

## On condoms, has the Vatican rejected the Pharisees?

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By JOHN L. ALLEN JR.

While it's no secret that many liberal Catholic theologians have long questioned church teaching on birth control, an equal-and-opposite row among conservatives has often flown below radar. In those circles, the question isn't so much whether devices such as condoms ought to be embraced, but whether they're so intrinsically evil that they necessarily add an element of sin to any sexual act.

Some prominent Catholic observers say that question has now been settled by the Vatican, and in a way that pulls the rug out from under some of the church's most unyielding pro-life voices.

English Catholic writer Austen Ivereigh claimed in an analysis yesterday for *America* magazine that the Congregation for the Doctrine of the Faith has, in effect, rejected what he called a "Pharisaical" position on condoms that Ivereigh associates primarily with "pro-life ultras in the English-speaking world."

In a similar vein, Italian Vatican writer Sandro Magister wrote that hard-liners "cannot help but be disappointed" by what the doctrinal congregation has said.

Both writers were reacting to a clarification issued Tuesday by the Congregation for the Doctrine of the Faith regarding Pope Benedict XVI's recent remarks on condoms in a book-length interview, in which the pope said that in some circumstances, such as prostitution, use of a condom to prevent HIV/AIDS may represent a "first step" towards moral responsibility. Ivereigh noted that the congregation's statement increases the level of authority involved, since papal replies to a journalist don't count as official church teaching.

By way of background, the debate in conservative circles often breaks down like this: In cases involving sex outside of marriage, such as prostitution or homosexuality, does the use of a condom compound the sin? That is, if any use of a condom is "intrinsically evil," does someone having extra-marital sex with a condom actually commit a greater sin?

In various forms, that position has been advocated by influential Catholic moralists such as Luke Gormally, former head of the Lineacre Centre in the U.K.; Janet Smith, a professor at the Sacred Heart Seminary in Detroit; and Steven Long, of Ave Maria University in Florida.

Or, does the moral problem with a condom reside not fundamentally in the physical object, but in the intent with which it's used? By that logic, use of a condom to prevent transmission of HIV/AIDS, for instance, would not render sex outside of marriage licit, but it could reduce the evil effects of the sin.

That view has been most prominently sketched by Opus Dei Fr. Martin Rhonheimer, a Swiss theologian who teaches at Rome's Santa Croce University.

While clearly stating that the pope's words mark no change in Catholic teaching on contraception, the

clarification nonetheless asserted that "anyone who uses a condom in order to diminish the risk posed to another person is intending to reduce the evil connected with his or her immoral activity." It also said that use of a condom in the context of prostitution, which was the case cited by the pope, would avoid adding a sin against the fifth commandment (murder) to one against the sixth (adultery).

In effect, Ivereigh wrote, that amounts to a vindication for Rhonheimer and a defeat for the "ultras." His analysis can be found here: [http://www.americamagazine.org/blog/entry.cfm?blog\\_id=2&entry\\_id=3703](http://www.americamagazine.org/blog/entry.cfm?blog_id=2&entry_id=3703)

Magister's piece is here: <http://chiesa.espresso.repubblica.it/articolo/1346021?eng=y>

Early reaction among theologians would appear to be that even if the Vatican statement may not be completely definitive, it has nevertheless given a significant boost to the moderate camp.

"Until six or seven years ago, most theologians thought the church's position was that condoms always make things worse, and you shouldn't use them," said John Berkman, a Catholic ethicist at Toronto's Regis College.

"Clearly there is some kind of evolution going on," he said.

Similarly, Cathleen Kaveny of Notre Dame said the Vatican statement "clearly undermines the view that the use of a condom makes every sexual act morally worse."

In fact, Berkman said, the view that devices such as condoms are always intrinsically evil had already been undercut by a Vatican ruling in the 1960s which authorized religious women in war-torn areas of Africa, who were at risk of being raped, to use diaphragms.

"Anytime you claim that a physical object and its use is somehow always wrong, you're necessarily going to come up against counter-examples," he said. Morality, he said, must also take account of "intentionality, purposes, and usages."

Kaveny said she recognizes the concern for scandal expressed by Smith and others, such as that even a small concession on condoms might lead people to think the church is somehow saying that sex outside marriage is okay as long as protection is used.

Nevertheless, Kaveny said, the right antidote to scandal is "better explanation," not short-circuiting the complexity of moral reflection.

Experts noted that the congregation's statement does not address several related questions, potentially with far-reaching consequences. Most notable would be the issue of a married couple where one partner is HIV-positive and other is not, and whether the use of a condom to prevent disease in that situation could be not only less sinful, but actually morally permissible.

William Mattison of the Catholic University of America expressed hope that the ferment created by the pope's book will prompt "a rich conversation among smart people knowledgeable on the tradition," such as both Rhonheimer and Smith, "trying to get this one right."

Mattison said what Benedict XVI seems to be doing is "redirecting the discussion to a richer understanding of the moral object, which both conservatives and liberals often mistake for simply the physical structure of the object."

Jesuit Fr. Michael Czerny, former director of the African Jesuit Aids Network and now an advisor to Cardinal Peter Turkson of Ghana, President of the Vatican's Pontifical Council for Justice and Peace, nonetheless struck a note of caution about styling condoms as a way to make a bad situation better.

"I do not think it helps to slip into the logic and rhetoric of harm reduction," Czerny said.

Czerny said he's sympathetic to the concerns of Smith and others that if the church says it's better for prostitutes to use condoms, then "how do we argue against making contraceptives easily accessible to fornicators, especially teenagers?"

Instead, Czerny said, the church ought to "teach abstinence and fidelity, in season and out," while also recognizing that it's up to the individual, after "exploring alternatives and informing one's conscience," to determine whether use of a condom might be "a step in a movement towards a different way, a more human way, of living sexuality."

That's not easy, Czerny said, "in a world which seems ever more liberal and permissive, but which is actually increasingly intolerant and rigid in its dominant culture, and prefers diktats from authority rather than the much more demanding exercise of genuine freedom, which requires both formation and information."

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