

# Real Sex or “Safe Sex”?

## The Impending Catholic Controversy

One of the first tasks that Pope Benedict XVI is likely to face is that of defending the teaching of the Church concerning the use of condoms in the war against HIV/AIDS. In the face of mounting calls for a change in policy at the close of his reign, the late John Paul II steadfastly refused to countenance any move away from the “abstinence only” traditional approach of the Church. However liberal Catholic organs such as the UK *Tablet* and the US *National Catholic Reporter* have been joined by an increasing number of leading Catholic churchmen of late in supporting secular calls for a “softening” of the Catholic stance. Among them are several Cardinals who were “papabili” – serious contenders in the papal conclave, and other influential figures including Cardinal Daneels of Belgium and, more worrisome, Cardinal Christoff Schonborn of Austria, the latter widely renowned as a “conservative” who is likely to be a leading candidate in the next conclave.

### **Parallels**

In this debate, there are intriguing parallels with the Pill controversy in the 1960’s. Where a major plank of the pro-contraception argument was the impending catastrophe of overpopulation, the “safe sex” pro-condom lobby cites a similar case of “macro-ethics” - the millions dying of AIDS as justifying an urgently needed “modification” of Church teaching. Then, too, there was the wariness of the conservatives that this “emergency” argument for the Pill was the first move in a plot

by liberals to radically reshape the entire corpus of Church teaching on sexuality. Similarly, anti-condom forces today are not impressed by the plea from those arguing for a limited acceptance of condom use in extreme circumstances, that such a move doesn't undermine the integrity of the traditional ethic.

Another striking parallel with lies in the reluctance of the hierarchy at the highest levels to address the rising chorus for change with a clear and definitive argument as to why such change is simply not possible. Pope Paul VI allowed debate to continue for several years, even though on rare occasions he was alarmed enough by the course of the debate to intervene and state that whatever decision was to be made concerning the new form of birth control known as the Pill, the traditional ban on all other methods contraception was not in question. John Paul II likewise allowed the condom debate amongst prelates and theologians to continue relatively unhindered, and his occasional statements on the matter, while clearly indicative of his unambiguous opposition, lack detailed explanation. This is something of a paradox, given the considerable attention he gave both as Pope and as theologian to the Catholic vision of sexuality by which he has created resources for a rich and developed understanding of the issues involved.

This failure to apply the lessons of the *Humanae Vitae* controversy (in which he played a decisive role) may be seen even by supporters of John Paul II as one major strategic lapse in his pontificate. As Paul VI learned to his regret, far from softening the blow, hesitation and diffidence on such crucial and controversial matters fuels the expectations and demands for change. It thereby ensures that when the traditional

teaching is finally reasserted it will be met with the highest level of resistance and dissent.

And yet, if anything, the possibility of an about-face on condoms seems even less theologically justifiable than acceptance of the Pill. The specific wrongfulness of oral contraception demands a more subtle form of argument [brilliantly set forth in *Humanae Vitae*] than the case against the use of condoms for whatever purpose, since unlike the Pill, condoms not only bring about *infertility*: they render men temporarily *impotent*. By using condoms, men are unable to fulfil their proper role in authentic sexual intercourse. In other words, “safe sex” (so-called) and “real sex” are mutually exclusive.

### **“Safe Sex” vs Real Sex**

This is worth elaborating. We should think here about what the natural law, Catholic moral theology and canon law has always held to be a vital distinction – not always well understood – between *impotence* and *infertility*. Put bluntly, the difference is all about just what “real sex” is. In every genuine act of sexual intercourse, - “real sex” - there must be a deposit of seminal fluid by the man into the “appropriate vessel” (*vas debitum*) of the woman. No deposit, no “sex” as such. Canon law is alert to the significance of real sex. For example, only a genuine act of sexual intercourse consummates a marriage. Those who are unable to perform this genuine sexual act – of engaging in “real sex” – are incapable of consummating a marital union. So,

impotence (or at least permanent impotence) has always been held to be a canonical impediment to marriage (and grounds for annulment).<sup>1</sup> On the other hand, mere infertility – the inability to achieve conception – is not an impediment where couples can still engage in genuine sexual intercourse.

Underlying the canonical insistence is a moral vision of the sexual act as the unique mode of expression of that total mutual self-giving between spouses which opens them to the creation of new human life. Any act which is substituted for, or usurps the role of, “marital intercourse” (or the “marital act”) is morally unacceptable, as it undermines the dignity the normative marital act and correspondingly demeans the participants.

Both words in the expression “marital intercourse” are significant. The the sexual act is confined to **married** couples only as their right and office. This rules out sexual expression of any kind in non-marital contexts – and thus proscribes, for example, fornication and adultery. But equally, married couples are restricted to **genuine sexual intercourse** as the one appropriate means of expressing genitally their conjugal love. No substitutes are acceptable. So while acts preparatory to sexual intercourse such as foreplay are perfectly appropriate, it is never legitimate for married couples (or anyone else, of course) to engage in “pseudo-sex”: that is, in those genitally-oriented acts which they know will stand in the place of genuine sexual intercourse. Included under this head are all not only sexual acts of those who are pathologically unable to engage in real sex, but all those techniques by which

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<sup>1</sup> Of course, naturally occurring impotence (physical or psychological) is not easily established in many cases. Pastoral application of the moral norm takes into account these practical uncertainties. Couples who are in doubt are advised that they are free to marry and attempt sexual intercourse when there is some hope that it can be achieved.

partners in effect self-impose a temporary period of impotence, such as coitus interruptus, masturbation (mutual or solitary), and oral or anal sex. *A fortiori*, and by further extension, it includes non-spousal sexual acts such as sodomy and bestiality. (These latter of course are neither marital, nor intercourse.) In another direction, other means of substitution for intercourse such as IVF and artificial insemination are excluded.

*It should be obvious that, by preventing the deposit of seminal fluid, condomistic intercourse is a straightforward example of pseudo-sex, and, as such, an unacceptable deviation from the norm of marital intercourse.* None of these acts can ever be justified - even by the highest of motives, such as that of saving lives. To legitimise *any* substitute for marital intercourse, even as a means to prevent deadly infection, would strike at the heart of the metaphysically profound and logically consistent vision of human sexuality which the natural law describes and the Church illuminates.

### **Arguments from “intention”**

Supporters of condom usage invariably reveal in their arguments a failure to understand this privileged position the Church, in harmony with the natural law, accords to real sex. As a result, they overlook the morally significant distinction between impotence and infertility. They will point out – correctly – that the Church has always permitted acts of sexual intercourse where infertility is unintended, as in cases where the wife is taking oral contraceptives merely for medical reasons, or is post-menopausal. They then argue, invoking the traditional principle of “double

effect”, that use of a condom during intercourse purely for medical purposes is justified on the same ground: the associated infertility is not directly intended, but is a tolerated side-effect.

In focusing on the relevance of intention in the moral evaluation of these licit infertile acts, they have missed the vital point that, in contrast to oral contraceptives (for example), condom use in sex creates a condition of infertility precisely by creating *impotence*. Couples who are merely infertile can engage in genuine sexual intercourse. But, as we have seen, regardless of intention, couples are always prohibited from engaging in deliberate acts of pseudo-sex – be it a dictate of natural impotence or, in the case of condomistic intercourse, self-imposition – simply because these are inadequate substitutes for real sex.<sup>2</sup>

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<sup>2</sup> An example of this failure to see beyond the issue of intended infertility to the morally significant differences between various forms of contraception is found in the recent justification of condom use against HIV/AIDS by prominent Australian moral theologian Fr Bill Uren SJ: “We speak of the moral principle of ‘double effect’. The textbook example is where a woman might wish to compete in an athletics competition it would be acceptable to use contraception to delay menstruation. Because the primary purpose is not the avoidance of pregnancy the use of contraception is permissible.”

## **The “Lesser Evil”?**

Another line of thought - supported by Cardinal Schonborn<sup>3</sup> - concedes that there is something wrongful in condom use, even for medical purposes, but holds such use is justified by an application of the doctrine of “tolerating the lesser evil”. But even pro-condom advocates themselves have pointed out the flaw here: if we suppose the use of a condom during intercourse to be an evil, such use is not an act of mere toleration, but of performance – something which was never justified in the traditional understanding of the “lesser evil” formula.

Still others resort to arguments which defy easy comprehension. Thus, Franciscan theologian Fr Maurizio Faggioni insists that condom use in specific cases of emergency is acceptable, but constitutes “neither a norm nor an exception to a norm”<sup>4</sup>! Make of that what you will.

## **“Biologism”?**

Turning their attack on the traditional position, pro-condom theologians make the charge that it is excessively “biologistic”. There is, however, a sublime vision to the tradition doctrine which relates each act of authentic marital intercourse to the ultimate realities. The Church teaches that human sexuality is profoundly bound up with the very relationship between God and the world, and even beyond, to the very inner life of the Holy Trinity with its eternal mutual self-donation between the Three

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<sup>3</sup> see "Theologians say condom use OK in certain cases, not as policy" By John Norton: Catholic News Service, September 22, 2000 <http://www.catholicnews.com/>

<sup>4</sup> Ibid.

Divine Persons. Authentic sexual expression is a type of sacrifice of which the Sacrifice of Christ is the Perfection. The necessary elements of sacrifice are: a donor, a receiver and a gift. Just as where there is no gift, so there is no sacrifice, so in the sexual context, where there is no deposit, there is no authentic sexual act. Rather than excessive “biologism”, the traditional defence of authentic sexual intercourse combats an ancient and perennial anti-incarnational “angelism” by upholding in the realm of human sexuality the distinctively Christian vision of reality, which finds universal resonances in every particular act and entity.

### **“Dogma versus Lives” ?**

What of the accusation that the Church is callously “putting dogma ahead of lives”, of placing “morals over mortality” on this issue? There is no moral high ground here. The very accusers themselves almost certainly observe this principle in some form or other. No-one but the most rigorous utilitarian would, recommend, say, an act of paedophilia, even if it were a “safer” alternative than intercourse with one’s HIV-infected spouse. The only relevant difference between these accusers and their opponents is over which acts are to be reckoned *a priori* as morally unacceptable. This is where the debate should take place. The accusation of “dogma over lives”, often aired in the U.K. *Tablet* and the U.S. *National Catholic Reporter*, is an instance of double-counting.

## **Moral Evil versus Physical Evil**

It remains to be seen how the incoming papal regime of Benedict XVI will deal with the rising clamour for change on the teaching on condoms. If it is to make any progress, it should begin by articulating the terms of the condom/AIDS debate as one of moral philosophy and theology, not of statistics. There has been a temptation in recent discussion to rely too heavily on an empirical critique of condom effectiveness, citing a credible line of evidence that condom campaigns have largely failed to stem the march of AIDS and that fidelity and abstinence-only programs have succeeded<sup>5</sup>. While such a critique will always have a place, it is vulnerable, as are all empirical arguments, to the ebb and flow of statistical data. In any case, supporters of condom usage can always come up with hypothetical examples that are rightly analysed on the level of philosophical and theological principle.

In the benighted days ahead, orthodox Catholics will need to be less coy in admitting that their opposition to condom use is, as its critics allege, independent, ultimately, of physical health and life considerations, and based firmly on the principle articulated by Socrates, that “it is better to suffer than to do wrong”. Such a position is at direct loggerheads with modernity. Hatred of the Church for its so-called “intransigence” is certain to escalate when the teaching is finally promulgated. But the only way forward for loyal Catholics and their allies in this battle is to dig deep and face the modern

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<sup>5</sup> See, for example, the disgracefully underreported 2003 metastudy of Heast and Chen, “Condom Promotion for AIDS Prevention in the Developing World: Is it Working?” in which the remarkable conclusion is made: “...the public benefit of condom promotions in settings with widespread heterosexual transmission remains unclear. In countries like Uganda that have curbed generalized epidemics, reducing numbers of partners appears to have been more important than condoms.” <http://www.usp.br/nepaids/condom.pdf>

world with confidence, example, and loving candour. Although not the most comfortable option, this will be the surest and shortest path to its conversion.

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