

COMMUNIQUE

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Regarding the Use of Vaccines Developed Using Cells from Aborted Human Persons

On December 21, 2020, *Reuters* reported on a document issued by the Congregation for the Doctrine of the Faith announcing that the Vatican had signed off on the use of vaccines “even if their production employed cell lines drawn from tissues of aborted fetuses.”¹ Though the CDF document stresses that it strongly desires the use of “ethically acceptable” vaccines, the document also emphasizes that the common good and the protection of the “weakest and most exposed” also hold equal claim. While CDF laments the lack of ethically acceptable vaccination methods, it argues incorrectly that the use of ethically compromised vaccines using fetal cell lines is remote material cooperation with evil, precisely because we are dealing in questions of life and death.

Using vaccines that are produced using cell lines involving the destruction of embryonic life is an act of sacrilege precisely because it is the destruction of the things of God—namely, human persons created in His own image.

For this reason alone, any justification for vaccines that entails the destruction of human life to save human lives pits one set of basic goods (life) against another (health) and does so in a disintegrative way that destroys the things of God.

Therefore, in no way can the acquisition, production, dissemination, or use of unethically derived vaccines be morally justified or ethically permissible. Nor can the CDF document be reconciled with the long tradition of the Church with regard to a defense of human persons or the sanctity of human life, the contravention of which “always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being.” It is, therefore, on the authority of St. John Paul II and St. Paul VI and the long tradition of the Magisterium of the Catholic Church, that we are reminded: “No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church.”²

St. John Paul II’s explication of the Magisterium in this regard is supported by St. Thomas Aquinas with regard to the question of sacrilege. In *On Evil*, Aquinas discusses whether circumstance can alter the species of a sin, thereby making a mortal sin a lesser and more venial sin. By way of example, Aquinas specifies the act of stealing a consecrated chalice. Though the thief is concerned

KEY POINTS

- While the Vatican CDF document hedges on the moral permissibility of certain vaccines, the Magisterium of the Church is clear that no vaccine that legitimizes the intentional destruction of human life in pursuit of a good can be made moral or licit by extraneous need.
- Furthermore, as St. John Paul II states in *Evangelium Vitae* 62, no circumstance can ever legitimize an intrinsically evil act.
- The good aimed at by these vaccines produced using cell lines from aborted babies violates the natural law by obtaining goods through intrinsically evil effects.
- Any use of vaccines that involve the destruction of the things God loves (i.e., preborn children) places us in proximate co-operation with evil precisely because such vaccines “miss the mark” despite their pretensions to doing good.

primarily with the fact that the chalice is itself made of gold, does this negligence remove the act of sacrilege? Aquinas argues that the sin of sacrilege still holds, for “the thief’s will is still directed to the sacred object by implication, since the thief prefers to steal the sacred object than to lack the gold.” Traditional natural lawyers would rightly point toward definitions as laid out in *Evangelium Vitae* describing certain actions as morally impermissible in every instance regardless as to intention **precisely because such acts involve the abuse of the things of God**—namely, the destruction of human life:

Abortion and euthanasia are thus crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection. From the very beginnings of the Church, the apostolic preaching reminded Christians of their duty to obey legitimately constituted public authorities (cf. Rom 13:1-7; 1 Pet 2:13-14), but at the same time it firmly warned that “we must obey God rather than men” (Acts 5:29).

Within this observation from Aquinas, combined with John Paul II’s firm reminders in both *Evangelium Vitae* and *Veritatis Splendor*, lies the core of objections not only to the CDF document but the new Natural Law project.

The use of aborted cell lines in the production of vaccines is not a question for dispute, but rather an act that is *malum in se*, not because our acts are disordered but rather because of the *object of the act itself*. Using vaccines that are produced using cell lines involving the destruction of embryonic life is an act of sacrilege precisely because it is the destruction of the things of God—namely, human persons created in His own Image. Not only is it a violation of the Natural Law, but it is a direct violation of the Magisterium of the Catholic Church and utterly irreconcilable with St. John Paul II’s understanding of the sacrilege of abortion in *Evangelium Vitae*.

APPROACHING THE CDF DOCUMENT

It is helpful to describe precisely how CDF arrived at such a position. Since the 1980s, a new way of reading Aquinas has become the norm in the Anglo-American world, bearing the title of *new natural law theory*. This particular reading of Aquinas has been championed by thinkers such as Germain Grisez and built upon by others such as John Finnis, Patrick Lee, and Robert George, who have been remarkably influential and persuasive in offering their interpretation of Natural Law Theory in a postmodern context. Problematically, while the new natural lawyers offer a remarkably flexible moral framework that fits most conditions, their ideas on intention as governing the moral act also allow for the “gerrymandering of intention” which permits moral and ethical contradictions such as the 2010 Catholic Healthcare West scandal, where—upon the advice of new natural lawyers—a Catholic hospital committed an abortion in order to “save the life” of a mother.³ Theologians argued that, since the killing of the child was not a *direct* killing but rather the *indirect* killing of a child in order to *directly* save the life of the mother, the abortion was therefore morally permissible.⁴

Though the CDF document issues three caveats to its position, namely that 1) “when ethically irreproachable COVID-19 vaccines are not available,” 2) “where their distribution is more difficult due to special storage and transport conditions,” or 3) where “health authorities do not allow citizens to choose the vaccine with which to be inoculated,” it argues that it is morally licit to submit to or accept such treatment, as it presents a remote material cooperation with the immoral act and not a direct formal cooperation with the act of an abortion to procure the embryonic cell lines from preborn children.⁵ The CDF rests its argument on competing goods, namely the pursuit of health and the pursuit of the common good (community), arguing that while those who prioritize their own consciences and refuse to accept vaccines produced with cell lines from aborted children “must do their utmost to avoid, by other prophylactic means and appropriate behavior, becoming vehicles for the transmission of the infectious agent.” The pursuit of the common good requires that we must look after the weakest and most vulnerable, thereby providing additional justification for the use of unethical or immorally contrived vaccines. The CDF ends with an insistence that pharmaceutical companies strive to produce vaccines that are both ethically acceptable and cost-effective for poorer regions of the world.⁶

In most conditions, human beings will experience competing goods. One may choose to attend classes (education) rather than go to the gym (health), or one may go to Mass on Sunday (religion) rather than spend time with your relatives (family). Each of these consists of a concept of basic goods as defined by John Finnis, one of the leading proponents of what is described as the new Natural Law Theory. In Finnis’ description, there are seven basic goods: life, knowledge, leisure, aesthetics, friendship, practical reason, and religion.⁷ Each of these goods is incommensurable by Finnis’ account. That is to say, none hold prior claim over the other. This follows the First Principle of Morality, defined by Germain Grisez as “voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will toward integral human fulfillment.”⁸ Thus the new natural lawyers filter the First Principle of Practical Reason of “good is to be done and pursued, and evil is to be avoided”⁹ through the lens of the First Principle of Morality—namely that the pursuit of a good must be done in an *integrative* fashion, and that pursuing a good to the exclusion of other goods is a *disintegrative* function.

NATURAL LAW THEORY IN PERSPECTIVE AND APPLICATION

Natural Law Theory is best understood as a *philosophical* application, namely that it is a framework that relies upon human reason alone without the aid of Divine Revelation or the Magisterium. Yet, Natural Law Theory is not a neutral position; it makes claims upon the human person as the ends of all human action subordinate only to God.¹⁰ “The person can be definitively subordinated only to God,” wrote the CDF in 1974, and “man can never be treated simply as a means to be disposed of in order to obtain a higher end. . . . The life of the child takes precedence over all opinions. One cannot invoke freedom of

thought to destroy this life.” Natural Law Theory—unlike other rival theories of human action—is a realist account of human nature in the sense that it is both rooted in ontological (being) and epistemic (knowledge) approaches to how we come to know the world. What is more, this ability is held in common and not held hostage to either gnostic ideas of “hidden knowledge” or neo-pelagian rigor of religious practices.¹¹ Thus, Natural Law provides the framework for pluralism, precisely because it is an intelligible framework inherent to human nature and human reason.¹²

In order for an act to be considered moral, all three considerations must be held simultaneously: 1) **the act itself must be a proper end**—that there are indeed acts that are *intrinsically* good at all times and others acts that are *intrinsically* evil (*malum in se*) at all times, 2) the **intention** of the act must be consciously willed, and 3) the **circumstances** surrounding the act. An act which is evil in itself (e.g., sacrilege) is therefore evil under all conditions and at all times, regardless of the intention or circumstance in which the individual finds himself.

Most students of Natural Law Theory are familiar with the example of throwing oneself onto a grenade to save your fellow soldiers as a moral and even heroic act (because the intention and circumstance are directed toward a proper end). Yet, to throw one of your *fellow* soldiers on a grenade to save your *fellow* soldiers’ lives would *not* be a moral act at all. In fact, not only would the act be cowardly, but it would also be intrinsically evil because it involves the direct intentional killing of a human being. The distinction between destroying your own life vs. destroying another person’s life is wrapped into the question of the Principle of Double Effect: By throwing oneself on the grenade, the act is directed toward the saving of the lives of fellow soldiers. The intention fits within the First Principle of Morality—to do good and avoid evil—and the circumstances of combat regard serious matter. To throw another soldier on a grenade—even if directed toward a proper end and given serious matter—fails because the intention of the soldier is to kill his comrade to preserve the lives of his comrades-in-arms.

To shoot your friends to build a wall to protect your soldiers from the enemy onslaught would be an intrinsically evil (and macabre) act; this would certainly fall under the category of an intrinsically immoral act. Applied to conditions of a pandemic, one might argue that allowing many hundreds of thousands of elderly to die for the sake of the economy would be an immoral and unethical act under the same provisions of Natural Law Theory. Even if it were not for the sake of the economy, but rather the “common good,” one would be correct in saying that plowing through human lives to save other lives would fall well beyond the scope of the Principle of Double Effect.

Dianne Irving offers four criteria for the PDE:

1. The action **must be good in and of itself**, or, at the very least, indifferent.
2. The **evil effect must not be directly intended** for itself but only permitted to happen accidentally as a by-product of the action.
3. The good intended **must not be obtained by evil effects**.

4. There must be a **reasonably grave reason** for permitting the evil effect.

Let’s review the condition of our macabre wall. Unwillingly or perhaps even at random, the helots and citizens of the city were selected to provide of their own bodies the brick and mortar to build the wall. The wall has held, maybe even for four decades or longer, and has proven to be remarkably effective at keeping out the enemy. Yes, it is generally argued that the killing of these helots and citizens to build the wall was deeply unfortunate, but the wall itself has practical use today. Perhaps some of us really wanted the wall to be built and have no problems with it, thus making us formal cooperators in the evil act. Yet perhaps some of us had reservations about the macabre wall, which makes us *material cooperators* in the act. Are we guilty? If we participated in the choosing of lots or selection of helots and citizens for the wall, we are indeed guilty. Yet if not, this makes us *mediate material cooperators* in the act. Are we now guilty? If we make a contribution that leads to the commission of the act itself—providing the wheelbarrows necessary to those building the wall—we are indeed guilty of the act. Yet if we make contributions that do not lead to the commission of an act—say, continuing our work as tradesmen, farmers, or even making weapons for the army—then if there are *proportionately serious reasons to do so*, we are not guilty of the act.

This is perhaps the distinction between driving on roads that were built by Roman slave labor, Jewish slave labor during the Holocaust, or the labor of Black slaves in Georgia, and the use of vaccines that are developed using embryonic cell lines from aborted children. Melissa Moschella argues in *First Things* that “[n]o one thinks that using chloroquine reflects approval of the Nazi experiments that led to its development, that riding the train in Georgia reflects approval of slavery, or that living in California reflects approval of the Mexican-American War. Taking a vaccine created with the help of HEK 293 or other fetal cell lines is no different.”¹³ Yet if chloroquine contained the DNA fragments of murdered Jews, if the rail lines of Georgia carried the actual bones of enslaved Africans, or if the soil of California were watered with the blood of Mexicans, we would indeed have moral concerns.

Moreover, we have moral concerns in lower-stakes poker as well, such as the production of consumer goods in southeast Asia where working conditions approach those of slave labor. The argument that these actions happened in the past does not convince. The products are unethically contrived, ergo many Americans have ethical reservations—if not opposition—to a participation that not only subsidizes but validates the “evil effect” Irving warns about when considering the Principle of Double Effect. Even today, there are strong moral reservations about the use of the HeLa line obtained from Henrietta Lacks without her consent. Why should these concerns be lessened in the use of HEK-293, a human embryonic kidney cell line that was obtained through an abortion in the 1970s?

Given the constitution of our macabre wall, we are now presented with a vaccination consisting of either unwilling and/or random babies, who though four decades gone, are still with us in a macabre way. In this sense, by normalizing the unethical nature of these vaccines, we are normalizing the sacrifice of

children from whom all mankind now benefits. The sacrifice of the elderly for the sake of the economy has been widely panned in places such as Sweden as proximate cooperation with evil; why should the sacrifice of the innocent be explained away by the CDF as remote cooperation with evil when it is, in effect, the very same policy, merely with different victims? For this reason, when the new Natural Law theorists bend the Natural Law to justify the macabre, that's where (and why) Aquinas argues for the preservation of the sacred. For if the new natural lawyers are correct that the "basic goods" are incommensurable, then one truly can weigh what CDF calls "the duty to protect one's own health" against "the duty to pursue the common good."¹⁴ Moschella's argument that "we live in a morally imperfect world in which it is impossible to insulate ourselves from the fruits of such injustices" should not be a call to morally desensitize us from the hard problems which, though made intractable, cannot fall within the scope of the Principle of Double Effect precisely because the evil effect—the destruction of human embryonic life—is the only means from which these particular vaccines are produced. HEK-293's use is neither an *accidental* by-product, nor is there ever a grave enough reason to continue the use of HEK-293. In fact, the only way the duty to pursue the common good is derived in this instance is through the means of the evil effect, which Irving rightly concludes does not fulfill the four criteria for PDE and therefore cannot in any condition be morally licit.¹⁵

CONCLUSION

The Congregation for the Doctrine of the Faith is posed with a classroom hypothetical-turned-actual-event with the arrival of COVID-19 and the moral consequences of action and inaction. To its credit, the CDF emphasizes that there is a "moral imperative for the pharmaceutical industry" to produce a vaccine that is both ethically acceptable and accessible. Yet by pitting the duty to the common good with the duty to health, an artificial divide is created that permits, through casuistry, the latitude to create conditions where immoral actions and unethical means are legitimized in pursuit of a perceived good.

The Latin root of the word sin is *peccare*, which is "to miss the mark." In Western tradition, we too often think of good and evil as opposites, when in truth the nature of sin is to disguise itself as a truth. By depriving ourselves of counsel, we can attempt to gerrymander our own intentions in an effort to disguise our true aims. The basic goods of both health and community are worth pursuing, even in an integrative way, but not at the expense of the basic good of life. Moreover, while we can and often do sacrifice our health, family, leisure, and community in the pursuit of other aims, Aquinas argues in *De Malo* that the things that are of God hold special significance, not because the dictates of human reason say as such, but rather because we must love the things God loves; we must obey God rather than men (Acts 5:29).

When the Christian martyrs of the 2nd century AD were told to either pay homage to the Roman emperor with a pinch of incense or be thrown to the lions of the Colosseum, nowhere is it mentioned that the bishops of the Church, with "new nat-

ural lawyers" nearby, were counselling the faithful to weigh the duties to one's health with the duties of the common good. Christians gladly threw themselves to the lions in pursuit of the good of religion and at great cost to their other basic goods of life: health, family, community, and so forth. Such behavior is not *reasonable* precisely because it has nothing to do with reason, but with *faith*. One is immediately reminded of the remonstrances of Margaret More to her father in the play *A Man for All Seasons*:

MARGARET (emotionally): But in reason! Haven't you done as much as God can reasonably want?

MORE: Well, finally it isn't a matter of reason. Finally, it's a matter of love.

Ivan Karamazov in *The Brothers Karamazov* asks us the fatal question: "Tell me straight out, I call on you—answer me: imagine that you yourself are building the edifice of human destiny with the object of making people happy in the finale, of giving them peace and rest at last, but for that **you must inevitably and unavoidably torture just one tiny creature, that same child who was beating her chest with her little fist, and raise your edifice on the foundation of her unrequited tears—would you agree to be the architect on such conditions?**"¹⁶ (emphasis added)

In continuing to use cell lines produced from the murder of a preborn child, one would submit that we are indeed asking ourselves to build our edifice upon those unrequited tears of one tiny creature. We may choose to rationalize it as *remote* rather than *proximate* cooperation with evil, but the sole judgment as to whether or not we are indeed gerrymandering our intentions or whether we are seeing facts straight on can be summarized in this opening line from the CDF document itself: "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.**"¹⁷ (emphasis added)

The word *murdered* comes to mind. Perhaps a more accurate euphemism other than "not spontaneously aborted" is expected from the Sacred Congregation? If this is how we are caging the question, how can we possibly expect a forthright answer?

Given the stumbling out of the gate on questions of life and death concerning how we should predispose ourselves toward loving what God loves, it might be reasonable to conclude that the CDF's advice regarding the licit use of COVID-19 vaccines by the Catholic faithful are not just ethically unsound but morally suspect. Any use of vaccines that involve the destruction of the things of God places us in proximate cooperation with evil, precisely because such vaccines "miss the mark," despite their pretensions to the good. The good of vaccinating millions is indeed obtained on the unrequited suffering of, in this case, two children. If CDF doesn't have the moral fortitude to call that suffering murder, why should we accept its conclusions?

Endnotes 1-17 can be found online at <https://all.org/regarding-the-use-of-vaccines-developed-using-cells-from-aborted-human-persons/>