

# Pope Francis and the Zika Virus

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During a press conference on Feb. 18, 2016 on a flight from Juarez, Mexico to Rome, a reporter questioned Pope Francis about the growing concern in many Latin American countries and Europe about the Zika virus and its risks for pregnant women. The reporter asked: "Holy Father, for several weeks there's been a lot of concern ... regarding the Zika virus. The greatest risk would be for pregnant women. There is anguish. Some authorities have proposed abortion, or else to avoiding pregnancy. As regards avoiding pregnancy, on this issue, can the Church take into consideration the concept of 'the lesser of two evils?'"<sup>1</sup>

Pope Francis unequivocally condemned the abortion option: "Abortion is not the lesser of two evils. It is a crime. It is to throw someone out in order to save another. That's what the Mafia does. It is ... an absolute evil." He then added, "On the 'lesser evil,' avoiding pregnancy, we are speaking in terms of the conflict between the fifth and sixth commandment. Paul VI, a great man, in a difficult situation in Africa, permitted nuns to use contraceptives in cases of rape."

Critics of the Pope's remarks raise grave concerns regarding his opinion. They most often cite *Humanae Vitae* which prohibits "any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation" (no. 14) The critics conclude that using condoms to reduce the likelihood of Zika transmission amounts to directly intending contraceptive acts of intercourse as a means

to a good end. Consequently, "the Pope has asserted something that is false and contrary to salvation."<sup>2</sup>

In light of Pope Francis' comments and the criticisms they have received, I would like to offer a modest review of cases that raise questions about the use of contraceptives and hopefully situate the Pope's remarks.

## The Belgian Congo Controversy

Moral and pastoral concerns arose in the early 1960s regarding the plight of religious sisters and other women caught up in the uprisings in the Belgian Congo. These women were given anovulant drugs by "doctors on the mission" in order to ward off pregnancy which might otherwise result from rape which was a constant threat in that chaotic time. These physicians and their moral advisors did not consider their action either contraception or direct sterilization in the sense in which the church stood against such interventions for the prevention of pregnancy.

Eminent Roman moralists Palazzini, Hurth, Lambruschini and Zalba addressed this plight by asking whether or not a nun or any woman who reasonably fears she may be raped can take progestational drugs to induce temporary sterility to prevent a possible conception?<sup>3</sup> The nuns, of course, had no intention of consenting in any way to the

action violently imposed on them. These theologians gave positive replies by appealing to the principle of legitimate self-protection.

Marcellino Zalba, S.J. was a strong defendant of *Humanae Vitae* and along with John Ford, S.J. persuaded Pope Paul VI to reject the recommendations of the majority opinion of the papal commission on contraception. On the issue at hand, however, he wrote "the intention ... is not the interruption of ovulation but the prevention of the consequences of a ... violation of chastity." The nuns were protecting themselves from physical and emotional disorder created by fear. Due to this "good motive," these moralists concluded that the medical intervention constituted only "indirect sterilization." Consequently, the nuns incurred no moral culpability as all the blame and responsibility rested on the shoulders of the person violating them.

These theologians explained that direct sterilization condemned by the magisterium as intrinsically evil is the direct sterilization ordered to the prevention of procreation in persons who *want* to exercise their sexual function. The nuns under threat of rape acted morally by ingesting progestational drugs as they had no intention to voluntarily exercise their sexual capability.

Zalba concluded, "We can assert with full conviction that pontifical doctrine does not exclude the putting of physical functions, even those which as functions are quite normal, at the service of the legitimate interests of the acting person. This may be done in order to ward off from the body itself hardships which are being imposed upon the person contrary to the person's will. Or it may be done to deliver the soul and the spirit from calumny, rejection, social difficulties, etc. Or it may be done so that the person may enjoy simply the condition of liberty which the

person does not want to give up." Zalba is advocating an application of the principle of self-defense.

In his Apostolic Exhortation *Familiaris Consortio* (1981), Pope St. John Paul II insisted that the conjugal act is both a sign (openness to procreation) and a language ("We love each other as only a husband and wife can"). When the internal commitment to conjugal love is revoked or made inoperable, the conjugal act itself is counterfeited and bereft of moral dignity. When a conjugal act is forced upon a woman, the language of love is not present and thereby contradicted.

This moral tradition amounts to what is called "solidly probable opinion" that a woman who cannot escape sexual oppression may licitly resort to artificial means to avoid a pregnancy from sexual acts forced upon her. In their extensive study of this question, Ambrogio Valsecchi in *Controversy: The Birth Control Debate* and Edward Bayer in *Rape Within Marriage* conclude, "This acceptance ... has been carefully reviewed by the teaching authority of the Church without any objections whatsoever."

## HIV/AIDS and the Use of Condoms

At the time of Pope Benedict XVI's 2009 visit to Africa, about 30.8 million adults and 2.5 million children worldwide were living with HIV. Sub-Saharan Africa was the region most affected. Even though this region has just over 10 percent of the world's population, it is home to 68 percent of all people living with HIV/AIDS. An estimated 1.8 million adults and children became infected with HIV during 2009, contributing to a total of 22.5 million people living with HIV in the region. Southern Africa accounts for around 40 percent of the global total of women living with HIV.

In an interview with reporters during Pope Benedict's March 17 flight to Cameroon, a French journalist commented that among the many ills that beset Africa, "one of the most pressing is the spread of AIDS." The journalist asked the Pope if he agreed that "the position of the Catholic Church on the way to fight it is ... unrealistic and ineffective?" The Pope replied, "Just the opposite."

Benedict pointed out that "the most efficient [and] truly present player in the fight against AIDS is the Catholic Church herself." He went on to say that the "problem of AIDS" cannot be overcome merely with money, "if there is no human dimension, if Africans do not help [by responsible behavior], the problem cannot be overcome by the distribution of prophylactics."

In *Light of the World: The Pope, the Church, and the Signs of the Times* (2010), the Pope returned to the subject of HIV/AIDS and condom use. He re-emphasized the importance of the "humanization of sexuality" as the foremost way of combating HIV/AIDS. He added, "we cannot solve the problem by distributing condoms. Much more needs to be done" as the distribution of condoms is not "a real or moral solution, but, in this or that case, there can be nonetheless, in the intention of reducing the risk of infection, a first step in a movement toward a different way, a more human way, of living sexuality."

Federico Lombardi, S.J., director of the Holy See Press Office, explained that the Pope's remarks "cannot be defined as a revolutionary shift" in church teaching. He pointed out that "numerous moral theologians and authoritative personalities have sustained, and still sustain, a similar position."

On Dec. 21, 2010, the Congregation for the Doctrine of the Faith (CDF) issued a "Note on the Banalization of Sexuality Regarding Certain

Interpretations of 'Light of the World.'" It explains that Benedict's remarks were aimed at rediscovering "the beauty of the divine gift of human sexuality" and do not represent "a change in Catholic moral teaching or in the pastoral practice of the Church." The CDF stated that "those who know themselves to be infected with HIV and who therefore run the risk of infecting others, apart from committing a sin against the sixth commandment are also committing a sin against the fifth commandment – because they are consciously putting the lives of others at risk through behavior which has repercussions on public health." The Note concludes that "those involved in prostitution who are HIV positive and who seek to diminish the risk of contagion by the use of a condom may be taking the first step in respecting the life of another – even if the evil of prostitution remains in all its gravity."

The 2001 pastoral letter of the Southern African Catholic Bishops Conference similarly asserted that in a case of a married couple in which one spouse was HIV-positive and the other was not, the use of "appropriate" protection to prevent the spread of HIV was acceptable. They defended their position by affirming that everyone has a right to defend one's life against mortal danger.

Fr. Martin Rhonheimer, professor of ethics and political philosophy at the School of Philosophy of the Pontifical University of the Holy Cross in Rome, has upheld this same understanding, particularly in his 2004 article, "The Truth about Condoms." He argued that "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."<sup>4</sup>

## The Zika Virus and Contraception

The Zika virus, first discovered in Uganda in 1947, was confined to the equatorial belt in Africa and Asia and thought to cause little more than mild flu-like symptoms. In 2007, physicians on Yap Island in Micronesia noticed an outbreak of the virus. In 2013 an outbreak in French Polynesia may have infected as many as 19,000 people and for the first time the virus was associated with neurological disorders. At some recent point, perhaps during the 2014 World Cup held in Brazil, an infected traveler brought the virus to Latin America where it has exploded, spreading to more than twenty countries and likely infecting hundreds and thousands of people. The virus has catapulted from obscurity into the spotlight.<sup>5</sup>

Of central concern is what the virus seems to be doing to pregnant women. Since the first case of Zika in Brazil in May 2014, the country has reported some 4,000 cases of microcephaly, a severe birth defect that causes an abnormally small head and minor to major brain damage in infants.<sup>6</sup> The causal relationship of the Zika virus to cases of microcephaly is presently under intense investigation, although a study published in the March 2016 edition of *The New England Journal of Medicine* claims "now there is almost no doubt that Zika is the cause."<sup>7</sup> Since Brazil is ground-zero for the virus, there is now serious talk of canceling the summer Olympic Games there and the U.S. Olympic Committee has warned athletes and staff to consider skipping the Rio Games.

There is a growing number of Zika cases in the U.S. in travelers who became sick elsewhere and brought the disease home.<sup>8</sup> There is no vaccine for the Zika virus, and no cure for microcephaly. On Feb.1, the World Health Association declared the Zika epidemic an international public emergency.<sup>9</sup>

Over the coming decades, global warming is likely to increase the range and speed of the life cycle of the yellow fever mosquito, *Aedes aegypti*, which carries the virus. *Aedes aegypti* is present across the southern tier of the U.S. Recent research suggests that the number of people exposed to the mosquito could more than double from roughly 4 billion today to as many as 8 to 9 billion by late 21st century.<sup>10</sup>

Public health officials are nearly certain that the Zika virus is behind Brazil's surge of babies being born with tiny heads and damaged brains, although proof is likely to take months at the very least. Researchers have been able to recover the entire Zika virus genome from the brain tissue of an aborted fetus with microcephaly, leading some physicians to take the position that the Zika virus is "guilty until proven innocent" for causing microcephaly. The director of the main hospital in Medellin, Columbia, goes so far as stating that any women whose fetuses show signs of the virus should be offered abortion.<sup>11</sup>

In his remarks during the Feb. press conference, Pope Francis said that avoiding pregnancy is not an absolute evil. As in the case of the nuns in the Belgian Congo, he understands the use of contraceptives in preventing the spread of the Zika virus as a "permitted case."

In an interview with Vatican Radio on Feb.19, Fr. Lombardi furthered the Pope's response by indicating that "Catholics with a well-formed conscience can decide to use contraceptives 'in cases of particular emergency.'" This decision must follow only after a "serious discernment of conscience."<sup>12</sup>

## Summary

These three cases are each situated in different but real-life situations: nuns in the Belgian Congo under the threat of rape, the overwhelming presence of

HIV/AIDS in African countries, and the pandemic of the Zika virus with its effects on children born of infected mothers. In the case of the nuns in the Belgian Congo, the use of anovulant drugs was seen as permissible in light of the principle of legitimate self-protection. The nuns who obviously did not seek sexual intercourse, used these drugs in order to protect themselves from physical, emotional and religious fear and anguish.

In the case concerning HIV/AIDS in Africa, the use of a condom was considered appropriate, although not ideal. The aim was the prevention of infection rather than a direct intent to render procreation impossible.

In the current concerns about the Zika virus present in pregnant women and its link to microcephaly, a husband with a well-formed conscience might use a condom to reduce the likelihood of Zika transmission. Ideally, a husband might abstain from sexual intercourse with his wife as long as she is infected, or employ the method of natural family planning. If these measures seem to be a moral impossibility<sup>13</sup> for a couple, the use of a condom in this case is justified under the traditional principle of double effect.<sup>14</sup> This moral principle is used in conflictual situations in which a single composite action (use of a condom) has at least two foreseen effects that cannot be separated: one that is good and intended (preventing Zika transmission) and a secondary and unintended effect (contraception).

The *Catechism of the Catholic Church* reminds us that the "spouses' union achieves the twofold end of marriage: the good of the spouses themselves and the transmission of life. These two meanings or values of marriage cannot be separated without altering the couple's spiritual life and compromising the goods of marriage and the future of the family." (no. 2363) The manner in which the dilemmas were addressed in

each of the case studies above does not deny or impinge this important teaching of the church about the true meaning of marriage. They rather demonstrate that in dire circumstances traditional moral principles such as legitimate self-defense and the lesser evil can appropriately be used. Contraception is, then, not always a sin.

<sup>1</sup> See James F. Keenan, "Pope Francis on Zika and Contraception," <http://americamagazine.org/content/all-things/pope-francis-zika-and-contraception>

<sup>2</sup> Laurie Goodstein, "Catholic Leaders Say Zika Doesn't Change Ban on Contraception," *New York Times*, February 14, 2016, 8. John-Henry Westen, "Pro-Life and Catholic Leaders Voice Grave Concern over Pope's Contraception Remarks," [lifesitenews.com](http://lifesitenews.com), February 23, 2016, "Zika Does not Justify Abortion or Contraception," National Catholic Bioethics Center, February 25, 2016, <http://mail.aol.com/webmail-std/en-us/PrintMessage>.

<sup>3</sup> See Ambrogio Valsecchi, *Controversy: The Birth Control Debate 1958-1968*, Washington, D.C.: Corpus Books, 1967, 26-36 and Edward Bayer, *Rape Within Marriage: A Moral Analysis Delayed*, Lanham: University Press of America, 1985, 82-92, 114-127.

<sup>4</sup> For a more complete discussion of Pope Benedict's remarks, see Gerald D. Coleman, "The Use of Prophylactics and the Principle of Gradualism," *Health Care Ethics USA* 19:1 (2011), 2-11.

<sup>5</sup> <http://www.asianscientist.com/tag.the-bug-report> and Bryan Walsh, *Why the Zika Outbreak Marks a New Normal for Infectious Disease*, *Time* magazine, February 8, 2016, 9 and February 15, 2016, 44.

<sup>6</sup> Donald G. McNeil and Catherine Saint Louis, "Two Studies Strengthen Links Between the Zika Virus and Serious Birth Defects," *New York Times*, March 5, 2016, A7.

<sup>7</sup> Donald G. McNeil, "Proof on Virus and Defects Is Expected to Take Months," *New York Times*, February 20, 2016, A5 and "The Potential Hidden Toll of Zika: Infants May Later Have Mental Health Issues," *New York Times*, February 23, 2016, D1.

<sup>8</sup> Sabrina Tavernise, "Officials Report 9 New Cases of Zika Virus Among Pregnant Women Tested in U.S.," *New York Times*, February 27, 2016, A14 and "Centers for Disease

Control and Prevention Investigating 14 New Reports of Zika Transmission Through Sex," *New York Times*, February 24, 2016, A3,

<sup>9</sup> Sabrina Tavernisi, "World Health Organization Urges Contraception in Countries with Virus," *New York Times*, February 19, 2016, A12.

<sup>10</sup> Justin Gillis, "In Zika Epidemic, a Warning on Climate Change: Mosquitoes Will Thrive in a Warming Climate," *New York Times*, February 21, 2016, 6.

<sup>11</sup> Nicholas Casey, "Pregnant and Facing Dilemma Over Zika," *New York Times*, February 16, 2016, A4.

<sup>12</sup> Joshua J. McElwee, "Francis Allows for Discernment on Contraception in Emergency Cases, Spokesman Says," *National Catholic Reporter*, February 22, 2016.

<sup>13</sup> See James T. Bretzke, "Impossibility," *Handbook of Roman Catholic Moral Terms*, Washington, D.C.: Georgetown University Press, 2013, 120.

<sup>14</sup> See *Catechism of the Catholic Church*, no. 2263 and St. Thomas Aquinas, *ST II-II*, Q. 74, art 7.