

THE MORALITY OF APPROPRIATING BENEFIT OBTAINED FROM A MORALLY COMPROMISED SOURCE

The Questions Raised

A large-scale corruption scandal has emerged in the Philippines in recent times, involving flood control and other infrastructure projects, especially in Bulacan province and other flood-prone areas near Manila. The alleged issues include substandard work, overpriced contracts, ghost or non-existent projects, and massive kickbacks for lawmakers, contractors, and government officials. Alleged perpetrators (people and entities) based on current investigations and testimonies have also been identified. The allegations, however, are not yet proven. In fact, many of those accused deny wrongdoing.

Be that as it may, there is credible reporting that several of the alleged perpetrators are benefactors of the Church who have donated substantial amounts for Church projects. In fact, a church in Obando, Bulacan has already returned a vehicle that was donated by a dismissed Department of Public Works and Highways (DPWH) district engineer, following revelations of his alleged involvement in irregularities related to flood control projects.¹ Many of such donations may have been made before the public scandal or before the allegations arose and part of legitimate standard fundraising processes. It has not been established, however, that these same donations themselves were made with funds proven to be illicit (*i.e.*, from fraudulent or corrupt projects). Moreover, no confirmed link has been made in public reports that the money used for Church donations are directly traced from corrupt practices. Much less could it be ascertained that those who have been benefitted by the donations (*e.g.*, parishes and Catholic schools, organizations and institutions) knowingly accepted “dirty money” inasmuch as these donations may have been accepted in good faith, before allegations existed.

Nonetheless, three interconnected moral questions relative to the present scandal have been raised:

Q. 1 How should parishes, dioceses, and Catholic institutions handle offers of donations for infrastructure, maintenance, and other Church projects when the donors are linked to questionable dealings?

Q. 2 What moral and pastoral considerations should guide the Church when infrastructure or facilities have already been built through funds donated by individuals later implicated in such controversies?

Q. 3 Should these structures continue to be used, should they be renamed, or should a formal declaration be made to dissociate the Church from the source of funding?

These are very valid and legitimate questions that must be urgently addressed if the Church were to shield herself from the scandal generated by the collusion of lawmakers, government officials and private contractors in the illicit and immoral use of public funds. The Church must stay clear

¹ See <https://newsinfo.inquirer.net/2113994/obando-church-to-return-vehicle-donated-by-dismissed-dpwh-engineer>

out of this mess if she were to have the moral ascendancy in joining, if not in leading calls for accountability and transparency among the alleged culprits. To maintain the integrity of its witness, especially in the light of the Gospel's preferential option for the poor and the call to justice, the Church must respond in a way that is both *truthful* and *pastorally prudent*.

Accepting/Soliciting Prospective Benefit: An Issue of Appropriation

Before an answer could be provided to any of the aforementioned questions, one must first be clear about what the moral issue is specifically all about. These questions actually point to a specific moral problem, that is, *whether it is morally licit for one, if given the choice, to make use of and benefit from the fruits of another's wrongdoing*. In the context of the present corruption scandal, the question is more precisely whether it is morally legitimate to accept (or solicit) donations that were obtained by the donor through illicit and immoral means (*e.g.*, unjust and sinful actions such as kickbacks, malversation, and money laundering).

Furthermore, in cases where the Church has received material benefits – donations, land, political favor, or institutional support—that originate from sources later revealed to be morally compromised, the issue of *retrospective complicity* arises. That is, while the Church may not have been aware of the unjust or sinful origin at the time of reception, the question remains whether continued possession or uncritical use of such benefits implies an ongoing moral entanglement.

Framed as such, the problem according to its moral species clearly falls under the category of *appropriation of evil* as distinguished from the moral category of *cooperation in evil*.² Appropriation of evil refers to the act of the appropriator of benefiting from an evil act after it has already occurred, without having participated in or enabled it. Cooperation in evil, on the other hand, refers to the cooperator's participation in another person's immoral act—before or during the act—either by sharing the intention (*formal cooperation*) or enabling/assisting the act (*material cooperation*) in some way.³ Cooperation implies involvement in the evil action itself, whether directly or indirectly. Whereas appropriation is simply the retrospective acceptance or use of the fruits of an evil deed, especially when the beneficiary had no role in the wrongdoing itself. Though specifically distinct from each other, appropriation remains complementary to cooperation.⁴

In any case, in issues of appropriation one needs to ask: *Can or may an agent morally accept or use what was gained through someone else's sin – even if the agent did not help commit it?* To illustrate by way of an example: a Church is offered a property that was acquired by someone through corruption years earlier. May the Church accept this donation even if the crime was committed much earlier and she had nothing to do with the commission of the crime? Another situation would be when the Church needs a property on which to build a church edifice. Without

² For a discussion of the moral problem of cooperation see ALPHONSUS LIGUORI, *Theologia Moralis*, ed. L. GAUDÉ, 4 vols. (Rome: Ex Typographia Vaticana, 1905–12), 1:357 (lib. II, §63).

³ For a more precise delineation of the distinction between *appropriation* and *cooperation* as two moral categories see M. KATHLEEN KAVENY, "Appropriation of Evil: Cooperation's Mirror Image," in *Theological Studies* 61 (2000), 280–313.

⁴ M. KATHLEEN KAVENY, *Ibid.*

necessarily being offered by a potential donor (*i.e.*, a perpetrator of a previous crime who has had a connection with the acquisition of the property), may the Church solicit from the donor said property for her pastoral use? In both instances, the Church did not cooperate in the crime but must now discern whether appropriating the benefit is morally licit.

To address these questions, the following guidelines and principles must be borne in mind.

1. While the Church, as a juridic person (both universal and particular churches like dioceses and parishes), has the capacity and is allowed by law to own and manage temporal goods (*e.g.*, money, property, land, and other assets), she is limited to acquiring these goods only through morally upright (just) methods.⁵ This excludes theft, fraud, coercion, or receiving donations from unjust sources (*e.g.*, knowingly accepting stolen or laundered money). This canonical provision ties into the broader Catholic moral teaching on justice in acquisition, which includes principles like restitution, avoidance of scandal, and solidarity with the poor.
2. Based on this general canonical provision, the Church must avoid any connection or association or even a semblance of any link with any moral wrongdoing—for example, *accepting donation from kickbacks*—for this might be construed as complicity.⁶ In this instance, complicity however passive or indirect, can mean (and be interpreted as) acceptance and approval of the wrongdoing itself even if the beneficiary had absolutely no hand in the commission of the previous act (misdeed). Such is truer especially if the beneficiary knew all along about the misdeed. This is also the reason why in traditional moral theology appropriation of this kind was also seen as an instance of cooperation, involving as it does an implicit approval of the original evil intent.
3. One must also be on the lookout for the possibility of *scandal*. The Church is vulnerable and prone to scandal and must therefore be careful in being associated with shady and questionable deals. According to Church teaching, scandal is an attitude or behavior which leads another to do evil.⁷ Using the fruit of an evil deed—even for good—can cause scandal if it appears that the Church endorses or minimizes the evil generated by wrongdoing because of the benefit that can be derived from it. Or the Church may even appear as complicit in injustice and give the impression that she values material benefit over virtue or moral integrity.

On the contrary, the Church should never compromise its moral witness for the sake of material benefits. Accepting **tainted donation** (*e.g.*, money derived from theft) risks undermining the credibility of the Church among the faithful and the public. Albeit *indirectly*, accepting funds from unethical sources can suggest endorsement or tolerance of the donor's behavior. The Church must therefore exercise *pastoral sensitivity* and

⁵ *Code of Canon Law* (CIC), n. 1259-1260. Cf. M. FRANCIS, "Different Ways of Acquiring Temporal Goods," in *International Journal of Scientific Development and Research* 8/7 (2023), pp. 1358-1365, p. 1360.

⁶ For the kinds of complicity see GREGORY MELLEMA, "Professional Ethics and Complicity in Wrongdoing," in *Journal of Markets & Morality* Volume 11, Number 1 (Spring 2008): pp. 93-100, p. 94.

⁷ *Catechism of the Catholic Church* (CCC), no. 2284. Cf. THOMAS AQUINAS, *Summa Theologiae* (henceforth ST) II-II, q. 43, a. 1.

extreme caution, bearing in mind how the public and especially victims of the donor's actions (if any) would perceive the Church's action.

4. Appropriating the fruits of an evil deed may serve a good purpose (e.g., building a school or hospital), but intending such good outcome cannot justify the use of resources derived directly from evil actions. Such resources are tainted and can pollute the good outcome that is intended. Thus, the use of such resources remains morally impermissible. One may invoke here the principle *the end does not justify the means*.⁸ The good outcome does not cancel out whatever harmful consequences the evil act might have generated.
5. Drawing from *St. Thomas Aquinas*,⁹ one may appropriate something only if it is not derived from something ill-gotten or unjustly acquired. St. Thomas details how something might be ill-gotten. *First*, if it rightfully belongs to the person it was taken from, and the one who possesses it has no right to keep it — as in the cases of robbery, theft, and usury.

Second, when the possessor is not permitted to retain the good, yet cannot restore it to the one from whom it was received, because the acquisition was unjust on his part, and the transfer likewise unjust on the part of the giver as happens in the case of simony, bribery and unjust contracts.

Third, a thing is deemed illicitly acquired, not necessarily due to an unlawful seizure, but insofar as it proceeds from an act or cause that is itself contrary to justice. This means that even if someone did not directly commit theft or coercion, the origin of the possession (e.g., fraud, unjust contract, or sinful transaction) can render the goods unjustly held.

Considering all these, the outright response of the Church must be to refuse donations, or to desist from soliciting donations derived from wrongdoing. When the goods are unjustly acquired — or if their origin is so publicly associated with sinful structures — the Church must act in a way that safeguards its witness to justice and holiness. She must be circumspect and diligent enough to scrutinize the source of any donation, especially if there is suspicion that it may have come from a morally compromised source.

Retrospective Complicity and the Ethics of Appropriated Benefit

What if the link of a benefit already appropriated *in good faith* to a previous crime or misdeed is only belatedly discovered? This is the problem posed by the second and third questions above. Indeed, there are instances when the Church discovers, many times belatedly, that the benefits she received or the structures she operates within have origins in misdeeds or injustices deemed sinful so that continuing to benefit becomes morally problematic, especially if done advertently.

⁸ CCC, no. 1759; ST I-II, q. 18, a. 2-4, esp. a. 2.

⁹ ST II-II, q. 32, a. 7.

The situation so described is an instance involving what might be conveniently called *retrospective complicity*,¹⁰ that is, when the Church appropriates benefit from an action later revealed to be morally compromised. In other words, in this circumstance, the Church becomes morally implicated after the fact (*post factum*), upon recognizing that her benefits or positions are connected to wrongdoing. Such retrospective complicity is often unintentional at first, thus inculpable, but once the link to wrongdoing is known, accountability is demanded of the Church. This means that ethical awareness might have been delayed, so that on hindsight moral understanding and responsibility were not simultaneous with the initial act of appropriation, but once the association and connection to wrongdoing is established the demand for accountability arises, thus compelling a new moral response—that is, if the Church were to preserve its moral integrity.

To safeguard her moral standing, the Church needs to respond in a manner that clearly distances itself from any retrospective association with the unjust or sinful source of a benefit she has appropriated—thus absolving her from any perceived retrospective complicity, and avoiding any suggestion that she condones the sinful or unjust origins of the gift already received. The Church can do this in manifold ways:

1. If it is later discovered that funds came from wrongdoing, corruption, or injustice, the Church has a moral obligation to take appropriate corrective action, including *returning promptly* the donation to the rightful owners or victims, if identifiable.¹¹ This is to prevent the public from thinking that the Church condones or supports wrongdoing.¹² The principle is that the moral weight of the obligation to return donations of this kind depends heavily on the recipient's knowledge and intent. Ignorance of wrongdoing does lessen culpability but does not remove the obligation to act once knowledge is gained. Even delayed awareness of the misdeed can ethically contaminate the benefit derived, challenging the legitimacy of continued appropriation.
2. If returning donations obtained from ill-gotten sources directly to the original victims or rightful owners is impossible or impractical (for example, because they can be no longer identified, or the funds have been commingled, or legal constraints exist), redirecting the funds to causes of justice or charity is the proper option. By so doing, the Church is able to address or remediate the harm caused by the wrongdoing.
3. Another option is for the Church to support restitution or reparation efforts. For instance, the Church can contribute to organizations or funds dedicated to compensating victims or repairing damages caused by the original wrongdoing (*e.g.*, donate to victim assistance

¹⁰ G. Mellema draws from St. Thomas' taxonomy (ST II-II, q. 62, a. 7) in identifying various forms of complicity, one of which is *indirect complicity* (by consent) which is labelled as *retrospective complicity* in this paper (GREGORY MELLEMA, "Professional Ethics and Complicity in Wrongdoing," p. 94); see also GREGORY MELLEMA, *Complicity and Moral Accountability*, Notre Dame, Indiana: University of Notre Dame Press (2016). See ST, I-II, q. 74, Art. 8 (Whether consent to the act is a sin of the same kind as the external act); ST, II-II, q. 43, Art. 1 (Whether scandal is a sin): "Scandal is a sin when a man either *intends, by his outward act, to lead another into sin, or does not take sufficient care to avoid so doing*. On the part of the person scandalized, sin is incurred if he is scandalized voluntarily and without sufficient cause."

¹¹ Cf. ST II-II, q. 62, esp. a. 2.

¹² ST II-II, q. 43.

groups, legal aid organizations, or social programs helping those harmed). Moreover, the Church can promote charity in the spirit of reparation by using the funds to serve the poor, marginalized, or the vulnerable, as a way of mitigating injustice indirectly. The principle is that when return is legally or practically impossible (*e.g.*, the funds have already spent or the donors are unreachable), redirecting prevents the Church from benefiting unjustly or perpetuating scandal. It is a way of making amends and expressing contrition and solidarity with victims. It helps restore the moral order, in keeping with the requirement of justice that what was lost or harmed.

4. With regard to immovable assets obtained with the help of such questionable donations that cannot be returned (*e.g.*, buildings or property with construction improvements), continued possession or ownership of such assets by the Church may be justified if in addition to their use aligned with the Church's mission, they are also redirected for public use or some other reparative or restorative purposes, for example, for public benefit programs, education, health, anti-corruption education, etc.

It is impractical, for instance, for a Church edifice to be demolished simply because the funds used to build it comes from the donor's wrongdoing or misdeed. In this instance, a public explanation that the donation was received in *good faith* is in order and gratitude is redirected instead to the rightful anonymous donors – the taxpayers, in this instance, if the donation was obtained from public/government funds. The name of the fraudulent donor may also be stricken out if the asset had been named after said donor, who ultimately in truth is not really its rightful owner owing to the illicit manner it was acquired.

As an aside, all these options ought to be accompanied by public apology. When the Church apologizes for having benefitted from a morally compromised donation, she engages in an act that is both moral and pastoral in nature. By doing so, the Church affirms her commitment to moral integrity. She thereby also proclaims that the means matter, not just ends; that she cannot morally justify benefiting from wrongdoing, even if the resulting donation supported "good" causes. It is a moral imperative that fulfilling her mission must be free from taint of injustice, corruption, or scandal.

Moreover, by expressing regret and remorse, the Church identifies with the victims of injustice. Corrupt wealth is almost always rooted in exploitation, theft, or abuse of power. By such reparative act, the Church aligns herself with the victims of that injustice. She acknowledges that accepting tainted wealth, even unknowingly, may perpetuate harm or mask suffering. It sends a message that the cries of the poor matter more than the gifts of the powerful.

While the obligation to refuse or return a donation derived from a morally compromised source and to perform similar restorative and reparatory action generally binds, there are instances when such obligation is not morally incumbent. For instance, when an illicitly acquired good is donated to the Church precisely as an *act of restitution* by the one who obtained it unjustly, owing to the impossibility of restoring it to its rightful owner. In this instance, however, it is advisable and preferable that the donation be conducted anonymously to avoid any perception that the Church

is taking possession of goods acquired unjustly. And if the Church is to accept such a donation in the manner described, it ought not to be used for her exclusive benefit, but rather directed toward purposes that effectuate and fulfill the donor's intent and act of restitution.

Conclusion

Appropriation of evil, be it retrospective, cannot be morally justified. Even in cases when it cannot be undone, as in retrospective appropriation, restoration and reparation is morally required. In Christian moral theology, reparation is part of genuine repentance and healing. It consists in a penitential act, the admission of failure to discern or prevent moral compromise. Reparation thus becomes a public form of restitution, especially when financial restitution is not feasible, and a commitment to reform, both internally (e.g., in financial vetting) and externally (e.g., distancing from power systems that breed corruption).

In this way, the Church models humility and accountability. The Church, like any moral institution, can err. When she acknowledges her fault, she models humility, an essential Christian virtue. She invites the faithful and society to practice ethical accountability, even when it costs. She acts as a moral teacher, not by words alone but by witness—demonstrating that integrity demands responsibility.

Through restoration and reparation, the Church strengthens public trust and evangelical witness. Scandals involving Church finances, especially connection and association with corruption, damage her credibility. An act of restoration and reparation begins the healing of trust with the faithful and wider public. It confirms that the Church does not serve power, but serves truth and justice.

Given her divine mandate to be a moral exemplar in the world, the Church must exercise utmost care in the acceptance of material goods, especially when these are derived from illicit or unjust means. Accepting donations from ill-gotten sources—regardless of the donor's intention—risks undermining the Church's witness to justice, potentially giving the appearance of complicity or moral indifference toward grave wrongdoing. Even when restitution to the rightful owner is no longer possible, the Church must avoid becoming a passive recipient of stolen or unjust wealth, lest she compromise her prophetic voice against sin and structural injustice. To preserve her integrity, avoid scandal, and remain a credible sign of the Gospel's call to conversion and restitution, the Church should refuse such donations unless and until full justice has been pursued through appropriate and transparent means.

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