

# THE POPE AND THE QUESTION OF 'CONDOMS'

## 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 2003<sup>1</sup>, 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.<sup>2</sup>

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<sup>1</sup> *Doctrinal Note On Some Questions Regarding The Participation Of Catholics in Political Life*, 16. 1. 2003.

<sup>2</sup> Cf., the author's *The Loss of Metaphysics* at [http://www.superflumina.org/PDF\\_files/metaphysics.pdf](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...”<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

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

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<sup>3</sup> Impromptu Address to the priests of Aosta, July 29, 2005.

<sup>4</sup> Through a formal *Responsum ad Dubium* dated October 28, 1995.

<sup>5</sup> 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](http://www.superflumina.org/PDF_files/essential_encyclical.pdf)

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 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.<sup>6</sup>

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.<sup>7</sup> 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

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<sup>6</sup> Though artificial things do not strictly have essence.

<sup>7</sup> 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.

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.<sup>8</sup> His act of shooting the rifle involves him—whether he likes 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.<sup>9</sup> 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.<sup>10</sup> The sin is single—

- 1)       contraception.

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<sup>8</sup> 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.

<sup>9</sup> In metaphysical terms, it is *matter* awaiting the *form* of the moral act.

<sup>10</sup> 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.

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;
- 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.”<sup>11</sup>

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*.<sup>12</sup>

#### 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;

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<sup>11</sup> *Allocution to the Fourth International Congress of Surgeons*, May 20, 1948.

<sup>12</sup> 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.

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.<sup>13</sup> Is such an act a good act? Neither with, nor without, the impediment is it good because 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.<sup>14</sup> 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 10<sup>th</sup> July 2004 of *The Tablet*, entitled *The Truth about*

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<sup>13</sup> 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.

<sup>14</sup> 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.

*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 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..."<sup>15</sup>

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..."<sup>16</sup>

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'.

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<sup>15</sup> 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 Moralisation 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".

<sup>16</sup> Translation proposed by James Bogle, cf. <http://chiesa.espresso.repubblica.it/articolo/1345781?eng=y>

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.

Michael Baker

7<sup>th</sup> December 2010—45<sup>th</sup> Anniversary of the proclamation of *Dignitatis Humanae*, the final Document of the Second Vatican Council