

# THE POPE AND THE QUESTION OF 'CONDOMS'

## 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 Rhonheimer<sup>1</sup>

## 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 10<sup>th</sup> July 2004, in a commentary published on the *chiesa* website on 11<sup>th</sup> 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*.<sup>2</sup> 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

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<sup>1</sup> 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>

<sup>2</sup> Hugh Henry is now editor of the Australian Catholic journal, *Fidelity*.

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.”<sup>3</sup>

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 20<sup>th</sup> century dealing with external sins against chastity.<sup>4</sup> 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.<sup>5</sup>

## 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...”

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<sup>3</sup> *Allocution to the Fourth International Congress of Surgeons*, May 20, 1948.

<sup>4</sup> 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.

<sup>5</sup> In the same way might we call life in a sunny climate ‘healthy’ because it contributes to health.

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 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.*<sup>6</sup> 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.*<sup>7</sup>—"The natural thing is established between two intellects." The Uncreated Intellect has placed before man (the created intellect) for his edification, nature, that—

"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..."<sup>8</sup>

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*.<sup>9</sup> 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.

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<sup>6</sup> You can drive nature out with a pitchfork, she will always return. *Epistles I*, x

<sup>7</sup> *De Veritate I*, 2

<sup>8</sup> 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..."

<sup>9</sup> 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.

## 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 feed the pigs. And he would willingly have filled his belly with the husks the pigs were eating but no one offered him anything...*<sup>10</sup>

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.<sup>11</sup> 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*.<sup>12</sup> 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

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<sup>10</sup> Luke 15: 13-16

<sup>11</sup> For instance, by taking drugs to correct psychological imbalance.

<sup>12</sup> *Metaphysics* I

passion.<sup>13</sup> 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 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.<sup>14</sup>

*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.<sup>15</sup> 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.<sup>16</sup> The failure of this, the first of the four conditions, is sufficient to condemn the act as illicit.

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<sup>13</sup> *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.

<sup>14</sup> The parallel analysis of the application of the *Principle* in the case of *unnatural* sexual intercourse appears in the first part of this article.

<sup>15</sup> Pius XI, *Casti Connubii* [31.12.1930]; Paul VI, *Humanae Vitae* [25.7.1968].

<sup>16</sup> 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

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 uses<sup>17</sup>, 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.

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

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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.

<sup>17</sup> On the distinction between *finis operis* and *finis operantis*, see section II, part one, *The Pope and the Question of Condoms*.

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.<sup>18</sup> 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.

#### 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<sup>th</sup> July 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."<sup>19</sup>

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.

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<sup>18</sup> 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.

<sup>19</sup> Quoted in George Weigel, *Witness To Hope: The Biography of Pope John Paul II*, London, 2005, p. 15.

“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...”<sup>20</sup>

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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)”<sup>21</sup>, 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

December 19, 2010—*Fourth Sunday of Advent*

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<sup>20</sup> *Summa Theologiae* II-II, 33, 4.

<sup>21</sup> “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.”