

America

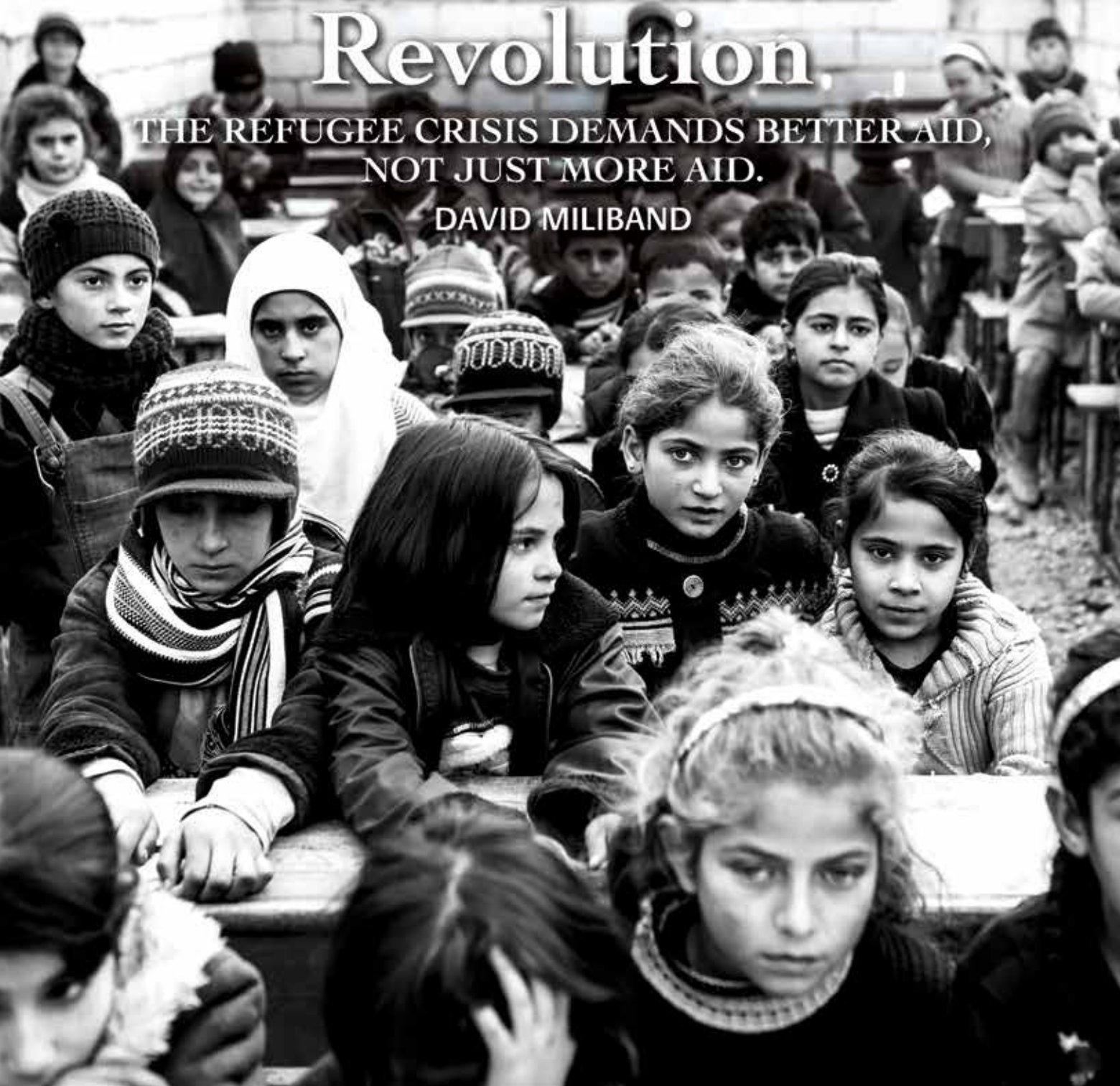
THE NATIONAL CATHOLIC REVIEW

AUG. 1-8, 2016 \$4.99

Humanitarian Revolution.

THE REFUGEE CRISIS DEMANDS BETTER AID,
NOT JUST MORE AID.

DAVID MILIBAND



With this issue we are pleased to welcome to these pages the Right Hon. David Miliband, former British foreign secretary and current president of the International Rescue Committee. Mr. Miliband's essay on the global refugee crisis is the second article we have published this year by a senior international diplomat about innovative approaches to seemingly intractable problems (see U.S. Secretary of State John Kerry's article in the issue of Sept. 14, 2015).

You will also find an extended video interview with Mr. Miliband on our website as well as links to archival content on this important topic. This is a good example of the multiplatform approach America Media has adopted, using emerging technologies to explore topics in a multidimensional way and to reach a new generation of readers and viewers. I am very proud of the editors and staff, who continue to bring you this smart, Catholic take on faith and culture, not just each week in print but every day online and every hour through social media.

I am pleased to report that in addition to our video and films unit, we have launched a number of other initiatives to expand our readership and content in order reach the next generation. The Joseph A. O'Hare, S.J., Postgraduate Writing Fellowship was created to support the next generation of writers for the Catholic media. Beginning this summer, the fellowship offers three recent graduates of Jesuit colleges or universities the opportunity to develop their literary skills and professional relationships at America Media.

With our sponsorship of The Jesuit Post, an online magazine written exclusively by Jesuits in formation (www.thejesuitpost.org), we are bringing our mission to a broader audience of 20- and 30-somethings by providing a platform for contemporary

voices focused on spiritual renewal and social analysis.

We are also excited to join with the Ignatian Solidarity Network to sponsor Voices From the Margins, a national film contest showcasing the best short videos on social justice by college undergraduates. The winning video is shown each November at the Ignatian Family Teach-In in Washington, D.C.

With these initiatives and others, we are proud to actively engage the next generation of Catholic leaders. In past years, **America's** readers have supported these and our other initiatives through our America Associates Appeal. Without this support, we would not be able to sustain our commitment to excellence. Contributions to the Associates Appeal enable us to continue to broaden our efforts to lead the conversation about faith and culture in the United States.

By now you should have received the summer appeal mailing that was sent to our active audience of readers and viewers. Regardless of the size of your contribution, we greatly appreciate whatever level of support you can manage. Please respond by sending your check to our offices at 106 West 56th St., New York, NY 10019; or use our donation page online at www.americamedia.org.

If you have already sent a donation, we thank you! We could not do all we do without your support. Nor would we want to. **America** is more than a journal of opinion. We are a community, a resource for spiritual renewal and social analysis guided by the Jesuit ideal of finding God in all things. Everywhere I travel, I am reminded that America Media has the most loyal audience in publishing today. Many of you have supported us for decades, through fair and foul, changing editors, changing times and a changing church. On behalf of all of us at America Media: Thank you. Have a blessed summer!

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Cover: Syrian children at a makeshift school at the camp for displaced Syrians in Atmeh, Syria, in January 2013. iStockphoto/Joel Carillet

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ON THE WEB

The Rev. Bryan Massingale, right, talks about the shooting deaths of two African-American men by police, and Paul L. Gavrilyuk reports on the Holy and Great Council of the Orthodox churches. Full digital highlights on page 39 and at americamagazine.org/webfeatures.



Venezuela on the Verge

Conditions in Venezuela appear to be reaching a complete breakdown as the nation's military has taken over its ports and begun a distribution of food and other acutely needed supplies that will likely prove to be chaotic. The nation's health care system has essentially ceased to function. That loss is especially devastating as the region confronts new outbreaks of malaria, chikungunya and Zika.

Multinational consumer-goods producers and banks are closing up shop. The only response from President Nicolás Maduro, who increasingly appears out of touch with the gravity of the national crisis, is to spout socialist bromides and threaten to nationalize more factories. That last "fix" will probably only accelerate the national collapse. Ultimately, however, the source of Venezuela's immiseration is not hard to discern. Tumbling oil prices have devastated the oil-dependent economy. If a recovery in the oil market is the only way Venezuela can emerge from this crisis, then there is no end in sight to the suffering average Venezuelans will be forced to endure.

The local church has repeatedly locked horns with President Maduro, demanding that he allow Caritas Venezuela to move humanitarian aid, especially medical supplies, into the country as conditions worsen. Though Venezuelans have many reasons to view "foreign interference" with skepticism, in this critical moment it is time for the Maduro government to swallow nationalist pride and acknowledge that his government needs to accept a humanitarian response. The Organization of American States, the Obama administration and Caritas Venezuela are standing by. The president needs only to welcome their assistance.

Referendum Irresponsibility

Residents of San Francisco will need to budget plenty of time for voting this fall, when they will decide on as many as 39 ballot measures. Some proposals may not make it all the way to the ballot, but The San Francisco Chronicle reports that the city is likely to break the record of 22 referendums set in 2008. The high number is possible because it is easy to place a question on the ballot. It can be done by the mayor, any four of the 11 city supervisors, several city agencies or any group that collects a certain number of signatures from the city's registered voters.

San Francisco is taxing the patience of voters with so many unworkable and contradictory proposals. This year there are at least three that deal with homelessness. One, proposed by a city supervisor, would allow the city

to remove encampments of homeless people with 24 hours' notice and an offer of shelter. Another supervisor, considering this too harsh, proposed a competing initiative that would mandate 72 hours' notice before removing encampments and a guarantee of 30 days' shelter for displaced individuals. A citizens' initiative would impose a payroll tax on technology companies to help pay for low-income housing and services for the homeless.

It would be preferable for the mayor and board of supervisors to work out a coherent and compassionate plan to address homelessness. Elected officials should not pass the buck to voters, who are being overwhelmed with ever-lengthening ballots and do not have the time to become experts on every matter of public policy. Representatives in a representative democracy should do their job.

Olympic Crackdown

Amid Brazil's financial and political turmoil, officials in Rio de Janeiro are scrambling to prepare for an influx of up to 500,000 tourists for the 2016 Olympic Games. Still on the to-do list: address fears about the Zika virus, finish construction on a subway line to the stadiums and crack down on the crime and human-trafficking rings that plague the city. On July 10, Rio police announced they had rescued eight minors forced to work as prostitutes at beaches near the main Olympic venues.

The connection between human trafficking and major sporting events is often overstated, or at least misunderstood. Displacement and economic exclusion remain the primary drivers behind sexual exploitation of children and vulnerable people. While the Olympics can exacerbate these problems—at least 4,120 families have reportedly been evicted from their homes because of the Games—the structural forces driving the sex trade predate the added scrutiny and well-meaning advocacy that accompany an international event. According to Unicef, there were about half a million child sex workers in Brazil in 2012.

The temporary pressure to "clean up" the city for its moment in the global spotlight may in fact lead to further victimization. In the name of tightening security, police have forced homeless people into unsafe shelters and conducted "pacification operations" in *favelas* that advocacy groups say have resulted in human rights abuses. Long after the silvers and golds have been tallied, winners and losers of the host country's Olympic gamble will remain. If these issues matter to the international community gathered to watch the Games, then they deserve sustained commitments, not just timely handwringing.

Crossing the Street

At the memorial service for the five police officers killed in Dallas on July 7, President Obama asked, “Can we find the character, as Americans, to open our hearts to each other?” On one Dallas street a few days earlier, some Americans already had begun to answer. On July 10 a small group of protesters from the Black Lives Matter movement marched down the street, frustrated with police brutality toward black Americans. On the other side of the road, a small group of counterprotesters, sitting amid U.S. and Texas flags, voiced their own frustrations: “We all matter,” one participant told the CNN cameras.

Yet this situation, in which tensions easily could have come to a head, was defused when the groups chose to talk. The conversation resulted in the protesters crossing the road to meet and shake hands with the counterprotesters. That moving interaction showcases the power of true encounter, the value of choosing to reach out when it might be easier to lash out.

Many people have struggled to make sense of the violent and tragic deaths of both black Americans and police officers by trying to quantify the conflict. Indeed, we need record-keeping that goes beyond the limited city and regional data now available, but better statistics will not save us from ourselves. True reconciliation will be motivated by names, not numbers: Eric Garner, Wenjian Liu, Alton Sterling, Brent Thompson, Tamir Rice and many others. We learn best when facts and figures become faces.

Pope Francis has often reminded us to “see the person,” to acknowledge the dignity of the people we meet. Yet this is only a first step. Loving our neighbor requires all our senses. To love one’s neighbors means to act alongside them and to advocate for them. It means we must not only object to violent or racist or ignorant acts but also take positive actions to work against the systems that make such actions possible. We must listen. To love one’s neighbors is to seek to understand their experience. We need to put aside our own prejudices or have our own beliefs challenged. We must be vulnerable. We must be willing to find out when we are wrong. And we must be grateful for the voices that tell us so. Each of us needs those voices, which often come from surprising places.

Our church offers some examples of strong voices to follow: Servant of God Thea Bowman, F.S.P.A., taught, wrote, sang and ministered to her fellow black Catholics while promoting intercultural awareness. John LaFarge, S.J., a former editor of *America* and a white man, worked

for years to improve race relations alongside A. Philip Randolph, a black civil rights leader and labor organizer.

Although the Catholic Church does not have a perfect track record when it comes to race relations, its deep network in diverse communities puts it in a unique position to work effectively for peaceful resolutions in today’s troubled times. The Faith in Flint program in Flint, Mich., for example, brings together black and white families from across the diocese to help each group know their neighbors better through service and faith. Formal efforts by the church, for example by reviving organizations like the Catholic Conference for Interracial Justice, could also serve as continued reminders that our nation’s struggle with racism and injustice did not end with the passage of the Civil Rights Act. An encyclical from Pope Francis or an updated pastoral letter from the U.S. bishops on the sin of racism could go a long way toward fostering local, deliberate and sustained conversations about race and privilege among diverse populations and in the context of a faith community.

“A community consistently subjected to violent discrimination under the law will lose respect for it, and act beyond it,” Ta-Nehisi Coates wrote on *The Atlantic*’s website (7/12), arguing that building a just and democratic society is the first step toward reducing situations in which police intervention is necessary in the first place. Acknowledging the continued racism in our country can be difficult for those who do not directly experience it. Many want to believe that the struggle for equality has ended. But this is one reason racism persists. Systemic injustice does not disappear overnight. In some U.S. cities, schools are even more segregated now than they were in the 1960s. Quality education, just housing laws and equal opportunity for all, without discrimination or violence, remain causes that still need to be fought for.

Still, such large-scale efforts often begin with small encounters that remind us, as President Obama pointed out, that “we are not so divided as we seem.” At the end of the CNN video, one man calls out, “Everybody get it in here.” He stretches out his arms, bringing the two sides together for a group hug. And slowly each person joins—the protesters, the counterprotesters and even the police officer charged with keeping them apart. Together, they raise their voices in prayer.



REPLY ALL

Who Are ‘They’?

Re “Feminism Has Not Lost Its Soul,” by Helen Alvaré (7/4): I take little exception to the author’s general conclusions about the enduring political pandering to the ideologies of two generations ago. But the frequent apparent disinterest with which Professor Alvaré clumps whole globs of caricatured populations of “them” does not honor her main thesis. She never really tells us, for example, what “feminism” is, as she understands it. She seems to have an account of “their” perspective but not who “they” are or whether “they” speak as a singular voice. (They do not.) We are invited to eschew the views of the “avant-garde” and the “elite” and to embrace the perspective of “grass-roots” women. Who are these, other than voices with whom she does or does not agree?

In fact, one of the singular achievements of many Catholic women’s public struggle for justice has been to call out the fallacious quality of assertions like those by Ms. Alvaré, which notes that nothing today is “poised to ameliorate the suffering of American women, minorities or the poor.” Breathtaking it is that one would presume to speak en masse for any of those clusters of human beings, let alone all of them. When will we call off the toxic Catholic culture wars that were permitted to take deep root in the idyllic 1970s, for which the professor seems quite nostalgic?

(REV.) J. MICHAEL BYRON
St. Paul, Minn.

Family Limits

America’s issue on the Bible and family was affirming to read, especially “Ordinary, Holy Families,” by Julie Hanlon Rubio, on models of mercy in all families (6/20). Her stories confirm my experiences in my career as a psychiatrist. I have heard thousands of stories of families, and my patients

have taught me that relationship failure and emotional suffering are just as prevalent in intact, traditional families as in “broken” families. My older patients’ family stories from the early to mid-20th century serve to remind us that a golden age of the family, where everyone was pleasant, orderly and safe, exists only in the collective imagination.

We Catholics must approach family values carefully. They are beneficial in providing structure and norms of stability. As Jake Kohlhaas points out, however, in “Family Bible Study” in the same issue, obsession with family roles can distract from the individual call to radical discipleship, with its inherent risks. Also, overreliance on traditional family values can serve to further entrench patriarchal structures that prevent women and children as well as men from rising to their full stature of dignity and holiness.

TRACEY HOELZLE
Fremont, Ohio

A Low Bar

In “Libertarians Step Up” (Current Comment, 6/20), the editors write, “It is encouraging that the party has chosen two qualified, even-tempered candidates.” I get the civility argument, but I am surprised the editors failed to mention that both Gary Johnson and Bill Weld are pro-abortion and pro-gay marriage. (Mr. Johnson’s position is to “support women’s rights to choose up until viability of the fetus.”) Civility is a low bar for selecting a presidential candidate, but I guess it is something when the alternatives are accepted liars and frauds.

TIM O’LEARY
Online Comment

Christian Status

In “Primary Identity” (6/6), John W. Martens writes, “Being ‘in Christ’ is incorporation into a new family, in which every gender, ethnicity and social status is welcome; but ‘child of God’ transcends every other identity marker.” I

would like to live to see the day when the entire Catholic Church takes this attitude, instead of calling gay people “intrinsicly disordered” and asking them to join the Courage movement to remain celibate their entire lives.

TERESA MOTTET
Fairfield, Iowa

Modern Goliaths?

In “Values and Voting” (5/23), Bishop Richard E. Pates of Des Moines implies that 62 billionaires in the world are our modern-day Goliaths. He goes on to list the socioeconomic ills of the world—hunger, lack of education, malnutrition, poor health, inadequate housing—that would be solved if we Davids would only take slingshot in hand and topple those billionaires. Or at least that is to be assumed from the juxtaposition of his thoughts.

Bishop Pates should consider: 154 of the super-rich have signed Bill Gates’s pledge to give away the bulk of their wealth; their accumulation of wealth created economic growth and opportunities that benefited people across the globe; voluntary efforts on the part of the super-rich to address poverty and other social ills will likely succeed far better than any government or United Nations program.

So perhaps Bishop Pates should add an additional malady to his list of social woes: envy.

MARK HAYWARD
Manchester, N.H.

Proof of Progress

“How Far the Stars?” by David Collins, S.J. (5/16), is an interesting review of Christopher M. Graney’s *Setting Aside All Authority*, but I think it misses the main point. When Galileo used his new telescope to observe four moons orbiting Jupiter and then saw Venus showing phases, he made the intellectual leap and assumed the Copernican thesis was true. Was his position logically unassailable? No. But he relied on criteria of simplicity and elegance to guide his decision. These are the

same criteria that we use today in the era of quantum physics. If we were to demand iron-clad proof for every scientific hypothesis, science would never advance. We assess the preponderance of the evidence and move forward knowing that future data may upend our present theory.

The mistake the church made was to demand unassailable proof before it would allow the Copernican thesis to be taught. Instead of recognizing its obvious advantages, the church banned Galileo's books and used the Jesuits to fight a protracted battle against the inevitable.

JAMES FOLEY
Online Comment

The Court's Call

"Canada's Liberal Orthodoxy" (Current Comment, 5/9) suggests that the move to legalize physician-assisted suicide in Canada is solely the work of the Liberal Party and Prime Minister Justin Trudeau. What the editors fail to mention is that in February 2015 the Supreme Court of Canada ruled that laws banning physician-assisted suicide are unconstitutional. The court gave the federal and provincial governments a year to devise legislation providing for regulation of this practice. When the Conservative government of then-Prime Minister Stephen Harper was defeated by Mr. Trudeau in October 2015, the court gave the new government until the end of June to come up with legislation.

While the editors are correct in saying that Mr. Trudeau has indicated his personal support for the bill, to suggest that the bill stems from "liberal orthodoxy" is plainly misleading. Rather than no legislation or a hodgepodge across provincial jurisdictions—Quebec has already passed its own legislation—Mr. Trudeau's government has tried to craft a bill that will meet the constitutional requirements set out by the court while protecting the rights of terminally ill patients.

The bill is much narrower and more restrictive than most advocates of physician-assisted suicide had wanted.

While I join the editors' call for increased access to palliative care and conscience protection for health care workers, I think you must frame the situation honestly, and the article did not do that.

KATHY MARTIN
Spring Valley, Ill.

With God Alone

In response to "Scalia v. Aquinas," by Anthony Giambrone, O.P. (3/21), Paul Lupone writes, "The author seems to recognize but gloss over an important issue—namely, that Thomas Aquinas allows that all that is immoral should not necessarily be made illegal, lest a theology become a theocracy" (Reply All, 5/2). St. Thomas, however, did no such thing. He merely distinguished between two spheres: the religious and the civil/political. He did this 550 years before the U.S. Bill of Rights.

The sacrament of matrimony between a man and a woman has both religious and civil aspects. The church renders to Caesar what is due civilly but teaches in a religious context that marriage is a sacramental union based upon mutual love and self-giving, which includes procreation and indissolubility. In the latter case, where there is sincere doubt about the com-

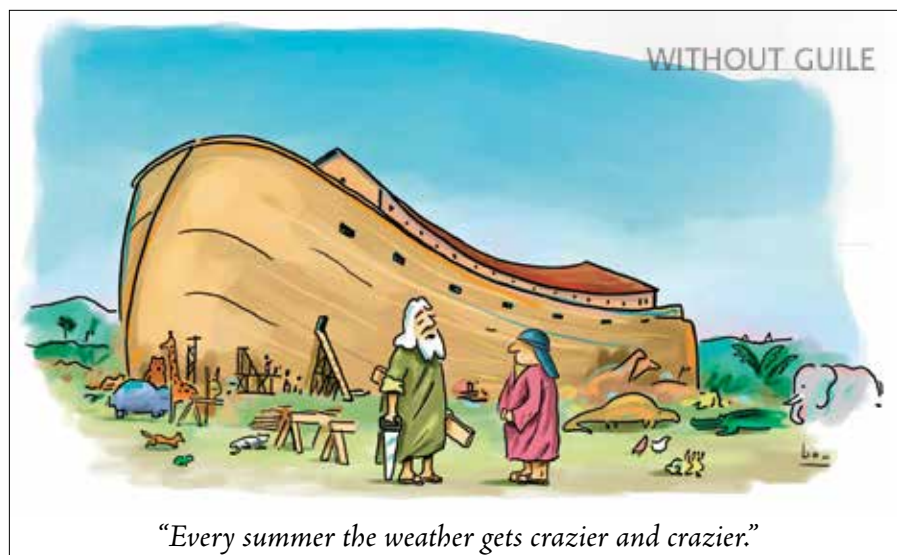
mitment and its consequent validity, the parties traditionally have had recourse to ecclesiastical tribunals and a system of appeal in the external forum. In "The Joy of Love," Pope Francis deals with the proper formation of conscience of the people of God, so penitent and priest can approach "irregular situations" in the internal forum, giving proper primacy to conscience, which is probably more rigorous than the tribunal if properly and honestly done, with God alone as the judge.

JOHN R. HEYING SR.
Aurora, Ill.

Order in the Philippines

Re "Duterte's Tough Talk," by David T. Buckley (7/4): This article mainly talks about the Catholic Church as the bishops of the Philippines. But the Catholic Church is much more than the bishops. President Rodrigo Duterte's poor human rights record, especially against the right to life, will surely make the bishops vigilant about what will likely be an iron-fist leadership style. The trickier part will be how the Catholic laity will respond. There might be divisions among them. I know many pious Catholics (churchgoers, virtuous, prayerful and over all God-loving) who support Mr. Duterte precisely because of his brutality in enforcing order.

ROBIN SEBOLINO
Quezon City, Philippines



VIOLENCE IN AMERICA

Police Shootings and Apparent Reprisal Attacks Shock the Nation

The deaths of two African-American men last month at the hands of police in Baton Rouge, La., and Falcon Heights, Minn., a suburb of St. Paul, provoked soul-searching and demonstrations against police brutality and institutional racism around the country. In a jolt to the entire nation, the killings apparently also provoked a rampage against police that left five officers dead in Dallas, Tex., on July 7. And in a shocking replay on July 17, three officers were shot down in Baton Rouge and three other officers wounded, a sheriff's office spokeswoman said.

The suspect in the Baton Rouge attack was killed by police at the scene. The shooting—which happened less than a mile from Baton Rouge police headquarters—came amid spiraling tensions across the city—and the country—between the black community and police.

“Words cannot express the emotions we feel for those who have lost loved ones in the tragic events of this day,” Bishop Robert Muench of Baton Rouge said in a statement released on July 17. “Their entire lives have been unexpectedly and terribly turned upside down.” The bishop wrote that he had visited with two of the families affected by the shootings and “shared prayer and support in the midst of their shock, horror and grief.”

“Prayer is a powerful path to follow when tragedy happens,” Bishop Muench wrote, “but even the most devout of us sometime question: ‘What good could come of this?’ Only the Word of God has the answer to the questions that shake our faith: The answer is our Lord Jesus Christ.

“In Jesus, hope ultimately triumphs over despair; love ultimately triumphs over hate; and resurrection ultimately triumphs over death. Standing firmly on the pillars of these eternal truths, we look to his words of promise in the Sermon on the Mount, and we recall two beatitudes that speak to the hope we should hold, especially today: ‘Blessed are the peacemakers, for they shall be called children of God,’ and ‘Blessed are they who mourn, for they will be comforted’ (Mt 5: 9, 4).”

The Rev. Bryan Massingale of Milwaukee, Wis., spoke with **America** on July 7 before the apparent reprisal attacks on police. He had watched the latest videos of police shootings of African-American men, at first with

a growing sadness at the “gut wrenching” tragedy he was witnessing, then just a sense of “soul weariness.” Father Massingale, the author of *Racial Justice and the Catholic Church*, worries that many Americans “see each of these as isolated incidents rather than saying this is not a Minnesota problem; this is not a Baton Rouge problem; this is not a Staten Island problem; this is not a Cleveland problem; this is not a Ferguson problem. This is now a national problem.”

He called racism “a profound warping of the human spirit.” Body cameras and better training will contribute to ending unjustified use of deadly force, but Father Massingale argues, “to my mind they are going to be limited and even ineffective if we don’t address these issues as soul issues, and that should be what religious faith and Catholic faith is all about.”

“We are going to keep circling back



on this issue unless we confront it at its deepest level and say that there’s a soul sickness that’s present in our nation,” Father Massingale said, “and until we have the willingness to address it, and not just address it rationally but to address it using the best resources of symbol and ritual, we won’t be able to really deal with or get ourselves out of this destructive feedback loop that we’re caught in.”

He issued that appeal just a few hours before the shooting started in Dallas.

KEVIN CLARKE

TERRORISM

Need for ‘Crisis Architecture’

Tighter Western security measures and immigration controls are two likely outcomes of a truck attack in France on July 14,

SIMPLE GIFTS. Baton Rouge Police Department Officer Markell Morris holds a bouquet of flowers and a Superman action figure that a Baton Rouge resident left at Our Lady of the Lake Hospital.



PHOTO COURTESY OF JACQUELINE WILSON/SMITHSONIAN MAGAZINE

but a closer appraisal of “crisis architecture” may be another response to the unprecedented attack.

“I think that, sadly, we’re at a place where—not just for terrorism reasons but for a wide variety of reasons—we need to think about crisis architecture which can limit the amount of casualties,” said Daveed Gartenstein-Ross, a senior fellow at the Foundation for Defense of Democracies and an adjunct assistant professor in Georgetown University’s security studies program. “These attacks are going to get worse before they get better; that’s why it’s important to think about how we mitigate the impact and save lives, knowing that these things are going to continue.”

More than 80 people were killed and more than 200 seriously injured after Tunisian-born Mohamed Lahouaiej Bouhlel drove a 19-ton refrigerated truck through a crowd that

had gathered to celebrate Bastille Day on a beachfront promenade in Nice, France.

According to Gartenstein-Ross, what soft-target, mass casualty attacks have in common is either an internal architecture or outdoor public design “that makes it easier for attackers to kill a large number of people.” He cited the assaults on night clubs in Orlando, Fla., and Paris, France, that left scores dead as examples of a design that packed people into tight areas with few opportunities to escape and “not a lot of barriers to a shooter who was trying to move through the area.”

He said, “Similarly, in this case you have an attacker who literally was able to drive for two kilometers hitting people all the way; he did not run into a spike strip; he did not run into a barrier that was designed to slow down or stop a vehicle.”

Despite the fact that al Qaeda had already suggested an interest in a “ramming attack” at the event, “the architecture was not designed to slow down any attacker who was trying to drive and run people down.” Why those measures were not put in place beforehand should be a focal point of the investigation into the attack, he said.

Talk of a response by France against the Islamic State has followed quickly in the aftermath of the attack. What may seem like a mere retaliation could, all the same, be effective in preventing more terror attacks, according to Gartenstein-Ross. Having a caliphate in place, “a quasi-state,” he said, “where attackers can plan and train for future attacks, does make this organization more deadly.”

He added, “There are multiple reasons to want to see this very brutal extremist organization collapse much more quickly.”

He also believes that a more cautious approach to immigration from extremist hotspots such as Syria and Iraq are justified. “Europe’s policies have been extraordinarily irresponsible” so far on the Middle East migration crisis, he argued.

“Clearly, mass migration into Europe is making things more dangerous,” he said. European intelligence and security agencies have been “asleep at the switch” and have to learn to be “nimble” in response to a fast-evolving threat. He suggested that more intelligence and security resources should be devoted to border control, screening migrants passing through the by now well-established routes out of the Middle East and into Europe.

The need for better security strategy, he said, has to be separated from compassion for the people of the region who seek to escape the same ISIS terror. “These are difficult policy steps,” Gartenstein-Ross said, but in the end “in any society one of its first obligations should be to take care of its own citizens.”

KEVIN CLARKE

AFTERMATH. French flags at half staff near the site of a deadly attack on the famed Boulevard des Anglais in Nice, France, on July 16, 2016.



ELECTION 2016

Calling All Pro-Life Democrats?

Democrats for Life may have lost the battle, but they're hoping to win the war, as they see the party's future inextricably linked to how well it carves out room for individuals opposed to abortion.

Democratic Party leaders meeting in Orlando, Fla., on July 10 advanced a draft of its 2016 platform that for the first time in party history called for ending the ban on federal money used to fund abortion. The Democrats' presumptive nominee, Hillary Clinton, also supports ending this restriction.

But Kristen Day, head of Democrats for Life of America, said her group will be inside the Wells Fargo Center when Democrats meet in Philadelphia from July 25 to 28 for their 2016 convention, pushing the message that Democrats can't win with what she dubbed "extremism" on abortion.

Day says the party's 2016 platform is ignoring the views of the majority of Americans. "We're not calling for safe, legal and rare anymore," Day said, referring to the stance of former President Bill Clinton in the 1990s. "We're just calling for legal for any reason. That's a big change from where we were even a couple years ago."

Day said she will urge party leaders to look beyond winning the White House.

"You can't rely on the White House to pass things like paid leave, or Medicaid for all, or increased access to health care, or a minimum wage increase," she told *America*, referring to other issues she believes are important to the pro-life cause. "You can't pass any of those things when you have Republican majorities in the rest of the country."

NEWS BRIEFS

Msgr. Owen Campion of Nashville, Tenn., retired on June 30 after a long career in the Catholic press as an editor and associate publisher. • A few months after Donald J. Trump's clash with Pope Francis over immigration policy, a new poll finds that **most U.S. Catholics support Hillary Clinton**, the Democratic presidential candidate, by almost 20 percentage points, with white Catholics narrowly supporting Trump, the Republican candidate, and Hispanic Catholics choosing Clinton by a wide margin. • The Vatican announced on July 13 the appointment of **Kim Daniels**, a former spokesperson for the U.S. Conference of Catholic Bishops, to the newly formed Secretariat for Communication. • The California Catholic bishops announced their support on July 14 for Proposition 62, a voter initiative on the November ballot that would **repeal the death penalty**. • El Salvador's Supreme Court struck down the country's amnesty law on July 13, opening the door to lawsuits from perhaps **thousands of victims of abuses** during the civil war in El Salvador, which ended in 1992. • On June 30, a federal judge granted a preliminary injunction against enforcement of an Indiana law that makes it illegal for women in the state to have an abortion solely because of the **race, gender or disability of a fetus**.



Owen Campion

According to Day, substantial Democratic losses at the state and national levels following the passage of the Affordable Care Act, which contained provisions to increase access to contraception, including methods church leaders consider abortifacients, suggest that the party ignores the pro-life vote at its peril. "We can't pass more laws to support pregnant women and working families and protect this 'whole life' point of view if we're in the minority," she said. "In swing districts, the pro-life vote can make a difference."

Day's group plans to unveil a report during the convention that suggests that the party's extreme views on abortion are out of touch with most of the U.S. electorate. Day claims membership in her organization is "in the thousands," but she believes there are about

21 million Democrats who identify as pro-life.

Day hopes to use the convention "to find these pro-life Democrats because we really need more unity and a stronger voice in the party because so many pro-life Democrats are afraid to speak out." Day said she wants to convince other Democrats who do not share their party's views on the topic to "come out" of hiding.

"We're pro-life Democrats, and we have a consistent ethic of support for the pregnant woman and the new mother and the young family across the board," Day said. "We don't think we should abandon the family when the child is born, and I think Democrats understand that."

MICHAEL O'LOUGHLIN

From *America* Media, CNS, RNS, AP and other sources.

Stuck in Traffic

Traffic is to Los Angeles what dangerous animals are to Australia—something visitors fixate on and locals mostly ignore. “Do you know it took me over an hour to get here?” tourists ask, eyes crazed and glassy after their first foray in the SoCal stop and go. “Also, why is Hollywood so gross?” (Seriously, Mayor Garcetti: Why?)

The issue of traffic congestion here is undeniable. According to a recent national study, Angelenos spend an average of 81 hours a year stuck in traffic, the worst rate in the country. (San Francisco and Washington, D.C., tied for second at 75 hours.) But among most locals the snarls barely rate a mention. Between a heavy medication of podcasts and satellite radio shows and a religious observance to Waze, the community-fed traffic and navigation app, Angelenos simply cope.

Still, faced with the growing consequences of climate change, like the state’s never-ending drought, the city’s overwhelming dependence on automobiles would seem a serious concern. Once upon a time the county had over 1,000 miles of electric streetcar lines. But a combination of rising costs and the machinations of car companies anxious to eliminate competition eventually destroyed the service.

Today L.A. County actually transports 1.3 million people a day by public transit, second in the United States only to New York, but with little of the efficiency or convenience offered

in other major cities. Over the last decade the county has invested \$9 billion into expanding its system. Yet over the same period, transit usage has diminished by more than 10 percent.

The problem, explains Brian Taylor, director of U.C.L.A.’s Institute of Transportation Studies, lies in the city’s history. Los Angeles is most often compared to places like New York or Chicago. But, Taylor points out,

Los Angeles ‘grew up around the automobile.’ Ready access to transportation was assumed.

those cities developed their transit networks before the invention of the automobile. This led to denser urban areas that play to the strength of public transport—“moving a lot of people in the same direction at the same time.” As a result New York City today carries 38 percent of the entire country’s transit riders.

Los Angeles, on the other hand, like many other American cities and most suburbs, developed largely after World War II. As such it “grew up around the automobile,” says Taylor. Ready access to transportation was assumed; space, not density, was of highest value.

This difference complicates conversation around public transportation today in ways that are not always obvious. Even when the problem of congestion is acknowledged, the size and population spread of Los Angeles create significant obstacles to efficient transportation. “Public transit trips take about twice as long as driving,”

notes Taylor. When a commute by car can already take upwards of an hour each way, for many people the public transit option is no option at all.

And simply investing more money in such a geographically challenged system has little impact. For those with the means, it doesn’t matter if the city schedules more buses or offers newer, safer trains if the travel time remains basically the same. Yet cities continue to push massive funding packages—including in Los Angeles a proposed \$120 billion over the next 40 years—both because it appears to address the problem and because many erroneously think, How could more resources not help?

As Taylor sees it, rather than spreading transit resources over the entire city out of a desire to seem fair, Los Angeles should focus its efforts on areas and populations who actually need and use rapid transit services. “We’re spending a lot of money on new commuter-oriented services,” he explains, but “they aren’t returning a lot in ridership.”

But what about the congestion? What about all the cars? Taylor says they’re largely here to stay. “Private vehicles are likely to play a central role in mobility in all but the very densest cities in the country.”

If that’s the case, alongside the shiny new train line that links Santa Monica to downtown L.A.—but which takes as long to reach downtown as the old line did 60 years ago—county and state government should start thinking about public transit in broader terms. They might consider diverting some of their proposed billions to research and rebates on hybrids and electric cars.

Investing in longer National Public Radio programs couldn’t hurt, either.

JIM McDERMOTT

JIM McDERMOTT, S.J., a screenwriter, is *America’s Los Angeles correspondent*. Twitter: @PopCulturPriest @jmcdsj.



Teaching to Think

Somewhere around a quarter of a century ago, I found myself sitting down at a table in my high school gym to take the A.P. English IV test. I had an extraordinary teacher for that class, so I should have been ready; but I had spent months obsessively re-reading Joseph Heller's *Catch-22*, with the occasional break for a Tom Clancy novel, and so was blindsided by the essay question: "Many famous novels feature a close relationship between a protagonist and his/her sidekick. Select one book from the following list and describe how the relationship between the two enriches and develops the plot. Be specific."

Yossarian, the protagonist of *Catch-22*, is of one of literature's great loners, so I could hardly write about him. And for some reason, none of Tom Clancy's novels were on the list, so Jack Ryan was also out. I peeked around; my classmates were already writing. The situation was dire.

Suddenly my eyes lighted on the drama kids in the corner. Eureka! The fall musical had been "Man of La Mancha," and what better sidekick was there than Sancho Panza? The list of approved novels certainly included "the first novel" of them all, *Don Quixote*. Onward to glory I wrote!

Or so I thought. We met with our teacher afterward to review. "Keane, you fool," he spluttered. "'Man of La Mancha' is a two-hour musical. *Don Quixote* is a 900-page book from the 17th century. You have no chance of passing."

Years later in graduate school, I

finally read the novel cover to cover. Lo and behold, it was rather different from the musical. Who knew?

All jokes aside, this memory has been on my mind during the latest round of academic hand-wringing over the workplace of the future. The liberal arts, policymakers agree, should take a back seat to the STEM disciplines of science, technology, engineering and mathematics. The latter are ballyhooed by everyone from Barack Obama (a political science major) to the former chief executive officer of Hewlett-Packard, Carly Fiorina (double major in philosophy and medieval history), as the key to keeping America's economy competitive.

Much of this is a numbers game. A generation ago, according to Forbes, 40 percent of the world's scientists and engineers lived in the United States; now 15 percent do, and the percentage will continue to shrink as China's and India's huge populations of engineering students enter the workforce. And there is little doubt that the technology sector will play a more prominent role in the future. We do need more engineers and scientists—many more.

The funding for those programs has to come from somewhere, however. Because of diminishing resources, the specter of "program prioritization" haunts almost every university in the country, and rarely does the priority go to the liberal arts. The result is that these programs often have to justify their existence on the grounds of economic utility rather than pedagogical

importance.

There's an argument to be made there, actually. I suspect that I passed that A.P. exam (no really, I did) 25 years ago for two reasons. First, my exposure to curricula heavy on verbal expression had taught me some basic skills in critical thinking and writing that helped me scheme my way through a complex problem. Second,

I met people working in creative endeavors for which I had no training at all, who offered me a basic cultural competency. The stupidity of trying to fool the College Board exam readers with an answer based on a play requires, after all, that one has seen the play.

But economic advantage is not the only goal of education. Nor

do humanities studies exist just to make our nerds more cultured than yours. From Plato to Cicero through the Jesuit *Ratio Studiorum* all the way to Thomas Dewey, Western cultures have recognized that broadened horizons account for a good citizenry, and every time we move away from that notion we suffer. Future employment might be the most quantifiable goal of education, but it is certainly not the primary determinant of a society's health. And can't we agree these days that our society's health is more on our minds than our economy?

If we cannot encourage innovative and creative ways of thinking, or train our children to revisit forgotten ones, all the technology training in the world is just so much tilting at windmills.

Economic advantage is not the only goal of higher education.

JAMES T. KEANE is an editor at Orbis Books in Ossining, N.Y., and a former associate editor of *America*. Twitter: @jamestkeane.

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Humanitarian Revolution

The refugee crisis demands better aid, not just more aid.

BY DAVID MILIBAND

Every day in my work at the International Rescue Committee, I hear stories and see evidence of how vulnerable people in desperate straits around the world are not getting the help they need. The scale and complexity of current humanitarian needs are increasingly out of step with the resources, policies and practices available to meet them.

A series of events this year offers the chance to encapsulate and enact reforms that make a material difference to the lives of the people we and other humanitarian agencies seek to serve. In May, there was the first ever U.N. World Humanitarian Summit, which the U.N. secretary general boldly committed to "fundamental reform." There are successive U.N. and U.S. government-sponsored summits in September on migration and refugees. There is the election of a new U.N. secretary general, also in September, who will take office in January 2017, when there will also be a new U.S. president. These are vital opportunities to bring new hope and dignity to some of the most vulnerable people in the world.

Much humanitarian action is genuinely heroic. The work of staff members of the United Nations and nongovernmental organizations, not to mention the efforts of those afflicted by conflict and disaster, is remarkable. But more heroism is not an adequate response to the scale of humanitarian suffering; instead we need to update our thinking about what humanitarian action is and how it can be delivered.

There is a need for better aid, not just more aid. The guiding light of reform should be the idea of turning humanitarian action from a mission-driven but fragmented sector of activity to a high-performance and dynamic system. Speeches, articles and books often talk interchangeably of a humanitarian sector and a humanitarian system. In fact, a sector and a system are not the same. A sector is a diverse group of organizations, each with a different focus, operating on the basis of shared principles. A system, for example a judicial system, by contrast, is directed toward shared outcomes, not just shared principles; it has agreed metrics of success, not just multiple measures of activity, and a commitment to inform all practice with objective evidence on

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what works rather than a generalized belief in sharing positive experience.

The obvious objection to trying to harness diverse activity into a single system is that bureaucracy and hierarchy would triumph. My argument is the opposite. A system with clear goals, a dedicated evidence base and the right financial incentives would be better able to adapt to and even anticipate change than the current sector. Such a system will need to break out of the categories that currently constrain us: emergencies versus protracted crisis, humanitarian relief versus sustainable development, helping people survive versus helping them thrive. These are meaningless categories to individuals and families coping with crises. Changes in the wider world have left these distinctions behind. It is time for public policy to do so, too.

The Context of Crisis

The current scale of human displacement is staggering. Over 60 million people, split two-to-one between internally displaced people and refugees, are now fleeing for their lives. In 2014, only 1 percent of the world's refugees were able to return home. Old conflicts are continuing, from Somalia to Afghanistan, and new wars are starting, from Syria to South Sudan. One in every 122 people on the planet is fleeing conflict. Over 40 percent of the world's extreme poor live in conflict or fragile states.

This is what creates the case for more aid. Despite the fact that fragile states produce 60 percent of the world's displaced and host nearly half of the world's displaced and 43 percent of the world's extreme poor, they receive just 30 percent of total overseas development assistance. As the U.N. High Level Panel on Humanitarian Financing recently said, "Never before has the world been so generous towards the needs of people affected by conflicts and disasters, and never before has generosity been so insufficient."

It is more than plausible that the humanitarian effort is underfunded to the tune of \$15 billion (the figure given by the U.N. High Level Panel). But while \$15 billion would be very welcome and would make a real difference, it would not solve the problems that exist. The organic growth of the humanitarian sector over 70 years—spurred in recent decades by the creation of the U.N. Office for the Coordination of Humanitarian Affairs, the entry of Gulf state donors and the growth of a private sector role—has not kept up with



GETTING TO CLASS. Afghan children arrive at a school near a refugee camp near Kabul.

the needs of the people.

The mismatch is not just one of resources. It is also one of concept, institutions and mindset. And the mismatch is likely to grow if the likely context going forward is taken into account, from growing climate risks and economic imbalances to the deep trend toward flight and urbanization, the reticence at best on the part of most wealthier countries to accept refugees and the continued pressure on humanitarian finance at a time when there are increasing pressures on domestic budgets.

In the face of these facts, there is a range of necessary responses. One is to reinvigorate international action for conflict prevention and response. Another is to raise more resources. These are very important. But I focus here on what we are trying to achieve, how we can achieve it and how we can finance it.

Collective Outcomes

The humanitarian community has always embraced fundamental principles of action. The principles of independence, neutrality, impartiality and humanity are important every day

in our work—protecting our staff and supporting our beneficiaries. But unlike our “development” counterparts, we have yet to define limited and specific results to guide our programs and investments and to measure progress and performance.

Over the past few years I have argued that the absence of a limited set of agreed-upon outcome measures prevents the humanitarian community from operating like a proper system, with a clear focus of activity and effort. As a result, energy is wasted, accountability is undermined, responsibility is dispersed, a silo mentality is reinforced and the divide between people and institutions who consider themselves to be working on “development” rather than “humanitarian” issues is reinforced.

Outcomes, measured by meaningful indicators and context-specific targets, are not a magic cure, but they are the starting point for a serious attempt to build a system that effectively and accountably meets the needs of people displaced by conflict.

It is therefore significant that the recent U.N. report “One Humanity” mentions “collective outcomes” not 10 or 20 times but 60 times. It rightly calls for “agreement on collec-

tive outcomes that are strategic, clear, quantifiable and measurable” and says that “over a multiyear horizon [collective outcomes] is ultimately how we transcend the humanitarian-development divide.”

Collective outcomes need to specify the improvement we want to see for the conflict affected and displaced: not just numbers of children in school but whether they have literacy and numbers skills. In countries where needs most outpace resources, we need to agree on the most pressing changes that our shared activity must achieve. Setting targets for improvements in the situation of displaced populations that are both ambitious and feasible will motivate all of us to be more disciplined in our interventions. Measuring our progress together will help all of us improve accountability to beneficiaries and incentivize collaboration. In essence, these targets would form the bedrock of a systemwide performance framework.

The task of the U.N. Meeting on Refugees and Migration in September is to agree to the details. I offer three points to inform this process. First, there should be some clear priorities for collective outcomes relating to health for those displaced by conflict, to education for children displaced by conflict, to protection from violence for women and children displaced by conflict and to economic well-being for those displaced by conflict.

Second, the indicators to measure these outcomes need precision and care if they are to have the requisite effect. In education, for example, whether a child has access to education should be indicated not simply by an enrollment rate demonstrating that she is signed up for school but by attendance and participation rates, signaling that she indeed was able to go to school and participate for a minimum number of hours needed for learning.

Third, the power of this approach comes in the word *collective* as well as in the word *outcome*. That is because, at the moment, different donors ask implementers to measure different indicators. This means that even if one donor simplifies reporting requirements, it does not have the intended effect of easing the burden on implementation in a material way. For example, the International Rescue Committee in Ivory Coast is required by a combination of donor, host country and internal management demands to track over 1,200 indicators weekly and monthly. This information is time-consuming and costly to collect and not well used to drive programming. So collective outcomes need to be a discipline on donors to drive out wasteful information-collection in favor of harmonized and effective accountability.

**Everyone expects
N.G.O.’s to call for
more aid. If we call
together for better
aid, then we are really
doing justice to our
beneficiaries.**

Follow the Evidence

Focusing on outcomes is the first part of the battle for effective aid. The second is making sure we have the evidence necessary to choose and prioritize interventions that work.

Since 2006, the I.R.C. has completed, or is in the process of conducting, 66 research studies, including 29 impact evaluations, across 24 crisis-affected countries and in the United States. But while there have been over 2,000 rigorous evaluations of programming in stable countries in the last 10 years, we have seen only 100 in conflict settings. And in the absence of a strong evidence base, the humanitarian world is relying on assumptions, experience and intuition rather than research founded on fact or evidence.

Evidence-based interventions have much to offer to improve outcomes. For example, the use of community committees as a means to keep children safe is a common intervention, but there is little evidence that these committees are effective. On the other hand, targeted programs for parents and caregivers have been shown to reduce violence and promote children’s healthy development in high-income and stable countries. The I.R.C. has now tested a family-based approach in Burundi, Thailand and Liberia and set a new standard for effective practice.

A commitment to the use of evidence needs to have five components. First, donors and implementers need to agree on what the evidence says about how to achieve desired outcomes. Second, outcomes need monitoring to measure change from different interventions. Third, we need to generate causal evidence through impact evaluations to inform program design. Fourth, we know that evaluation and evidence alone will not necessarily achieve system breakthroughs. If we want to sustain a system that is evolving, we need to allocate risk capital for research and development to vary and test what works and push for breakthroughs in innovation and research and development. Finally, funding needs to follow the evidence. Programs with high levels of impact need to grow, while those without need to shrink.

The humanitarian community stands to gain from aligning behind what works and, where we do not have evidence of what works, investing in evidence generation. This takes us directly to the third part of reform: finance.

The Cost of Aid

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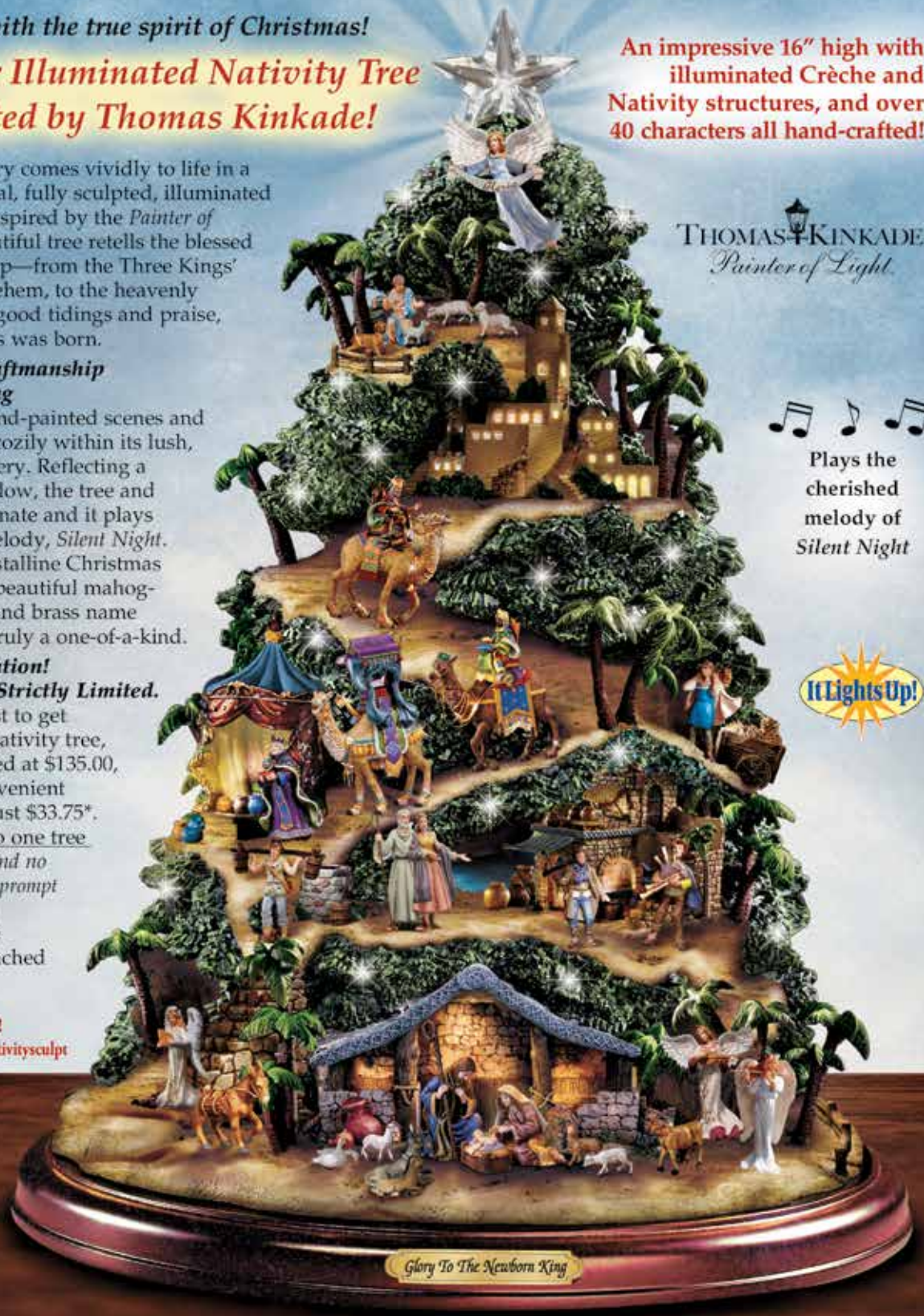
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actual funding over the same period has been 366 percent. Various aspects of the financing system are out of sync with the modern reality of humanitarian need. Refugees are displaced on average for 17 years, but the I.R.C.'s median grant length is 11 months. The attendant accountability systems are multiple, overlapping and divergent, all with their own costs. Aid dollars sometimes follow a circuitous route to the beneficiary, from the donor to the United Nations to an international implementing partner to a local organization.

The High Level Panel on Humanitarian Financing has raised the standard for a more efficient and effective financing system. It is vital that its insights are turned into daily practice.

For donors, that means embracing a shift to predictable multiyear funding dedicated to clear outcomes for affected populations. It means funding measurement, evaluation and evidence-generation at appropriate levels. It means pooling funds across agencies (humanitarian, development) and sometimes across sectors (health, education for women and children) to make sure money is targeted on people's needs and not on organizational mandates. It means a harmonized reporting framework that cuts the costs of managing grants.

For implementers, N.G.O.'s and the United Nations, it means one thing above all others: open books. Transparency is essential for the trust that comes with outcome-oriented funding over longer periods. But obviously the agenda goes beyond that to include more extensive cooperation at the local level: to embrace client voices and choices in program design and delivery and to upgrade our own human resources and compliance systems.

One test of the financial system will be the measurement of cost efficiency and cost effectiveness. We are convinced that by better understanding the cost of different programs in different places, we can dramatically increase the number of people who benefit.

We know from research in Kenya that while there is good evidence that a number of programs can improve children's literacy, they vary widely in cost-effectiveness. According to a review by the economist Patrick McEwan, an investment of \$8,900 could upgrade the reading skills of 100 students by 20 percent if the money were spent on computer-assisted literacy instruction. But the same amount of money could get the same result for 423 students if spent on performance incentives for teachers, and for 695 students if spent on remedial tutoring. In other words, with the same amount of funds, we can achieve the same outcome for six times as many people.

Within the sector, cost is widely recognized as important. U.N. appeals often state the "cost per beneficiary," and N.G.O.'s, like my own, report on the percentage of donated funds that go directly to programs. For example, we say,

accurately, that 93 cents of every dollar given goes directly to programs and services.

While it is a step in the right direction, this form of reporting has significant limitations. It assumes that low administrative costs are equivalent to efficiency. A more meaningful analysis would be to look at the cost-efficiency and cost-effectiveness of specific programs. A cost-efficiency analysis compares the cost of a program to the outputs it achieves (for example, cost per latrine constructed, or cost per family provided with cash assistance), while a cost-effectiveness analysis compares the costs of a program to the outcomes it achieves (for example, cost per diarrheal death avoided, cost per increase in nutritional status).

The truth is that better costing of aid has the potential to save and improve more lives. But the multiplier effects of costing will be realized only when the sector is able to behave like a system. This means having a common methodology for costing that allows cost figures to be compared across agencies, systems that help to automate calculations so they can be done quickly and consistently, and common indicators that we are striving toward.

Everyone expects N.G.O.'s to call for more aid. If we call together for better aid, then we are really doing justice to our beneficiaries.

The Way Forward

There are good grounds for believing that there is an emerging consensus about what should be done to reform humanitarian aid. Yves Daccord, director general of the International Committee of the Red Cross, put it well: "As humanitarian organizations and their leaders strive to remain relevant and effective in this dramatically changing environment, carrying out 'business as usual' is clearly not an option."

It is vital to acknowledge the widespread skepticism about whether there is sufficient unity of leadership in this diverse sector to deliver change. We are a donor-driven sector, and the main donors have wide areas of agreement. But they still run different systems. The United Nations is coordinator, implementer, fundraiser and donor, but each U.N. agency has a different mandate, and so a different set of incentives. The implementing N.G.O.'s are funded to deliver programs, not to exist, and so are in a constant battle to raise core funds.

My own view is that this change has to be led by the donors. They have the money; therefore they have the leverage; therefore they have the responsibility. If they remain fragmented, focused on inputs, not outcomes, and siloed in their thinking, then the sector will remain fragmented and siloed as well. Overcome this inheritance, harmonize their efforts, put the beneficiaries at the center, and the extraordinary commitment of all the players could build a humanitarian system worthy of the name. ▲

After Scalia

How the Supreme Court is faring without its most vocal justice

BY ELLEN K. BOEGEL



ECCLESIAL APPEAL. Bishop David A. Zubik of Pittsburgh, left, and Cardinal Donald W. Wuerl of Washington near the U.S. Supreme Court on March 23.

The quiet death of the Supreme Court's most vocal justice changed the result of only a few decisions, but the loss of Justice Antonin Scalia midway through the 2015-16 term cast a pall that will hang over the court through the presidential election and beyond. The nation's political polarization, the Senate's failure to act on Judge Merrick B. Garland's nomination and dissatisfaction with Supreme Court decisions from both the right and left guarantee that the appointment of the next justice will be a major campaign issue.

It is impossible to truly judge the impact of Justice Scalia's absence from the bench and on behind-the-scenes debate

ELLEN K. BOEGEL, an associate professor of legal studies at St. John's University in New York, clerked for the United States Court of Appeals for the Second Circuit. She is a regular columnist for *America*.

and compromise. By simple numerical count, however, his death did not affect many decisions. One-vote majority opinions make the headlines because they decide controversial issues, but most Supreme Court decisions are made by a clear majority. Of the 80 opinions issued this term, 63 were ruled on without Justice Scalia, but only four were determined by one vote. In another four cases the court was unable to reach a decision because of a tie.

A tie maintains the status quo. Lower court decisions that are not reversed by a majority of the Supreme Court are summarily affirmed, but the outcome is not nationally applicable. Of the four cases that were tied, only one, *Friedrichs v. California Teachers Association*, clearly would have had a different outcome had Justice Scalia lived. The lower court in *Friedrichs* applied a previous Supreme Court ruling that required public employees who are not union members to

pay union agency fees. The case was argued before Justice Scalia's death, and his questions indicated he would have joined his conservative brethren and ruled the requirement a violation of employee First Amendment rights. In the other three tied cases, it is probable he would have voted to uphold the lower courts' decisions.

Quite possibly the greatest impact Justice Scalia's death had on cases this term was the court's decision not to hear an appeal. The Supreme Court picks and chooses the cases it hears by granting or denying petitions for certiorari (review). Four votes are needed to accept a case. The petition for review in *Stormans, Inc. v. Wiesman* was ruled on after Justice Scalia's death; only three justices voted to grant review, which means the lower court ruling stands. The case involves a family-owned pharmacy and individual pharmacists who object to filling prescriptions for emergency contraceptives. A Washington State regulation prohibits a pharmacy from refusing to "deliver a drug or device to a patient because its owner objects to delivery on religious, moral, or other personal grounds." The U.S. Court of Appeals for the Ninth Circuit rejected the pharmacists' First Amendment claims. It is probable that Justice Scalia would have joined Chief Justice Roberts and Justices Alito and Thomas in voting to grant review. Nevertheless, while the decision not to hear the appeal is a blow to the individual plaintiffs, religious rights advocates generally would agree that no decision by the Supreme Court is better than an adverse one.

Major Decisions

Zubik v. Burwell, which was argued and decided after Justice Scalia's death, challenged the Affordable Care Act's contraceptive mandate as applied to religious employers who objected to applying for the government exemption. The court avoided what might have been a 4-to-4 tie by agreeing 8-to-0 to send the consolidated cases back to the lower courts to fashion opt-out provisions acceptable to all parties. The decision was praised by the Becket Fund as a win for religious liberty.

The lower court in *United States v. Texas* issued a preliminary injunction against the Obama administration's executive action on immigration. These initiatives (the Deferred Action for Parents of Americans and Lawful Permanent Residents and the expanded Deferred Action for Childhood Arrivals policies) would have given certain undocumented immigrants a temporary right to work as well as a reprieve from the threat of deportation. The U.S. Conference of Catholic Bishops submitted an amicus brief in support of the programs, but the Supreme Court split 4 to 4, which leaves the injunction prohibiting implementation in place. The lower court determined the policy was not properly promulgated as required by the Administrative Procedure Act, but it did not find that the programs are inherently impermissible. The

decision did not affect the original DACA program, which is in effect and currently benefits approximately one million immigrants, but must be renewed by the next president. The future of immigration reform is not in the courts but in the hands of the voters, as we elect a new president and Congress.

Whole Woman's Health v. Hellerstedt invalidated a Texas law requiring abortion clinics to meet ambulatory surgical center standards and their doctors to have admitting privileges at nearby hospitals. The U.S.C.C.B. submitted an amicus brief in support of the Texas law and the health benefits it affords women seeking abortions. A majority of the court, in an opinion written by Justice Breyer, disagreed and held that the law impeded rather than benefitted proper care and was an undue burden on the right to an abortion. The 5-to-3 decision was strongly criticized by the dissenting justices who would have denied the appeal on procedural grounds, but also disagreed with the majority's wholesale rejection of the enacted safety standards. While some provisions of the law, like those requiring specific room dimensions and one-way traffic patterns, are not required for patient health, others, like those prohibiting "misleading advertising" and requiring patients to "be treated with respect, consideration, and dignity," are beneficial and pose no burden. As Justice Alito wrote, "[f]ederal courts have no authority to carpet-bomb state laws, knocking out provisions that are perfectly consistent with federal law, just because it would be too much bother to separate them from unconstitutional provisions." Whether rightly or wrongly decided, the majority opinion is controlling. The Supreme Court has put pro-life advocates and legislators on notice not to overreach when drafting future legislation.

The court heard a number of other notable cases, particularly concerning environmental laws, voting rights and criminal justice.

Environmental Protection. The court stayed the Obama administration's Clean Power Plan pending lower court review, but permitted the Environmental Protection Agency to enforce certain clean air regulations despite a finding last term that they must be re-evaluated. The court also ruled in favor of the Federal Energy Regulatory Commission's efforts to manage the nation's power grid when it upheld "demand-response pricing"—a program to pay utility users to reduce their consumption at peak times—and let stand an E.P.A.-administered Chesapeake Bay cleanup plan.

Voting and Redistricting. The right to vote is greatly diminished when districts are gerrymandered to dilute the power of individual voters, but drawing district boundaries is an inexact science. Districts need not be the same size and minor population differences are tolerated. The court issued unanimous decisions in several redistricting cases this term. In a case from Arizona, the court ruled a redistricting plan was constitutional because political party benefits were inci-



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dental rather than intended. In *Evenwel v. Abbott* the court rejected a claim by Texas voters that state districts should be based on the number of eligible voters rather than on the general population. Justice Ginsburg wrote, “We hold, based on constitutional history, this Court’s decisions, and longstanding practice, that a State may draw its legislative districts based on total population.” A challenge to Virginia’s redistricting was rejected because the members of Congress who brought the suit had no standing as they did not demonstrate actual injury.

As of this writing, the Fifth Circuit is in the process of rendering an *en banc* (full court) decision regarding a challenge to a Texas law that requires voters to present unexpired government-issued photo IDs. The trial court and a three-judge panel of the Fifth Circuit ruled the law violated Section 2 of the Voting Rights Act, but a majority of the circuit’s judges voted to review that determination and stayed the district court’s injunction of the law. The party that loses the rehearing undoubtedly will apply to the Supreme Court for relief. Voter ID law challenges from North Carolina, Virginia and Wisconsin also must be decided before the November elections.

Criminal Justice. The criminal cases decided this term illustrate that justice is elusive. Horrific acts of violence sometimes are followed by prosecutorial and judicial errors that may lead to wrongful convictions or unwarranted punishment. The Constitution establishes procedural safeguards, but compliance is imperfect and requires constant vigilance.

The court affirmed that juries, not judges, must make every decision necessary to impose the death sentence. The court denounced overt racism in the jury selection process when it reinstated the appeal of an African-American defendant who was sentenced to death after the prosecution deliberately excluded African-Americans from his jury. In another case, the court held that a potential juror’s expression of doubt concerning the morality of capital punishment and uncertainty regarding his ability to vote for the death penalty provide sufficient cause for the prosecutor to strike him from the jury pool.

In an unusual judicial recusal case, the court upheld the due process right to a fair appeal when it vacated a decision of the Pennsylvania Supreme Court because its chief justice previously served as the prosecutor who approved seeking the death penalty against the defendant. Another death sentence was overturned when the court threw out a conviction because the prosecutor failed to disclose potentially

exculpatory information to the defense. The most important sentencing decision made by the court this term grants state inmates the right to appeal mandatory life sentences for crimes they committed as juveniles.

The court strengthened the right to counsel by prohibiting pretrial seizure of assets not obtained through illegal means. A different result would have deprived defendants of funds necessary to pay legal fees. The Fourth Amendment right against unreasonable searches and seizures was further clarified when the court held that police may administer a warrantless breathalyzer test, but not a warrantless blood test, pursuant to drunk driving arrests.

In *Caetano v. Massachusetts*, the court indicated that ownership of a stun gun may be protected by the Second Amendment when it vacated a state court decision that upheld a ban on stun guns. The court made it clear the Constitution protects new, as well as old, forms of weaponry.

In one of the last cases decided by the court this term, *McDonnell v. United States*, a unanimous court vacated the conviction of the former governor of Virginia and determined that arranging meetings, hosting events and contacting other officials to discuss favors for one’s beneficiary do not constitute “official acts” and thus are not illegal under federal fraud and anti-corruption statutes.

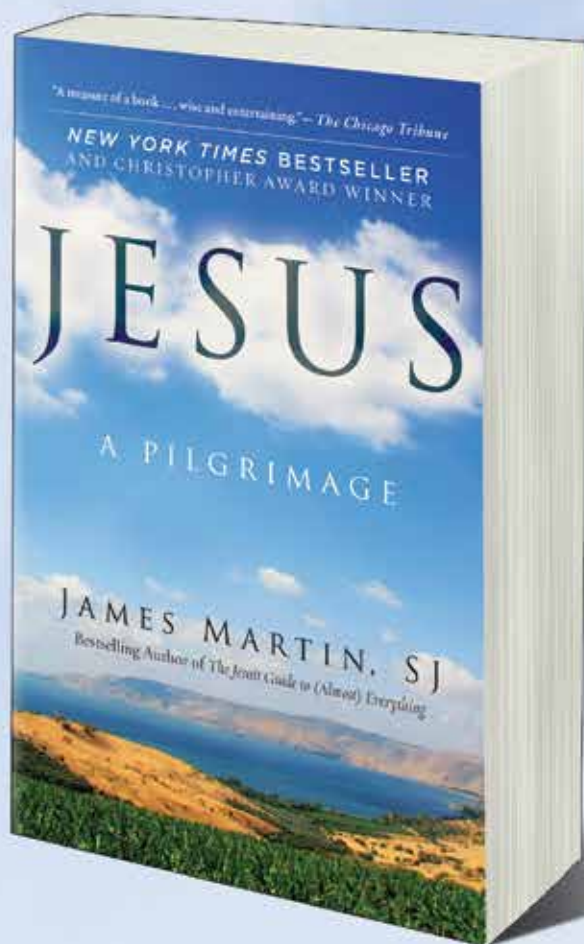
The Senate’s refusal even to consider President Obama’s nominee to fill the Supreme Court vacancy ensures that the court will continue to operate understaffed for most, if not all, of its next term. Chief Justice Roberts and the remaining justices did an admirable job reconciling their differences and finding consensus in almost all the cases they decided after Justice Scalia’s death; but the longer the court is kept to an even number, the more likely it is that it will be unable to fulfill its role as the third branch of government, keeping checks and balances on the states, Congress and the president. As Alexander Hamilton wrote in *Federalist No. 80*, “There ought always to be a constitutional method of giving efficacy to constitutional provisions. If there are such things as political axioms, the propriety of the judicial power of a government...may be ranked among the number. The mere necessity of uniformity in the interpretation of the national laws, decides the question. Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.”

The remaining justices did an admirable job reconciling their differences and finding consensus in almost all the cases.

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Watching for God

The gift and challenge of discernment in “The Joy of Love”

BY ANTONIO SPADARO AND LOUIS J. CAMELI

The word discernment has a central, even critically important place in the development of “The Joy of Love,” Pope Francis’ post-synodal apostolic exhortation on the family. In referring to discernment, Francis employs very strong language: “It is reductive simply to consider whether or not an individual’s actions correspond to a general law or rule because that is not enough to discern and ensure full fidelity to God in the concrete life of a human being” (No. 304, our italics). Many failures to understand this important magisterial text arise precisely from an inability to understand what discernment is and to live it out. So to understand and appreciate the document, we need an accurate understanding of discernment—a word cited about 50 times in the document—and the serious challenge it poses for pastoral ministry.

“The Joy of Love” outlines a real and genuine “pastoral conversion”: “We have long thought that simply by stressing doctrinal, bioethical and moral issues, without encouraging openness to grace, we were providing sufficient support to families, strengthening the marriage bond and giving meaning to marital life. We find it difficult to present marriage more as a dynamic path to personal development and fulfillment than as a lifelong burden. We also find it hard to make room for the consciences of the faithful, who very often respond as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations. We have been called to form consciences, not to replace them” (No. 37, our italics).

The great question, obviously, is this: How do we form consciences? And how do we form those who are called to and responsible for the formation of consciences?

Discernment seems to be a key word in the magisterium of Pope Francis. He lives his Petrine ministry as an evangelical, spiritual and pastoral ministry of discernment, which is able to foster an adult Christianity. “Discernment, purification, and reform” (“The Joy of the Gospel,” No. 30) establish a tripartite foundation. Discernment drives the mission forward and pushes those engaged in it to move outside of themselves and not to be afraid of being dirtied



by the “mud on the street” (Nos, 45, 179).

On June 16, the pope spoke at the opening of the gathering of the Diocese of Rome about “The Joy of Love.” He affirmed the need “to stay in touch with the movement of the Spirit in discernment.” This means “listening to what God is saying to us within our given circumstances” of life. Discernment “does not stop with a description of situations or of problems or—even less—of sin.” Rather, it “always goes beyond and succeeds in seeing behind every face, every story, and every situation an opportunity and a possibility.” Discernment “protects us from turning faith into an ideology.”

Discerning, then, means listening to the voice of the Spirit and facing our unfolding history with its needs and challenges, and—above all—with an eye on individual persons and their concrete lives. This means moving beyond

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“abstract situations” and “cases.” When Pope Francis spoke to the Jesuits of Civiltà Cattolica in June 2013, he synthesized the matter in this way: “Try to discover what God has accomplished and how he will continue his work.” To do this, “the necessary [elements] are study, sensitivity, and experience,” but you also need “to keep your mind and heart open and to avoid the spiritual ailment of self-referral.”

Discerning means listening to the voice of the Spirit and facing our unfolding history with its needs and challenges, and—above all—with an eye on individual persons and their concrete lives.

Clearly, discernment means following one’s own conscience with courage. “This does not mean following my own ego, or doing what I am interested in, or what I find convenient, or what I like” (Angelus address, 6/30/13). Rather, conscience is that interior space where I hear what is true, what is good, what is of God; it is that interior place of my relationship with God. And there God speaks to my heart and helps me to discern and to understand the road that I need to follow. Once I have made a decision, God helps me to go forward and to remain faithful to it.

The pope generously draws on both Scripture and the tradition to identify the goal of discernment. It is to know the will of God in the particular circumstances of my life, so that I may embrace it and live it as best as I can. The assumption—and this is very important for the understanding of

discernment—is that there is not only a “generic” or universal will of God, but there is also a particular and specific way that God’s will is imprinted in my life with my personality, with my circumstances and with my unique vocation.

Beyond Problem Solving

Discernment is not a form of diagnosis or problem solving or moral casuistry, as valid as these operations might be in a given context. Their goal, however, differs from that of discernment. Diagnosis, for example, pinpoints a pathology for which a remedy is prescribed in order to effect a cure. Problem solving uses rational powers to arrive at a solution. And casuistry breaks through moral complexities and applies principles to identify the right way to act. In each of these operations, there is a clear before and after. In a given moment, the diagnosis, the problem solving and the moral analysis yields resolution. With discernment it is otherwise.

The fundamental presupposition of discernment is that it deals not with a problem but rather with a life in process, a person who is on a journey to God. Discernment then sorts through the stages and dimensions of that journey to identify where and how God is inviting that person or community to conversion and life. Instead of dealing with a discrete moment or event, discernment is attentive to the ongoing movements of soul and spirit in all their particularities and historical unfolding.

“The Joy of Love” poses a significant difficulty for some readers, who insist in a pastoral context on dealing exclusively with the binary division of “state of grace” and “state of sin.” Of course, there is a state of grace and a state of sin, because we can be in a loving relationship with God. And that means God’s indwelling or sanctifying grace. Alternately, we can be in a state of sin or alienation from God. An emphasis on the “state” of a person or family or marriage, however, situates people by definition in a static position.

This static emphasis fails to regard the dynamism of the Christian spiritual journey even within those states. For example, I may be in the state of grace and growing in my relationship with God. And that is to be desired. But I may also be in the state of grace and negligent in such a way that the quality of that relationship is eroding and may even become susceptible to rupture. I may be in a state of sin and continue the downward spiral of alienation. But I may be in a state of sin with nudges of actual grace that little by little push me toward repentance and a conversion of heart.

Discernment and accompaniment presume that the Christian life, including the Christian life lived out in marriage and families, is a journey. Even when that journey is irregular or imperfect—perhaps especially when that is the case—the persons who belong to those families and marriages need discernment and accompaniment. There is also another foundation for discernment and accompaniment,

especially in difficult situations. It is what Pope Francis calls “the logic of mercy.” He says:

It is a matter of reaching out to everyone, of needing to help each person find his or her proper way of participating in the ecclesial community and thus to experience being touched by an “unmerited, unconditional and gratuitous” mercy. No one can be condemned forever, because that is not the logic of the Gospel! Here I am not speaking only of the divorced and remarried but of everyone in whatever situation they find themselves” (“The Joy of Love, No. 297).

Pope Francis’ affirmation is striking. Because of God’s mercy, we are never left in the lurch, never abandoned and certainly never discarded. If that is the way of God, then it must also be the way of the church. Furthermore, if that is the way of the

church, then it means the ministers of the church must offer accompaniment and discernment for those who are on the journey, no matter what their situation. Spiritual direction is the help that a believer gives to other believers to help them achieve the level of self-knowledge and freedom that will enable them to become themselves in faith.

Watching, Waiting, Observing

Because we live in a mechanized and technological world, we expect to find applications that will quickly resolve our problems and situations. We are impatient with anything less than that. Even our most intimate interpersonal relationships are overshadowed by our impatient quest for quick fixes. In the realm of the Spirit of God, it is different.

A pivotal assumption is that the call of God and the will of God are inscribed in the narrative of our lives. In effect, God’s truth and direction for us is embedded in our very existence. We also believe that if we wait and watch patiently, God’s truth and direction will emerge with sufficient clarity for us to embrace it and live it.

More specifically, in the accompaniment of married couples and families, we watch and wait in and through a process of attentive listening to those entrusted to our care, as we listen simultaneously to the word of God. First, we listen to others integrally—that is, not only their problems, difficulties or dilemmas but also, and even more, to their gifts, dreams and hopes. This integral listening helps us to be present and attentive to whole person, the whole marriage and the whole family. Then, if we are serious about identifying God’s call and will in the lives of people, we must also be listening simultaneously to the word of God given in the Scriptures and in the teaching of the church.

Discernment is not a form of diagnosis or problem solving or moral casuistry.

After the process of waiting and watching for a God-given direction to emerge and after a clarification of the particular call to conversion or change is identified, we are summoned to a response, a decision and a commitment. This is, in effect, an exercise of our freedom. And it might seem that it is only a question of doing the right thing. Of course, that ought to be the direction of our response and decision. The complication rests in the nature of our freedom. We are never absolutely free in this life. Pope Francis affirms this when he states: “Situated freedom, real freedom

[which belongs to us], is limited and conditioned. It is not simply the ability to choose what is good with complete spontaneity” (“The Joy of Love,” No. 273). The first objective of the accompaniment of spiritual direction is to confront a person with the

degree of freedom that he has, and help him to grow in it.

Along with helping individuals, couples and families to make the free decisions to which God is calling them, those who exercise spiritual accompaniment need to help them identify the sustaining resources that will lead them into the future. The dialogue involved in discernment does not come to an end but opens out into a future. And that future includes a continuing process of waiting, watching, observing, deciding and responding. No one can ever rest because they feel that they are in a “correct” situation. God’s call is to ongoing conversion until the conversion of heart is complete.

It would be foolish to think that individuals engage in discernment within the private confines of their lives as a solitary enterprise. Discernment and the decisions of conscience are absolutely personal in character, but they are not private matters isolated from the community of faith. Spiritual direction itself has always been viewed as an ecclesial event, the meeting of two believers in the name of the Lord Jesus (see Mt 18:20). In the context of family and marriage, Pope Francis offers these striking words: “The church is a family of families, constantly enriched by the lives of all [the] domestic churches” (No. 87).

The Results of Discernment

The concluding paragraph of “The Joy of Love” suggests that the entire exhortation has not simply been about family life and marriage but, even more, that it represents a commitment of the whole church to accompany families. This is the fundamental context of discernment.

The journey of discernment that is made “walking together” draws not only on the resources of other believers today. It also draws on the history of faith, on the experi-

ences of the holy men and women of our tradition, as well as the supportive and encouraging presence of those who serve in the church today.

The result of an honest and true discernment is the “good fruit” of which the Gospel speaks (see Lk 6:43-45): “each tree is known by its own fruit.” And since the core of the Gospel is love, an authentic discernment will be manifest and evident in the love it generates, love of God and love of one another. Another authenticating sign of discernment, whether for individuals or for communities, is the gift of peace. This peace, however, must be properly understood. The genuine peace that is a fruit of true discernment is not simply an atmosphere of calm; even less is it complacency. This true peace is rooted in right relationship with God and with others. This true peace summons people to a continuing conversion.

Finally, it is critically important to understand the relationship between discernment and hope. For some people the passionate quest for proper discernment is linked to their search for certitude. They want to know God’s will for them with precision. Presumably, with this knowledge they can then accomplish God’s will and be certain that they are pleasing to God.

But the certitude of salvation is not given to us in this life. We must take seriously the words of Paul: “For in hope we were saved.” (Rom 8:24) We cannot have absolute certitude about our processes of discernment, whether in our personal spiritual journey or regarding questions of marriage and family life. This conclusion may appear to some to be disconcerting and disheartening. But it need not be so. On the contrary, it summons us to an act of trust and confidence, not in ourselves but in God. It is the same confidence about which St. Paul wrote to the Philippians: “I am confident of this, that the one who began a good work among you will bring it to completion by the day of Jesus Christ” (Phil 1:6). **A**

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A Dicastery for the Laity

A new department of the Roman Curia will come into existence on Sept. 1, called the Dicastery for the Laity, the Family and Life. The pontifical councils for the laity and for the family will cease to exist then, and the Pontifical Academy for Life will come under the umbrella of the new dicastery.

There was some surprise, however, that in the statute signed by Pope Francis on June 4, this new body is called a dicastery. The word, from Greek, is the generic title used to describe the nine congregations, 12 pontifical councils, three tribunals, three offices and four secretariats of the Roman Curia.

Its use in the statute raises a question: Is this dicastery a pontifical council or a congregation, which has a higher status? The evidence suggests the latter, since in the discussions preceding its establishment, including the extraordinary consistory of cardinals in February 2015, it was always referred to as a congregation. Moreover, the statute says it will be headed by a prefect, and only congregations and two secretariats are headed by a prefect.

Besides this, three other elements in the statute are worth noting. First, it envisages that the secretary “could be a layperson.” Hitherto, the secretary of the Pontifical Council for the Laity, as of every congregation, has always been a bishop.

Second, the dicastery will have three under secretaries, all laypeople (one for each of its sections: the laity, the family and life). While this is a step forward

from the present situation, it is worth recalling that the two under secretaries of the Council for the Laity (the precursor to the P.C.L., set up by Pope Paul VI in 1966), were both laypeople: Mieczyslaw de Habicht (Poland) and Rosemary Goldie (Australia). She was one of only two women at the Second Vatican Council and the first to hold a position in the Roman Curia.

Third, the dicastery’s board members will include laymen and laywomen, both celibate and married, who are involved in different fields of activity and are from different parts of the world. Again, this is a return to the post-Vatican II period, when all members of the Council for the Laity were laypeople.

The establishment of the new dicastery is the culmination of a process of ever-growing attention to the role of the laity in the church that began at the Second Vatican Council. (The historical development is described well in *From a Roman Window*, by Rosemary Goldie, 1998.)

Pope Francis highlighted this historical development in his address to the last plenary assembly of the P.C.L. on June 17, before he spelled out his vision for the new dicastery.

The pope recalled that the P.C.L. came into existence “at the express will” of the Second Vatican Council, which called for a special secretariat to be “established at the Holy See for the service and promotion of the lay apostolate” to assist the hierarchy and laity. He said Vatican II emphasized that the laity’s involvement in the life of the church is “by reason of their baptism.”

Francis drew attention to the sig-

nificant developments in the field of the laity over the past 50 years with the emergence of new movements and communities and new lay ministries, the growing role of women in the church and the creation of World Youth Day. But, he said, “much remains to be done in widening the horizons and taking up the new challenges that reality presents,” and this is the reason for the new dicastery.

The pope announced that the dicastery will take its direction from three documents: “The Lay Members of Christ’s Faithful People,” St. John Paul II’s exhortation after the synod on the laity in 1987; “The Joy of the Gospel,” Francis’ programmatic document; and “The Joy of Love,” the pope’s post-synodal exhortation on the family.

He assigned it a dual task: to be “a church that goes forth, a laity that goes forth.” He concluded by saying:

‘We need laypeople with a vision of the future.’

We need laypeople who are formed well, animated by a clear and sincere faith, whose lives have been touched by a personal and merciful encounter with the love of Jesus Christ. We need laypeople who take risks, who soil their hands, who are not afraid of making mistakes, who move forward. We need laypeople with a vision of the future, who are not enclosed in the petty things of life. And we need laypeople with a taste of the experience of life, who dare to dream.

GERARD O’CONNELL

GERARD O’CONNELL is *America’s* Vatican correspondent. *America’s* Vatican coverage is sponsored in part by the Jesuit communities of the United States. Twitter: @gergyronome.

What Are You Signing Up For?

On fatherhood, selective service and a space for nonviolence

BY RICHARD P. BECKER

There are no makers of peace because the making of peace is at least as costly as the making of war—at least as exigent, at least as disruptive, at least as liable to bring disgrace and prison and death in its wake. —Daniel J. Berrigan, S.J.

My second son, Crispin, turned 16 this year. He got his first job, which means soon he will be paying for his own cell phone plan and guitar lessons. Also, he has a driver's permit, with license and driving privileges to follow this summer, if all goes well.

These are significant milestones for any teen, boy or girl, and there are plenty more to come in the years ahead. There is one particular milestone he will share only with his brothers: registering for the draft when he turns 18.

I know there is talk these days of requiring young women to do the same—especially in light of the Defense Department's new policy of opening combat roles to women. The Senate even passed a bill in June that would require women to register.

For now, though, the law only compels males ages 18-25 to sign up with

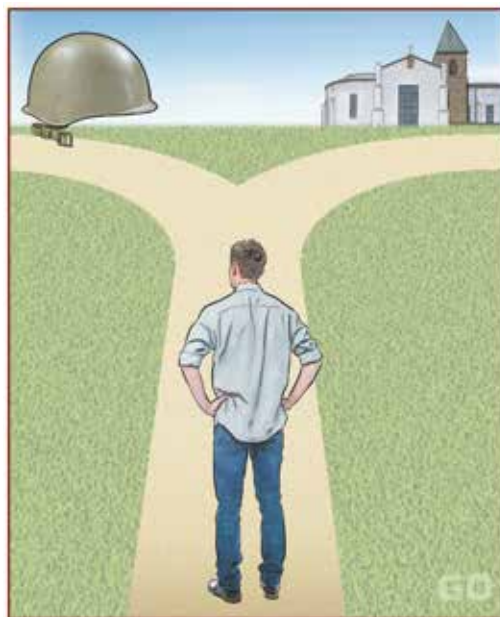
the Selective Service System, the federal agency that oversees draft registration. Selective Service has been around since the 1940s, but it was shelved in 1973 when the U.S. returned to an all-volunteer military. After the Soviets invaded Afghanistan in 1980, Jimmy Carter reinstated registration for the draft (just in case), and Selective

onizing with my dorm buddies about whether we would “surrender our freedom,” trudge over to the post office and sign the card. A few of us got cocky, and we postured about refusing to cooperate on account of our “objections” (read: indignation).

The risks of refusing turned out to be pretty high—no federal financial aid for college, for one thing. Moreover, and despite Russian aggression, the possibility of our country being pulled into an armed conflict requiring conscription seemed downright fantastic—we were all too young to have remembered much about Vietnam. In the end, we all relented and registered, although we were definitely chastened. Suddenly, war and killing were not just matinee popcorn fodder.

And nobody talked to us about it—not my dad, not anybody's dad. I am sure, in their minds, there was nothing to talk about. Signing the card was a purely perfunctory act—it was just another government form, and such forms are part of growing up, of getting along in the world of adults. Besides, it was the patriotic thing to do. What is the point of splitting hairs over just war criteria and conscientious objection?

But our dads were wrong. Signing up with the Selective Service System is a grave crossroads of American manhood (soon to be just adulthood, ap-



Service has been keeping track of the nation's warrior reserves ever since.

Signing On?

I was already in my 20s and in college when President Carter rebooted Selective Service, and I remember ag-

RICHARD BECKER, R.N., is a father of seven and an assistant professor of nursing at Bethel College in Mishawaka, Ind.

parently). Given the advent of perpetual war since my own sons were born, and the steady stream of news reports about wartime casualties, post-traumatic stress disorder and G.I. suicides, draft registration has become an occasion for my family to have serious conversations about national defense and our commensurate responsibilities as citizens.

After all, whether Crispin simply registers for a theoretical draft in a couple of years or actually enlists, he will be committing himself to take up arms when called upon, to risk his life and to likely take the lives of others. And this in service of... what? Warcraft and statecraft in our times have not exactly inspired confidence in a national vision, both long-term and short-term, underlying that weighty commitment.

As I anticipate hashing through all this with Crispin, I can at least draw on my experience with his older brother, Benedict. The summer before Ben's senior year in high school—the summer, that is, when he turned 18—we went on a father-son trip. Our first stop was Thomas Merton's home base, Kentucky's Gethsemani Abbey.

It was a huge concession on Ben's part—what 18-year-old wants to spend two summer days in an isolated abbey with a bunch of silent monks, plus dad?—and I treated our time there together as a tremendous gift, especially when he accompanied me to several retreat talks. In one, Brother Christian spoke of the walls of the monastery as less about shutting out the world than about creating a space—a space free of noise that allowed monks and guests to better focus on God.

After our stay at Gethsemani, we headed up to Bloomington for a college visit at Indiana University. I had hunted around the internet ahead of time for lodging alternatives to pricey motels and come across the Tibetan Mongolian Buddhist Cultural Center just a couple of miles south of the cam-

pus. "Look, Ben," I told him pointing to the website, "another monastery—Buddhist this time. How about we stay in a yurt?"

"I dunno dad," he winced. "It looks pretty sketchy."

Nevertheless, I talked him into it, and it ended up being the highlight of the trip. The center's yurts are basically small, circular cottages built to resemble the tents used by Mongolian nomads, and ours came complete with futons and a kitchen, but that was it—

Draft registration has become an occasion to have serious conversations about national defense and our responsibilities as citizens.

no TV or Wi-Fi. Hence, we did not spend much time there, and when we weren't touring I.U.'s campus or meeting with admissions staff, we strolled the grounds of the center and chatted—yet another gift.

Stepping Back

One morning, we met up with a groundskeeper smoothing out one of the gravel paths. His name was Russ, and we engaged him in conversation about the center and its mission of promoting peace. At one point, Russ set aside his rake to spread out his hands about a foot apart. "We can choose to create space for non-violence," he said, nodding toward his hands. "That's the teaching of the Dalai Lama—to step back from aggression."

It was strikingly similar to the message we had heard just days before from Brother Christian, though this time, instead of a vertical God-focus, the space Russ suggested provided for a horizontal communion of rapprochement and mutuality. It was an image that really stuck with Ben, and it

was Russ more than Gethsemani that lingered in our conversations on the trip home as we talked about his impending Selective Service registration.


I am not a pacifist, and I affirm the church's teaching on resisting aggression, especially as a father. "Legitimate defense can be not only a right but a grave duty," the Catechism teaches, "for one who is responsible for the lives of others" (No. 2265). If my family were attacked, and there were no chance of creating a space of non-violence as

Russ described, I hope I would be able to defend and protect them, no matter what it took.

Still, there is a long way between a hypothetical family defense and heading overseas to fight wars with no clear objective or will to win. The unprecedented savagery of terrorism and extremism clearly needs to be confronted, but I confess that I am

exceedingly ambivalent over how that ought to be undertaken—as is Pope Francis apparently.

He has spoken of "the madness that is war," calling it "the suicide of humanity, because it kills the heart, it kills precisely that which is the message of the Lord: it kills love!" Yet, the Holy Father also made headlines by intimating that some kind of limited action was nonetheless required to "stop" unjust aggression. "I underscore the verb 'stop'; I don't say bomb, make war—[just] stop him," Pope Francis said in reference to Islamic State in Iraq. "The means by which he may be stopped should be evaluated."

Yes, evaluated—but who is going to do that evaluation and on what basis? As my own boys evaluate a decision to sign up for the draft or enlist in the military, I feel obliged to urge them to proceed with somberness and caution. Considering the remaining field of candidates aspiring to become commander in chief, I do not expect to be altering that approach in the foreseeable future. 

Speaking of Christ

When Elie Wiesel met François Mauriac

BY MARY C. BOYS

Among the more poignant tributes that have appeared since the death of Elie Wiesel on July 2, 2016, is Eva Fleischner's open letter to him published in *America* in 1988 and now posted on its website. The Austrian-born Fleischner, a Holocaust scholar and pioneer of relations between Catholics and Jews, reflected on Mr. Wiesel's relationship with the eminent French Catholic writer François Mauriac, who had written the preface to *Night* upon its publication in 1958 (English translation, 1960).

Rereading Ms. Fleischner's letter brought to mind my own interpretation of that encounter. When the two men met in Paris in 1954, Elie Wiesel had already written a lengthy manuscript in Yiddish, *Un di Velt Hot Geshvign* (*And the World Kept Silent*); published in Argentina, it had attracted little notice. The interview with Mauriac led to what was eventually published as *La Nuit* (*Night*), the book Mr. Wiesel regarded as his "testimony," his "deposition."



François Mauriac in 1952

In *A Jew Today* (1978), Elie Wiesel wrote about their initial meeting. Mauriac was "famous, old [70] and rich, covered with honors, comfortably ensconced in his Catholic faith," whereas he was "young [27], poor, riddled with doubts, a solitary stateless person, unknown and Jewish." Seeking to put his younger interviewer at ease, Mauriac spoke of his admiration for the

Jewish people. He continued by speaking at length about Jesus, the Jew from Nazareth. Mr. Wiesel regarded it as an "impassioned, fascinating monologue on a single theme: the son of man and son of God, who, unable to save Israel, ended up saving mankind. Every reference led back to him." Both riveted and angered, Elie Wiesel spoke in atypically harsh terms to Mauriac:

"Sir," I said, "you speak of Christ, Christians love to speak of him. The passion of Christ, the agony of Christ, the death of Christ. In your religion, that is all you speak of. Well, I want you to know that ten years ago, not very far from here, I knew Jewish children ev-

ery one of whom suffered a thousand times more, six million times more, than Christ on the cross. And we don't speak about them. Can you understand that sir? We don't speak about them."



Elie Wiesel in 1943

Elie Wiesel then left abruptly, overwhelmed by his audaciousness before this revered figure. While waiting for the elevator, he felt a hand on his arm. It was Mauriac, asking him to return. So he did: "And suddenly the man I had just offended began to cry... wordlessly, never taking his eyes off me, he wept and wept." Mauriac wanted no apologies; to the contrary, he wanted to know why Mr. Wiesel hadn't written about his experiences in the Holocaust. Wiesel said, "I shall never forget that first meeting.... It was brought to a close by Mauriac's escorting me to the door, to the elevator. There, after embracing me, he assumed a grave, almost solemn mien. 'I think that you are wrong not to speak.... Listen to the old man that I am: one must speak out—one must *also* speak out.'"

Encouraged by Mauriac, Elie Wiesel revised and radically abbreviated his Yiddish work. He brought the French version to Mauriac, who helped him find a publisher and contributed the foreword, writing:

And I, who believe that God is

MARY C. BOYS, S.N.J.M., is the dean of academic affairs and the Skinner and McAlpin Professor of Practical Theology at Union Theological Seminary in New York. This essay is adapted from her book *Redeeming our Sacred Story: The Death of Jesus and Relations Between Jews and Christians* (Paulist, 2013).

love, what answer could I give my young questioner, whose dark eyes still held the reflection of that angelic sadness which had appeared one day upon the face of the hanged child? What did I say to him? Did I speak of that other Israeli, his brother, who may have resembled him—the Crucified, whose cross has conquered the world? Did I affirm that the stumbling block to his faith was the cornerstone of mine, and that the conformity between the Cross and the suffering of men was in my eyes key to that impenetrable mystery whereon the faith of his childhood had perished? Zion, however, has risen up again from the crematories and the charnel houses. The Jewish nation has been resurrected from among its thousands of dead. It is through them that it lives again. We do not know the worth of one single drop of blood, one single tear.

All is grace. If the Eternal is the Eternal, the last word for each one of us belongs to Him. This is what I should have told this Jewish child. But I could only embrace him, weeping.

The two remained friends until Mauriac's death in 1970. Mauriac even dedicated a book on Jesus to him: "To Elie Wiesel, who was a crucified Jewish child."

Nevertheless, the conversation between François Mauriac and Elie Wiesel reveals profoundly different sensibilities about the cross of Jesus. And in those differing sensibilities lies the great theological divide between Jews and Christians: the cross as the cornerstone of faith for Christians and as a theological accusation against Jews as those responsible for the death of Jesus. As Naomi Seidman observes in *Faithful Renderings: Jewish-Christian Difference and the Politics of Translation* (2006), "Mauriac, in his Christological reframing of the

Jewish Holocaust, never touches on the question of Jewish guilt for Christ's crucifixion; *but what vanishes in his reading of Jewish catastrophe is the other half of that story—the historical animosity of Christian against Jew.*"

It is my conviction that Christians need to enter into the "other half of that story," the catastrophic consequences for Jews of the accusations that they were responsible for Jesus' death. Christians bear responsibility for singling Jews out as "Christ killers" and for centuries of anti-Jewish teaching that served as a precondition of Nazi ideology. Fifty years of new understandings of biblical texts and of revised church teachings now enable us to teach and preach about the crucifixion of Jesus in ways reflective of its historical and theological complexity.

Elie Wiesel believed that indifference lies at the heart of all evil. By doing justice to the "other half of the story," we Christians honor our moral obligation to the Jewish people—and to Elie Wiesel's profound legacy. **A**

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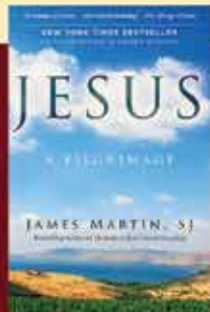
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Neoclassical Experiment

Email messages from my high school alma mater, Cardinal O'Hara in suburban Philadelphia, are usually predictable affairs. They will either report sports triumphs, name new inductees into the school's Hall of Fame or (earnestly) beg for money. Last year, however, an unexpected email landed in my box. The president announced the opening of a new educational track, the Regina Chesterton Academy, at the high school in the fall of 2016.

Linked to the national Chesterton Schools Network, the Regina Chesterton Academy offers a classical education within the context of a pedagogically pluralist high school. The integrated curriculum is strikingly ambitious. Its structure is generally historical, with echoes of older Western Civ curricula. Freshman year focuses on the ancient world, sophomore on early medieval, junior on high medieval and Renaissance, senior on modern. The individual courses reflect a particular vein of Catholic classicism. Freshman literature features Homer, Sophocles and Virgil; sophomore literature examines Augustine, Chaucer and Shakespeare. Juniors read Dante, while seniors tackle Dostoyevsky. Unusually for a high school, four entire years of philosophy are required. Although the courses introduce students to a wide range of philosophical texts, pride of place is clearly reserved for Aristotle and Aquinas. Logic and rhetoric, presumably of an Aristotelian stripe, are included in the philosophy cursus. All students study

Latin; intriguingly, one of the few electives is Mandarin Chinese.

In both pedagogy and content, the neoclassical educational project of Regina Chesterton is clearly indebted to the Great Books programs originally launched from the University of Chicago. Justin Youngblood, the director of Regina Chesterton, cites another influence, Dorothy Sayers's seminal 1947 essay, "The Lost Tools of Learning," which pleaded for a revival of the medieval trivium (grammar, logic and rhetoric) to revivify an educational system too centered on technical instruction. Socratic dialogue is the preferred method for instruction in the literature, history, philosophy and theology seminars. (One can only sympathize with a teacher helping 13-year-olds wrestle with Sophocles.) Student agency is even more pronounced in the extensive arts curriculum: four years of music, four of art, three of drama. While theory and appreciation are included, the focus is on performance. Students learn how to draw, use pastels and paint in watercolor and oil. They all participate in choral singing and learn how to act, orate and debate.

A church-militant Catholicism flavors the theology curriculum. Few freshman religion courses start with the theology of the body. Only the rare senior in Catholic high schools studies apologetics. The academy's reference to Chesterton is more than decorative. Each year's literature course includes a book by G. K. Chesterton. The senior course in philosophy features writ-

ings by the distributists Chesterton and Belloc. (One can only sympathize with a senior plowing through Belloc's *Servile State*.) The religious finality of the program is summed up in one of its major goals: "to reignite a New Evangelization built on the unity of Faith and Reason."

The classical educational program offered by O'Hara is not an isolated phenomenon. Chesterton academies have recently emerged in Buffalo, Omaha and Rochester. Is this neoclassical approach a restorationist exercise in nostalgia? Apparently not. O'Hara's Regina Chesterton certainly does not reproduce the education I knew in my own years (1965-69) at the school. There was no philosophy, no Augustine, no Aquinas,

no Dante, no obligatory courses in music, art or drama—and certainly no Mandarin. Few teachers used the Socratic method; performance was strictly confined to extracurriculars. This neoclassical experiment makes a signal contribution to the neuralgic question of Catholic educational identity. It treats Catholicism as a complex culture with its own language, literature, history, philosophy, economics, music and art. The faith is more than cult and code. It uses the tools of philosophy and theology to explore the truth of Catholicism with intellectual rigor. In a society that systematically reduces religion to a matter of sentiment and service, the neoclassical academies may quickly become a spiritual oasis.

The faith
is more
than cult
and code.

JOHN J. CONLEY

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FILM | RICHARD A. BLAKE

A MAN FOR ALL SEASONS

'Citizen Kane' remains relevant 75 years after its release.

On Sept. 5, 1941, Orson Welles's "Citizen Kane" went into general release in the American market. On its 75th anniversary, coming in the light of this election cycle, it is eerily relevant, even timeless. In short, it is the story of a media manipulator who strives to turn his celebrity into elective office. Draw what parallels you may.

The opening segment is an obituary of Charles Foster Kane, presented in the style of a 1930s newsreel. The viewer learns that Kane, played by Welles, presided over an empire of enormous wealth. Xanadu, his estate on the Gulf Coast, is identified as "the costliest monument a man has built to himself." As the voiceover explains, Kane was both loved and hated, considered in turn a socialist and a fascist. His political positions could not be tied down with any clarity. When asked, he defined himself as "an American."

After the obituary, we learn through flashbacks that Kane's spectacular fortune begins with an inheritance from his mother, after a boarder in her rooming house gives her the deed to a seemingly worthless mine in lieu of rent. The property receives a second life as "the Colorado lode," the third-richest gold mine in the world. When Kane reaches the age to obtain his inheritance, he tells his banker-custodian that he looked over his assets—which by then include mines, ocean liners, even grocery stores—but they bored him. There was one exception: he thinks it would be "fun to run a newspaper." Through his newspapers he

gives his readers what they want: sensationalism over substance. Through this strategy he earns his once-lackluster daily the largest circulation in New York and makes it the linchpin of his nationwide media network.

Kane marries twice, once to Emily (played by Ruth Warrick), the niece of the president of the United States, whom he despises as "a well-meaning fathead." He suggests to her that he might well replace him one day. Their love soon buckles under the strain of his commitment to the newspaper, and even more important, his infatuation with Susan Alexander (Dorothy Comingore), a seemingly limited young woman he meets by chance outside her



Orson Welles in "Citizen Kane"

rooming house. Despite her painfully fragile voice, Kane is determined to fashion her into an operatic soprano. Eventually, his Svengali-like insistence on her having a voice coach and performing roles far beyond her capability leads Susan to a suicide attempt and eventually to her leaving him. Convinced that he is the aggrieved party, he smashes her bedroom and staggers into the hall in a stupor. In a brilliant visual touch, as he passes between facing full-length mirrors, they reflect his images back to each other in infinite succession. Kane's world consists exclusively of images of Kane. But which image on the screen is the real man and which mere light and shadow?

THE MOTH

A flicker in the woods
yet enduring as those trees.
This twice-spawned leaf
makes you believe you
can almost catch light
in your hands. Whatever root
it takes depends on what foot
becomes a flower.

Brief bliss, whose moth life holds
close to the flame, this little worm
with wings, so that time may show
us what once crawled can fly.
Every time one passes
the sky waves goodbye.

NICHOLAS CAMPBELL

NICHOLAS CAMPBELL's poems have been published in the *Colorado Review*, the *Los Angeles Times Book Review*, the *Corners of the Mouth Anthology* and *Poetry Salzburg Review*.

Before the breakup of his first marriage, the prosperous young publisher is irresistibly drawn to politics. At a campaign rally, Kane stands in front of a gigantic poster of himself. Kane had pledged to defend "the working man" from special interests through his newspaper editorials, a theme that resonates during his candidacy for governor of New York, which his associates believe will be a steppingstone to the White House. The "friend of the working man," as he identifies himself, continues the populist crusade, but as the campaign progresses, he narrows his focus to a personal attack on Boss Jim Gettys (Ray Collins), who controls the political machinery of the state. Kane boasts that "until a few weeks ago, I had no hope of being elected," but now "every straw vote, every independent poll shows that I will be elected." He clearly relishes the quantifiable notoriety. For Kane, popularity trumps policy every time. During an interview years later, Jedediah Leland (Joseph Cotten), a lifetime friend, summarizes Kane's political philosophy most trenchantly: "But he never believed in anything except Charlie Kane. He never had a conviction except Charlie Kane in his life."

This improbable rise in electability can be traced at least in part to his newspapers' front-page political cartoons portraying Gettys in a striped prison uniform. He doesn't want to defeat Gettys; he wants to destroy him. Politics, of course, is a blood sport, and Gettys is no stranger to mortal combat. His detectives document Kane's involvement with Susan Alexander, and he arranges a meeting with Kane and his wife at Susan's apartment. He offers silence in exchange for Kane's withdrawal from the race, but Kane refuses. Gettys comments: "If it was anyone else, I'd say what's going to happen to you would be a lesson

to you. Only you're going to need more than one lesson." Rival papers break the story before the election and feature their own front-page story of the "love nest." Kane loses, of course, but his own papers proclaim election fraud rather than defeat.

With both his political career and marriage to Emily in ruins, Kane turns in upon himself. No matter what the issue, evidence and the opinions of others cannot dissuade him. Left only with his own perceptions of the world, Kane can miss the point dangerously. Interviewed after a trip to Europe, Kane pronounces solemnly: "There will be no war." This in 1941!

"Citizen Kane" stakes its claim to greatness as an archetypal American tragedy. Kane's arrogance destroys him from within. He bullies, dismisses and humiliates those around him. His manner encourages, even compels, hostility. Gettys is a formidable enemy, but the others—Emily, Susan, Leland: those who loved him—leave only after he repels them. As Leland puts it: "He behaved like a swine." Why? This question is at the core of the genius of the script by Welles and Herman Mankiewicz. After the opening newsreel sequence, a reporter, Jerry Thompson (William Alland), tries to find the answer.

The screenwriters use the five-act structure of the Shakespearean tragedy. Thompson functions as the bridge holding the five overlapping narratives together. To prepare a background story to complement the routine obituary, he turns to the five people who should have known him best. Thatcher (George Coulouris) is dead by this time, but he has left a detailed diary describing his role as guardian and financial manager for the young Kane. Thompson follows with Bernstein (Everett Sloane), the ever-loyal office manager who witnesses Kane's rise from brash college dropout to crusading editor. Leland, his friend from school days, is now in a nursing home

and gives his account of Kane's journalistic and political career—and of course his downfall. Susan, an alcoholic who sings in an Atlantic City lounge, provides her own perspective on their relationship and eventual separation. Finally, Raymond (Paul Stewart), the butler and house manager at Xanadu, recounts Kane's final days in his mausoleum for the living.

In the end, what is the explanation of Charles Foster Kane? There is none. After all the opinions, experiences and personal analyses have been recorded

BOOKS | PAUL DAVID LEON

PIP'S PROGRESS

PURITY

By Jonathan Franzen
Farrar, Straus and Giroux. 576p \$28

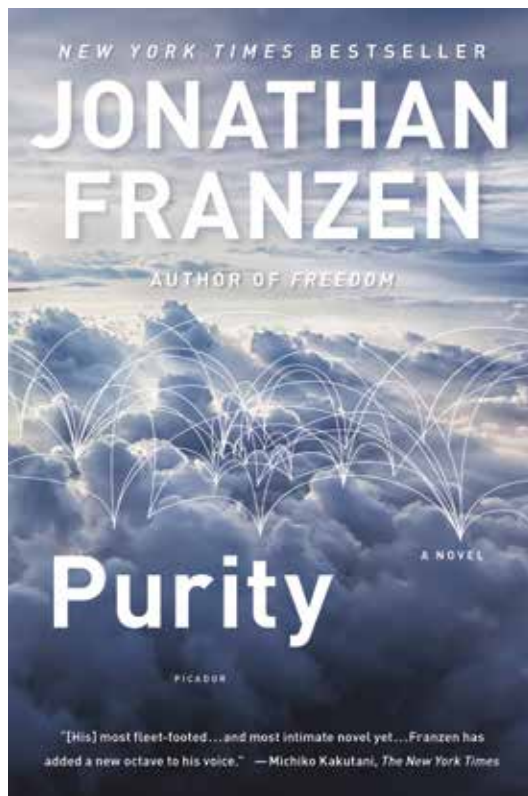
Another character-driven novel by Jonathan Franzen, *Purity* proposes a system in which morality is a performance and a frustration of desire. His newest book was highly anticipated after the success of *The Corrections* (2001), which won the National Book Award, and the highly praised *Freedom* (2010). Since *Corrections* Franzen has worn all the laurels as the darling of American letters. The hype is well deserved, though, as he continues the tradition of the large-scale social novel and is the direct heir of American novelists like Thomas Pynchon and Don DeLillo.

Most impressive is his work's continued defense of the novel as an art form, an issue in which both he and his late friend, the writer David Foster Wallace, were deeply invested. He is a writer of 500-plus page novels in the age of television and Twitter, but the qualities of his work are exclusive to their medium. This is probably the reason they continue to resist translation into film.

and catalogued, the enigma remains. In the final shot in the movie, the camera travels across the chain-link fence that isolates Xanadu from the outside world and pauses over a sign simply stating "No Trespassing." Kane embodies the American Dream turned nightmare through overarching ambition. How could this American phenomenon come to pass? Could it be repeated in our own day?

RICHARD A. BLAKE, S.J., former film reviewer for *America*, teaches film history at Boston College.

Over the course of dense, chapterless sections, *Purity* simmers with emotional tension, and the action is driven by this slow-burn energy. Only the



novel form demands the attention span needed to build this tension and use it to explore the characters' psyches.

Of Franzen's novels, *Purity* boasts the largest scope, ranging from hackers in a present-day Bolivian paradise to the raiding of the Stasi archives in East Berlin. But his theme is perhaps the most narrow: what goes on in the human heart. His favorite themes of social consciousness, love, loyalty, success and family are reduced to their emotional residue. The question of *Purity* is not how does loyalty (for example) function in a life? but how does its practice change the geography of a person's heart?

Initially, the novel follows the post-graduate life of "Pip" (real name Purity) Tyler, who is struggling with student debt and questions about her mother's past and her father's identity. Getting in the way of her contentment is her inability to deal with her dissatisfaction and her dysfunctional relationships in a squatter community. A chance encounter with some German anti-nuke activists puts her in contact with the Julian-Assange-like über-leaker Andreas Wolf and his Sunlight Project (because "sunlight is the best disinfectant").

After Pip is wooed to an internship with the Project, the focus turns to the origins of this crusader of clean in East Berlin of the 1980s. There his career as a dissident is complicated by his parents' ties to the Communist government. The contradictions of his life reveal his moral opportunism, creating a spotless image while indulging in depravity and self-denial.

A short return to the present depicts Pip's work with an independent online newspaper in Denver and her interpersonal struggles with her editor and his girlfriend. The remainder of the book fills in the gaps in facts and motivations until a brief but intense denouement.

Despite the sometimes frustrating nonlinearity of the narrative, it glows with Franzen's characteristic sensitivi-

ty to every shade and contour of emotional conflict. The novel explores how phenomena as diverse as oppressive governments, Dumpster diving and the Internet can change the landscape of hearts and relationships. *Purity* has typical Franzen character as well: a lean to the left politically, unmasked judgments (“having grown up with no television, she had good language skills”) and the fun, but hardly believable, specificities of his characters’ ornithological knowledge (Franzen is a bird enthusiast).

One stand-out portion of the book is the memoir of Pip’s editor, Tom, written in an engaging and convincing first-person voice. It reveals the tenderest and most personal treatment of the book’s interest in honesty and secrets. There are moments of aching confusion over revelations and refusals, although finally we are shown a compromised solution. Some holding back, some dishonesty is the best policy, and herein lies the flaw in the book’s overall conclusion.

The various plot secrets are the source of an obsession with scrupulousness, and this leads to dubious conclusions about the moral life. The characters develop and are defined almost solely by their scruples. The emotional tension, while complicated and well-crafted, is created by the near-paralysis of self-scrutiny. These are people torn up inside by the conflict between what they really want and the consequences of getting it. Pip follows her impulses and isn’t well liked, which depresses her. Passionate sex lives turn dangerous, so characters seek safer, easier sublimations. The human moral life is reduced to the subjugation of intense immediate desires to long-term contentment. Following the book’s logic, morality consists of the compromises we make in order to live with ourselves and in society. Integrity equals good impulse control.

But this smacks of cheap cynicism. Franzen may show us every shade here,

but only along a small portion of the spectrum. He neglects or dismisses relevant concepts like sacrifice as virtue and the joy of wholeness.

Early in the novel a “Catholic Worker type” is vilified for the harshness of her piety. As a young provocateur, the leaker Andreas lives in a church basement among nameless, impotent Christian dissidents he labels “embarrassments.” With that treatment, Franzen does away with religious and spiritual moral dimensions. The most “irreproachable” characters, as well as the most self-serving, find themselves in untenable situations. The reader is asked to then sympathize with and accept the solutions of the characters who compromise. Whether a person could order desires and actions into the expression of an ul-

timate purpose remains unconsidered.

Franzen’s previous novels, especially his less popular but brilliant *Strong Motion*, were more comfortable with unanswered questions. It was allowed that there could be multiple ways of being. It’s possible that Franzen, who has an obviously philosophical mind and keen sense of responsibility, is growing frustrated with a world almost beyond satire. But *Purity*’s admission of the fiction of purity feels like throwing in the towel. Jonathan Franzen has lost none of his considerable powers, but the hope and openness missing from his new book make it a body without a soul.

PAUL DAVID LEON, a graduate of the University of Minnesota, is a freelance writer.

KEVIN M. DOYLE

CAPITAL CRIMES

13 WAYS OF LOOKING AT THE DEATH PENALTY

By Mario Marazziti
Seven Stories Press. 239p \$14.21

Thanks to Isadore Nikunge, I can attest to the power of international perspective when it comes to troubling moral issues.

In the early 1960s, Isadore was a foreign exchange student at Fordham University. He had come from Kenya (the actual Kenyan nation, not the State of Hawaii). Our family, living two blocks west of Fordham, befriended him.

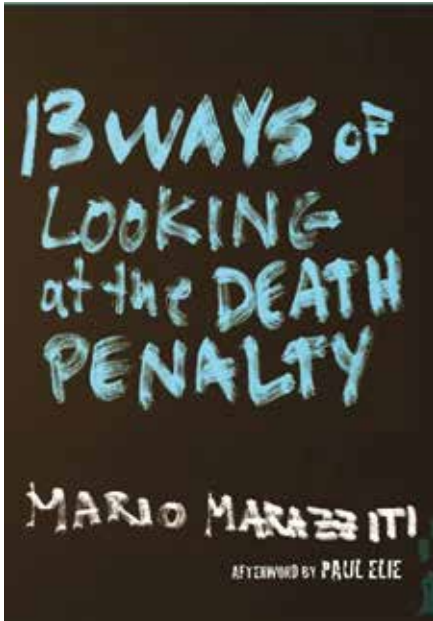
At the time, folks like Malcolm X were bluntly decrying abuse by the New York Police Department, whose uniform my father wore. Law enforcement is surely no less tribal than any other profession, so my father tended to disregard these complaints. Wasn’t he himself fair on his Tremont Avenue beat? But then Isadore questioned him about the things he would observe and

hear as a young black foreigner. My father stepped back and saw things a bit more honestly.

Would be it that the United States could do the same with our death penalty. Don’t blame Mario Marazziti that we have not.

Marazziti is an Italian journalist, activist and legislator. He serves as spokesperson for the Catholic center-left Community of Sant’Egidio and in 2002 co-founded the World Coalition Against the Death Penalty. Apart from the big names, including St. John Paul II, Helen Prejean, C.S.J., and Archbishop Desmond Tutu, Marazziti has done as much as anyone to move and amplify international opinion against the death penalty. This book describes his journey and carries on his effort to separate the United States from nations like North Korea, China, Iran and India, which also kill prisoners.

Marazziti explores the death penalty from well more than 13 angles. At



the outset, he startles the reader with a bare eight pages of (superficially) random dates and statistics. (Average number of days between sentencing and execution as of 2012: 5,757. Longest incarceration before DNA exoneration: 35 years.) After that, he

strikes out in all directions and at varying altitudes.

Marazziti notes practices of classical antiquity and surveys the views of Judaism, Buddhism, Hinduism, Christianity and Islam. He considers criminal justice trends, the eclipse of execution-as-spectacle and racism's persistent toxicity.

At his best, Marazziti tells stories. With a generous heart, he illuminates the personal struggles of players on different sides of the death game, each a kind of victim. He also reports from the heady realm of international human rights diplomacy, where deals are brokered and tactics stubbornly debated.

One potent chapter centers on Curtis McCarty. Convicted of rape and murder, McCarty spent 22 years in prison, 19 of them on Oklahoma's death row, before DNA testing set him free. Marazziti lets McCarty speak for himself. McCarty describes a death row designed to end a human existence

long before execution. Its deprivations, physical and psychological, bespeak asceticism at least as much as security.

More striking, McCarty reflects back on his ordeal with preternatural insight. Marazziti asks: "Would you give up the things you learned on death row in exchange for never having been there?" McCarty says no. Given his execrable choices in life before conviction, prison was inevitable. More, the experience brought him wisdom. "I do not hate. Anyone. If I did I would still be a prisoner."

If McCarty's story lifts up, Marazziti's account of a 2007 episode at the United Nations disheartens, despite a happy ending. After years of disagreement between those who sought a call for abolition and those who saw a moratorium on executions as more attainable, the realists prevailed. Sights settled on passage of a moratorium resolution by the U.N. General Assembly. Organizations like Amnesty International, Penal Reform

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International and Hands Off Cain put differences aside. Sponsorship by diverse member nations would blunt the charge of European “neocolonialism,” a charge that had contributed to past failures.

Things looked good. Then Egypt introduced an amendment linking the elimination of execution and the elimination of abortion. Its attachment to the resolution would have driven away votes from member nations lethally wedded to abortion rights.

Marazziti, himself a disciple of the seamless garment approach, reports that the Vatican, though lacking a vote, brought to bear its unique pro-life authority. With help from the Philippines, it shut down Egypt’s gambit. The killer amendment had no chance to kill; the resolution passed with 102 yeas.

But what bloodlust fuels an attempt to perpetuate executions by cynically pitting the unborn against the condemned?

Marazziti’s multifaceted approach could have yielded a hodgepodge. But he has pulled off a mosaic—or better, a kaleidoscope. Each shift in focus is enriched by what has gone before.

So dig into this fine, often powerful book. But do not expect an instant downturn in our death penalty’s 61 percent approval rating. Way too many

Americans are closed to their Isadore moment.

For them, foreigners have nothing to teach our country: Europe’s universal health care is a fast lane on the road to serfdom. The French are all the more damnable for being tragically right in 2003 about Iraq. And, as suggested by Cardinal Timothy Dolan of New York in *The Wall Street Journal*, Peter’s Argentine successor, who decried “trickle-down” economics, simply could not have been criticizing U.S. capitalism. American exceptionalism, indeed.

No, this book will not be the rescue ship for our nation’s whole death row. Still, it may prove a serviceable life preserver for a few of its inmates.

A central infirmity of the death penalty lies in its haphazard imposition. That same unpredictability permits the possibility that *13 Ways*—having fallen into the hands of the right prosecutor, judge, governor or legislator—will arouse shame in a ripe conscience.

If *13 Ways* causes even one inmate to be spared, be certain Mario Marazziti will join us in prayers of thanksgiving for the inmate and for the rest of us.

KEVIN M. DOYLE has defended capital defendants and death row inmates in Alabama and New York, where he led the Capital Defender Office until it defeated the state’s death penalty.

worried. *Hystopia*—the word may be a collision of “dystopia” and “hysterical,” or “historic,” and even “isotope”—is a novel within a novel, although both novels have the same title.

Doublings are not uncommon in literature, nor are alternative histories. Here, the novel-within-the-novel tells us that John F. Kennedy is assassinated in Galva, Ill., in August 1970. The “novel” or “fictional nonfiction” outside the novel within, but still a part of the novel *Hystopia*, tells us Kennedy was assassinated in Springville, Ill., in September 1970. But the reader knows that Kennedy was shot dead in Dallas in 1963, which means that there is a third tier to the book even if it is not stated.

Why all these layers? What is their purpose? Perhaps it is to shelter us from the full force of the grim reality of the Vietnam War. Violence has a place in this novel—often fairly graphic violence—and perhaps, to be true to that violence, the author wanted, to a degree, to muffle the screams, falling bombs, crashing planes and helicopters, pistols, M-14s and M-16s and grenades. One of the chief characters is Rake, a psychopath who shoots anyone who annoys him. He also shoots people who don’t annoy him. As a character in the book-within-the-book, he is, of course, written by a character from outside that book, one Eugene Allen. (Eugene is a character written by David Means. He bears a resemblance to Melville’s Bartleby.) The fictional Eugene Allen had a fictional older sister named Meg. The fictional Meg is different from the “real” Meg. She is more winsome and happier than the “real Meg,” who of course is also fictional. (Meg may have been inspired by Means’s own sister.) The maniac Rake holds the fictional Meg as a hostage, limiting what she may and may not do.

Happily, these convoluted and crisscrossing levels of reality are not difficult to follow when one is reading *Hystopia*. Means is a master sentence-maker. His

KELLY CHERRY

BONDS BROKEN BY WAR

HYSTOPIA

A Novel

By David Means

Farrar, Straus and Giroux. 336p \$26

David Means, the author of four critically acclaimed collections of short stories, has written his first novel, and it is a tour de force of imagination. Freudian psychology, de-centered Vietnam vets and nonsensical bu-

reaucratic language are rich ores for a novelist to mine. In particular, the languages of bureaucrats and stoners, entwined with one another, set up a hilarity that is almost joyful until we realize how soaked in menace the story is. We may find ourselves chuckling with our hearts in our mouth and then wondering how viable our response is. But that is what this book does: it makes us laugh and it makes us fearful,

characters are vivid, credible and engaging (even Rake, who is horrifying). And the layers, creating metafiction, let the reader know that the book is a serious endeavor, not mere titillation or the pornography of violence.

Early on we encounter a Stewart Dunbar, who contributes a comment on history and fiction. "The young man's creative effort...is realistic to the extent that it captures the tension of history meeting the present moment." What this fine sentence may actually mean is not entirely clear, but I should think that any artist of any sort is aware that meeting the present moment is a confrontation that the artist must measure up to, resolve and possibly transform. So that is how I take it.

President Kennedy, before the "Genuine Assassination"—meaning the last fictional assassination—established a Psych Corps charged with helping young men who have been wounded physically and mentally to overcome their trauma. It's a lovely idea, although the Corps itself becomes a bureaucracy rife with confusion and stuck in bureau-speak. And is it helpful to "enfold" painful memories, or does that only increase the pain?

There are enfolding and unfolding processes that many of the characters undergo. Drugs, sex and dunking oneself in cold water contribute to the success of the procedure, which may eliminate or increase memory recall. The government itself has proposed these measures for the sake of rendering the vets saner, happier and free from

repeating the trauma they incurred in war.

"The vets" includes Billy-T, the young man Meg loved who was killed in 'Nam. It includes two couples,



Singleton and Wendy and Hank and Meg, who eventually recover enough memory to discover that they were all in, or connected to, Vietnam at the same time. Both couples have also tried to track Rake with the aim of taking him out, ridding the country of a predictably unpredictable murderer.

Much of the novel takes place in Michigan, a Michigan that is post-industrial and poor. It is hard to find work. People live in trailers or rundown, patched-up houses. It is desolate, suffocated by a cloud of desperation that

cannot be relieved or dispersed except by bursts of violence.

This is not, however, a book in favor of violence. The real concern here is for how we live and how to die with dignity. Meg "hears" Billy-T talking to her, and one of the things he says is: "Did I imagine my fate was just ahead of me? You bet I did. Did I stand there at dawn, a Nam dawn creeping across our weary faces and fleshing out the colors in the jungle, and imagine my death? You bet.... What else could we do?"

Hystopia is a book that makes the reader think. All the same, much of it reminds us of "Mad Max: Fury Road," a film in which wretched survivors drive berserk through the apocalyptic Australian desert. Means's "Zone of Anarchy" might be the correlative term. But in the book one line reveals what is driving the story: "...when the love of two buddies in battle was broken apart, it was like the splitting of atoms into pure anguish."

Bonds made in war are infused with something beyond earthly love. They are forged in the direst of circumstances, the extremest of emotions. We may speak of a "theater of war," but nothing in war is theatrical. To kill a fellow human being is to kill a part of oneself. Eugene Allen ends his book with the suggestion that free will and "the grace of God" may enlighten us, that his story will endure and resonate.

But then he kills himself.

KELLY CHERRY's most recent book is *Twelve Women in a Country Called America: Stories*.

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The Little Flock

NINETEENTH SUNDAY IN ORDINARY TIME (C), AUG. 7, 2016

Readings: Wis 18:6-9; Ps 31:1-22; Heb 11:1-19; Lk 12:32-48

“Do not be afraid, little flock, for it is your Father’s good pleasure to give you the kingdom” (Lk 12:32)

The Greek for “little flock” is *mikron poimnion*, and while both “little” and “flock” are important in this phrase, *poimnion*, “flock,” is evocative, since a *poimēn* is a shepherd. The “little flock” of Jesus’ disciples is like a flock of sheep who are shepherded by God. The image of the people of God as a flock of sheep does not begin with Jesus but is found in Zec 10:3 (“the Lord of hosts cares for his flock, the house of Judah”) and Jer 13:17 (“the Lord’s flock”).

By qualifying “flock” with “little,” Jesus is saying something about the unassuming nature of his disciples, who might be little in number, little in power, little in social standing or some combination of all of them. Jesus says, however, that the “little flock” should not fear because “it is your Father’s good pleasure to give you the kingdom.” The unassuming, insignificant flock, who elsewhere in the Gospels are called little ones or even infants, cannot rely on their power, strength or wealth to create a kingdom but must depend only on their faith in God.

Dependence upon God is a potential source of fear, as Jesus’ exhortation not to fear makes clear, but also one of the advantages of being “little,” since faith creates reliance on God and trust in God’s promises. The strength of the “little flock” becomes its willingness to

live out its faith, not primarily as an intellectual assent to theological claims or grasping a list of dogmatic propositions but as a way of following Jesus wherever the Good Shepherd leads.

Faith is following Jesus by attending to all the “little” things that seem unimportant or insignificant, as well as paying attention to all the “little” people we are tempted to forget or overlook. The faith of the “little flock” is a rejection of a sense of entitlement about what we deserve or have earned, replaced by a robust sense of God’s grace and mercy for those who trust in God, as the Psalmist sings: “Our heart is glad in him, because we trust in his holy name. Let your steadfast love, O Lord, be upon us, even as we hope in you.” Faith is this mixture of gladness, trust and hope as we allow God’s steadfast love to transform us.

This faith manifests itself in a way of life that leads to a proper relationship to earthly possessions, which Jesus encourages his “little flock” to sell in order to give alms to those in need. A proper relationship to things reflects that one’s hopes are not just earthly but heavenly, “for where your treasure is, there your heart will be also.” Yet detachment from possessions, especially seen in giving alms and other acts of generosity, transforms us by creating greater attachment to God and other people.

Jesus’ use of slave imagery can be startling to modern readers, but when he speaks in Luke of how the faithful and prudent manager has care of the

master’s “slaves” and is put “in charge of all his possessions,” it is important to understand that the manager’s most important task is the care of other people. The faithless manager is the one who treats other people with cruelty and disdain. When “he begins to beat the other slaves, men and women,” the manager is placed “with the unfaithful.” To be a member of the “little flock,” especially to have authority within the flock, is to be faithful with material possessions but even



PRAYING WITH SCRIPTURE

Reflect on yourself as a member of the “little flock.” How are you living faithfully in your daily life? What is one way you wish still to grow in your faithfulness? How has God’s faithfulness been demonstrated to you?

more significantly with the precious lives of other people.

Hebrews offers us a definition of faith as “the assurance of things hoped for, the conviction of things not seen,” but all those faithful ancestors who trusted in God, Abraham, Sarah, Isaac and Jacob, while not perfect, were people who persevered in following the ways of God. “All of these died in faith without having received the promises,” but they were able to perceive “a better country, that is, a heavenly one.” Faith in the promise of God’s kingdom has always sustained the “little flock,” and it is this faith that sustains us in our relationships with God and other people even today.

John W. Martens is a professor of theology at the University of St. Thomas, St. Paul, Minn. Twitter: @BibleJunkies.



CATHOLIC INITIATIVES

Out of the Mire

TWENTIETH SUNDAY IN ORDINARY TIME (C), AUG. 14, 2016

Readings: Jer 38:4-10; Ps 40:1-18; Heb 12:1-4; Lk 12:49-53

"I waited patiently for the Lord; he heard my cry" (Ps 40:1)

The prophet Jeremiah felt the scorn of those who sought comfort, not God's truth, because he spoke of God's irrevocable judgment on Jerusalem. The officials of the king decided instead to make Jeremiah's death inevitable, and they threw him into the cistern intending for him to die there: "There was no water in the cistern, but only mud, and Jeremiah sank in the mud." Ultimately, Jeremiah was rescued from the cistern, but the episode points to the reality of life. Speaking the truth of God and following the truth of God do not always lead to sweetness and light.

The truth is not always nice, for us or for others; and Psalm 40, a psalm of David, seems to speak directly to the muck that Jeremiah found himself in and God's saving him in his distress. The first three verses read:

*I waited patiently for the Lord;
he inclined to me and heard my cry.
He drew me up from the desolate
pit,
out of the miry bog,
and set my feet upon a rock,
making my steps secure.
He put a new song in my mouth,
a song of praise to our God.*

The promise of God is not that we will not suffer for him, but that God will not forget us in the muck and the mud of everyday life and will reach down to us and be with us in our need. It is a psalm that inspired Bono and

the other members of U2 to write the song "40," a meditation on Psalm 40, for their 1983 album, "War." In U2's version, Bono sings:

*I waited patiently for the Lord
He inclined and heard my cry
He brought me up out of the pit
Out of the mire and clay...*

The biblical scholar Eugene Peterson, in a conversation with Bono, says of the song "40": "It's one of the songs that reaches into the hurt and disappointment and difficulty of being a human being. It acknowledges that in language that is immediately recognizable. There's something that reaches into the heart of a person and the stuff we all feel but many of us don't talk about." There is a tendency when we read the Bible to think of it as speaking of people who are not subject to the same fears, tears, pain and hopelessness that we are, but Psalm 40, like U2's "40," reflects raw human suffering and concern.

Peterson, in his translation of the Bible known as *The Message*, offers this version of Psalm 40: "I waited and waited and waited for God. At last he looked. Finally he listened. He lifted me out of the ditch. He pulled me from deep mud, stood me up on a solid rock to make sure that I wouldn't slip. He taught me how to sing the latest God-song." Peterson says, "Praying wasn't getting nice before God.... The Psalms

are not pretty, they're not nice... I think I'm doing it as close to the Hebrew as I can get it. But it's not smooth, it's not nice, it's not pretty, but it's honest. And I think we're trying for honesty, which is very, very hard in our culture."

Bono had said earlier in the conversation with Peterson: "Why do we need art? Why do we need the lyric poetry of the Psalms? Why do we need them? Because the only way we can approach God is if we're honest through metaphor, through symbol. Art becomes essential, not decorative." The psalms speak with honesty of our relationship with God, in praise, in lament, in anger, in despair, in joy, in wonder. The gamut of human emotion is on display, offered to God in honesty from the miry clay of whatever well into we have fallen into. But the psalm-

PRAYING WITH SCRIPTURE

Consider honestly the realities of your life and cry out to God in prayer. What sort of muddy pit have you been caught in? What relief do you shout out for to God? How has the Lord taken thought of you in the past when you thought you were abandoned?

ist always turns to God with this raw honesty and at the end of Psalm 40 seems stunned that God turned to him: "As for me, I am poor and needy, but the Lord takes thought for me./ You are my help and my deliverer; do not delay, O my God."

It is not weakness to cry out to God with your pain, your loss, your suffering, to ask it to come to an end. This is the truth God wants, a fiery soul that burns with passion for God, that does not let him go but puts him first in all things—not just joy and praise, but despair and pain.

JOHN W. MARTENS



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