

THE POPE AND THE QUESTION OF 'CONDOMS'¹

I

Many Catholics have been less than pleased to hear the Church's teaching in the critical moral matter of the use of the 'condom' or 'french letter' proclaimed by the Pope in an interview with a journalist, rather than with the application and precision it deserves in a formal Church document. Especially when there seems to be no such Church document dealing with the topic. Commentators refer the enquirer to Paul VI's *Humanae Vitae*, but that encyclical bears upon the device only in passing. It is plain that the 'condom' has more perverted uses than contraception. Why have the Church authorities remained silent? Why has the field been left to the misguided opinions of people like Professor Martin Rhonheimer of the Pontifical University of the Holy Cross?

There are two reasons, a theological reason, and a philosophical reason. The theological reason is a reluctance to exercise the Church's authority, a legacy of the abandonment of its enforcement proclaimed by John XXIII in his *Opening Speech* to the bishops of the Second Vatican Council, coupled with an attitude of deference to the secular which followed the Council. The philosophical reason is a comprehensive failure in understanding of the philosophy underlying the Church's moral teachings.

There has been no moral theologian Pope capable of solving the dilemmas that seem to confound the Vatican dicasteries since Pius XII. One instance will illustrate the problem and its extent. The faithful have been waiting now for fifteen years for a definitive ruling on the difficult teaching of Pope John Paul II in *Evangelium Vitae* n. 73. The matters covered by the late Pope permit of clarification in line with Catholic principle, but Vatican authorities seem incapable of performing the task. Apart from an ambivalent expression in a document issued by the *Congregation for the Doctrine of the Faith* in January 2003², the Vatican has remained silent. In consequence, innumerable Catholic intellectuals persist in the erroneous view that the provision allows that one may, in certain circumstances, cooperate in evil. It does not.

Pius XII solved difficult moral questions because he was grounded in the Church's metaphysics. Since his death, Church authorities have accompanied lickspittle deference to the intricate and comprehensive teaching of St Thomas with a practical refusal to study, or to adopt, that teaching. This denial of the Church's philosophical riches reached its nadir when, in an encyclical allegedly devoted to human reason, Pope John Paul II misquoted Pius XII as authority for the proposition that the Church has no philosophy of her own, contradicting the teaching of innumerable of his predecessors.³

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¹ This paper was issued originally in two parts, the first on 7.12.2010, the second on the date this version bears. With the abdication of Benedict XVI and the election on 13th March 2013 of Pope Francis, we have thought it appropriate to republish it in consolidated form. The principles asserted continue to apply as do the admonitions in respect of papal teaching and the standing of the theologian, Martin Rhonheimer.

² *Doctrinal Note On Some Questions Regarding The Participation Of Catholics in Political Life*, 16. 1. 2003.

³ Cf., the author's *The Loss of Metaphysics* at http://www.superflumina.org/PDF_files/metaphysics.pdf

One will find it difficult to discover whether, in the tradition of recent popes, Pope Benedict XVI has adopted a motto. Some authorities assert that the motto he used whilst head of the CDF, *Cooperatores veritatis*, should be attributed to him—in the singular, rather than the plural, presumably. Others say he has adopted that of St Benedict, *Pax*. In the Preface to the 2007 work, *Jesus of Nazareth*, Pope Benedict said his book was not to be regarded as an exercise of the Church’s Magisterium, solely an expression of—

“my personal search for ‘the face of the Lord’. Everyone is free, then, to contradict me.”

The commentator, Sandro Magister, remarks glibly that this phrase, “Everyone is free to contradict me”, may be taken as the Pope’s motto; hardly an appropriate one for the man who stands in the shoes of Truth Himself.

Yet there may be an element of truth in the remark, for it is not difficult to detect an uncertainty in the Pope’s make up. He seemed, for instance, to doubt the extent of his own powers in his very first public speech:

“The Pope is not an oracle; he is infallible in very rare situations, as we know. Therefore, I share with you these questions, these problems. I also suffer...”⁴

And facts would seem to indicate that, when head of the CDF, he was in doubt as to just when it was that the Pope spoke infallibly, exemplified by the commentary he issued in June 1994 on the authority of Pope John Paul’s teaching in *Ordinatio Sacerdotalis*. The teaching in that apostolic letter fulfilled each of the conditions laid down by the Vatican Council in *Pastor Aeternus* (18.7.1870), yet Cardinal Ratzinger was not prepared to state that it was infallible. It took another year and a half for that declaration to be made.⁵

Whether this analysis does him justice or not, let us assume, for the purposes of the present exercise, that the Pope is open to criticism about his actions in speaking as he did in the long interview now published under the title *Luce del Mondo*, “Light of the World”.

II

At the heart of the failure of the Vatican to teach definitively on the ‘condom’ is a failure on the part of its theological advisers to understand the distinction between the realities encapsulated in two Latin phrases—*finis operis* and *finis operantis*. These can only be understood once the theologian grasps—that is, understands and realises—the causes to which they refer. The two phrases translate literally as ‘end of the work’ and ‘end of the agent’. The critical word in each is *end*. This word invokes a whole world of meaning grounded in the metaphysical doctrine of causality.⁶

Of every thing that exists in the universe, St Thomas teaches, there are four causes, four influences that bring about its existence. There are not less than four; there are not more than four. It assists in understanding his teaching to use as example the homely illustration of a carpenter who sets about making a table. The first cause of the table he produces is the *formal* cause, that which determines this thing to be a table. It is not the form of gate, or of chair, or of house, or of boat, that he is going to

⁴ Impromptu Address to the priests of Aosta, July 29, 2005.

⁵ Through a formal *Responsum ad Dubium* dated October 28, 1995.

⁶ What follows is a short explanation of the doctrine of causality. The author has set out the teaching in greater detail elsewhere; cf. http://www.superflumina.org/PDF_files/essential_encyclical.pdf

impose on the materials at his disposal, but of table. If this *form* ('table-ness') was absent, the thing would not be a table. *Form* is what gives it the essence, so to speak, of what it is.⁷

The next cause is the *material* cause, that which can be any thing but which is determined (by the formal cause) to be *this* thing, a table. Matter is that which is determined. If the *matter* was absent, there would be no table. The third cause is the agent, or *efficient* cause, the carpenter who puts the form of table into the matter. If the *efficient* cause was absent, there would be no table. The fourth cause, and the most critical, is the *final* cause. Every agent acts on account of an end; so *the end, or final cause*, must exist in the mind of the carpenter before the table can come into existence. It is the first thing intended by the agent, and the last to be attained.

Now, human art is nothing but the application by a man of his intellect to the works of nature, in imitation of those works. Hence, by art man reproduces in the things he makes the fourfold causality that obtains in all natural things. Just as there are four causes of the table produced by the carpenter, there are four causes of the carpenter. His *material* cause is patent; it is the matter out of which he is made. The *formal* cause, that which makes him be a man (and not a mineral, or a tree, or a monkey, donkey or other beast) is his human (and immaterial) soul. The *efficient* cause is his Creator. And the *final* cause is the reason why his Creator made him and the end He intends for him consistent with his human nature.

End, then, is that for the sake of which something is done. It is the most important of all the causes—first in intention, and last in execution. But, as appears from what follows, ends are specified in different ways.

Finis operis—the end embodied in the very nature of the action

A rifle is an instrumental cause. When a man fires a rifle, he is bound by the peculiar nature of the instrument.⁸ The end of the action of firing it is the forcible penetration of whatever lies in the path of the projectile it emits. Over that 'natural' end, the gunman has no control. He has control only over what he aims at. Once he elects to use the instrument he is bound by the consequences of doing so.

Finis operantis—the end of the agent

The gunman intends to kill a fox; that is his end. To achieve, or attempt to achieve, that end, he uses the end built into the instrument and may, or may not, succeed. But there is something else at stake. Because the agent is a man—and not a brute animal, or a blind force such as gravity—his every action is marked by a supervening character flowing from his human nature, morality, i.e., conformity or disconformity with the rule of morals.⁹ His act of shooting the rifle involves him—whether he likes

⁷ Though artificial things do not strictly have essence.

⁸ Using that term analogically. 'Nature' is said properly only of natural things. A rifle is, on the contrary, an artificial thing, contrived from natural materials and using their properties to attain the ends of its designer and maker.

⁹ The distinction is between the act a man may commit without attention, *actio hominis*, and the act in which he applies his human attention, *actus humanus*. When a man unthinkingly scratches his nose in the course of speaking, the former is a mere *actio hominis*; his speech is an *actus humanus*; We are concerned, and concerned only, with those acts done with human advertence.

it or not—in the issue of his own ultimate end, beatitude or damnation. He can no sooner deny the reality of this character than he can force water to flow uphill.

The rule of morals is simple: *do good; avoid evil*. No man may breach the rule, no man may do evil, without indelible prejudice to his ultimate end and the loss of that dignity which is proper to him as a man. That prejudicial effect the Catholic Church calls mortal sin; *mortal* because it kills something within him.

The rule of morals has a number of corollaries; the chief of them is this: *it is not licit to do evil that good may come of it*. That is, one may not choose an evil means to achieve a good end; one may not use a good means to achieve an evil end. What follows in the present discussion of *ends*? Neither in the end he adopts, the end embodied in the instrument (*finis operis*), nor in the end he intends in so using it (*finis operantis*), may a man breach the rule of morals without ultimate damage to his soul.

In the light of these principles let us proceed.

III

The ‘condom’ is an instrumental cause. The morality of an instrument is generally indeterminate.¹⁰ Whether it is used for good or for ill is dependent upon the moral choices of the one using it, the principal. Thus, a knife may be used to cut food or to kill an innocent man. However, an instrument may be so designed that *its very ordination* is immoral. Its *end*, (its finality as instrument), and its form, that which makes it be the peculiar instrument that it is, are built into the ‘condom’. Its end is the prevention of transmission of semen and the concourse of bodily secretions during intercourse: its form is ordained to that end.

It is impossible for there to be any setting in which the use of a ‘condom’ as a ‘condom’ (not as a balloon, or a temporary fluid container, or something similar) could ever be licit. The thing has an inbuilt ordination to immoral activity. It can only be used in a situation of sexual excitement which, by definition, occurs licitly only between husband and wife in marriage and in such a setting its use can never be licit.¹¹ The sin is single—

- 1) contraception.

The use of a condom in *extra marital* natural intercourse is illicit, in an intercourse which is itself illicit. There are two sins—

- 1) fornication, and
- 2) contraception.

To the first sin here is added the additional malice of preventing, or endeavouring to prevent, the natural consequences of intercourse. The use of a condom in homosexual activity is illicit, in intercourse which is not only illicit but unnatural. There are three sins, or rather, three grievous elements in the one sin which add to the heinousness of what is done—

- 1) sexual activity for the sake of pleasure alone;
- 2) conducted against the order of nature;

¹⁰ In metaphysical terms, it is *matter* awaiting the *form* of the moral act.

¹¹ Pius XI, *Casti Connubii* [31.12.1930]; Paul VI, *Humanae Vitae* [25.7.1968]. This is the case even if either should seek by means of such instrument to avoid the parallel evil of transmission of venereal infection, as to which, see below.

- 3) using an instrument to circumvent the sanction which is the natural consequence of commission of the first and the second.

There is malice in the unnatural way in which the sin is committed; added malice in the use of a condom in the endeavour to avoid the natural sanction.

An age which has become hardened to self disfigurement and bodily abuse and blinded to their malice will have difficulty accepting that a 'condom' is something whose ordination (as 'condom') is intrinsically evil. That is not a problem with objective truth: it is a problem for those who have abandoned the path of moral rectitude. Our bodies are not our own to do with as we please. They are only to be used in accordance with the rule of morals, and for the uses we make of them we will be called to account. Pope Pius XII dealt with the issue definitively—

“[T]he principle is inviolable. God alone is the Lord of man’s life and bodily integrity, his organs, members and faculties, particularly those which are instruments associated in the work of creation.”¹²

It may be objected that a 'condom' is simply a species of prosthesis. A prosthesis is an artificial part designed to assist the body to perform its natural functions or to supply for a bodily defect. Its licitness, indeed its only justification, is that its ordination is for the good of the body, and so of the person. Of such sort are false teeth, spectacles, and artificial limbs. But a 'condom' operates in the very opposite way to a prosthesis: it is a sort of anti-prosthesis, designed to interfere with the way God has made our bodies. In that interference lies its illicitness. This may be seen when its use is considered in the light of the *Principle of the Double Effect*.¹³

IV

It is not licit to do an act wherefrom flow two effects, one good, the other evil, unless four conditions are fulfilled—

1. The act itself is good, or at least morally neutral;
2. The good effect alone is intended;
3. The good and evil effects flow at least with equal immediacy from the act, and not the evil effect prior to the good; and,
4. The good lost by the evil effect does not outweigh that of the good effect.

1. *The act is good.*

What is the act? The use of a 'condom' in the act of unnatural sexual intercourse.¹⁴ Is such an act a good act? Neither with, nor without, the impediment is it good because

¹² *Allocution to the Fourth International Congress of Surgeons, May 20, 1948.*

¹³ The principle is contained in the teaching of St Thomas on whether it is lawful to kill in self defence. “Moral acts,” he says, “take their species according to what is intended, and not according to what is beside the intention, since this is accidental...” *Summa Theologiae* II-II, q. 64, a. 7.

¹⁴ The fitting of the device is not to be treated as if this was hardly different to putting gloves on the hands, or shoes on the feet. The fitting is but the *matter* of that act, and the peril for modern thinkers blinded as they are by materialism, is to regard its *matter* as the whole of the act. It is not. Of infinitely greater importance is the *form* of the act. This is specified by the *end* for which the act is done. Gloves are not placed on the hands without a reason, nor are shoes on the feet. Likewise, a 'condom' is not fitted without a reason. In each case it is the reason which gives the act its formal character. Insofar as the act—the whole act, *matter* and *form*—conforms with the rule of morals, it is good; insofar as it is disconformed to that rule it is evil.

the act, carried out purely for sexual gratification, is against the order of nature. The failure of this, the first of the four conditions, is sufficient to condemn the act as illicit. For the more perfect demonstration of the evils involved, however, we will proceed to consider the three further conditions.

2. *The good effect alone is intended.*

What is the good effect of the act of impeded unnatural intercourse? The *allegedly* good effect is the prevention of the transmission of viruses such as AIDS, the incident of promiscuous sexual activity. Whether such means can ever be an effective preventative for such transmission is beside the point. Is this the only effect intended? It is not. An evil effect, the enjoyment of sexual pleasure in the unnatural act, is also intended. It follows that this second condition is not fulfilled either.

3. *The good and evil effects flow at least with equal immediacy...but not the evil prior.*

By 'immediacy' here is not meant *temporal*, but *ontological*, immediacy—i.e., immediacy not in the order of time, but in the order of reality.¹⁵ The two effects do not flow at least with equal immediacy. The evil effect, the perversion of the natural order, is ontologically prior to the alleged good, the prevention of the transmission of the virus. Hence, neither is this condition fulfilled.

4. *The good lost by the evil effect does not outweigh the good of the good effect.*

The good lost by the evil effect is objectively infinite in that the one who performs it places himself in a state of eternal perdition. The allegedly good effect, the prevention of attack of the virus, is but a relative good for, in the first place, it is conditional and, in the second, it goes only to the good of the body, a material, and therefore, limited good and that at the expense of the soul which is eternal.

V

Once these distinctions are made, the shortcomings in the article by Martin Rhonheimer in the edition of 10th July 2004 of *The Tablet*, entitled *The Truth about Condoms*, become manifest. The principle according to which he proceeds is the subsidiary principle of harm minimisation. This has no place in the Church's moral lexicon when it conflicts with the principles of theology and of the moral law. The first theological principle is that of charity—*Love God first above all things, and love your neighbour as yourself*. The first moral principle, in the form of its first corollary, is this—*It is not licit to do evil that good may come of it*. Any use of a 'condom', as 'condom', is immoral and against the law of God. It offends against both these primary principles and no appeal to 'harm minimisation' can save it.

Rhonheimer fails to understand the place of moral principle in respect of both *finis operis* and *finis operantis*. One may not choose an evil means, an instrument whose very use interferes with the natural order, to achieve a good end. Nor can a good intention on the part of the 'condom' user ever justify its use. It follows that his

¹⁵ For example, in the temporal order a man may be regarded as existing together with his shadow. But in the ontological order, the man is prior to his shadow. It cannot exist unless he first exists.

conclusion—the Church [cannot] possibly teach that people engaged in immoral lifestyles should avoid [condoms]—is in error.

And what of Pope Benedict's passing comments about the male prostitute 'condom' user in the interview published as *Luce del Mondo*? As has been said above, the use of a 'condom' in unnatural intercourse adds to the malice of the sin. How, then, could it be justified to say —

“There may be a basis in the case of some individuals, as perhaps when a male prostitute uses a condom, where this can be a first step in the direction of a moralisation...”

Or, as another translation has it—

“There can be individual cases that are justified, for example when a male prostitute uses a condom, and this can be the first step toward a moral sensitisation...”¹⁶

Or, as a third—

“I would say, if a (male) prostitute uses a condom, that can be the first act towards a moralisation, a first step to responsibility, toward developing a consciousness that not everything is permitted...”¹⁷

The only justification possible derives from the metaphysical distinction between what is *essential* and what is *accidental*. An act may be evil *per se* yet result *per accidens* in some good. The murder of a man, evil in itself, may bring in train some salutary good, such as the conversion of soul of a witness. But just as this accidental good could never justify the killing of the innocent man, neither can an accidental good justify the appalling abuse of the natural order involved in the use of a 'condom'.

The Pope's indiscriminate mixing of the subjective with the objective, and the failure to make clear this distinction has led some to say that the Pope's view permits one to endorse Rhonheimer's erroneous opinions. Here is testimony enough of problems the Pope's words have created.

VI

The toleration of Rhonheimer's opinions implicit in the failure of the Vatican to correct him is of a piece with its toleration implicit in the failure to correct the equally erroneous interpretation of Pope John Paul's teaching in *Evangelium Vitae* n. 73 by Rhonheimer's fellow academic, Professor Angel Luño. At root, each academic advances the moral fallacy *that in certain cases one may do evil that good may come of it*. If that principle is once allowed free rein, the Church's moral teaching will be destroyed.

These are worrying times for Christ's faithful people.

¹⁶ The original German text is reproduced at <http://chiesa.espresso.repubblica.it/articolo/1345667?eng=y> and runs as follows: "Die bloße Fixierung auf das Kondom bedeutet eine Banalisierung der Sexualität, und die ist ja gerade die gefährliche Quelle dafür, dass die Menschen in der Sexualität nicht mehr den Ausdruck ihrer Liebe finden, sondern nur noch eine Art von Droge, die sie sich selbst verabreichen. Deshalb ist auch der Kampf gegen die Banalisierung der Sexualität ein Teil des Ringens darum, dass Sexualität positiv gewertet wird und ihre positive Wirkung im Ganzen des Menschseins entfalten kann. Ich würde sagen, wenn ein Prostituerter ein Kondom verwendet, kann das ein erster Akt zu einer Moralisierung sein, ein erstes Stück Verantwortung, um wieder ein Bewusstsein dafür zu entwickeln, dass nicht alles gestattet ist und man nicht alles tun kann, was man will. Aber es ist nicht die eigentliche Art, dem Übel beizukommen. Diese muss wirklich in der Vermenschlichung der Sexualität liegen".

¹⁷ Translation proposed by James Bogle, cf. <http://chiesa.espresso.repubblica.it/articolo/1345781?eng=y>

PART TWO

“[W]hile the article drew public criticism, mainly from colleagues in moral theology, I was informed that the *Congregation of the Doctrine of the Faith*, then headed by Cardinal Ratzinger, had no problem with it or its arguments.”

Martin Rhonheimer¹⁸

VII

Some may have regarded the views expressed in the first part of this article as too critical of the attitude of the Vatican dicasteries on moral questions. Those views have been borne out, however, by another of the objects of that criticism, the moral theologian Professor Martin Rhonheimer speaking of his controversial article in *The Tablet* of 10th July 2004, in a commentary published on the *chiesa* website on 11th December 2010.

Rhonheimer says he wrote that article in response to views advanced by Hugh Henry, then education officer with London’s Linacre Centre, in a previous edition of *The Tablet*.¹⁹ According to Rhonheimer, Henry had argued that the use of a ‘condom’ by prostitutes or in homosexual acts, even exclusively to prevent the infection of one’s sexual partner,—

“fails to honour the fertile structure that marital acts must have, cannot constitute mutual and complete self giving and thus violates the sixth commandment.”

Against this, Rhonheimer argued—

“But this is not the teaching of the Catholic Church. There is no official magisterial teaching... about condoms... Condoms cannot be intrinsically evil; only human acts; condoms are not human acts, but things...”

From what Rhonheimer has to say in his *chiesa* commentary, however, it would seem that Henry was arguing against the view of Godfried Cardinal Danneels, then Archbishop of Malines-Brussels, premised on the supposition of a refusal by a person infected with HIV to abstain from intercourse, that he had a duty to protect his sexual partner by using a ‘condom’ lest he be guilty of a breach of the fifth commandment. It was the gratuitous comment of *The Tablet’s* then editor, Austen Ivereigh, mocking Henry’s view as inappropriate to address the issue of the protection of a prostitute from contracting the virus from a ‘client’ carrier, that Rhonheimer sought to address in his article.

Henry was right to say that the use of the device fails to honour the fertile structure proper to marital acts, and right to say that it constituted a breach of the sixth commandment. But a more universal principle than the prohibition against contraception is necessary to address the greater evil of sexual perversion. This was enunciated by Pope Pius XII and quoted in the first part of this article—

“God alone is the Lord of man’s life and bodily integrity, his organs, members and faculties, particularly those which are instruments associated in the work of creation.”²⁰

¹⁸ Cf. *On the condom and AIDS, the Pope has come down from the Cathedra*, on the *chiesa* website at <http://chiesa.espresso.repubblica.it/articolo/1345909?eng=y>

¹⁹ Hugh Henry is now editor of the Australian Catholic journal, *Fidelity*.

²⁰ *Allocution to the Fourth International Congress of Surgeons*, May 20, 1948.

The answer to the questions posed is simple: if the use of a condom is intrinsically evil, that use cannot be justified by any good that may result.

If Rhonheimer had not been caught up with subsidiary principle rather than charity and the moral law, he would have acknowledged Henry's point about the sixth commandment. His assertion that there is no official magisterial teaching about 'condoms' is inaccurate. The condemnation of the device is implicit in the teachings of the popes. It is implicit also in the text books of moral theology of the mid 20th century dealing with external sins against chastity.²¹ His assertion is accurate, however, insofar as it contends that nothing has issued from the Vatican authorities on the topic since John XXIII's ascension of the papal throne. This is a grave failure of attention in an era when the use of the device has become epidemic.

Rhonheimer remarks—

“Condoms cannot be intrinsically evil, only human acts; condoms are not human acts, but things...”

This is partly right and partly wrong. Any thing, whether natural or artificial, insofar as it is a being, is good because it was created by God. Hence, nothing natural can ever be intrinsically evil. But an artificial thing can be so devised that its purpose is intrinsically evil. Of such is the 'condom' when used as designed. Hence, using the analogy of attribution, it *can* be said that the 'condom' is intrinsically evil.²²

VIII

Having made the point that, if one speaks rigorously (rather than analogically), only human acts can be intrinsically evil, Rhonheimer seems to confine the category to acts which are contraceptive.

“But what of promiscuous people, sexually active homosexuals, and prostitutes? What the Catholic Church teaches them is simply that they should not be promiscuous, but faithful to one single sexual partner; that prostitution is a behaviour which gravely violates human dignity, mainly the dignity of the woman, and therefore should not be engaged in; and that homosexuals, as all other people, are children of God and loved by him as everybody else is, but that they should live in continence like any other unmarried person. But if they ignore this teaching, and are at risk from HIV, should they use condoms to prevent infection? The moral norm condemning contraception as intrinsically evil does not apply to these cases...”

The reader will observe here, first, that he mistakes the Church's teaching; then, that he lumps together various sinful activities as if there was no distinction between their respective causes.

The Church *does not* teach that the promiscuous should be faithful to one sexual partner. She teaches that there is only one licit use of the sex act, that between a man and a woman united conjugally in marriage. Fornication, even with one only sexual partner, is sinful because it rejects the institution which God has established and, in doing so, betrays the dignity of each of the participants. On the other hand, sexual activity between those of the same sex is sinful because it is a perversion of the sexual

²¹ Cf., e.g., Henry Davis, *Moral and Pastoral Theology*, London, 1952, Eighth ed. Vol. II, pp. 200-254. Sensitive to the degrading effect of the discussion of sexual perversion on their readers, the moral theologians of the time took the precaution of issuing their teaching on the more morbid aspects in Latin.

²² In the same way might we call life in a sunny climate 'healthy' because it contributes to health.

powers given to each by God. Such activity is intrinsically disordered, and hence intrinsically evil. It is not contraceptive (in the sense that it prevents what could result in new life); it is perverted.

In the next sentence he appears to contradict himself—

Nor can there be church teaching about this; it would be simply nonsensical to establish moral norms for intrinsically immoral types of behaviour...”

What is he speaking of here except homosexual and other perverted sexual behaviour? If the Church can lay down norms about the intrinsic evil of contraception, why “would [it] be simply nonsensical” to assert that the Church has authority to do the same about these intrinsic evils? Christ’s Church is able to rule on any and every evil to which man is subject: no human perversion is beyond her compass.

However, a perusal of his *chiesa* commentary reveals that what Rhonheimer meant was this—

“There are contexts in which moral orientations completely lose their normative significance because they can at most lessen an evil, not be directed to the good...”

And he cites as instance—

“The only thing the Church can possibly teach about rape... is the moral obligation to completely refrain from it, not how to carry it out in a less immoral way.”

Perhaps not. But the Church can certainly teach about the grades of evil, and how some additional feature may add to the evil committed. Moreover, she is bound to warn those who contemplate such conduct accordingly.

IX

Almighty God established a setting—fixed and immutable; ordered and ordained—in which He placed man, the most noble of His material creatures. So long as he lives in accordance with that order and setting, man is happy. Whenever he departs from that order, he suffers.

The prophet Job said *Naked I came into the world, and naked I shall return...* [Job 1: 21] The critical word in this text is *naked*: for the word signifies that order and setting. *What do you have that you have not been given?* St Paul asked rhetorically [1 Corinthians 4: 7]. The critical word in this text is *given*: for (again) the word signifies that order and setting. The Roman poet Horace [65-8 BC] wrote in his epistles: *Naturam expelles furca, tamen usque recurret.*²³ The critical word in this text is *naturam*: for (yet again) the word signifies that order and setting. The root *na-* means ‘given’. We are born in the *na-*: we live in the *na-*: we are, at once, determined and yet free, in the *na-*. There is nothing that we have, down to the very air we breathe, that has not first been given us through the medium of nature.

Of this immense reality, St Thomas says profoundly: *Res naturalis inter duos intellectos constituit.*²⁴—“The natural thing is established between two intellects.” The Uncreated Intellect has placed before man (the created intellect) for his edification, nature, that—

²³ You can drive nature out with a pitchfork, she will always return. *Epistles I, x*

²⁴ *De Veritate I, 2*

“from the good things he sees, he is enabled to discover Him who is; and by studying the works, he is able to recognise the Artificer...”²⁵

The modern world is besotted with nature at the *material* level; and lives in a state of fundamental denial, even terror, of nature at the *formal* level. For to acknowledge nature’s *formality* would entail tacit acknowledgement of its *finality*.²⁶ And there can be no *finality*, no *end* in nature, without an intellect that intends that end. And the acknowledgement of such an intellect means one must accept the existence of God. And from this, the modern world has long since turned its face away.

Every human act affects a man’s ultimate destiny, as we remarked in the first part of this article. Man does not exist *sui juris*, as modern philosophers like to think, but subject to the demands of that setting in which God has established him: and not simply demands, but ordinations. For nature has indelible laws whose breach brings inevitable consequences, evidenced in the aphorism —

“God always forgives; man sometimes forgives; but nature never forgives.”

Now, the penalty that a law imposes to preserve the order it mandates is called a *sanction*, a word rooted in the wisdom of our Roman fathers; for it is derived from the Latin verb *to make holy*.

If men ignore the natural order in which God establishes them and ignore the Church’s teaching which codifies that order, they incur the sanctions that nature imposes spontaneously to punish its abuse. Each such sanction is ordained for the sinner’s correction, that he might throw off his evil ways, confess his sins and return to a state of innocence, and union with the God Who made him.

X

The first, and most important, of these sanctions is eternal perdition. He who engages in illicit sexual activity, loses the possibility of eternal beatitude in the moment he consents to the sin. In that moment of embrace of the will, he is damned. And he will be so eternally should he die before undergoing conversion of heart. This primary sanction manifests itself in disturbance of conscience and disorder of soul. The sinner suffers, additionally, a weakening of will manifest in reduction of self control in sexual matters; a weakening of the intellect in both speculative and practical judgements; and the burden of vice (evil habit) which affects his behaviour and inclines him to things yet more degraded. In a moment of introspection he may admit to himself that he lives not so much like a man as a beast. His state recalls that recited in parable by Christ our Lord —

[T]he younger son... left for a distant country where he squandered his money on a life of debauchery. When he had spent it all, that country experienced a severe famine and he began to feel the pinch; so he hired himself out to one of the local inhabitants who put him on his farm to

²⁵ A paraphrase of *Wisdom 13: 1* whose text mocks those who refuse to acknowledge the reality:

“Naturally stupid are all men who have not known God and who, from the good things that are seen, have not been able to discover Him who is; or by studying the works, have failed to recognise the artificer...”

²⁶ For *formality* follows on *finality*. What something is, its essence, quiddity or nature, is determined by *the end* for which it exists. Even in artificial things this principle applies, as the form of the artificial reality, *bridge*, is determined by the end which it is intended to serve, to enable the passage from one side to another across a gulf, of people, on foot or in conveyances.

*feed the pigs. And he would willingly have filled his belly with the husks the pigs were eating but no one offered him anything...*²⁷

But the sanctions of the natural law are not only these non-material, or *immaterial*, ones (using that word in its proper meaning); there are also *material* sanctions, signified in the parable by the famine that afflicted the prodigal son. Among the *material* sanctions that afflict the sexually debauched are the physical *sequelae* of disturbance of the psyche and the internal senses, and venereal diseases such as syphilis, gonorrhoea and HIV/AIDS.

Now, while the sinner who persists in his sins cannot hope to avoid the *immaterial* sanctions, he can try and avoid the *material* ones.²⁸ This is the context in which the morally defective and their advisers attempt to justify the use of the 'condom' in illicit sexual behaviour. One who uses one of these devices, since he seeks to avoid the natural sanction, compounds the offence he commits. He sets himself against correction, willing to have the sinful pleasure while taking pains to avoid the penalty. He hardens his soul against contrition and conversion to the good; he acts with malice.

One who sins through malice, rather than through passion, St Thomas teaches, is ill disposed in respect of the end of his conduct, since malice signifies the application of willed attention. Now *end* has the character of a principle, *that wherefrom something proceeds*, as Aristotle teaches in the *Metaphysics*.²⁹ But a defect of principle is the worst of all defects, for everything that flows from the principle is affected by it. Therefore a sin committed through malice is worse than one committed through passion.³⁰ Hence, the use of a 'condom' in illicit sexual activity adds grievously to the evil committed.

Once this is understood, it can be seen how defective is the argument that the use of such a device by one who persists in engaging in such behaviour ostensibly to protect the party with whom he commits it "may be a first step to responsibility, (or moralisation)". Such an argument involves the assertion that one may do evil that good may come of it. The reader will understand immediately how crucial is this judgement. We will return to it.

XI

Rhonheimer goes on in his *Tablet* article to argue—

"Equally, a married man who is HIV-infected and uses the condom to protect his wife from infection is not acting to render procreation impossible, but to prevent infection. If conception is prevented, this will be an—unintentional—side effect and will not therefore shape the moral meaning of the act as a contraceptive act... "

This is a specious attempt to invoke the *Principle of the Double Effect* in aid of the subsidiary principle of harm minimisation at the expense of the moral law. The principle of morals is not, *First ensure that you avoid harm: it is, Do good; avoid evil.* A

²⁷ *Luke* 15: 13-16

²⁸ For instance, by taking drugs to correct psychological imbalance.

²⁹ *Metaphysics* I

³⁰ *Summa Theologiae* I-II, q. 78, a. 4. In fact St Thomas says there are *three* reasons why a sin committed through malice is the more grievous. The reason referred to here seems the most telling of the three.

correct analysis of the application of the *Principle of the Double Effect* under the moral law in respect of impeded natural intercourse is as follows.³¹

The principle—It is not licit to do an act wherefrom flow two effects, one good, the other evil, unless four conditions are fulfilled—

1. The act itself is good, or at least morally neutral;
2. The good effect alone is intended;
3. The good and evil effects flow at least with equal immediacy from the act, and not the evil effect prior to the good; and,
4. The good lost by the evil effect does not outweigh that of the good effect.

1. *The act is good.*

What is the act? The use of a ‘condom’ in the act of natural sexual intercourse. Is such an act a good act? Without the impediment, the act is not only good, but mandated for those who are conjugally united. With the impediment the act is incapable of achieving its end, the possibility of procreation, and is therefore evil.³² Indeed, since acts are specified by their ends, and the end in such an act—pure sexual gratification—differs from the end of natural intercourse between spouses, it is a different act.³³ The failure of this, the first of the four conditions, is sufficient to condemn the act as illicit.

2. *The good effect alone is intended.*

What is the good effect of the act of impeded natural intercourse? The *allegedly* good effect is the prevention of the transmission by the husband of his wife with the HIV virus. Is this the only effect intended? It is not. Another effect, the enjoyment of sexual pleasure is also intended *with the procreative order of nature excluded*. The husband cannot ignore the *finis operis*, the consequences of the operation of the instrument he uses³⁴, by pretending preoccupation with his own end (*finis operantis*), *and those consequences are contraceptive*. The second condition is not fulfilled.

3. *The good and evil effects flow at least with equal immediacy...but not the evil prior.*

On the hypothesis of the effectiveness of the ‘condom’, neither the ordination of the natural act, nor the transmission of the virus can occur. That is, the good and the evil effects flow at least with equal immediacy. Thus, the third condition is fulfilled.

³¹ The parallel analysis of the application of the *Principle* in the case of *unnatural* sexual intercourse appears in the first part of this article.

³² Pius XI, *Casti Connubii* [31.12.1930]; Paul VI, *Humanae Vitae* [25.7.1968].

³³ In the argument on the application of the *Principle of the Double Effect* in our earlier paper, we asserted the act under consideration was “The use of a condom in the act of unnatural sexual intercourse.” One questioner has queried whether there are not in fact two acts, rather than one, the act of intercourse, and the act of wearing a ‘condom’. There is only one act. The performance of an act of unnatural intercourse is really different from the performance of an act of unnatural intercourse using a ‘condom’, as the performance of the act of walking down a public street by a man fully clothed is really different from the performance of that act by a man naked. The distinction between the two in each instance is found in the accident *habitus*. Nine accidents qualify every material substance, viz., *quantity, quality, relation, when, where, action, passion, habitus* and *situs*. Cf. Aristotle, *Metaphysics*, 7: St Thomas, *Commentary on the Metaphysics of Aristotle*, Bk. V, 9, 886 et seq.

³⁴ On the distinction between *finis operis* and *finis operantis*, see section II, part one, *The Pope and the Question of Condoms*.

4. *The good lost by the evil effect does not outweigh the good of the good effect.*

The good lost by the evil effect is objectively infinite, the possibility of creation of a human life. The good effect, the prevention of transmission of the virus, is a relative good for it is conditional and it goes only to the good of the body, a material, and therefore, limited good. The fourth condition is not fulfilled.

Accordingly, the act is illicit and Rhonheimer's assertion is false.

XII

He makes this further statement—

“There may be other reasons to warn against the use of a condom in such a case, or to advise total continence, but these will not be because of the Church's teaching on contraception but for pastoral or simply prudential reasons—the risk, for example, of the condom not working. Of course, this last argument does not apply to promiscuous people, because even if condoms do not always work, their use will help reduce the evil consequences of morally evil behaviour.”

It is patent that Rhonheimer is a materialist. While paying lip service to the Church's teaching as to the eternal worth of the individual person, he regards the evil consequences of evil behaviour as primarily *material*, rather than *immaterial*. His approach allows the limited values of this present life to take precedence over the infinite value of the person created in the image and likeness of God. That infinite value demands that the eternal welfare of the prostitute, the homosexual, be given pre-eminence by the moral theologian over every other consideration *in every instance*.

Not only is Rhonheimer wrong here, he is doubly wrong. Far from “help[ing] to reduce the consequences of morally evil behaviour”, the use of a ‘condom’ *adds to* those evil consequences in that it makes the return of the sinner to moral rectitude more difficult as he strays the further from its path. Moreover, since those consequences occur at the *immaterial* level, they are infinitely more significant than any hoped for reduction of evil at the *material* level.

In his *chiesa* commentary, Rhonheimer says this—

“What the Linacre Centre proposed as the authentic catholic position was that there exists a moral obligation for unchaste people engaging in sinful sexual acts at least to abstain from using condoms—so as to avoid a further sin against the sixth commandment and therefore to render their sinful acts less sinful, even if they thereby will infect other people or themselves with a deadly disease. Such an argument makes people falsely believe that it is the Church's teaching on contraception which leads to such counter intuitive consequences... but that teaching does not apply in such circumstances...”

That the Linacre Centre was right in its conclusion—if wrong in the authority on which it sought to rely—appears from the application of the principles set out above.

1. A person who engages in illicit sexual acts commits a grave sin.
2. One who in the course of so doing uses a ‘condom’ adds to the gravity of the sin he commits.
3. It is no justification that he may achieve some good in using it, because it is not licit to do evil that good may come of it. This is the case even if the

good he intends may be the preservation of the other party from infection with a deadly disease.

4. In the event that the offence occurs in a natural sexual act (i.e., between a man and a woman), the sin is fornication, and the use of a 'condom' constitutes the sin of contraception, for the *finis operis* of the device—which the agent adopts—is contraceptive.
5. In the event that the offence occurs in an unnatural sexual act, the sin is sodomy (or one of its variants), and the use of a 'condom' constitutes an act of added malice, for the *finis operis* of the device—which the agent adopts—serves to avoid the natural material sanctions of the sin.

The above points solve each of the difficult cases Rhonheimer puts forward, as well as Cardinal Danneels' bizarre suggestion.

XIII

This final quote from *The Tablet* article confirms Rhonheimer's materialism.

"Stopping the worldwide AIDS epidemic is not a question about the morality of using condoms, but about how to effectively prevent people from causing the disastrous consequences of their immoral behaviour. Pope John Paul II has repeatedly urged that the promotion of the use of condoms is not a solution to this problem because he holds that it does not resolve the moral problem of promiscuity. Whether generally, campaigns promoting condoms encourage risky behaviour and make the AIDS pandemic worse is a question for statistical evidence which is not yet easily available. That it reduces transmission rates in the short term among highly infective groups like prostitutes and homosexuals is impossible to deny. Whether it may decrease infection rates among 'sexually liberated' promiscuous populations or, on the contrary, encourage risky behaviour, depends on many factors."

We do not need to waste time proceeding *a posteriori* when, through His Church, Christ has provided us *a priori* with the essential principles to solve the problem.³⁵ Since the 'condom' is intrinsically evil, it is *morally impossible* that the solution to the problem can ever be achieved by means of it.

As we have explained above, the consequences of immoral behaviour are but elements of the sanction that Divine Providence imports to correct sinful men. There is only one way to avoid those consequences: the behaviour must cease, or at least be substantially curtailed. One institution on earth alone is capable of achieving in the hearts of men that conversion, the Catholic Church—because it is of God. The Catholic bishops of Uganda have amply demonstrated the effectiveness of the Church's teaching among their flocks with their appeal to men to be men and not weaklings, and abstain from immoral sexual behaviour.

It is only through the salutary influence of the Church that the AIDS epidemic will be curtailed.

But the operation of that influence has just received its worst possible setback.

³⁵ Conclusions reached *a posteriori*, that is, proceeding from observed effects to a cause, can rarely arrive at absolute certitude, as one can never be sure that sufficient instances of the relevant effects have been gathered. On the other hand, conclusions reached *a priori*, that is, proceeding from cause to effect, provide a certitude identical with the certitude of the cause, because the effects are simply corollaries of the cause.

XIV

From what has been said above it is demonstrable that Pope Benedict XVI has erred in the opinion he expressed on the issue of the use of ‘condoms’ in his interview with journalist, Peter Seewald. Because sexual immorality has become epidemic throughout the world, that opinion is capable of causing immense scandal.

No pope is indefectible: he can err. This is the reason the *Vatican Council* laid out in the Decree *Pastor Aeternus* [18.7.1870] the precise circumstances that must obtain in order that when a pope speaks he *does not* err. The Dominican, Melchior Cano, theologian to the Fathers of the Council of Trent, summarised the issue before us:

“Peter has no need of our lies or flattery. Those who blindly and indiscriminately defend every decision of the supreme Pontiff are the very ones who do most to undermine the authority of the Holy See—they destroy instead of strengthening its foundations.”³⁶

We are bound, then, in accordance with the teaching of the Church’s Angelic Doctor, to correct in charity even so eminent a figure as the Pope.

“A subject is not competent to administer to his prelate the correction which is an act of justice through the coercive nature of punishment: but the fraternal correction which is an act of charity is within the competence of everyone in respect of any person towards whom he is bound by charity...”³⁷

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Principal

His Holiness, Pope Benedict XVI, should forthwith withdraw the opinion he has expressed that the use of a ‘condom’ (by a male prostitute) “may be a first step to responsibility (or moralisation)”³⁸, and publish that withdrawal as extensively, and in as many languages, as its publication in the book *Luce del Mondo*.

Ancillary

His Holiness should, moreover, forthwith direct that the license to teach in any Catholic institution of Professor Martin Rhonheimer be suspended pending an acknowledgement in acceptable terms by that moral theologian that he has corrected his views in line with the mind of the Catholic Church.

Michael Baker

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³⁶ Quoted in George Weigel, *Witness To Hope: The Biography of Pope John Paul II*, London, 2005, p. 15.

³⁷ *Summa Theologiae* II-II, 33, 4.

³⁸ “Ich würde sagen, wenn ein Prostituiertes ein Kondom verwendet, kann das ein erster Akt zu einer Moralisierung sein, ein erstes Stück Verantwortung, um wieder ein Bewusstsein dafür zu entwickeln, dass nicht alles gestattet ist und man nicht alles tun kann, was man will.”