of the counterfeiter. Thus, by using the money while not sharing the intention of the malefactor, this man’s action of using the money has an immediate concurrence (cooperation) with the act of the counterfeiter, who made the money for the purpose of use. Thus, again, by using the money, he has a passive material cooperation in the counterfeiting.<sup>35</sup>

<sup>34</sup> KAMPOWSKI, *Cooperation, appropriation, and vaccines relying on fetal cell line research*. As will be shown below, Kampowski does not think it is possible to materially cooperate in past evil, only formally.

<sup>35</sup> It is evident here that, apart from helping in the perfection of the malefactor’s past intention, this kind of passive cooperation with evil could have (and often does have) the effect of encouraging future evil actions of the same kind. As will be shown below, some theologians argue that something similar takes place in the case of the reception of vaccines of an illicit origin; that in encouraging the use of cell lines obtained by an illicit means, one might encourage the continued buying/selling of such cell lines, and thus encourage future abortions to produce new or better cell lines, as well as contributing to spread out the “culture of death”.

It is important to recall that in passive cooperation with evil, one is not providing anything for the evil intention or action of the malefactor; here, one is omitting something that should be done to prevent, stop, or end the injustice committed. This is because by omitting renunciation, prevention, or denunciation, one allows the evil intention to reach its desired end unhindered.

### *5. Moral Evaluation of Cooperation with Evil*

Before concluding this part on the general designations and distinctions of cooperation with evil, it is necessary to address the moral evaluation that is attributed to each of these categories.

In first place, as already mentioned, the Church condemns all formal cooperation with evil. “Formal cooperation is always morally illicit because it represents a form of direct and intentional participation in the sinful action of another person.”<sup>36</sup> With it being illicit, such formal cooperation can never be permitted.

In regards to material cooperation, moral theologians generally agree that “material cooperation in sinful deeds of others is in general illicit, since the evil of sin should not be supported by any means.”<sup>37</sup> This is because “the good of the human person, considered also in its social dimensions, does not only demand that each person act according to right reason, but that he do so in such a way insofar as it is in his control, that favorable conditions come about for the good of others, helping and contributing to the best of his own abilities.”<sup>38</sup> But, a prohibition against every kind of material cooperation with evil is not absolute. “There are some circumstances that can render licit certain actions through which one materially cooperates with evil.” Such circumstances are determined when cooperation is “of a certain necessity of achieving a good or avoiding an evil through an action that another uses to accomplish his own immoral plan.”<sup>39</sup>

In the case of material cooperation with evil, with it being that the

<sup>36</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545; this is also clearly stated in JOHN PAUL II, Enc. *Evangelium Vitae*, n. 74.

<sup>37</sup> PESCHKE, *Christian Ethics*, 322.

<sup>38</sup> RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 385.

<sup>39</sup> *Ibidem*.

cooperation takes place without sharing a malefactor's intention, the cooperation remains *praeter intentionem*. Thus, one's action could be licit according to the criteria of the principle of double effect, namely: (1) the act performed (by the cooperator) must be good, or at least indifferent, in itself; (2) good effects cannot be accomplished through an evil effect (the principal agent's evil action and its evil effects); (3) the person must directly will the good effect; (4) there must exist proportionality between what is intended and the evil which is tolerated.<sup>40</sup> It is the fourth and final criterion that deserves particular attention.

Determining the proportionality between what is intended and the tolerated evil can vary depending on the kind of material cooperation in question and depending on the nature of the evil being tolerated. In the case of immediate material cooperation, "it is generally admitted that immediate material cooperation in a serious crime against life or against justice is not morally licit."<sup>41</sup> For instance, immediate material cooperation in homicide or abortion is never licit;<sup>42</sup> but this is not true in all possible cases of immediate material cooperation.<sup>43</sup> With it being that immediate cooperation with evil is always proximate, it follows that, in some cases, proximate material cooperation with evil is, also, illicit. But, it is generally admitted that many forms of proximate mediate material cooperation and remote mediate material cooperation with evil can have a proportionate reason for which one cooperates.

In regards to passive cooperation with evil, as with active cooperation, "every type of formal passive cooperation is to be considered

<sup>40</sup> Cfr. *ibidem*, 193-194. For a good account of the history and different interpretations of the double effect principle, cfr. G. MIGLIETTA, *Teologia morale contemporanea. Il principio del duplice effetto*, Urbaniana University Press, Roma 1997.

<sup>41</sup> RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 456; JOHN PAUL II, Enc. *Evangelium Vitae*, nn. 62, 74.

<sup>42</sup> Cfr. CONGREGATION FOR THE DOCTRINE OF THE FAITH, Decl. *De Abortu Procurato* (November 18, 1974), n. 22; RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 385; MELINA, *La cooperazione con azioni moralmente cattive contro la vita umana*, 485. All the documents of the CDF are available in English at [https://www.vatican.va/roman\\_curia/congregations/cfaith/doc\\_doc\\_index.htm](https://www.vatican.va/roman_curia/congregations/cfaith/doc_doc_index.htm).

<sup>43</sup> See PIUS XI, Enc. *Casti Connubii* (December 31, 1930), DH n. 3718, which refers to cooperation in a spouse's sin of contraception.

illicit.”<sup>44</sup> But in regards to passive material cooperation with evil, even it should be generally avoided, “although it is admitted (by many authors) that there is not a rigorous obligation to avoid it in a case in which it would be greatly difficult to do so.”<sup>45</sup> This is because “the duty to avoid passive material cooperation is not urgent (that is, it is not an obligation) if it involves serious inconvenience.”<sup>46</sup>

A final element that must be considered in the moral evaluation of the licity of an action concerning cooperation with evil is in regards to scandal. “In cases in which, following what has been said [in regards to the moral liceity of a certain cooperation in evil], it were licit to carry out an action wherein – without wanting to – one cooperates with evil, it remains morally necessary to take opportune precautions to avoid the danger of a moral fall for oneself or for others (scandal).”<sup>47</sup> Thus, in such occasions in which it is reasonably recognized that one’s own action will cause sin in another, one should do what is possible to avoid scandal.<sup>48</sup> This having been said, however, ensuring the avoidance of scandal cannot lead to the omission of fulfilling serious obligations.<sup>49</sup>

Thus, all kinds of formal cooperation aside, there may be occasions in which one can licitly choose an action that has a certain cooperation with evil in order to achieve a good or avoid an evil. It must be stated, however, that, in cases in which it is morally licit to materially cooperate with evil, it is not that such actions are a gray-area between good or evil; it is rather that, if one is morally justified in an action that has a kind of cooperation with evil, based on the nature of moral decision making, and assuming that such an action is in accord with one’s conscience and

<sup>44</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

<sup>45</sup> *Ibidem*.

<sup>46</sup> RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 458.

<sup>47</sup> RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 386.

<sup>48</sup> Cfr. *Catechism of the Catholic Church*, n. 2284: “Scandal is a grave offense if by deed or omission another is deliberately led into a grave offense;” n. 2287: “Anyone who uses the power at his disposal in such a way that it leads others to do wrong becomes guilty of scandal and responsible for the evil that he has directly or indirectly encouraged.”

<sup>49</sup> Cfr. UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Moral Considerations Regarding the New COVID-19 Vaccines* (December 11, 2020): <https://www.usccb.org/moral-considerations-covid-vaccines>, 2.

reasonably avoids occasions of scandal, one's action would be a moral good. This is because all human actions, that is, actions which are freely chosen, are either for one's moral improvement or moral degradation; all free acts are good or evil acts. This is emphasized in the *Catechism of the Catholic Church*; "Freedom makes man a moral subject. When he acts deliberately, man is, so to speak, the father of his acts. Human acts, that is, acts that are freely chosen in consequence of a judgment of conscience, can be morally evaluated. They are either good or evil."<sup>50</sup> Further, "no human act is morally indifferent to one's conscience or before God."<sup>51</sup> Thus, with it being that the Church has clarified that, under certain situations and circumstances, it is morally licit to choose certain acts that have a material cooperation with evil in accord with one's conscience, one's decision to do that particular action would constitute a moral good, and thus contribute to the moral goodness of the agent.<sup>52</sup>

## II. THE TEACHING OF THE CHURCH REGARDING COOPERATION WITH EVIL AND VACCINES OF AN ILLICIT ORIGIN

All that has thus far been said about cooperation with evil has been presented in order to more appropriately assess how the Magisterium of the Church presents the particular situation of reception of a vaccine that has a connection with abortion. While the scientific explanation of the production of these vaccines remains beyond the focus of this work, it is necessary to briefly explain the morally relevant characteristics of the production and use of vaccines with an illicit origin in order to describe the morally relevant cooperation with evil. In short, with the production of various vaccines used to prevent serious illness, certain vaccines were prepared "from human cell lines of fetal origin, using tissues from aborted human fetuses as a source of such cells."<sup>53</sup> Most recently

<sup>50</sup> *Catechism of the Catholic Church*, n. 1749.

<sup>51</sup> CONGREGATION FOR CATHOLIC EDUCATION, *The Religious Dimension of Education in a Catholic School* (April 7, 1988), n. 47.

<sup>52</sup> Such a consideration explains the significance of the USCCB's statement that "being vaccinated safely against COVID-19 should be considered an act of love of our neighbor and part of our moral responsibility for the common good" (UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Moral Considerations Regarding the New COVID-19 Vaccines*, 5).

<sup>53</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 541. For a brief history of

this question has resurfaced with the vaccines produced for immunity against Covid-19, “which, in the course of research and production, employed cell lines drawn from tissue obtained from two abortions that occurred in the last century.”<sup>54</sup> Thus, the question placed before the Magisterium of the Church is the evaluation of “the moral aspects of the use of the vaccines against Covid-19 that have been developed from cell lines derived from tissues obtained from two fetuses that were not spontaneously aborted.”<sup>55</sup>

The Church’s official, Magisterial teaching on cooperation with evil and vaccines with a connection to abortion is found in two pronouncements from the Congregation for the Doctrine of the Faith: *Dignitas Personae* (2008) and the *Note on the Morality of Using Some Anti-Covid-19 Vaccines* (2020). Further, there are two other ecclesial documents issued by the Pontifical Academy for Life that are of particular importance in regards to the system of cooperation with evil and vaccines of illicit origin; these documents *Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses* (2005) and *Note on Italian Vaccine Issue* (2017). Here, we will present each document in chronological order, highlighting the most important parts of each one in regards to the doctrine of cooperation with evil.

### 1. PAV 2005: *Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses*

While much of what is contained in the document from the Pontifical Academy for Life in 2005 has already been cited above in regards to explaining the nature of cooperation with evil, at this point, what remains to be cited is how this document designates the production, commercialization, and use of vaccines with an illicit origin. This document suggests that there are three categories “of people involved in the cooperation in evil, evil which is obviously represented by the action of

vaccination and vaccine production in modern times, including those against Covid-19, cfr. M. FAGGIONI, *Le vaccinazioni. Questioni morali*, «Itinerarium» 29 (2021) 63-90.

<sup>54</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Note on the Morality of Using Some Anti-Covid-19 Vaccines* (December 21, 2020), Introduction.

<sup>55</sup> *Ibidem*.



voluntary abortion performed by others.”<sup>56</sup> These three categories are (1) those who prepare the vaccines using cell lines coming from voluntary abortions, (2) those who participate in the mass marketing of such vaccines, and (3) those who need to use them for health reasons.<sup>57</sup>

As already said, with it being that all kinds of formal cooperation with evil are, by their nature, illicit, the PAV 2005 document says that “whoever – regardless of the category to which he belongs [i.e., the three categories listed above] – cooperates in some way, sharing its intention, in the performance of a voluntary abortion with the aim of producing the above-mentioned vaccines, participates, in actuality, in the same moral evil as the person who has performed that abortion.”<sup>58</sup> The document further states that one would participate in this same moral evaluation if one were to share the same intention of the abortion and refrain from denouncing it as an illicit action, having the moral duty to do so; this last action (sharing the intention of the abortion and refraining from denouncing it) is stated in the document to be a passive formal cooperation with evil.

The document then addresses the situation of those who make use of the cell-lines and vaccines who have “no such formal sharing of the immoral intention of the person who has performed the abortion;” that is, material cooperation.<sup>59</sup> Firstly, it is stated that the preparation, distribution, and marketing of these vaccines is, in principle, morally illicit, even without sharing the intention of the abortion, “because it could contribute in encouraging the performance of other voluntary abortions, with the purpose of the production of such vaccines.”<sup>60</sup> While left unstated in the document, it would seem that this would be a kind of illicit active material cooperation, because such an action might actively encourage or bring about more abortions.<sup>61</sup> “However, there is another

<sup>56</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

<sup>57</sup> Cfr. *ibidem*.

<sup>58</sup> *Ibidem*.

<sup>59</sup> *Ibidem*.

<sup>60</sup> *Ibidem*.

<sup>61</sup> It should be noted that the actions described could correctly be identified as either cooperation and scandal. Here, however, we believe that these actions of “preparation, distribution, and marketing” can properly be identified as cooperation in that the

aspect to be considered, and that is the form of *passive material cooperation* [emphasis in original] which would be carried out by the producers of these vaccines, if they do not denounce and reject publicly the original immoral act (the voluntary abortion), and if they do not dedicate themselves together to research and promote alternative ways, exempt from moral evil, for the production of vaccines for the same infections.”<sup>62</sup> The document says that this kind of passive material cooperation is “equally illicit.”<sup>63</sup>

In regards to those who use these vaccines, (“apart from every form of *formal cooperation* [emphasis in original]”) doctors or patients who use these vaccines “carry out a form of *very remote mediate material cooperation*, and thus very mild, in the performance of the original act of abortion.”<sup>64</sup> And, further, “from this point of view, the use of vaccines whose production is connected with procured abortion constitutes at least a mediate remote passive material cooperation to the abortion, and an immediate passive material cooperation with regard to their marketing.”<sup>65</sup> As mentioned above, the document emphasizes that the duty to avoid passive cooperation (with the exception of formal cooperation) is not obligatory in the presence of grave inconvenience and if there is a proportional reason for the cooperation.<sup>66</sup>

Thus, in summary, this document makes it clear that, due to the kind of material cooperation being very remote, vaccines of illicit origin can be used when there are no other alternatives. But, significant for the discussion of this paper, it is also clear that this document suggests that the category of passive cooperation with evil (whether formal or material) ought to be considered.

cooperators presuppose that there are those who intend to perform future abortions for scientific research; this would be distinct from occasions in which the actions described cause or convince an agent to perform abortions for scientific research, which would be properly called scandal rather than cooperation.

<sup>62</sup> *Ibidem*, 547.

<sup>63</sup> *Ibidem*.

<sup>64</sup> *Ibidem*; it is also stated here that doctors or patients who use these vaccines have a mediate material cooperation with the marketing of cell-lines coming from abortion, and an immediate material cooperation with the marketing of vaccines produced from these cell lines.

<sup>65</sup> *Ibidem*.

<sup>66</sup> Cfr. *ibidem*, 548.

## 2. CDF 2008: *Dignitas Personae*

In 2008, the CDF released the instruction *Dignitas Personae* in which it addressed various issues in bioethics that needed to be expressed and clarified after advances in science and medicine.<sup>67</sup> One such issue was the question of the morality of using human biological material of an illicit origin. “For scientific research and for the production of vaccines or other products, cell lines are at times used which are the result of an illicit intervention against the life or physical integrity of a human being.”<sup>68</sup> Thus, the question placed before the CDF was whether or not these cell lines can be used licitly.

At the time of the promulgation of *Dignitas Personae*, some ethics committees were proposing that while abortion is intrinsically evil, a criterion of independence could be employed in which one would justifiably be able to use biological material of an illicit origin because the use of the material is independent from an intrinsically evil action. “[According to the proposed criterion of independence] the use of ‘biological material’ of illicit origin would be ethically permissible provided there is a clear separation between those who, on the one hand, produce, freeze and cause the death of embryos and, on the other, the researchers involved in scientific experimentation.”<sup>69</sup> While the document specifically cites the use of embryonic stem cells as the illicit action in question, the principle here is in regards to cooperation with an evil action in general. The solution proposed by these referenced ethics committees is that separation (or distance) from the originating evil action makes it that the present use of these cells and cell lines is morally justified. In responding, *Dignitas Personae* says that it is essential that one’s own action be independent and separate from direct cooperation in evil, but that this alone would be insufficient for a positive moral evaluation.

In this regard, *the criterion of independence as it has been formulated by some ethics committees is not sufficient [...] to avoid a contradiction in the attitude of the person who says that he does not approve of the injustice perpetrated by others, but at the same time accepts for his own work the ‘biological material’ which the others have obtained by means of that injustice.*<sup>70</sup>

<sup>67</sup> Cfr. CONGREGATION FOR THE DOCTRINE OF THE FAITH, Instr. *Dignitas Personae* (September 8, 2008), n. 1.

<sup>68</sup> *Ibidem*, n. 34.

<sup>69</sup> *Ibidem*, n. 35.

<sup>70</sup> *Ibidem*.

The instruction states that when the originating evil action is endorsed by laws and systems of justice that oversee healthcare and scientific research, “it is necessary to distance oneself from the evil aspects of that system in order not to give the impression of a certain toleration or tacit acceptance of actions which are gravely unjust.”<sup>71</sup>

The instruction emphasizes that “there is a duty to refuse to use such ‘biological material’ even when there is no close connection between the researcher and the actions of those who performed the artificial fertilization or the abortion [...] this duty springs from the necessity to *remove oneself*, within the area of one’s own research, *from a gravely unjust legal situation and to affirm with clarity the value of human life* [emphasis in original].”<sup>72</sup> Thus, a researcher must refrain from using this material of illicit origin, not because its use has a causal connection with the illicit action, but because one is bound to remove oneself from a gravely unjust legal situation. The document, however, recognizes that, when considering the use of biological material of illicit origin in general, “there exist *differing degrees of responsibility*.” “Grave reasons may be morally proportionate to justify the use of such ‘biological material;’” a provided example of this reason is danger to the health of children. But even in cases in which it is morally proportionate to justify the use of this biological material, “everyone has the duty to make known their disagreement and to ask that their healthcare system make other types of vaccines available.”<sup>73</sup>

Thus, in summary, *Dignitas Personae* offers some clear, doctrinal guidance on the reception of vaccines that have a connection to abortion. Of particular importance in discussing cooperation with past evil is the document’s declaration that the so-called “criterion of independence,” while necessary as a minimum, is, on its own, insufficient to justify a researcher’s use of biological material with an illicit origin. A second point of importance in *Dignitas Personae* is the confirmation of what the PAV 2005 document also stated in regards to the liceity of receiving vaccines with an illicit origin, even while the specification of the kind of cooperation is not mentioned.<sup>74</sup>

<sup>71</sup> *Ibidem*.

<sup>72</sup> *Ibidem*.

<sup>73</sup> *Ibidem*.

<sup>74</sup> Cfr. *ibidem*.

### 3. PAV 2017: Note on Italian Vaccine Issue

The question of the use of these vaccines was brought up again in 2017 when the PAV released a short note regarding vaccine use in general, with particular emphasis on vaccines that have a connection with voluntary abortion. The note mentions that the cell lines used in the production of vaccines “are very distant from the original abortions.”<sup>75</sup> This then leads to the point that, with it being that by the nature of cell line production, “it is no longer necessary to obtain cells from new voluntary abortions.”<sup>76</sup>

After a brief description of the scientific nature of the vaccines, the note turns to an ethical reflection on the reception of vaccines. “In 2005 the Pontifical Academy for Life published a document entitled: ‘Moral reflections about vaccines prepared from cells of aborted human fetuses’ which, in the light of medical advances and current conditions of vaccine preparation, could soon be revised and updated. Especially in consideration of the fact that the cell lines currently used are very distant from the original abortions and no longer imply that bond of moral cooperation indispensable for an ethically negative evaluation of their use.”<sup>77</sup> Further, the 2017 note emphasizes that when considering the “illicit origin” of these vaccines, it is important to note that “the ‘wrong’ in the moral sense lies in the actions, not in the vaccines or the material itself.”<sup>78</sup>

The note then addresses the “morally relevant cooperation” between the use of the vaccine and the voluntary abortion from which cell lines came.

The technical characteristics of the production of the vaccines most commonly used in childhood lead us to exclude that there is a morally relevant cooperation between those who use these vaccines today and the practice of voluntary abortion. Hence, we believe that all clinically recommended vaccinations can be used with a clear conscience and that the use of such vaccines does not signify some sort of cooperation with voluntary abortion.<sup>79</sup>

<sup>75</sup> PONTIFICAL ACADEMY FOR LIFE, *Note on Italian Vaccine Issue* (July 31, 2017): <https://www.academyforlife.va/content/pav/en/the-academy/activity-academy/note-vaccini.html>.

<sup>76</sup> *Ibidem*.

<sup>77</sup> *Ibidem*.

<sup>78</sup> *Ibidem*.

<sup>79</sup> *Ibidem*.

It is worth considering here that the 2017 note says that the use of vaccines does not signify cooperation with voluntary abortion, while the 2005 document from the same Pontifical Academy says that those who make use of the vaccines have “a form of very remote mediate material cooperation, and thus very mild, in the performance of the original act of abortion,”<sup>80</sup> and *Dignitas Personae* emphasizes that the criterion of independence is insufficient to justify use of cell lines of an illicit origins.<sup>81</sup> Drawing attention to the seeming differences between the 2017 note and the preceding documents, Maurizio Faggioni believes that “it is difficult to say what the scientific novelties are between the 2005 Declaration, *Dignitas Personae* in 2008” and the 2017 note that would lead to the revisions and updates mentioned in the note itself.<sup>82</sup> For Faggioni, “the previous documents, including that of the PAV in 2005, knew quite well that the cell lines used are very distant from the abortions from which they originate and are not the cause or the contributing cause [of the abortions] in any way.” Thus, for Faggioni, the 2017 note “does not develop a theory of cooperation, but reminds us that ‘the “wrong” in the moral sense lies in the actions, not in the vaccines or the material itself;” which, for him, is an emphasis that is “completely acceptable and certainly does not invalidate the traditional doctrine of cooperation with its refined distinctions on the diverse modalities with which one can carry out a cooperation.”<sup>83</sup>

Here, Faggioni’s work is presented to highlight his seeming critique of the 2017 note in comparison with the preceding documents, as well as to emphasize his belief that a primary concern of the 2017 note is in regards to the “location” of evil in cases of cooperation; that coop-

<sup>80</sup> PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 548.

<sup>81</sup> According to Kampowski, “if one approaches PAV 2005, CDF 2008, PAV 2017, and CDF 2020 with the question of whether, under certain circumstances, one may vaccinate one’s children or be oneself vaccinated with vaccines of illicit origin, all four answer in the affirmative and all four frame their argument by making use of the category of cooperation. There are, however, fundamental divergences about the reasons adduced and the conditions indicated between PAV 2005, CDF 2008, and CDF 2020 on the one hand, and PAV 2017 on the other” (KAMPOWSKI, *Cooperation, appropriation, and vaccines relying on fetal cell line research*).

<sup>82</sup> Cfr. FAGGIONI, *Le vaccinazioni*, 85. All translations of Faggioni’s work are our own.

<sup>83</sup> *Ibidem*.

eration with evil is in actions and “is not in things as in a contagion of impurity, but it is also true that things can be part of projects of different ethical quality.”<sup>84</sup> An example that Faggioni provides highlights his point:

Those who consciously receive stolen objects and put them on the market participate in the malice of he who stole them because they enjoy the fruits of the theft. He who buys stolen objects knowing that they were stolen, preferring them to analogous objects present in the market, but of a higher cost, would enjoy the advantage of a derived lower price from the fact that the object in question is a part of stolen goods.<sup>85</sup>

Thus, for Faggioni, the reception of a vaccine of an illicit origin, while not evil on account of being “contaminated,” would be a kind of cooperation with evil due to its being a part of the project of the one who committed the evil action, like that of buying a known stolen object.

Further considerations about this will be evaluated later in this work, and we will argue that although there are some differences, there is not necessarily a contradiction between the PAV 2017 note and these other two ecclesial documents; indeed, we will argue that the doctrinal note from the CDF on Covid-19 vaccines gives clarity as to the kind of cooperation that these three documents are addressing. It suffices here to point out that a primary emphasis of the PAV 2017 note is in regards to the “location” of moral evil and that, for Faggioni, this emphasis is not contrary to the system of cooperation with evil.

#### *4. CDF 2020: Note on the Morality of Using Some Anti-Covid-19 Vaccines*

In the first months of the year 2020, the rise of the Covid-19 pandemic led to the production of vaccines capable of providing a certain level of immunity against the virus for those who receive such vaccines. In the course of the research and production of various vaccines, it became known that some vaccines had recourse to cell lines derived from abortion. While there are numerous Covid-19 vaccines made available, “some don’t use abortion-derived cell lines at all, some have used such cell lines to test the vaccine’s efficacy, and some are using such cell lines

<sup>84</sup> *Ibidem.*

<sup>85</sup> *Ibidem.*

in the development and/or the production phases.”<sup>86</sup> Thus, there are three categories of vaccines: those which have no connection with voluntary abortion, those which have a connection based on testing of the vaccine, and those which have a connection based on the production of the vaccine. But, although there is a distinction between the use of the cell lines in testing and in producing the vaccines, even those that have used the aborted fetal cell lines in testing “are not completely free from any connection to abortion as [the research companies] made use of a tainted cell line for one of the confirmatory lab tests of their products. There is thus a connection, but it is relatively remote.”<sup>87</sup>

In 2020, the CDF released a doctrinal note addressing the issue of use of vaccines that have a connection with abortion. “Here, our objective is only to consider the moral aspects of the use of the vaccines against Covid-19 that have been developed from cell lines derived from tissues obtained from two fetuses that were not spontaneously aborted.”<sup>88</sup> Thus, the discussion at hand is in regards to the principles that make it morally licit to *receive* a vaccine that did use biological material of illicit origin at any stage in its production.

The doctrinal note itself is six paragraphs in length. The paragraphs that address cooperation with evil are paragraphs one, two, three, and four. The fifth and sixth paragraphs (on vaccination obligation and vaccines accessibility) contain important elements of moral theology as well, but are less focused on cooperation with evil, in general. Focusing on these paragraphs that are most pressing for the present study on cooperation with evil, the first paragraph cites *Dignitas Personae*, recalling that “in cases where cells from aborted fetuses are employed to create cell lines for use in scientific research, ‘there exist differing degrees of responsibility’ of cooperation in evil.”<sup>89</sup> Thus, as mentioned above in the section on *Dignitas Personae*, while the Congregation’s document from

<sup>86</sup> UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Answers to Key Ethical Questions About COVID-19 Vaccines* (January 2021): <https://www.usccb.org/resources/Answers%20to%20Key%20Ethical%20Questions%20About%20COVID-19%20Vaccines.pdf>.

<sup>87</sup> *Ibidem*.

<sup>88</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Note on the Morality of Using Some Anti-Covid-19 Vaccines*, Introduction.

<sup>89</sup> *Ibidem*, n. 1.



2008 simply says that there are differing degrees of responsibility in using these vaccines, the 2020 note makes it clear that what *Dignitas Personae* was referring to was various degrees of responsibility in cooperation with evil.

The second paragraph of the 2020 note develops this understanding of differing degrees of cooperation of evil, specifying the degree of evil in which one cooperates by receiving the vaccine. “In this sense, when ethically irreproachable Covid-19 vaccines are not available[...] *it is morally acceptable to receive Covid-19 vaccines that have used cell lines from aborted fetuses in their research and production process* [emphasis in original].”<sup>90</sup> This is a re-presentation of the conclusion made by the PAV 2005 document; that in the presence of proportional reason (such as a pandemic) without alternative vaccines available means that it is acceptable to use these vaccines connected with abortion.<sup>91</sup> The reasoning for this is explained in the third paragraph of the 2020 note. It is worth quoting this paragraph in its entirety:

The fundamental reason for considering the use of these vaccines morally licit is that the kind of cooperation in evil (*passive material cooperation*) in the procured abortion from which these cell lines originate is, on the part of those making use of the resulting vaccines, *remote* [emphasis in original]. The moral duty to avoid such passive material cooperation is not obligatory if there is a grave danger, such as the otherwise uncontainable spread of a serious pathological agent – in this case, the pandemic spread of the SARS-CoV-2 virus that causes Covid-19. It must therefore be considered that, in such a case, all vaccinations recognized as clinically safe and effective can be used in good conscience with the certain knowledge that the use of such vaccines does not constitute formal cooperation with the abortion from which the cells used in production of the vaccines derive. It should be emphasized, however, that the morally licit use of these types of vaccines, in the particular conditions that make it so, does not in itself constitute a legitimation, even indirect, of the practice of abortion, and necessarily assumes the opposition to this practice by those who make use of these vaccines.<sup>92</sup>

<sup>90</sup> *Ibidem*, n. 2.

<sup>91</sup> Cfr. PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 548, quoted in n. 3 of the *Note*.

<sup>92</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Note on the Morality of Using Some Anti-Covid-19 Vaccines*, n. 3.

It is important for the present discussion of the nature of cooperation with past evil to consider the doctrinal note's clarification of what it is, precisely, that one cooperates in by receiving the vaccine. To reiterate the doctrinal note, "The fundamental reason for considering the use of these vaccines morally licit is that the kind of cooperation in evil (passive material cooperation) *in the procured abortion from which these cell lines originate* is, on the part of those making use of the resulting vaccines, remote [emphasis ours]."<sup>93</sup> In other words, by using the vaccine, one has a passive material cooperation with an action that occurred many decades ago. *Prima facie*, this could seem impossible; indeed, some theologians suggest that the language used here is imprecise, and that it is metaphysically impossible to cooperate in past evil (such a position will be presented in the following section). But, here, it is important to note that it is clearly stated in the 2020 note that by receiving the vaccine one has a kind of cooperation in a past evil.

Concluding our study on the 2020 note on Covid-19 vaccines, the fourth paragraph of the note addresses the importance of recognizing that this kind of licit cooperation is distinct from illicit cooperation with evil. Here, the note emphasizes that "the licit use of such vaccines does not and should not in any way imply that there is a moral endorsement of the use of cell lines proceeding from aborted fetuses."<sup>94</sup> This is clearly evident in that the licit use of these vaccines is *not* formal cooperation with evil, and thus, the act of receiving the vaccine in itself does not imply an approval of the abortion from which the cell lines came.

Thus, in summary, the 2020 note clearly utilizes and makes evident certain points from the teaching of the Church from the previous three documents on the issue at hand: the PAV 2005 document, the PAV 2017 note, and *Dignitas Personae*.<sup>95</sup> Further, this document takes up elements from what was stated in the PAV 2005 document and raises certain

<sup>93</sup> *Ibidem*.

<sup>94</sup> *Ibidem*, n. 4.

<sup>95</sup> "There is already an important pronouncement of the Pontifical Academy for Life on this issue, entitled 'Moral reflections on vaccines prepared from cells derived from aborted human fetuses' (5 June 2005). Further, this Congregation expressed itself on the matter with the Instruction *Dignitas Personae* (September 8, 2008, cfr. nn. 34 and 35). In 2017, the Pontifical Academy for Life returned to the topic with a Note. These documents already offer some general directive criteria" (*Ibidem*, Introduction).

contents to the level of Magisterial authority, being that the 2020 note is promulgated by the CDF and its publication ordered by Pope Francis. Of particular note here is that the kind of material cooperation with evil that takes place in such an action is taught Magisterially to be that of remote and passive.

### III. SCHOLARS INTERPRETING THE MAGISTERIUM

Many scholars and theologians have offered opinions on the morality of receiving vaccines that have used material of an illicit origin in their production, and often with some degree of differentiation and disagreement between them. It is evident that many authors have written on this topic in the last years, and that many could have been consulted for addressing this issue. However, the authors selected for this work were chosen because we believe that their writings well represent the various theological positions taken in regards to the issue of the reception of vaccines with an illicit origin.

Some authors argue against using vaccines with a connection to abortion in general.<sup>96</sup> In her evaluation of the position that considers reception of these vaccines to be intrinsically immoral, Janet Smith says that such a position “contradicts the long-standing and recently reiterated moral judgment of Church leaders and moralists that it is not immoral to use ill-gotten gains when the benefits are proportionate.”<sup>97</sup> In our agreement with Smith, we consider the position that regards the use of these vaccines as intrinsically immoral to be a minority position,

<sup>96</sup> For example, Bishop A. SCHNEIDER, *Covid Vaccines: ‘The Ends Cannot Justify the Means’* (December 11, 2020): <https://www.crisismagazine.com/2020/covid-vaccines-the-ends-cannot-justify-the-means> (the document was cosigned by four other bishops); IDEM, *Resisting Abortion-tainted Vaccines and the Culture of Death* (April 1, 2021): <https://www.crisismagazine.com/2021/resisting-abortion-tainted-vaccines-and-the-culture-of-death>. For him, due to the gravity of abortion, any concatenation with this evil renders such concatenation illicit *per se* and could never be proportionated to any good derived from vaccination. See also C. FERRARA, *COVID Vaccines, the Common Good, and Moral Licety: Response to Professor de Mattei - Part III* (May 22, 2021): <https://catholicfamilynews.com/blog/2021/05/22/covid-vaccines-the-common-good-and-moral-licety-a-response-to-professor-de-mattei-part-iii/>, for whom the reception of vaccines constitutes direct participation in a ‘structure of sin’ (the abortion industry) and, thus, cannot be admitted.

<sup>97</sup> J. SMITH, *The Morality of the COVID-19 Vaccines* (December 24, 2020): <https://www.ncregister.com/commentaries/the-morality-of-the-covid-19-vaccines>.

and thus we will not address it directly: we instead prefer to concentrate on the following two positions, that we consider to be based on more sound theory of action.

Firstly, we will present scholars who generally consider that it is morally justified to use vaccines with a connection to abortion according to the system of cooperation with evil. Here, authors that will be presented are Father Ezra Sullivan, Monsignor Angel Rodríguez Luño, and Helen Watt. Secondly, attention will be paid to authors who suggest that, while it is morally acceptable to receive these vaccines with a connection to abortion, it is rather more accurate to speak of such connection to abortion and the reception of these vaccines not as a kind of cooperation with past evil, but rather as a kind of appropriation of evil according to the theory proposed by M. Cathleen Kaveny. These authors will include Stephan Kampowski, Melissa Moschella, and Janet Smith.

Finally, by synthesizing the thoughts of the authors described, and viewed through the clarity given in the four ecclesial documents mentioned above, we will present what we believe is the best way to interpret how one can have a passive, remote, mediate material cooperation with the past evil of the abortion from which the cell lines came that produced the Covid-19 vaccines.

### *1. Authors' Evaluation of Formal and Material Cooperation in Use of Vaccines with a Connection to Abortion*

There have been a number of authors who have spoken in favor of accepting a certain use of vaccines with a connection to abortion according to the system of cooperation with evil described in chapter one of the present work. In this section, we will present the thoughts of a few of these scholars.

Father Ezra Sullivan, O.P. has penned a very thorough study on moral action, cooperation with evil, and the reception of the Covid-19 vaccines.<sup>98</sup> In regards to formal cooperation, for Sullivan, it “cannot be reduced to a person’s intention, such as an interior approval with someone else’s action.”<sup>99</sup> This is because formal cooperation “is an *ac-*

<sup>98</sup> Cfr. E. SULLIVAN, *Using Abortion-Derived Vaccines: A Moral Analysis*, «Nova et Vetera» English Ed., 19/4 (2021) 1011-1109.

<sup>99</sup> *Ibidem*, 1058.

*tion* that assists another's act *along with* the cooperator's interior concurrence, understood as agreement of intention, with the primary agent's evil intention in some way." Thus, according to Sullivan, even if there is distance, even quite substantial distance between the evil action and the cooperative action, an action could still be a kind of formal cooperation: "even what seems to be a 'remote' intention still constitutes formal cooperation, for it forms the act of cooperating such that a successful abortion is included in the intended end." But, such a formal cooperation, for Sullivan, is only possible if the cooperative act is "co-operative" in a strict sense; that is, if it assists another in the completion of the evil action with an agreement of intention with the malefactor's evil intention.<sup>100</sup> For Sullivan, to say that one is capable of formal cooperation with past evil "unfortunately reduces formal cooperation to its *intentional* aspects, and overlooks that cooperation is an *action* with causal force that assists some present or future action to take place."<sup>101</sup> This means that, for Sullivan, "receiving or administering a vaccine can never constitute formal cooperation with an abortion or cell line development that led to the creation of the vaccine."<sup>102</sup>

Turning to his treatment on material cooperation, Sullivan presents it as distinct from occasions for the sin of others; "some acts are mere *occasions* for the sin of others; they do not constitute material *cooperation* if they do not in some way *help* the evil of others to come about by some concurrence between the secondary and primary agent."<sup>103</sup> So, considering what Sullivan says above in regards to formal cooperation, "For the same reasons that vaccine use cannot constitute formal cooperation with the past abortion and other actions that led to the vaccine, so it cannot constitute material cooperation with the same."<sup>104</sup> Later, Sullivan will say that "an individual's reception of a vaccine is not *cooperation* since it is less a positive action and more a passive and remote *benefit*

<sup>100</sup> Cfr. *ibidem*, 1058.

<sup>101</sup> *Ibidem*, 1060; here, Sullivan critiques Stephan Kampowski's position that one can have a formal cooperation with past evil, as cited above.

<sup>102</sup> *Ibidem*.

<sup>103</sup> *Ibidem*, 1062.

<sup>104</sup> *Ibidem*, 1066.

from the abortion industry.”<sup>105</sup> It seems that, for Sullivan, reception of the vaccine is understood as cooperation in a certain sense (that of having a certain concurrence with the actions of the abortion industry which produced such vaccines) but not in all senses since that action is itself a passive benefit.

Thus, in evaluating whether or not the reception of the vaccine can be justifiable, Sullivan says that “the question is whether or not receiving the vaccines in some circumstances constitutes *justifiable* material cooperation”<sup>106</sup> with the abortion industry. Sullivan then gives an evaluation of the reception of these vaccines according to the four criteria of the principle of double effect, demonstrating that such reception can, indeed, be justifiable.<sup>107</sup> Thus, for Sullivan, one does have a justifiable reason to choose to receive the vaccine and thus to act with a remote, material cooperation with *the abortion industry*. Using the same designation as that of PAV 2005 and CDF 2020, Sullivan says that this reception is also a passive form of material cooperation, shown in how he explains that it is also morally acceptable for a doctor to administer a Covid-19 vaccine. “If it is moral to receive a vaccine, as justifiable passive, remote material cooperation with the abortion industry, then it must be morally acceptable for an individual doctor to distribute a vaccine as active, remote material cooperation with the industry.”<sup>108</sup>

Thus, summarizing the points above, Sullivan says that “cooperation in the evil of abortion comes in different grades: marketing of cells from the abortions (*mediate formal cooperation*), marketing of vaccines produced with such cells (*immediate material cooperation*), use of the vaccines for grave reasons (*very remote material cooperation* and *circumstantial benefit from evil*).”<sup>109</sup> Thus, for Sullivan, the issue of reception of a vaccine ought to be evaluated and determined as justifiable as a kind of remote, passive material cooperation with the abortion industry.

<sup>105</sup> *Ibidem*, 1070.

<sup>106</sup> *Ibidem*, 1066.

<sup>107</sup> A few of the grave, proportionate reasons that Sullivan lists are “the potential of being reprimanded in their job and losing wages. A very grave reason exists for those whose very jobs are at stake if they do not receive the vaccine. An even graver reason exists for those whose health is seriously threatened by the virus” (*Ibidem*).

<sup>108</sup> *Ibidem*.

<sup>109</sup> *Ibidem*, 1107.

It is fitting, now, to compare Sullivan's thoughts with those of Rodríguez Luño. This author says that evaluating cooperation with evil in cases of "isolated actions that the state considers illegal and of which the public disapproves" can be understood in a restricted sense, evaluating the kinds of culpability and cooperation of accomplices according to these individual, isolated actions.<sup>110</sup> But, "things are different today with regard to abortion and the use of tissues obtained from aborted fetuses" since abortion is largely considered to be non-punishable and is performed by medical professionals "who ought to be guardians of health and human life." Because of this, a culture of use and commercialization of human life has become quite contemporary. "The existence of such a culture lends great ethical relevance to the passive modalities of cooperation, as well as those of a cultural and social nature and some precise modalities of remote cooperation" and prevents a moral agent from being able to "limit oneself to avoiding immediate, active modalities of cooperation." Such a situation means that individuals must rectify structures of sin by "opposing in lawful and reasonable ways the assaults on human life and the culture that sustains [such structures]."<sup>111</sup> In particular, regarding scientific research on biological material of an illicit origin, "it is morally illicit to agree to take, for one's own research, even at no cost, material obtained by means of the destruction of embryos,"<sup>112</sup> or, we could add, from abortion. Speaking on what *Dignitas Personae* would later confirm, "With regard to this matter, the criterion of independence formulated by some ethics committees is thoroughly inadequate" because such a criterion cannot escape a moral contradiction of simultaneously denouncing and benefiting from such biological material.<sup>113</sup>

<sup>110</sup> A. RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines Using Cells from Aborted Fetuses*, «The National Catholic Bioethics Quarterly» 6/3 (2006) 456.

<sup>111</sup> *Ibidem*.

<sup>112</sup> *Ibidem*, 457.

<sup>113</sup> *Ibidem*; this criterion being, according to *Dignitas Personae*, that "the use of 'biological material' of illicit origin would be ethically permissible provided there is a clear separation between those who, on the one hand, produce, freeze, and cause the death of embryos and, on the other, the researchers involved in scientific experimentation" (n. 35).

In particular regarding the reception of vaccines with an illicit origin, Luño recognizes that the complacent acceptance of the systems, procedures, and products of the pharmaceutical industry that are connected with abortion “is a form of approval of – or at least, acquiescence in – those operations that is incompatible with the commitment to fostering a culture of life.” In the case of vaccines being such products that are connected with abortion, individuals and institutions have reservations in regards to their use, not due to “an exaggeration of the efficient causal relationship that might exist between the use of the vaccines today and the abortions that took place around forty years ago” but rather because use of these vaccines “will increasingly perpetuate the pharmaceutical and industrial procedures connected with abortion and strengthen social support for them,”<sup>114</sup> among other reasons.

Because of the need to minimize connection to these procedures and the social support of abortion, Luño believes that “it can be stated with certainty that physicians and heads of families are morally obliged to have recourse to alternative vaccines” if such alternatives exist.<sup>115</sup> But, should no alternatives exist, he suggests that if people were to complacently receive (that is, not to raise objections in receiving) these vaccines (“assuming that they personally do not approve of abortion”) “they would be involved in (1) a very remote (and hence very attenuated) form of mediate material cooperation *with respect to abortion* [emphasis ours],

<sup>114</sup> *Ibidem*, 457.

<sup>115</sup> *Ibidem*, 457-458; such a claim by Luño, i.e. that we ought to have recourse to alternative vaccines because of the need to “foster a culture of life” and prevent the perpetuation of a pharmaceutical industry connected with abortion as well as its acceptance, lends itself to what has been said by the Chairmen for Doctrine and Pro-Life Activities of the USCCB: “Pfizer and Moderna’s vaccines raised concerns because an abortion-derived cell line was used for testing them, but not in their production. The Johnson & Johnson vaccine, however, was developed, tested and is produced with abortion-derived cell lines raising additional moral concerns [... if] one can choose among equally safe and effective COVID-19 vaccines, the vaccine with the least connection to abortion-derived cell lines should be chosen. Therefore, if one has the ability to choose a vaccine, Pfizer or Moderna’s vaccines should be chosen over Johnson & Johnson’s” (K.C. RHOADES, J.F. NAUMANN, *U.S. Bishop Chairmen for Doctrine and Pro-Life Address the Use of the Johnson & Johnson Covid-19 Vaccine* (March 2, 2021): <https://www.usccb.org/news/2021/us-bishop-chairmen-doctrine-and-pro-life-address-use-johnson-johnson-covid-19-vaccine>).



(2) mediate material cooperation with respect to the commercialization of cells derived from abortions, and (3) immediate material cooperation with respect to the marketing of the vaccines produced with such cells.”<sup>116</sup> Further, Luño says that such a use of these vaccines would be a form of passive material cooperation “and it would, of course, be a form of social and cultural cooperation, because it contributes to the creation of a general social consensus approving the activity of the pharmaceutical industries that produce the vaccines by immoral methods.” Noting the passive nature of this cooperation, however, Luño is quick to point out that one must not abstain from these vaccines absolutely; “there is an obligation to abstain from using the existing vaccines only if this can be done without endangering the public health, especially the health of children.” This is “first, because the duty to avoid passive material cooperation is not urgent (that is, it is not an obligation) if it involves serious inconvenience and, second, because the danger of contributing to the spread of infectious diseases constitutes a proportionately serious reason to allow the forms of active material cooperation,” that is, active cooperation with the perpetuation of the connection with abortion that the pharmaceutical industry has, and the societal support for this connection.<sup>117</sup> Thus, for Luño, the passive and active forms of cooperation that take place in the reception of such vaccines are “morally justified as *extrema ratio*” until alternative vaccines without a connection to abortion are safe for use.<sup>118</sup>

Thus, it should be noted that while Luño and Sullivan agree with the end conclusion that to receive a vaccine is a passive, remote material cooperation in evil (and thus, morally permissible according to the criteria of double effect), the nature of the moral object(s) with which one cooperates in is different for the two authors. That is, by receiving a vaccine of this kind, for Sullivan, one cooperates in the process of abortion industry,<sup>119</sup> while for Luño one cooperates according to various

<sup>116</sup> *Ibidem*, 458.

<sup>117</sup> *Ibidem*.

<sup>118</sup> *Ibidem*, 459.

<sup>119</sup> Cfr. SULLIVAN, *Using Abortion-Derived Vaccines*, 1066-1067. Sullivan also distinguishes the cooperation in the abortion industry that takes place with the reception of the vaccine from the potential scandal that could promote abortions in the future: “First,

modalities, one of which being a cooperation with respect to the action of the original abortion.<sup>120</sup>

Further, there seems to be a difference between Luño and Sullivan in regards to what designates passive cooperation as such. For Sullivan, “If it is moral to receive a vaccine, as justifiable passive, remote material cooperation with the abortion industry, then it must be morally acceptable for an individual doctor to distribute a vaccine as active, remote material cooperation with the industry.”<sup>121</sup> It would seem that, here, what designates the passive quality of this kind of remote material cooperation on the part of one receiving the vaccine is that it is due to the fact that the individual is, precisely, a *receiver*, rather than an administrator of the vaccine (which, as mentioned above, would make the doctor an active cooperator). This understanding of passive cooperation differs from that of Luño. In general, passive cooperation for him is “accomplished through culpable omission on the part of someone who, while aware of what is going on, does not denounce or prevent it, although he is in a position, and has the duty, to do so.”<sup>122</sup> Thus, he regards that use of these vaccines in general (notably, through a “complacent use”) would constitute a passive, remote, mediate, material cooperation with

it should be noted that cooperation requires *foresight* that one’s action will somehow assist another person: without that rational connection, then one’s action merely helps the other agent, but the two people do not co-operate (perform two actions that are coordinated by choice). Consequentially, if a vaccine recipient estimates that her action might influence others to commit more abortions in the future, and the vaccine use is not somehow coordinated with the act of future abortions, then her action constitutes not cooperation but potential *scandal* [...]” (1067).

<sup>120</sup> Cfr. RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 458. Luño’s article in the original Italian makes these points even clearer: “Se invece facessero uso abituale e pacifico – senza sollevare difficoltà alcuna – dei vaccini la cui produzione è collegata all’aborto, e sempre nell’ipotesi che non ci sia da parte loro approvazione dell’aborto, incorrerebbero in una forma di cooperazione materiale mediata molto remota, e quindi molto debole, rispetto all’aborto, una cooperazione materiale mediata rispetto alla commercializzazione di cellule procedenti da aborti, e una cooperazione materiale immediata rispetto alla commercializzazione dei vaccini prodotti con tali cellule” (A. RODRÍGUEZ LUÑO, *Riflessioni etiche sui vaccini preparati a partire da cellule provenienti da feti umani abortiti*, «Medicina e Morale» 55/3 (2005) 521–530).

<sup>121</sup> SULLIVAN, *Using Abortion-Derived Vaccines*, 1067.

<sup>122</sup> RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 455.

abortion.<sup>123</sup> It is not *explicitly* stated by him, but it seems that for Luño this “use” involves both those who administer and those who receive these vaccines. If this is a correct summary of Luño’s position, it seems that his position is closer to that of the PAV in 2005.<sup>124</sup>

Having considered and briefly compared the thoughts of Sullivan and Luño regarding the particular instance of cooperation with evil in the reception of such vaccines, it seems opportune to consider Helen Watt’s work on cooperation with evil in general, and cooperation with evil by receiving vaccines of an illicit origin in particular. In a recent article on the nature of cooperation in general, Watt says that “cooperation in wrongdoing is an everyday matter for all of us, though we need to discern when such cooperation is morally excluded as constituting formal cooperation, as opposed to material (unintended) cooperation whether justified or otherwise.”<sup>125</sup> For Watt, cooperation with evil can be very widespread and can encompass daily aspects of moral decision making. This is because “most of us cannot live in strict isolation from others, nor should we be too strict in expressing our disapproval of other’s actions or seeking to prevent them” because at times, for the common good, individuals must be free to make their own moral decisions, for good or for evil. “Other times, however, we need to ask if we are acting wrongly in facilitating, failing to oppose, or benefiting from certain actions of other people.”<sup>126</sup> To resolve this, Watt frames the question of cooperation with evil in the context of what she calls “wrongful plans.” In sum, “all choices deliberately aimed at a wrongful action, up to and including the final choice, are themselves morally wrong.”<sup>127</sup> The example provided by Watt for this is that of a homicidal

<sup>123</sup> *Ibidem*, 458.

<sup>124</sup> “As regards those who need to use such vaccines for reasons of health, it must be emphasized that, apart from every form of *formal cooperation*, in general, doctors or parents who resort to the use of these vaccines for their children, in spite of knowing their origin (voluntary abortion), carry out a form of *very remote mediate material cooperation*, and thus very mild, in the performance of the original act of abortion” (PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 547).

<sup>125</sup> H. WATT, *Complicity or Justified Cooperation in Evil? Negotiating the Terrain*, «The National Catholic Bioethics Quarterly» 21/2 (2021)209.

<sup>126</sup> *Ibidem*, 210.

<sup>127</sup> *Ibidem*, 211.

plan; it is wrong to make the plan, to load the gun, to intend to pull the trigger, and to eventually commit the murder. The same is true for a co-operator; “all these violent intentions are wrong, and therefore no such intention of the criminal may be shared or intended by us, however unlikely the intention is to succeed.”<sup>128</sup> Consider this action plan of formal cooperation with evil in the case of abortion and a scientist collecting tissue from the abortionist: “As arrangements are made in advance to collect the tissue, this involves formal cooperation by the scientist or a different collector with the abortionist’s preparations for abortion.”<sup>129</sup> Here, a scientist is directly participating in the “wrongful plan” of the abortionist and makes use of the material, albeit with seemingly good intentions, that is for the good of scientific research. For such a person, this kind of cooperation would be formal and prohibited absolutely.<sup>130</sup> Such a kind of cooperation “can be particularly tempting if we are trying to save lives, support those in difficult situations, and otherwise do what good we can.”<sup>131</sup> In the end, “good motives are admirable, but they are not enough: *all* our intentions must be good to make our action good, not just our further intentions. The end does not justify the means: when it comes to wrongful intentions, we might say, one strike and you’re out.”<sup>132</sup>

In comparison to the wrongful plan described above regarding formal cooperation with evil, Watt proposes another example of a wrongful plan to evaluate material cooperation with evil in the case of receiving a vaccine of illicit origin. “A daughter, for example, should not pay her college fees with money her father gained by criminal means.” Watt says that this is the case, not only because the daughter’s acceptance of the money from her father might give the impression that she accepts or is willing to overlook her father’s crimes, but there is also the risk of “an

<sup>128</sup> *Ibidem*.

<sup>129</sup> *Ibidem*, 213.

<sup>130</sup> Cfr. *ibidem*.

<sup>131</sup> *Ibidem*, 214. Watt says that a pro-life counseling center advertising itself in a such a way as to suggest that it offers women abortions or abortion referrals in order to convince these women to visit the center would be formally cooperating in a woman’s predetermined choice to look for a place to obtain an abortion.

<sup>132</sup> *Ibidem*.

independent disvalue attached to her accepting the very gift for which her father may have committed the crimes in the first place: she is helping her father achieve his ultimate end, if not the means by which that end is achieved.” But, for Watt, the situation changes in time; “if the father leaves his money to the daughter in his will it may be permissible for her to accept it, as her father can no longer be misled by this [...] If we pass to the next generation, it is still more doubtful that it is wrong for her children to accept the inheritance she leaves to them, tainted as it is.”<sup>133</sup>

Watt relates this example to that of receiving Covid-19 vaccines. Considering what she has said in regards to cooperation with evil being contextualized in a “wrongful plan” of another, Watt draws attention to the way in which the material cooperation in receiving the vaccine is differentiated from other actions more closely associated with the “wrongful plan” of an abortionist who might “harvest tissue or perform the abortion in a way that promotes successful harvesting.”<sup>134</sup> In this case, “a decision to accept a vaccine tested on a cell line developed fifty years ago from tissue from an aborted baby cannot be equated with a decision to accept a transplant of foetal tissue.”<sup>135</sup> “The second involves very close and even horrifying advance complicity in abortion and concerns, unlike the vaccine tested on the old foetal cell line, actual foetal remains.”<sup>136</sup> Thus, Watt’s main point is that there are more proximate means of cooperating with the wrongful plan of a malefactor, and that, as in the example of the woman receiving money from her father’s criminal activity, the temporal (generational) distance from the actions of a malefactor in his wrongful plan makes one’s own action more remote, and thus, more likely to be morally acceptable.

In another article devoted entirely to the reception of Covid-19 vaccines, Watt addresses the questions of complicity in the “chain of actions from the original abortion and harvesting of foetal tissue” to the use of the vaccines by members of the public.<sup>137</sup> “We should begin by

<sup>133</sup> *Ibidem*, 212.

<sup>134</sup> *Ibidem*, 213.

<sup>135</sup> *Ibidem*, 212-213.

<sup>136</sup> *Ibidem*, 213.

<sup>137</sup> H. WATT, *Covid-19 Vaccines and Use of Foetal Cell-Lines*: <https://bioethics.org.uk/media/5qw15l3c/covid-19-vaccines-and-use-of-foetal-cell-lines-dr-helen-watt.pdf>, 3-4.

remembering that we benefit in many ways from past injustices and crimes,” as in when one walks in Rome on paving laid by slaves.<sup>138</sup> In general, “the more pairs of hands that separate us from the original wrongdoers, and the less we are part of an organized system, the less scandalous the message we send out and the more likely it is that our actions are defensible.” But, Watt says that actions that would likely be licit because of this distance are “less likely to be defensible if the wrongs in question, as with abortion and foetal tissue harvesting, not only continue to the present day, but continue with some degree of social sanction.”<sup>139</sup> Because of this, Watt says that if one is able to access an alternative vaccine that is produced with no connection to abortion, and that such vaccines could be accessed without excessive difficulty, “the moral onus is certainly on the person to do this, as a witness to the value of human life and life-respecting research.”<sup>140</sup>

In summarizing what she says in regards to material cooperation, Watt recognizes that material cooperation with evil “can be a difficult area to negotiate without being either too rigorous or too lax”, while she believes that “some material cooperation in evil will always be necessary simply because we live in a fallen world.”<sup>141</sup> Supporting this, she quotes Anthony Fisher, Archbishop of Sydney: “even Christ’s little band paid taxes some of which were no doubt used for wicked purposes; despite his entreaties, when Jesus cured the sick some of them went on to sin some more [...] to avoid all cooperation in evil would require that we abandon almost all arenas of human activity – such as family, workplace, government, health system, Church – and could well constitute a sin of omission.”<sup>142</sup> In Watt’s words, “we are able to avoid wrongful cooperation, but we are

<sup>138</sup> This example that Watt provides is taken from an article by A. PRUSS, *Cooperation with past evil and the use of cell-lines derived from aborted fetuses*, «The Linacre Quarterly» 71/4 (2004) 335-350.

<sup>139</sup> WATT, *Covid-19 Vaccines and Use of Foetal Cell-Lines*, 5.

<sup>140</sup> *Ibidem*, 7.

<sup>141</sup> WATT, *Complicity or Justified Cooperation in Evil?*, 217.

<sup>142</sup> *Ibidem*, quoting A. FISHER, *Cooperation in Evil: Understanding the Issues*, in *Cooperation, Complicity and Conscience: Problems in Healthcare, Science, Law and Public Policy*, The Linacre Center, Oxford 2006, 29.

not able to avoid all cooperation; that's simply not possible because of human sin."<sup>143</sup>

It is evident, then, that the conclusion that one can materially cooperate with evil due to proportionate reason and the remote kind of material cooperation is one shared by Sullivan, Rodriguez Luño, and Watt. But, there are considerable differences and similarities between these three authors in regards to how they arrive at this conclusion, and how they understand the nature of formal and material cooperation with evil in the case of vaccines. Above all, it seems that the most varied point is whether or not one can be said to be a cooperator in a past, rather than a present or future evil. It is this point exactly that leads a number of authors to argue for a new approach to this kind of question. There is a growing consensus among some moral theologians that it is best to frame the question of one's connection with past evil by the system of appropriation of evil, rather than that of cooperation with evil. Such a framework will now be addressed.

## 2. *Authors' Evaluation of Appropriation of Evil in Use of Vaccines with a Connection to Abortion*

Since the promulgation of the 2020 note from the CDF, some moral theologians have expressed their belief that, while the conclusion of the note is correct, the arguments contained therein fail to fully express the nature of the moral action taking place in receiving a vaccine of an illicit origin. It is said that "inasmuch as the CDF participates in the papal magisterium and thus teaches authoritatively, its authority regards specifically and directly these *conclusions* and not directly the *argumentative process* leading up to them [emphasis ours]."<sup>144</sup> For many of these authors, the moral action is more accurately expressed by preserving the conclusion of the doctrinal note, while changing the argumentative process from that of cooperation with evil to that of appropriation of evil.

<sup>143</sup> H. WATT, *Avoiding Complicity in Evil: Cooperation Problems for Moral Decision-Makers* (February 5, 2021), *Angelicum Thomistic Institute*: <https://www.youtube.com/watch?v=Fwx0yBYT3rA>, 49:00. A similar point is put quite plainly by Sullivan; "It is entirely unrealistic to suppose that one can escape all material cooperation with evil" (SULLIVAN, *Using Abortion-Derived Vaccines*, 1068).

<sup>144</sup> KAMPOWSKI, *Cooperation, appropriation, and vaccines relying on fetal cell line research*.

Melissa Moschella is one such authors who has critiqued the process laid out by the Congregation. “It is clear that the CDF and USCCB are using the language of cooperation broadly to refer not only to forms of involvement with evil in which one somehow assists the evildoer, but to *any* form of involvement with evil.”<sup>145</sup> Her point echoes that of Sullivan’s above, that “the evils involved in the origin of these cell lines all occurred in the past, and one’s actions now can do nothing either to prevent or to assist in those evils.”<sup>146</sup> This will lead Moschella to say that, since the production of these vaccines “does not involve cooperation with evil strictly speaking, it is a form of involvement with evil – namely, benefitting from the fruits of an evil action – which in itself raises important moral concerns.”<sup>147</sup> Thus, for Moschella, the evils associated with the production of these vaccines, and the subsequent use of these vaccines, must be evaluated, not according to a cooperation with evil, but according to the theory of appropriation of evil.

A similar position is taken by the prominent, American moral theologian, Janet Smith. Soon after the CDF released its doctrinal note on the reception of Covid-19 vaccines, Smith offered her understanding of what the doctrinal note addresses. She recognized that “nearly all the moral authorities of the Church who have issued statements on the morality of the use of such vaccines have determined that using them would involve only remote material cooperation with evil, a cooperation that is morally acceptable when the benefits to be gained are proportionate.”<sup>148</sup> “While I respect the close careful reasoning of the Vatican document and many others, I think the principle of cooperation with evil to the current COVID-19 vaccines is not applicable here, though it is a common misapplication.” According to Smith, application of the categories of cooperation with evil is only possible when “one’s ‘contribution’ is made prior to or simultaneously with the action performed.” Or, put as a question,

<sup>145</sup> M. MOSCHELLA, *Dignitas personae, HEK 293, and the COVID Vaccines*, «The National Catholic Bioethics Quarterly» 21/2 (2021) 110.

<sup>146</sup> *Ibidem*.

<sup>147</sup> *Ibidem*, 111-112.

<sup>148</sup> SMITH, *The Morality of the COVID-19 Vaccines*.



“how can acceptance of a benefit from a past action be a ‘contribution’ to the action itself?”<sup>149</sup>

This position expressed by Moschella and by Smith is well synthesized in a work by Stephan Kampowski entitled *Cooperation, appropriation, and vaccines relying on fetal cell line research*. Here, Kampowski begins by organizing the four statements of the Church in regards to the reception of a vaccine of illicit origin in a way similar to that presented in the first section of this paper. “All four ecclesial documents mentioned above make use of the category of the cooperation with evil.”<sup>150</sup> But, in his article, Kampowski presents these four documents, and their description of the issue according to the categories of cooperation with evil, in order to “point out the difficulties connected to these four documents in their content (they don’t agree).” For Kampowski, while all four documents answer the question of whether one may receive with the affirmative, he finds “disagreement between PAV 2005, CDF 2008, CDF 2020 on the one hand and PAV 2017 on the other.”<sup>151</sup> Kampowski summarizes three points of agreement of PAV 2005, CDF 2009, and CDF 2020:

1. There is a moral problem with the use of vaccines of illicit origin. However, under certain conditions and for grave reasons, it is morally licit to have oneself or those in one’s care vaccinated, even if the vaccine has an ethically reproachable origin.
2. In making this ethically licit use of such vaccines, there is the danger of giving the impression of endorsing the use of cell lines deriving from aborted fetuses. This danger must be avoided. One must therefore find appropriate ways of making one’s disapproval known and encourage those responsible to produce ethically acceptable vaccines.

<sup>149</sup> *Ibidem*.

<sup>150</sup> KAMPOWSKI, *Cooperation, appropriation, and vaccines relying on fetal cell line research*. Since the critique of Moschella and Smith on the Vatican’s usage of the principle of cooperation with evil coincides with Kampowski’s critique and explanation of appropriation of evil, it is most opportune to follow Kampowski’s argumentation. We will return to the critiques and argumentations regarding appropriation of evil made by Moschella and Smith below.

<sup>151</sup> *Ibidem*.

3. *Dignitas Personae* frequently refers to biological material of “illicit origin.” While an origin is not a concrete thing as is a vaccine, it is nonetheless a thing, albeit an abstract one. If in their literal use, terms of moral disapprobation such as “tainted,” “reproachable,” or “illicit” refer to *actions*, their use to describe *things* is metaphorical.<sup>152</sup>

Considering these points of agreement among the three aforementioned documents, Kampowski says that the PAV 2017 document “significantly departs” with the other three documents “on all three points.”<sup>153</sup> Because of this, he suggests that if one were to propose the question of reception of vaccines of an illicit origin in a context of cooperation with evil, “the position proposed by PAV 2017 seems to be more coherent than that of the other three documents. If it were a question of cooperation, the reasons and conclusions proposed by PAV 2017 would be incontrovertible,” because, according to Kampowski, one is incapable of materially cooperating with past evil. “It is simply not evident how someone’s getting vaccinated today with a vaccine of illicit origin assists or provides the material conditions for abortions performed in the 1970s and 1980s, or, to put it more generally, how there can be material cooperation with evil acts performed in the past.” This is not to include, however, formal cooperation with evil. For Kampowski, formal cooperation is a metaphysical possibility, “even if it regards past actions:

<sup>152</sup> *Ibidem*.

<sup>153</sup> *Ibidem*; examples of this kind that Kampowski cites from the PAV 2017 note are: “the cell lines currently used are very distant from the original abortions and no longer imply that bond of moral cooperation indispensable for an ethically negative evaluation of their use;” “All clinically recommended vaccinations can be used with a clear conscience;” “As for the question of the vaccines that used or may have used cells coming from voluntarily aborted fetuses in their preparation, it must be specified that the ‘wrong’ in the moral sense lies in the actions, not in the vaccines or the material itself;” and, finally, “The technical characteristics of the production of the vaccines most commonly used in childhood lead us to exclude that there is a morally relevant cooperation between those who use these vaccines today and the practice of voluntary abortion. Hence, we believe that all clinically recommended vaccinations can be used with a clear conscience and that the use of such vaccines does not signify some sort of cooperation with voluntary abortion” (PONTIFICAL ACADEMY FOR LIFE, *Note on Italian Vaccine Issue*).

it is enough to approve of them.”<sup>154</sup> But, for Kampowski, even though formal cooperation with past evil is possible, to phrase the question in cooperative terms does not solve the issue.<sup>155</sup>

As already stated, Kampowski believes that the moral dilemma is solved if the conclusion of the CDF 2020 note (indeed, that of all four ecclesial documents) is understood as an application of the principle of appropriation of evil, made well-known by M. Cathleen Kaveny in her 2000 article, *Appropriation of Evil: Cooperation's Mirror Image*. As plainly stated in the title of her paper, Kaveny proposes the categories of appropriation of evil as a “mirror image” to those of cooperation with evil:

On the one hand, sometimes the question [of the connection of one's own action to the evil action of another] is posed by an agent whose action (or its fruits or byproducts) will be taken up and incorporated into the morally objectionable plans of another agent. On the other hand, sometimes the question is posed by an agent considering whether or not to take up and incorporate the fruits or byproducts of someone else's illicit action into his or her own activity.<sup>156</sup>

For Kaveny, the former scenario pertains to the categories of cooperation with evil, and the latter to the categories of appropriation of evil. “The category of cooperation covers cases in which agents worry about whether they may morally perform an action that in some way *facilitates* someone else's morally objectionable activity; it does not cover the ‘mirror image’ situations in which agents wonder whether they can *take advantage of* the fruits or byproducts of someone else's wrongful acts in order to facilitate their own morally worthwhile activity.”<sup>157</sup> Kaveny phrases the question in terms of the kind of agent one is in a particular action in order to determine whether one analyzes the action as a cooperative or appropriative act. In a case of cooperation, one's action would be characterized by a kind of “*contribution to* an evil act performed

<sup>154</sup> *Ibidem*.

<sup>155</sup> “The qualified ‘yes, but’ given by PAV 2005, CDF 2009, and CDF 2020 seems to me the best answer, but it is truly coherent only if the issue is formulated in terms of appropriation of evil and not in terms of cooperation with evil, since for metaphysical reasons, one cannot say that the cooperation is material and for moral reasons, one does not want to say that the cooperation is formal” (*ibidem*).

<sup>156</sup> M.C. KAVENY, *Appropriation of Evil: Cooperation's Mirror Image*, «Theological Studies» 61 (2000) 280-313, here 281.

<sup>157</sup> *Ibidem*, 286.

by the principal agent” [emphasis in original].<sup>158</sup> Thus, for Kaveny, in a case of cooperation with evil, one’s action makes one an auxiliary agent to the malefactor. In appropriation, however, “the roles are reversed.” While in a case of cooperation the principal agent is the malefactor with whom an auxiliary agent cooperates, in a case of appropriation, “it is the *principal agent* who is the morally conscientious decision-maker, who must decide whether to go ahead with an action that *makes use of* the fruits or byproducts of a morally objectionable act performed by the auxiliary agent [emphasis in original].”<sup>159</sup> This is because there is no causal connection that links the appropriator and the original malefactor.<sup>160</sup>

With it being that the choice to have a connection to evil is an internal one, for Kaveny, if one chooses to appropriate the evil action completed by another, an appropriator begins to be shaped by his decision to freely appropriate the evil of another. Thus, because of this, not all kinds of appropriation are licit. Alvin Wong summarizes these points of Kaveny, noting that she “neatly compiles the moral dangers of appropriation of evil in an almost *mirror-image* fashion [emphasis in original].” Just as in cases of cooperation with evil, “the fundamental moral threat for potential cooperators is *intending* the evildoing of the principal agent,” so too in cases of appropriation there is “the parallel danger” of “*ratifying* the evil of which [appropriators] make use.”<sup>161</sup> According to Kaveny, “ratification of evil is the equivalent of formal cooperation with evil” and “involves not only taking up [the evil action’s] fruits or by-products” but also involves “stepping into the shoes of the auxiliary agent [that is, the agent who originally committed the evil action] in a more fundamental manner.”<sup>162</sup> When this takes place, “the action of the auxiliary agent becomes the appropriator’s by adoption.”<sup>163</sup> Thus, for Kaveny, the mirror-image of formal cooperation with evil is properly called ratification of evil.

<sup>158</sup> *Ibidem*, 287.

<sup>159</sup> *Ibidem*; note that for Kaveny, in a case of appropriation of evil, the original malefactor becomes the auxiliary agent with one’s own appropriative action.

<sup>160</sup> Cfr. *ibidem*, 289.

<sup>161</sup> WONG, *The Ethics of HEK 293*, 482.

<sup>162</sup> KAVENY, *Appropriation of Evil*, 306-307.

<sup>163</sup> *Ibidem*, 307.

In regards to the mirror-image of material cooperation with evil, the “dangers” of appropriation, even in cases when one does not ratify the evil of another, are, what Kaveny calls, kinds of contamination; that of, in particular, “seepage” and “self-deception.”<sup>164</sup> Seepage is when an agent begins to identify his own moral character with that of the evil action of another with whom one cooperates or from which one appropriates.<sup>165</sup> Self-deception would be when one becomes “self-deluded about the nature of his or her own intentions in acting.”<sup>166</sup> In order to more precisely explain her argument, Kaveny describes these concepts of ratification and contamination in particular scenarios, one of which being that of “use of tissue from electively aborted fetuses in scientific research.”<sup>167</sup> In this case, “by creating some conceptual distance between the illicit act [the original abortion] and the material sought by researchers, it may ameliorate the dangers of seepage and self-deception.” Thus, the scientific researcher is not necessarily *ratifying* the original evil from which he is benefiting. But, “the fact that fetal remains can be put to a worthy scientific use may make those who decide to perform or obtain abortions less likely to reconsider their moral views on the issue.”<sup>168</sup> And, further, “it also creates additional possibilities for seepage and self-deception on the part of the researchers.”<sup>169</sup>

Expanding the ideas of Kaveny, Kampowski provides a list of “at least the following four issues” that can take place in cases of appropriation of evil:

<sup>164</sup> *Ibidem*, 308.

<sup>165</sup> Cfr. *ibidem*, 306.

<sup>166</sup> *Ibidem*.

<sup>167</sup> *Ibidem*, 310.

<sup>168</sup> *Ibidem*; in this case, “an appropriation of evil hence leads also to cooperation in ongoing evil” (A. WONG, *Dignitas Personae and Cell Line Independence*, «National Catholic Bioethics Quarterly» 10/2 [2010] 279).

<sup>169</sup> *Ibidem*; according to Wong, consulting these points of Kaveny could prove useful to explain the significance of the statement from *Dignitas Personae* on the criterion of independence as necessary but insufficient on its own. “The end user decries the injustice done by others, yet goes on to use the fruit of that injustice. The apparent ‘independence’ of the original evil act is now bridged by the end user himself becoming the principle agent of the scenario in question and by the internal effects of the past evil on his character should he choose to proceed with the appropriation” (WONG, *Dignitas Personae and Cell Line Independence*, 278).

(1) accepting to benefit from the results of someone else’s evil action, even if it is past, may encourage present or future evil practices, (2) accepting to benefit from the results of someone else’s evil action weakens the credibility of one’s objection to that action, (3) accepting to benefit from the results of someone else’s action may give the impression of approving it, and (4) accepting to benefit from the results of someone else’s evil action may feed into our complacency and darken our mind.<sup>170</sup>

Further, Kampowski says that “despite these undesirable potential consequences, the appropriation of evil, unlike the perpetration of evil, is not always morally wrong but can be justified for proportionate reasons and under certain circumstances.”<sup>171</sup> Three conditions that can justify one’s appropriation of evil are listed by Kampowski to be:

(1) there would have to be a grave necessity and no viable alternative, (2) one would have to look for adequate ways of expressing one’s disapproval of the evil action from whose results one now benefits, and (3) one would have to look for ways to influence the decision makers to develop alternatives.<sup>172</sup>

Returning to the issue of appropriation of evil in regards to vaccines with a connection to abortion, Kampowski says that these three conditions are recognized in the case of the vaccines of an illicit origin. “And these turn out to be precisely the conditions for the licit use of vaccines deriving from biological material of illicit origin, as presented by *Dignitas Personae* and taken up by CDF 2020. It is a ‘yes but.’ And the ‘but’ is important.”<sup>173</sup> Thus, for Kampowski, one could use the system of appropriation of evil instead of that of cooperation with evil and reach the same conclusions as that of the CDF.

As mentioned above, Moschella and Smith agree with the conclusions of Kampowski that it is more theologically accurate to speak of appropriation of evil, rather than cooperation with evil, in the case of vaccines of an illicit origin. But, Moschella and Smith do differ greatly in how they understand the vaccines to appropriate evil. For Moschella, the “evils” connected to these vaccines must be understood according to the reason for which the evil took place: “it is crucial to emphasize

<sup>170</sup> KAMPOWSKI, *Cooperation, appropriation, and vaccines relying on fetal cell line research*.

<sup>171</sup> *Ibidem*.

<sup>172</sup> *Ibidem*.

<sup>173</sup> *Ibidem*.

that the origin of the cell lines is itself one step removed from the evil of abortion, given that the woman's choice to abort was completely disconnected from the researcher's desire to produce a cell line."<sup>174</sup> This means that, for Moschella, "the actual evil at the origin of HEK 293 is therefore not abortion itself, since the abortion would have happened even if no one was going to use the tissue for research."<sup>175</sup> It is rather that "the actual (and much less grave) evil at the origin of HEK 293 and similar cell lines is the failure to obtain proper consent from an appropriate proxy to use the tissue for research."<sup>176</sup> Thus, for Moschella, these vaccines can be used (that is, she shares the conclusion with the CDF 2020 doctrinal note) without ratifying "the injustices involved in the production of the cell line" and ensuring that one avoid the dangers of seepage and self-deception, which are already, as she says, unlikely to occur regardless.<sup>177</sup>

Smith clearly argues that in receiving a vaccine of illicit origin one appropriates the evil of abortion, rather than that of using biological material without proper consent. And, for her part, she clearly agrees with the conclusion of the CDF 2020 doctrinal note as well, that these vaccines can be used when there is a proportionate reason. Smith also addresses those who believe that "the benefits are not proportionate to the disregard for fetal human life involved in the use of such vaccines." "The question remains, is it always and everywhere wrong for a person to avail themselves of this benefit if no alternatives are available?"<sup>178</sup> In other words, is it an intrinsic evil to appropriate the evil of abortion for a certain benefit? In so answering this question, Smith cites Father Matthew Schneider's essay on *12 Things Less-Remote Cooperation in Evil Than COVID Vaccines* in which he lists twelve kinds of cooperation he believes are more proximate to evil than the reception of vaccines of an illicit origin.<sup>179</sup> In citing this article, Smith notes that "most of us live quite

<sup>174</sup> MOSCHELLA, *Dignitas personae, HEK 293, and the COVID Vaccines*, 110.

<sup>175</sup> *Ibidem*, 110-111.

<sup>176</sup> *Ibidem*, 111.

<sup>177</sup> *Ibidem*, 115.

<sup>178</sup> SMITH, *The Morality of the COVID-19 Vaccines*.

<sup>179</sup> Cfr. M. SCHNEIDER, *12 Things Less-Remote Cooperation in Evil Than COVID Vaccines* (December 18, 2020): <https://www.patheos.com/blogs/throughcatholiclenses/2020/12/12->

comfortably with those evils [listed in Schneider’s article]” and that such degrees of cooperation have not required ecclesial approval. As cited above, “to assert, as some pro-life leaders have done, that receiving benefits from vaccines reliant upon cell lines from aborted fetuses is intrinsically immoral, contradicts the long-standing and recently reiterated moral judgment of Church leaders and moralists that it is not immoral to use ill-gotten gains when the benefits are proportionate.”<sup>180</sup>

Thus, the above-mentioned authors all agree that the moral conclusion of the CDF 2020 note is theologically correct. But, as demonstrated, Kampowski, Moschella, and Smith suggest that the argumentation taken up by the Magisterium in this note might be theologically inaccurate, and that such an argumentation in regards to cooperation with past evil might introduce confusion or seeming inconsistencies amongst the ecclesial pronouncements on this study. They argue that it would be more accurate to present this conclusion according to the system of appropriation of evil, and that such an argumentative process would remove the inconsistencies mentioned.

things-less-remote-cooperation-in-evil-than-covid-vaccines/. Schneider lists a number of products, utilities, and activities common to daily life, from drinking coffee to using mainstream, online search-engines. These twelve examples are considered by Schneider to all be cases of remote, material cooperation with evil because with the consumption, use, or performance of these products, utilities, and activities, a part of one’s payment (albeit very small) could be directed to organizations that perform illicit activities, such as abortion, war crimes, or labor exploitation. Schneider argues that all of these forms of cooperation “are less remote than any cooperation in evil done by [receiving these vaccines]. They are all generally for a lesser good than protection from COVID”.

<sup>180</sup> SMITH, *The Morality of the COVID-19 Vaccines*. It should be noted, however, that this does not lead Smith to say that she believes that the reception of the vaccine is necessary for all individuals. She holds that “those who have a very low chance of dying from COVID-19 (and that is virtually everyone under 60 or so, without the underlying risk factors identified by the medical community) should seriously consider not getting it at this time. But they should be careful not to give the impression that receiving the vaccine is morally wrong in all cases and should take all other due precautions to ensure they do not contribute to the spread of the virus. They should explain that while they very much would like to receive a vaccine that would protect themselves and others, they do not believe the risk is high. Most importantly, in conscience they believe there is also need to give witness to the humanity of the unborn whose value is too often in our world considered to be negligible, lives for whom some sacrifice should be made” (*ibidem*).



#### IV. CONCLUSION: APPROPRIATION OF EVIL OR PASSIVE COOPERATION WITH EVIL?

Considering what has thus far been said regarding cooperation with evil and appropriation of evil, it must be noted that while appropriation with evil is a convincing system used to explain benefitting from past evil, it seems to us that it is unable to fully explain the morality of reception of a vaccine with a connection to abortion. In particular, it is not immediately evident how the system of appropriation of evil explains why there is a negative judgement presented in *Dignitas Personae* on the general use of biological material of an illicit origin in regards to the criterion of independence. Granting that one would need to refrain from *ratification* (or, formal cooperation with evil), it does not seem clear as to why one would need to refrain from using such biological material if the only remaining moral issues were *seepage* or *self-deception*.<sup>181</sup> Indeed, one could imagine a morally upright, conscionable scientist who, abhorring abortion, would be able to successfully refrain from seepage or self-deception in his usage of the aforementioned cell lines. But, even while this scientist might be able to appropriate the evil for his own use remaining morally upright, it must be said why he would still be unable to use such material according to the clarifications issued by *Dignitas Personae*.<sup>182</sup> In our opinion, the system of appropriation with evil is unable to fully answer this question, and the question of why the duty, in general, to avoid connection with evil “is not obligatory if there is a grave danger.”<sup>183</sup> If there is no risk of ratification, seepage, or self-de-

<sup>181</sup> It ought to be noted that while Kampowski himself does not list seepage or self-deception in regards to the greatest dangers in the appropriation of evil, the four issues with appropriation that he lists (see footnote 170 above) all seem to be forms of the dangers of ratification, seepage, or self-deception.

<sup>182</sup> “It needs to be stated that there is a duty to refuse to use such ‘biological material’ even when there is no close connection between the researcher and the actions of those who performed the artificial fertilization or the abortion, or when there was no prior agreement with the centers in which the artificial fertilization took place. This duty springs from the necessity to *remove oneself*, within the area of one’s own research, *from a gravely unjust legal situation and to affirm with clarity the value of human life*. Therefore, the above-mentioned criterion of independence is necessary, but may be ethically insufficient” (n. 35).

<sup>183</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Note on the Morality of Using Some Anti-Covid-19 Vaccines*, n. 3.

ception, what would be the reason, in general, to avoid connection with evil if there was no proportionate reason or grave danger?

Certainly, the system of appropriation of evil in the case of the reception of vaccines of an illicit origin highlights significant elements of the danger of willing an action that has a connection with past evil. We could indeed become morally corrupt by the corrupt decisions of others. But, we believe that the principles and insights of appropriation of evil, as a “mirror image” of cooperation with evil, more adequately address the answer to the question at hand if the forms of appropriation of evil are understood as forms of passive cooperation with evil. Indeed, rather than appropriation of evil being the mirror image of cooperation with evil, it seems that passive cooperation with evil is the mirror image of active cooperation with evil.<sup>184</sup> This is because, as cited by Prümmer and Rodríguez Luño above, one can have a passive (negative) cooperation in future, present, or past evil of another moral agent.<sup>185</sup> By receiving a benefit from the injustice completed by another, a benefit that comes as a direct effect and foreseen part in the “action plan” of the malefactor, one’s own action is, in itself, a “not denouncing” of the original evil from which one benefits. Thus, in receiving a benefit, one has a kind of cooperation (that is, a concurrence) with the intention of the original malefactor according to his plan of action.<sup>186</sup> “Not denouncing” is what is characteristic of past passive cooperation as such; and in this particular case, by choosing to receive a benefit from past evil, one’s own action is a form of “not denouncing” the original

<sup>184</sup> As mentioned in the PAV 2005 document, just as active cooperation with evil can be designated by formal, material, immediate, mediate, proximate or remote forms of cooperation, “passive cooperation can also be formal or material, immediate or mediate, proximate or remote” (PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546).

<sup>185</sup> Prümmer speaks of passive cooperation in three tenses: *non manifestans* after the action is completed, *non obstands* as the action is being completed, and *mutus* before the action is completed.

<sup>186</sup> It is worth recalling Faggioni’s example of purchasing objects that are known to be stolen. “Those who consciously receive stolen objects and put them on the market participate in the malice of he who stole them because he enjoys the fruits of the theft” (FAGGIONI, *Le vaccinazioni*, 85).

evil with which one's own action concurs.<sup>187</sup> But, this “not denouncing” as a concurrence need not be understood as a sharing the intention of the original malefactor; indeed, this would be a kind of formal passive cooperation with evil. Instead, as a mirror image of active cooperation with evil, passive cooperation with evil must be analyzed as formal or material, immediate or mediate, and proximate or remote. To willingly receive a benefit from past evil while sharing the intention of the malefactor would be called a formal passive cooperation in the past evil. But if one were to willingly receive a benefit from past evil while not sharing the intention of the malefactor, one would rightly be said to have a passive material cooperation in the past evil.

We believe that if the reception of the vaccine is understood according to this kind of passive cooperation, then the so-called disagreements between the four ecclesial texts in the case of reception of a vaccine with connection to abortion are no longer seen as such, but rather become ways in which we can correctly speak about cooperation as either active or passive. Indeed, the PAV 2005 document, as we have already noted, speaks explicitly about formal and material passive cooperation.

The CDF 2008 instruction *Dignitas Personae* does not speak explicitly about passive cooperation; but such a consideration demonstrates why the criterion of independence would be insufficient for a researcher's

<sup>187</sup> It ought to be noted that, for Prümmer, this kind of cooperation (*non manifestans*) in unjust damage takes place as a kind of helping a malefactor so that direct justice is impeded. It is clear that the reception of a vaccine with a connection to abortion is a different moral action. In receiving a vaccine without denunciation, we are not referring to “not punishing” the malefactor (an instance of cooperation in unjust damage), but rather to not “removing oneself from a gravely unjust legal situation and to affirm with clarity the value of human life” (*Dignitas Personae*, n. 35). But, although the moral actions partially differ between these types of *non manifestans* actions, the moral essence of the action could be considered to be the same. Since it does not seem that the kinds of cooperation listed by Prümmer in the case of unjust damage are intrinsic to the nature of an action of unjust damage itself, these kinds of cooperation could apply to cooperative actions beyond that of one involving unjust damage (see *Catechism of the Catholic Church*, n. 1868). That is, if it is possible to say that one is capable of passive, material cooperation in a past action of unjust damage due to a kind of *non manifestans*, then, more broadly speaking, it does not seem inconsistent to say that one could be capable of passive, material cooperation in a past action more generally considered due to the *non manifestans* characteristic of one's action.

moral action to be licit: the researcher, even while not sharing the intention of the abortionist, uses the material obtained for his own benefit all the while being directly connected with the action plan of the abortionist, who, as shown above, would reasonably have factored in the scientific purposes into his intention when completing the abortion. This would mean that the researcher has a passive immediate material cooperation with the abortion, and, with it being that immediate material cooperation is illicit in cases such as homicide, as mentioned above, *Dignitas Personae* says that such a connection for a researcher is illicit.

As Kampowski and Faggioni mentioned, there could seem to be significant differences between the PAV 2017 document and the other three documents. In fact, their practical consequences are different in some aspects. At length, the document says:

The technical characteristics of the production of the vaccines most commonly used in childhood lead us to exclude that there is a morally relevant cooperation between those who use these vaccines today and the practice of voluntary abortion. Hence, we believe that all clinically recommended vaccinations can be used with a clear conscience and that the use of such vaccines does not signify some sort of cooperation with voluntary abortion.<sup>188</sup>

It seems to us that the PAV 2017 document has as its primary focus that in the production of vaccines, it is not necessary that new abortions are completed to obtain the biological material. And, further, with it being that the “material” itself does not pass on evil as a physical property, the document emphasizes that one can receive a vaccine with a connection to abortion without being morally responsible for the voluntary abortion. Thus, while unstated, the primary focus of the document seems to be on any kind of *active* cooperation with abortion, rather than on passive cooperation. It is evident, however, that the reasons for not considering passive cooperation are not mentioned in the note. In any case, in order to reconcile this document with the others, we think that this brief note should be considered incomplete rather than contradictory with the other documents, especially when we consider the particular context in which it was issued.

And, finally, it is only in the context of passive cooperation with evil that one can fully understand the CDF 2020 note. Indeed, the document

<sup>188</sup> PONTIFICAL ACADEMY FOR LIFE, *Note on Italian Vaccine Issue*.

itself recognizes that the reception of these vaccines would constitute a passive, material, remote cooperation in the abortion from which the cell lines originated, and morally acceptable due to grave danger.

Thus, having considered the nature of cooperation with evil in general, and, in particular, how this system has been used by the Magisterium in its presentation of moral action particularly regarding passive cooperation with evil, it is our opinion that both the conclusions *and* the argumentative process of the Magisterium in the CDF 2020 note are correct, and that the theological implications of the argumentative process and conclusions taken up in this doctrinal note have aided in the explication of the theological determination of an act of cooperation with evil, above all in cooperation with past evil.