

Solution:

1. The doctrine of the church teaches that, even in the case of marriage, the use of a prophylactic by a man to impede fertilization is an intrinsically evil act and that it is gravely wrong.¹ As John Paul II taught: *the conjugal act 'signifies' not only love, but also potential fecundity, and therefore it cannot be deprived of its full and adequate significance by artificial means (...) In such a case the conjugal act deprived of its interior truth, because artificially deprived of its procreative capacity, ceases also to be an act of love. It can be said that in the case of an artificial separation of these two aspects (unitive and procreative), there is carried out in the conjugal act a real bodily union, but it does not correspond to the interior truth and to the dignity of personal communion.*²

2. In the case of sexually transmitted diseases, one should bear in mind that the use of one's sexuality, in addition to being regulated by the sixth commandment (n. 1), has to do with the fifth commandment as well (i.e., endangering the health of another). In effect, we have a two-fold evil at work here: an act that offends against both the fifth and the sixth commandments.³ When one of the spouses could transmit a life-threatening disease to the other by sexual contact, the normal recommendation would be to practice abstinence,⁴ thereby averting all possible danger⁵ of infectious transmission to the healthy spouse (whom the other truly loves). Only in extreme cases (such as a grave threat of physical violence, or in order to avoid a rupture of marital life, helping him or her to rectify their attitude and safeguard the other goods of marriage, such as family stability and the children's welfare), may one consider the demands of charity in having marital relations. It might happen that in such an extreme case, the wife may

¹ Here we are dealing with a voluntary obliteration of the procreative capacity of the conjugal act. See PAUL VI, Encyclical Letter *Humanae Vitae*, n. 14; PIUS XI, Encyclical Letter *Casti Connubi*: AAS 22 (1930), p. 560.

² JOHN PAUL II, *General Audience*, August 22, 1984, nos. 6–7.

³ In the case, for example, of men given to prostitution, the moral offense against the sixth commandment remains in force, even though one could limit –without completely eliminating– the gravity of sin against the fifth commandment, if one makes use of means that would reduce the risk of infecting one's partner. This form of reasoning must be used in such a way that it does not constitute a certain cooperation or an incitement to commit acts that, in and of themselves, are an offense against the sixth commandment, independent of whether one uses a prophylactic or not. The scandal produced when speaking about this in educational settings, such as schools, travel agencies, etc. transmits the fallacious idea that the only evil of acts against the sixth commandment involves a failure to avoid putting one's partner at risk of contracting a life-threatening disease. Since a prophylactic is used many times in sexual acts that are evil for another reason, the affirmation “use condoms” confuses people because it will lead some people to think that such acts are morally acceptable, provided one avoids the risk of transmitting diseases.

⁴ It is interesting to note that Pope Benedict XVI does not touch on the issue of using a condom in the case of couples where one spouse carries the AIDS virus in his recent book, *Light of the World* (San Francisco: Ignatius Press, 2010). In point of fact, he only deals with very specific situations, where two people are engaging in a disordered use of their sexuality—the pope gives as an example men acting as prostitutes. In this context, as mentioned in the previous note, the use of a prophylactic implies a reduction in the evil of a moral act with respect to the fifth commandment. Here one acts to reduce the risk of transmitting the AIDS virus to a partner, and yet the act as such remains gravely immoral with regard to the sixth commandment.

⁵ Various studies have analyzed the rate of infection in heterosexual couples that make use of condoms. At present, it is commonly accepted that the proportion of infections per hundred persons each year is less than 7 %, and that the use of a condom reduces this rate of disease transmission to less than 1 %, but it does not completely eliminate the possibility of infection. At the same time it should be noted that the failure to provide protection against viral transmission in many cases is not due to the passage of the virus through the latex material of which the condom is composed, but rather is attributable to a break in the material or its slipping off.

have to concede to marital union with her husband who uses a condom, always making it clear to him that she is opposed to this practice. This is a material cooperation that may be considered licit since she is not the one opposed to fertilization. However, it should be left clear that this is an extreme case.

3. Another situation, for which there is neither magisterial teaching nor a common doctrine accepted by the specialists, would be the use of using prophylactics when one of the spouses is infected with the AIDS virus and the married couple is no longer able to conceive a child (due, for example, to advanced age). Given the impossibility of conceiving a child, a study should be done to assess whether the use of prophylactics would be licit in such cases, taking into account the intention to avoid passing on an infection, knowing full well that reasonable doubts remain.

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