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STUDI

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.¹

¹ 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*.² 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.³

² 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.

³ D.M. PRÜMMER, *Manuale Theologiae Moralis*, Herder, Freiburg 1953¹¹, 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.⁴ 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.”⁵ 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.”⁶ 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.”⁷ 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.

⁴ Cfr. PRÜMMER, *Manuale Theologiae Moralis*, tomus I, 447.

⁵ *Ibidem*.

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

⁷ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

one is guilty of a formal cooperation with evil.⁸ 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*."⁹ 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."¹⁰ 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."¹¹ 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."¹²

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-

⁸ 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.

⁹ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

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

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

¹² 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.”¹³ 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.”¹⁴ 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.”¹⁵ 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.¹⁶ 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-

¹³ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 545.

¹⁴ PESCHKE, *Christian Ethics*, 322.

¹⁵ RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 384.

¹⁶ 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.”¹⁷ 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.¹⁸ 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.¹⁹ 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

¹⁷ 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).

¹⁸ Cfr. RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 384.

¹⁹ 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.²⁰

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."²¹ 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-

²⁰ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

²¹ *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.”²²

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.”²³ 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.”²⁴ 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.²⁵

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.²⁶ “Traditionally, six types of positive [or, we could say, active] cooperation, and three forms of negative or passive cooperation are distinguished.”²⁷ The three types of negative cooperation are *mutus* (being silent), *non obstands* (not preventing), *non manifestans* (not denouncing).²⁸ “The negative or passive co-operator is he who says nothing *before* the damage has been done,

²² PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

²³ RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 454.

²⁴ *Ibidem*.

²⁵ Cfr. *ibidem*.

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

²⁷ 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 2012², available at: https://www.eticaepolitica.net/corsodimorale/Chosen_III.pdf), 80.

²⁸ *Ibidem*, 80, 81.

does not interfere with the action *during* its accomplishment of the action, or does not report anything about it *afterwards*.”²⁹ For Prümmer, positive (active) cooperation is called positive as such, “because it is done through a positive act, either physical or moral”³⁰ 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.”³¹ 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.³²

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 obstands* 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].”³³ 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.

²⁹ *Ibidem*, 81.

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

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

³² 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/>.

³³ 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.”³⁴ 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.³⁵

³⁴ 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.

³⁵ 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.”³⁶ 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.”³⁷ 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.”³⁸ 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.”³⁹

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

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

³⁷ PESCHKE, *Christian Ethics*, 322.

³⁸ RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 385.

³⁹ *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.⁴⁰ 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."⁴¹ For instance, immediate material cooperation in homicide or abortion is never licit;⁴² but this is not true in all possible cases of immediate material cooperation.⁴³ 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

⁴⁰ 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.

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

⁴² 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.

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

illicit.”⁴⁴ 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.”⁴⁵ 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.”⁴⁶

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).”⁴⁷ 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.⁴⁸ This having been said, however, ensuring the avoidance of scandal cannot lead to the omission of fulfilling serious obligations.⁴⁹

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

⁴⁴ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

⁴⁵ *Ibidem*.

⁴⁶ RODRÍGUEZ LUÑO, *Ethical Reflections on Vaccines*, 458.

⁴⁷ RODRÍGUEZ LUÑO, COLOM, *Fundamental Moral Theology*, 386.

⁴⁸ 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.”

⁴⁹ 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."⁵⁰ Further, "no human act is morally indifferent to one's conscience or before God."⁵¹ 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.⁵²

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."⁵³ Most recently

⁵⁰ *Catechism of the Catholic Church*, n. 1749.

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

⁵² 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).

⁵³ 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.”⁵⁴ 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.”⁵⁵

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.

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

⁵⁵ *Ibidem*.

voluntary abortion performed by others.”⁵⁶ 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.⁵⁷

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.”⁵⁸ 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.⁵⁹ 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.”⁶⁰ 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.⁶¹ “However, there is another

⁵⁶ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 546.

⁵⁷ Cfr. *ibidem*.

⁵⁸ *Ibidem*.

⁵⁹ *Ibidem*.

⁶⁰ *Ibidem*.

⁶¹ 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.”⁶² The document says that this kind of passive material cooperation is “equally illicit.”⁶³

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.”⁶⁴ 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.”⁶⁵ 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.⁶⁶

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.

⁶² *Ibidem*, 547.

⁶³ *Ibidem*.

⁶⁴ *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.

⁶⁵ *Ibidem*.

⁶⁶ 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.⁶⁷ 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.”⁶⁸ Thus, the question placed before the CDF was whether or not these cells 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.”⁶⁹ While the document specifically cites the use of embryonic stems 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.*⁷⁰

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

⁶⁸ *Ibidem*, n. 34.

⁶⁹ *Ibidem*, n. 35.

⁷⁰ *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.”⁷¹

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].”⁷² 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.”⁷³

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.⁷⁴

⁷¹ *Ibidem*.

⁷² *Ibidem*.

⁷³ *Ibidem*.

⁷⁴ 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.”⁷⁵ 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.”⁷⁶

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.”⁷⁷ 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.”⁷⁸

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.⁷⁹

⁷⁵ 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>.

⁷⁶ *Ibidem*.

⁷⁷ *Ibidem*.

⁷⁸ *Ibidem*.

⁷⁹ *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,”⁸⁰ and *Dignitas Personae* emphasizes that the criterion of independence is insufficient to justify use of cell lines of an illicit origins.⁸¹ 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.⁸² 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.”⁸³

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-

⁸⁰ PONTIFICAL ACADEMY FOR LIFE, *Moral Reflections on Vaccines*, 548.

⁸¹ 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*).

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

⁸³ *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.”⁸⁴ 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.⁸⁵

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

⁸⁴ *Ibidem.*

⁸⁵ *Ibidem.*