Scalia v. Aquinas

Two Views on the Role of the Judge

Anthony Giambrone
OF MANY THINGS

The news that Nancy Reagan had passed away left me wistful, almost nostalgic for the 1980s, so I spent the better part of an hour last weekend looking at old news clips on YouTube, reliving those supposedly halcyon mornings in America. One video clip making the rounds is of Ronald Reagan at a 1980 Republican presidential debate in Texas. Mr. Reagan was asked about his immigration policy. He responded: “I think the time has come that the United States and our neighbors—particularly our neighbor to the south—should have a better understanding and a better relationship than we’ve ever had. But I think that we haven’t been sensitive enough to our size, and our power.”

One wonders whether Mr. Reagan would find a home in today’s Republican Party, or whether his compassionate conservatism would make him persona non grata. That would be ironic, considering how often he is invoked by G.O.P. presidential candidates. Yet do Mr. Trump et al. really know what they’re doing when they call upon the intercession of the sainted Gipper? To be sure, Mr. Reagan was no liberal. Yet with huge exceptions (the AIDS crisis comes to mind), Mr. Reagan was a politician of principle who nonetheless viewed politics as the art of the possible and compromise as an indispensable color in the artist’s palette.

Mr. Reagan’s worldview, in other words, was nimbler and more nuanced than the caricature painted by the likes of Fox News. To wit: Mr. Reagan, it is frequently said, believed that government is the problem rather than the solution. Yet what Mr. Reagan actually said in his 1980 inaugural address was subtler: “In this present crisis, government is not the solution to our problem; government is the problem.” Mr. Reagan was not promulgating an immutable ideological dogma but proffering a diagnosis of what ailed the body politic at a specific political and social moment. That’s a far cry from the government-can-do-no-good politics of the current moment.

Mr. Reagan also incurred the wrath of his fellow conservatives. George Will once said that President Reagan, by proposing the abolition of nuclear weapons at a Cold War summit, had essentially abandoned his ideological commitments: “For conservatives,” Mr. Will wrote in 1988, “Ronald Reagan’s foreign policy has produced much surprise, but little delight.” Newt Gingrich described Mr. Reagan’s 1985 meeting with Chairman Gorbachev as “the most dangerous summit for the West since Adolf Hitler met with Neville Chamberlain in 1938 in Munich.”

We should keep this in mind when Senator Ted Cruz suggests that President Obama is the leading state sponsor of terrorism, as he did last year; or when a sitting U.S. Senator, Tom Cotton of Arkansas, refers to the secretary of state as “Pontius Pilate” for negotiating a nuclear deal with Iran. As Mr. Reagan once said, “there you go again.”

We should also keep the real Reagan in mind when assessing the pope’s recent comments about Mr. Trump and his proposed great wall of Mexico. As Mr. Reagan said in that same debate in 1980, rather than “talking about putting up a fence, why don’t we work out some recognition of our mutual problems, make it possible for them to come here legally with a work permit, and then, while they’re working and earning here, they pay taxes here. And when they want to go back they can go back, and cross. And open the border both ways, by recognizing their problems.”

Pope Francis said that a politician who talks about only building walls instead of bridges does not represent the Christian viewpoint. By that standard, regardless of whatever else he was, it would seem that Mr. Reagan was certainly a Christian.

MATT MALONE, S.J.
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ON THE WEB

Jeremy Zipple, S.J., reports on the plight of Christians in Bethlehem, and Paul McNelis, S.J., right, talks about the economic memories of Pope Francis on “America This Week.” Full digital highlights on page 37 and at americamagazine.org/webfeatures.
The Catholic Church is charged with caring for souls, but Pope Francis has reminded us over and over again of the importance of caring for bodily needs as well. The latest example of this commitment was launched March 1, when the Vatican opened a free health clinic in an effort to minister to those in Rome who cannot afford medical care. The clinic, conceived of by Pope Francis and managed by the Vatican almoner, is staffed by doctors from the Supportive Medical Association and a local hospital. The clinic follows several efforts by the Vatican to practice the corporal works of mercy. It has already set up dormitories, showers and a barbershop for people who are homeless. The latest effort serves as a reminder that health care is a human right and should be available to all, not simply to those wealthy enough to afford it. These projects also demonstrate that aid to those in need requires a multifaceted and sustained commitment.

Fortunately, individuals hoping to make a similar commitment to the works of mercy need not travel to the Vatican. The church has considerable experience with reaching out to those on the margins. Local, national and international efforts, including organizations like the St. Vincent de Paul Society, Catholic Charities, Catholic Relief Services, Jesuit Refugee Service and many others have for years worked to meet the needs of people living in poverty and continue to offer opportunities or ideas for getting involved. Especially in this Year of Mercy, let us make every effort to venture to the margins, to serve and, in modeling Christ’s service to others, to see his face in everyone we meet.

Apple Versus the F.B.I.

How much technological assistance should the government be able to compel in an investigation, and at what risk to privacy? On March 1, both Apple executives and the director of the Federal Bureau of Investigation testified about this question before the House Judiciary Committee. The hearing continued the unfolding drama of Apple’s objection to a court order in the investigation of the San Bernardino shootings that commanded them to produce a custom version of the iPhone operating system with its security protections disabled, so the F.B.I. can hack into the shooter’s phone.

The underlying dilemma—how to balance the government’s search and surveillance powers against the limits imposed by modern encryption technology—has been with us for a while, and this case will not be the last to raise it. But involving as it does a mass shooting on American soil in which the shooters proclaimed allegiance to the Islamic State, this case presents the starkest contrast between privacy and national security so far encountered.

Hard cases make bad law, however, and outrage combined with fear for safety makes worse law yet. We should step back from the exigencies of a terrorist threat to consider the best policy going forward. Effectively unbreakable encryption is a reality not because of political, business or even technological decisions, but because the underlying mathematics makes it possible and a networked world makes it necessary. There will be a case in the future where no one, not even the phone’s maker, can hack in at all. We should not establish the bad precedent of compelling the production of broken software in order to achieve the very temporary security it might deliver in the present.

When Did I See You?

The Catholic Church is charged with caring for souls, but Pope Francis has reminded us over and over again of the importance of caring for bodily needs as well. The latest example of this commitment was launched March 1, when the Vatican opened a free health clinic in an effort to minister to those in Rome who cannot afford medical care. The clinic, conceived of by Pope Francis and managed by the Vatican almoner, is staffed by doctors from the Supportive Medical Association and a local hospital. The clinic follows several efforts by the Vatican to practice the corporal works of mercy. It has already set up dormitories, showers and a barbershop for people who are homeless. The latest effort
T
ty years ago President Bill Clinton signed the Personal Responsibility and Work Opportunity Act, better known as welfare reform. Among other provisions, the law required that able-bodied adults go to work within two years of receiving assistance and imposed a lifetime limit of five years of welfare benefits. The American Catholic bishops called the law “deeply flawed” and harmful to “hungry children.” At the time we noted the “laudable goal of moving people from demeaning dependency to dignifying work” but concluded, “this is not welfare reform but a redistribution of income—from the stigmatized poor to the fortunate classes” (“The ‘Other’ America Revisited,” Editorial, 8/31/1996).

The law has had some limited success in moving people into the workforce. The program, Temporary Assistance for Needy Families, covers far fewer households than its predecessor (Aid to Families With Dependent Children), but that does not necessarily mean that fewer families need help. According to recent research by two scholars, Kathryn Edin and Luke Schaefer, the number of families living on $2 or less a day per person more than doubled between the enactment of welfare reform and 2013, to 1.6 million households. The number of children living in these extreme-poverty households also doubled, to 2.8 million. By 2013, only 26 percent of families in poverty were receiving welfare assistance, down from 68 percent in 1996.

Other programs, including food stamps, can alleviate poverty. The expansion of the Earned Income Tax Credit has benefited households that have been able to find even low-wage work, and the Affordable Care Act has improved access to health care for low-income families. But in some circumstances, especially where there are few jobs for less-educated workers, there is no substitute for direct cash assistance.

At a minimum, the TANF program should be funded to keep up with inflation. It now takes the form of block grants to the states, and it has been stuck at $16.5 billion for the past two decades. TANF should also be supplemented with—and not replaced by—child care assistance for those who can find work, as well as training programs for those whose skills do not match employer demands. In 2011, the U.S. Conference of Catholic Bishops called on Congress to “strengthen the program so that it better serves families and individuals in need to help them make a successful transition to work.” The bishops also criticized higher work requirements for two-parent families than for single-parent families, as well as the imposition by many states of a “family cap” that denies benefits to children born in families already receiving assistance—a violation of both pro-life and social justice principles.

We should also reconsider the question of block grants to the states, as opposed to nationally uniform requirements and application procedures for welfare. In 2012-13, according to the Center on Budget and Policy Priorities, three states (California, Oregon and Vermont) provided TANF benefits to a clear majority of all families living in poverty, but 10 states, including Georgia and Texas, provided benefits to less than one-tenth of all families in poverty. This disparity raises questions of whether some states are encouraging eligible families from applying for assistance, violating the spirit of the law. Though the principle of subsidiarity supports local administration, the Catholic bishops expressed concerns in 1996 about ceding too much authority to the states, for fear they would engage in what America called a “race to the bottom” to cut benefits. Under the welfare reform act, states that cut welfare rolls can shift the savings not only to work-training initiatives but also to programs, like child care, that they had previously funded themselves. The safety net has thus been weakened under the guise of local control.

For several years now, state and national policymakers have been revisiting the “tough on crime” laws of the 1990s to see what works and what should be changed. The welfare reform act merits the same scrutiny, and it should be judged by the standard articulated by Pope Francis in “Laudato Si’”: any social development “which does not leave in its wake a better world and an integrally higher quality of life cannot be considered progress” (No. 194).

Few are calling for outright repeal of the law, and the consensus is that work requirements are appropriate for adults who can, in fact, find jobs. But there should be flexibility for cases when employment is simply not available, and the federal government should take the lead to ensure that no child in any state falls deeper into extreme poverty.

Reducing poverty should be a major issue when 72 percent of Americans (including 62 percent of Republicans) say it is “very” or “extremely” important, according to a recent Associated Press poll. We hope to hear detailed proposals from the candidates on how to adapt the welfare reform law to current realities.

March 21, 2016    America
Before the Law
Re Of Many Things, by Matt Malone, S.J. (2/29): I continue to disagree about the value of Justice Antonin Scalia’s influence on the court. There is a major defect to his “originalism.” His Catholicism should have made him morally aware and morally practical in judgment, but he made an active effort to dissociate his belief (though not his religion) from his judicial decisions. Part of the belief of Catholicism is a sense there is a “natural law”; this has little to do with religious traditions and practices but very much to do with relationships.

I find it ironic that Justices Ruth Bader Ginsburg and Antonin Scalia came to realize that the truth is best realized in dialogue and that these two, in particular, sharpened their opinions by their friendly differences. But Justice Scalia failed to realize this when it came to the Constitution and judicial decisions: It is the discussion of real persons—not original meaning—that gives rise to true justice.

JORIS HEISE
Online Comment

Re “End of Catholic Education”
by David O’Brien (Reply All, 2/22): We thank David O’Brien for his response to “Our Reason for Being” (2/1). We are surprised, however, by his suggestion that in our article we assert that there has been a pervasive failure in renewing American Catholic universities. In fact, we note that the renewal, like all such efforts, has been uneven and incomplete. We also assert that one reason for this incomplete renewal arises from a tendency to substitute secondary purposes for an institution’s primary purposes—what we call teleopathy.

Catholic universities, like all other institutions, are always in need of renewal, and one element of that renewal is an obligation to account for their deepest commitments and purposes not only to students, parents, accrediting agencies and donors but also to the church. This does not suggest a slavish obedience to any of these audiences but rather a dramatic and sustained engagement with and responsibility to them.

Higher education is a much more complex reality than it was 25 years ago, and we should not be surprised by the fact that negotiating identity has become imperative. We developed Catholic studies at the University of St. Thomas 23 years ago not only to provide opportunities for students to explore the comprehensive, diverse interdisciplinary Catholic intellectual tradition but also to provide a forum for the sustained investigation of that tradition by faculty members across the university.

It is clear that many American Catholic universities have responded to this complexity in creative ways and have avoided the twin errors of sectarianism and assimilation. But our universities are not well served by the assertion that Catholic higher education ignores accountability to its various audiences. For the ends and purposes of higher education have perhaps never been more contested than they are today. Such a situation demands honesty and open reflection. Business and health care organizations are attentive to the critique of teleopathy. We believe that Catholic higher education must be equally attentive.

MICHAEL NAUGHTON, DON BRIEL
AND KENNETH E. GOODPASTER
St. Paul, Minn.

Parenting 2.0
Discussing his time on paternity leave, Maurice Timothy Reidy writes, “Perhaps this is more of a male trait, the need to check off boxes and move on to the next task, but it is not exclusive to men” (Of Many Things, 2/22). Studies show that most women who work outside the home would do so even without the economic benefits of two incomes. They are not really so different from men in wanting to follow their personal interests and use their particular talents outside the home.

It is good for the family and for society that increasing numbers of men are taking on more parenting and homemaking roles. Some young couples have learned that it is the father who is more comfortable with full-time parenting and homemaking than the mother. But most seem to wish to share more equally in all of the roles—homemaking, parenting and financial support of the family. Thankfully, stereotyped gender roles are gradually becoming a relic of the past.

SANDI SINOR
Online Comment

Why Jesus Cried
While I appreciate the attempt by James Martin, S.J., in his article “My God, My God” (2/15) to highlight a way for us to develop a deeper friendship with Jesus, it just seems improbable to me that Jesus made a spontaneous cry of abandonment that just happened to be the exact same words that start Psalm 22. What makes most sense to me is that Jesus used these words deliberately in order to fulfill that Scripture. Other activities at Calvary also demonstrate the intentional fulfillment of Psalm 22, including the casting of lots for Jesus’ clothing (described in Ps 22:18).

While some may see a “fulfillment of Scripture” interpretation as not appreciably different from the first intention Father Martin provides, of invoking the totality of Psalm 22, they in fact are quite different. The latter would be dependent upon someone ultimately...
The Right Questions

J. Michael Byron’s article, “What’s Catholic About It?” (2/8), questioning the validity of the field of Catholic studies, could benefit from some important methodological distinctions. While current seminary theology tends to focus on historical, doctrinal and systematic theology, all these specializations are in vain if they do not bear fruit either in the world of pastoral activity or in communication with the other disciplines in the academic world.

The academic world in general would be significantly poorer without the emerging field of Catholic studies that links the fact of Catholicism with all the fields in the university. Courses like Catholicism and art, Catholicism and business, and Catholicism and health care are beginning to enrich many students’ lives. Indeed, ultimately it is largely from these interdisciplinary conversations that many questions for the rest of Catholic theology will emerge. Unless theology responds to real questions arising outside of theology, theology itself is in danger of becoming irrelevant—answering questions that people are not asking. Catholic studies, infused with excellent Catholic theology, aims at being open to questions in the academy that even secularists and atheists are asking.

I write from 22 years of teaching in Catholic seminaries and 18 years in a university Catholic studies program. Anyone who thinks that a theology that interacts with other disciplines is not needed in our classrooms has a naïvely optimistic idea of what the name “Catholic” in the mission statement actually accomplishes.

(RNS) RICHARD M. LIDDY
South Orange, N.J.
The writer is the University Professor of Catholic Thought and Culture at Seton Hall University.

Reading the World

In reading “The Genius of Compassion” (2/8), a review by Brenna Moore of a collection of Simone Weil’s writings, I could not help but think of the New Monasticism movement and how we are trying to “read the world differently” and “push against gravity.” The practices once hidden behind the cloister wall or inside the hermit’s cell are calling to many of us living in the lay and digital world to become literate in finding God in everything.

ROGER BROWN
Online Comment

If Gun Control Fails

Re “Cupich: Confront Gun Violence,” by Judith Valente (2/1): Chicago has stricter gun laws than most of the rest of the United States, and it also has much more violence. There might or might not be a causal relationship involved here, but these facts do lead many to feel skeptical about more regulations and to ponder questions like: If we adopt the stricter laws that gun control supporters are proposing, and if, five years from now, those who proposed these regulations realize that violence has stayed at the same level or even increased, will they propose getting rid of the regulations they previously supported? Will they propose yet more regulations, or will they propose keeping the new status quo?

JASON EWELL
Online Comment

Power of the People

Re “A Rooted Vision,” by Rafael Luciani and Félix Palazzi (2/1): The “rooted vision” of Pope Francis is the hope of the church for a future rooted in God’s justice; a church that calls the human family to the fullness of our dignity, which we live as a community seeking nurturing and empowering the common good of all.

The theology of the people has ever been the foundation of God’s covenant with us. It is God’s call to “choose life, not death!” The remarkable and beautiful testimony throughout time of those who embraced this life and brought it to others is the rich heritage of the church. It is the story of the sensus fidelium that has continued to grow and become a source of hope in dealing with the constant threat of the power of corruption in society and the church.

It is clear Pope Francis seeks to revive and deepen the goals of the Second Vatican Council as we enter into an era of the laity being the stabilizing strength of the church.

MARK FRANCESCHINI, O.S.M.
Denver, Colo.
A PANEL DISCUSSION ON

INTERNATIONAL RELIGIOUS FREEDOM

Join America for a discussion on the hopes and challenges to international religious freedom throughout the world today.

Fr. Drew Christiansen, S.J., Distinguished Professor of Ethics and Global Development in Georgetown University’s School of Foreign Service and co-director of the Program on the Church and the World at the Berkley Center.

Dr. Maryann Cusimano Love, Associate Professor of International Relations at The Catholic University of America, and member of the Department of State’s working group on Religion and Foreign Policy.


Moderated by Fr. Matt Malone, S.J., president and editor in chief of America Media.

WEDNESDAY, MARCH 30, 2016 | 6 P.M.

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Please RSVP by March 23, 2016, by calling 212-515-0153 or emailing events@americamedia.org
This event is free and open to the public. Doors open to the theatre at 5:30 p.m.
Pope Francis expressed his closeness to the Missionaries of Charity, founded by Mother Teresa of Calcutta, after four of their sisters were killed in Aden, the port city of Yemen, on March 4. Departing from his prepared text during the Angelus prayer in St. Peter’s Square, he hailed these sisters who were caring for the elderly in this war-stricken land as “martyrs of our day,” adding, “They were killed by their attackers, but also by the globalization of indifference.”

His words about “the globalization of indifference” are understood to refer not only to the general indifference to the attacks on Christians in this region but also to the great indifference of the international community to the yearlong civil war in this impoverished country, which has brought it to the brink of catastrophe. The previous day he expressed the hope that “this pointless slaughter will awaken consciences, lead to a change of heart and inspire all parties to lay down their arms and take up the path of dialogue.”

One of the martyred sisters, Sister Anselm, was from India; the other three were from Africa: Sisters Margherite and Reginette from Rwanda and Sister Judith from Kenya. “Their names do not appear on the front page of the newspapers, but they gave their blood for the church,” Francis said. “I pray for them and for the other persons killed in the attack and for their family members,” he added. He prayed that Mother Teresa—whom he will declare a saint in September—“may accompany into paradise these daughters of charity, and intercede for peace and the sacred respect of human life.”

The Vatican said Pope Francis was “shocked and profoundly saddened” by the murder of the four members of the Missionaries of Charity and at least 12 other people at a retirement home for the elderly (80 of whom lived there) run by the sisters in Aden, on March 4. Gunmen had gone from room to room, handcuffing victims before shooting them in the head. Medical sources told Al Jazeera that the other victims included four local nurses, four security guards and three cleaning staff workers.

On March 5, the Vatican secretary of state, Cardinal Pietro Parolin, issued a strong appeal from Pope Francis for an end to the ongoing violence in Yemen, saying that “in the name of God, he calls upon all parties in the present conflict to renounce violence and to renew their commitment to the people of Yemen, particularly those most in need, whom the sisters and their helpers sought to serve.”

The only Catholic priest in Aden, the Rev. Thomas Uzhunnali of Kerala, India, was living with the sisters at the time of the attack because his parish residence had been destroyed last September. He was praying in the chapel of the retirement home when the killers arrived and was taken away by them, according to the mother superior of the community, who, press reports say, managed to hide and so avoided being killed in the attack. It is not known what happened to him.

Already the poorest country in
the Arab world, Yemen is now facing catastrophe, according to the United Nations: 21.2 million people need some form of humanitarian assistance, around 6,000 people have been killed, and 2.4 million people have been displaced from their homes. Human rights organizations say both sides are responsible for atrocities in this impoverished but strategically important land, where the tussle for power has serious implications for the region and the security of the West.

GERARD O’CONNELL

SEX ABUSE CRISIS

Pell Pledges to Work With Abuse Survivors After Meeting in Rome

Cardinal George Pell of Australia promised to work with a group of survivors of sexual abuse to help prevent suicide among victims and support healing and protection programs, even as he faced scalding criticism in Australia after days of giving testimony from Rome to an investigating commission in Australia.

“One suicide is too many. And there have been many such tragic suicides. I commit myself to working with the group to try to stop this so that suicide is not seen as an option for those who are suffering,” he said on March 3 after meeting in Rome with a group of survivors from his hometown of Ballarat.

The closed-door meeting came after the survivors watched the cardinal give evidence over four days to Australia’s Royal Commission concerning what he knew about the actions of child abusers among members of the clergy and about bishops reassigning them to other parishes during his tenure in Australia. A number of survivors and supporters had come to Rome thanks to a crowd-funding campaign in order to witness in person the cardinal’s testimony, which was delivered over a live video link-up with the commission investigating child abuse in Australia.

The cardinal, who is prefect of the Vatican Secretariat for the Economy, admitted during the hearings that church leadership “has made enormous mistakes” in confronting suspected and known abuse against minors. Hundreds of child abuse claims or complaints have been made against members of the clergy in the Archdiocese of Melbourne and the Diocese of Ballarat, for which he was ordained in 1966.

“It would be marvelous if our city had become well-known as an effective center and the example of practical help for all those wounded by the scourge of sexual abuse,” he read from his written statement while standing outside the Hotel Quirinale, where the meeting and his previous testimony took place.

He said that during his meeting with survivors, he heard “their stories and of their sufferings. It was hard; an honest and occasionally emotional meeting.”

He said he was “committed to working with these people from Ballarat and surrounding areas” and was willing “to help make Ballarat a model and a better place of healing, for healing and for peace.”

He promised to continue to help the group work with church agencies in Rome and at the Vatican, especially the Pontifical Commission for the Protection of Minors. After the meeting with Cardinal Pell, one survivor from Ballarat, Phil Nagle, told the Catholic Herald that they “talked about the future not the past…. I think he gets it.”

David Ridsdale, whose uncle—a former priest—abused him and others, spoke to reporters after the cardinal’s testimony. Gerald Ridsdale, who is now in prison, had lived in the same house with the cardinal in the 1970s.

With their presence in Rome and long years of advocacy work, “I hope we’ve shown everyone that when you face the truth with dignity you really can achieve so much,” David Ridsdale said.

“I think what we’ve been through over the years, all of us, to have pulled together, to pull this off, is a testament: Don’t ever underestimate broken people,” he said.

When people notice someone who seems to be in need or hurting, “stop the judging. Pick them up like we picked each other up because that is how humanity is going to go forward. Not this hiding, not this power struggle, not this power imbalance,” he said.

GERARD O’CONNELL
Let Women Preach?

Essays in L’Osservatore Romano, the Vatican newspaper, urged the Catholic Church to allow women to preach from the pulpit at Mass, a role that has been reserved almost exclusively to the all-male clergy for centuries. Enzo Bianchi, leader of an ecumenical religious community in northern Italy, wrote, “Certainly for faithful lay people in general, but above all for women, this would constitute a fundamental change in their participation in church life.” He called such a move a “decisive path” for responding to widespread calls—including by Pope Francis—to find ways to give women a greater role in the church. In her column, Sister Catherine Aubin, a French Dominican who teaches theology at a pontifical university in Rome, noted that Jesus encouraged women to preach his message of salvation and that throughout church history there have been many extraordinary women evangelists. “Let us sincerely pose a question then,” Sister Aubin wrote. “Why can’t women also preach in front of everyone during the celebration of Mass?”

Pope Francis: ‘Take Your Check Back’

Speaking out against exploitation and unfair wages for workers, Pope Francis told benefactors to forget about donating money to the church if their earnings came from mistreating others. “Please, take your check back and burn it,” he said to applause. “The people of God—that is, the church—don’t need dirty money. They need hearts that are open to God’s mercy,” the pope said on March 2 during his general audience in St. Peter’s Square. God wants people to turn away from evil and do what is just, not cover up their sins with gestures of sacrifice, he said. Just as God derives no pleasure from “the blood of bulls and lambs” slaughtered in his name, he is especially averse to offerings from hands dirty with the blood of another human being. “I think of some church benefactors who come with an offering,” he said, and sometimes that offering is “fruit of the blood of many people, who are exploited, mistreated, enslaved by poorly paid work.”

Abuse in Diocese of Altoona-Johnstown

Hundreds of children were sexually abused over at least 40 years by priests and other religious leaders in the Diocese of Altoona-Johnstown, a statewide grand jury found. At least 50 priests or religious leaders were involved in the abuse, and diocesan leaders systematically concealed the abuse to protect the church’s image, according to a grand jury report released on March 1 by the attorney general of Pennsylvania, Kathleen Kane. Kane said that much of the evidence revealed in the report came from secret archives maintained by the diocese that were available only to the bishops who led the diocese over the decades. Victims also testified to the grand jury, which was convened by Kane in April 2014. Kane said the investigation was continuing. “This is a painful and difficult time in our diocesan church,” Bishop Mark L. Bartchak of Altoona-Johnstown said in a statement. “I deeply regret any harm that has come to children, and I urge the faithful to join me in praying for all victims of abuse.”

From America Media, CNS, CNS, AP and other sources.
How Far Will China Go?

T
he last week of February demonstrated what is becoming a pattern for China—a series of events that show that the country is being pulled to its extremes even as it tries its hardest to remain firmly in the center.

In a rare move that suggests an opportunity for cooperation between China and the United States, the two countries agreed on a possible U.N. resolution to sanction North Korea because of its latest nuclear test. While the two sides may be pleased to work together finally on North Korea, the circumstances represent a loss of face for China. Despite the influence it was believed to wield, China has been unable or unwilling to exercise any meaningful control over its neighbor since Kim Jong-un became North Korea’s leader at the end of 2011. At the same time, China is opposing possible U.S. plans to deploy an antimissile system in South Korea, believing that system could be used against it.

One area where the United States and China are far from agreement is the South China Sea. There irritation over China’s expansion of disputed atolls and islands, including the construction of airstrips, has progressed to genuine trepidation after the apparent destruction of airstrips, has progressed to construction of Senkakus, it is doing so on a much smaller scale than even six months ago, when it declared a three-day public holiday to celebrate the end of the war and victory over the Japanese empire.

Then, of course, there is the ultimate island dispute, that over Taiwan, which elected its first female president, Tsai Ing-wen, in January. Set to take office in May, Tsai and her Democratic People’s Party have a more pronounced pro-Taiwan independence stance than the outgoing Kuomintang, who see reunification with the rest of China as their ultimate goal.

And speaking of elections, while China is politically savvy enough to understand that statements made against it are designed to rally American voters, it cannot be pleased that it will be regularly name-checked throughout the U.S. election season, both for its military posture and the long-standing belief that China manipulates its currency and steals American jobs.

China’s friction with Japan over the Senkaku Islands to the back burner for now. While China continues to pump up public enmity toward Japan regarding unresolved issues from World War II, including the sovereignty of the Senkakus, it is doing so on a much smaller scale than even six months ago, when it declared a three-day public holiday to celebrate the end of the war and victory over the Japanese empire.

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And speaking of elections, while China is politically savvy enough to understand that statements made against it are designed to rally American voters, China’s Secret Salvage of Britain’s Lost Submarine (Hong Kong University Press), is America’s Beijing correspondent. Twitter: @ greatwriteshark.

How Far Will China Go?

STEVEN SCHWANKERT, author of Poseidon: China’s Secret Salvage of Britain’s Lost Submarine (Hong Kong University Press), is America’s Beijing correspondent. Twitter: @ greatwriteshark.

Is China fighting too many battles on too many fronts?

China’s friction with Japan over the Senkaku Islands to the back burner for now. While China continues to pump up public enmity toward Japan regarding unresolved issues from World War II, including the sovereignty of the Senkakus, it is doing so on a much smaller scale than even six months ago, when it declared a three-day public holiday to celebrate the end of the war and victory over the Japanese empire.

Then, of course, there is the ultimate island dispute, that over Taiwan, which elected its first female president, Tsai Ing-wen, in January. Set to take office in May, Tsai and her Democratic People’s Party have a more pronounced pro-Taiwan independence stance than the outgoing Kuomintang, who see reunification with the rest of China as their ultimate goal.

And speaking of elections, while China is politically savvy enough to understand that statements made against it are designed to rally American voters, it cannot be pleased that it will be regularly name-checked throughout the U.S. election season, both for its military posture and the long-standing belief that China manipulates its currency and steals American jobs.

China’s external issues may be relatively easy to handle compared with addressing its first significant economic decline in decades. After major stock market drops in August and January, on Feb. 25 China’s major bourses again dropped, this time by about six percent. China’s slowing economy continues to worry international observers concerned that China will significantly devalue the renminbi.

Ideologically, China continues to battle against religions and philosophies that conflict with its own version of market Marxism. In the western Province of Sichuan and other Tibetan areas, photos of the Dalai Lama—which Tibetans were previously allowed to possess and carry—were being confiscated. And in Zhejiang Province, where a campaign to remove crosses from church edifices is entering its fourth year, officials have arrested Protestant church leaders for alleged financial improprieties. The most high-profile of these is Pastor Gu Yuese, head of Chongyi Church in Hangzhou, the largest government-sanctioned church in the country.

Has China reached the limits of its power? Is it fighting too many battles on too many fronts, financially, geopolitically and ideologically? Two months into 2016, the overall situation is starting to test China’s President Xi Jinping.

Beijing’s primary goal is always social stability. With the economy declining, how much of China’s external assertiveness is intended as a distraction is a concern; and how far China is willing to go to create distractions as its economy heads lower could become a genuine cause for worry.
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The Voters’ Revolt

This campaign is crazy...and scary. As February ends, Republican candidates are calling each other “con man,” “choke” and “liar,” and the “con man” is taking over the party. In one weekend, the frontrunner hesitated to condemn the Ku Klux Klan, retweeted a fake quote from Mussolini and was endorsed by the most anti-immigrant senator. A son and brother of presidents who started with the most money and endorsements dropped out after the second primary. An independent senator wins his first election as a Democrat in the New Hampshire primary. A former first lady wins in South Carolina with higher African-American support than President Obama received while defeating her eight years ago. The greatest threat to her nomination may be an F.B.I. investigation regarding her emails as secretary of state.

This campaign is fueled by frustrations and fears about economic unfairness, global competition, racial injustice, demographic change and acts of terror. There are reasons for anger. The rich are getting richer; the middle class is being squeezed; and working class and poor families are being left behind. Endless war in Iraq and Afghanistan have brought enormous human and economic costs but not victories. But when people say “take back our country,” it is not clear that all Americans are part of that “country” or whether Latinos and African-Americans, immigrants and those they disagree with are part of making America “great again.”

The “surprises” don’t stop there. Two key developments are being overlooked. Money is not buying this election. Sanders and Trump agree that our campaign finance system is corrupt, and they do not rely on large contributions from powerful interests. This may explain their common opposition to trade deals and support for negotiations with drug companies to bring down the cost of prescriptions. Big donors are not buying this election. Jeb Bush had the most resources, but few voters. Trump is running his own circus with non-stop coverage. Sanders has the most small donors in history.

The PBS commentator Mark Shields suggests large contributions rarely buy particular votes but often buy elected officials’ silence and time. Both parties get a majority of resources from large donors. Is this why most Republicans deny climate change, knowing that the Koch brothers and the energy industry will cut off their support and perhaps fund an opponent? Is this why Democrats who oppose requiring taxpayers to pay for abortions rarely speak out, knowing that the abortion lobby and the party would cut off support and look for an alternative? The enormous costs of campaigns require candidates to spend endless time seeking contributions from wealthy donors and powerful lobbies. Does dependence on these interests help explain why leaders in both parties supported financial deregulation in the 1990s and why Sanders used a Democratic socialist to push issues of inequality and Wall Street abuses into this campaign? The costs of a corrupt campaign finance system are less direct but more dangerous than most voters believe.

Movements matter. Organized voters and movements can be counterweights to the power of political money. Two surprises of 2016 are how the Tea Party’s antigovernment and anti-immigrant agenda is driving the Republican debate and how Black Lives Matter has focused Democratic discussion on racial and criminal justice.

In the Republican race, political experience is a burden, and contempt for government is an asset. The Republican campaign is responding by demonizing immigrants and talking about walls and deportations, even though many large donors and most Republican voters continue to support legal status for undocumented workers in the United States.

Clinton and Sanders have been pushed to focus on mass incarceration, police misconduct, criminal justice reform and the impacts of systemic and institutionalized racism. These issues did not come from consultants or focus groups but from Ferguson, Flint and the voices of Black Lives Matter.

Both these movements reflect anger, alienation and frustration; but one calls for greater inclusion and the other for more inclusion in our divided nation. The unusual impacts of political money and movements are posing stark choices in this election year. As Pope Francis tried to explain to Donald Trump and all of us, bridges are better than walls.

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The sudden death of Justice Antonin Scalia on Feb. 13 inspired an outpouring of eulogies and appreciations for a man recognized, even by his critics, for his unmistakable integrity, keen intelligence and powerful personal charm. Jesuit-trained and the father of a priest, he was a favorite of many Catholics and conservatives for his strongly held views and clear decisions.

It is important, however, in the wave of sentiment and consternation surrounding the loss of this significant Catholic figure—a civil servant who stood in the center of so much controversy in contemporary American public life, and who stood so often and so vocally on the right but losing side—not to confuse esteem for the man with a celebration of his legal thinking.

What exactly was Justice Scalia’s philosophy of jurisprudence? On Jan. 7, little more than one month before his death, the justice gave a public lecture in Washington, D.C., to celebrate the 800th jubilee of the Dominican Order. He took the occasion—the feast of St. Raymond of Penyafort, the patron saint of canon lawyers—to contrast his theory of legal interpretation with that of the great Dominican theologian, St. Thomas Aquinas.

Justice Scalia began by noting that in the *Summa Theologica* (II-II, q. 60 a. 5), Aquinas argues that a judge ought to render justice according to what stands in the written law. Here the justice beamed in manifest agreement. In answering objections to this position, however, Aquinas adds—and here the justice immediately became uncomfortable—that a judge can for the sake of “the equity which the lawgiver had in view” disregard a *poorly written law* to uphold some natural right. For Justice Scalia, this concession of the Angelic Doctor was wittily bemoaned as a horror “worthy of the Warren Court!” What precisely is at issue in this disagreement?
As It Is Written

Justice Scalia was known above all for his principled, articulate resistance to every whiff of judicial activism. In the former law professor’s sharply “textualist” or “originalist” philosophy of judicial interpretation, the law should be respected exactly as it stands written. And what is not written is not legislated, to quote the ancient adage.

The textualist perspective must first of all be distinguished from so-called strict constructionism, which Justice Scalia called “a degraded form of textualism that brings the whole philosophy into disrepute.” The essential difference for the textualist is that “common sense” can intervene in interpreting the text of the law in question. The strict constructionist, by contrast, is cast as a simple-minded legal literalist who, for instance, would understand “the use of a gun” in a crime to mean not merely its employment with violent intent but even its bartered use in exchange for drugs—obviously not the intent of the words of the law.

Textualism might be compared with the hermeneutic of Reformation theologians, who appealed to the “plain sense” of Scripture. This confidence in the perspicuous insight of common sense may indeed allow for more sophistication than various fundamentalist follies, but it is hardly an adequate approach. And it is not only Catholic exegetes who appreciate this. It is a mark of our age, chastened perhaps by the experience of thousands of denominations disagreeing on the “plain sense,” that we appreciate with new clarity the need for controls (like tradition) to guide scriptural exegesis and hermeneutics.

As one professionally occupied with the job of interpreting texts (albeit sacred ones), I do not hesitate, despite my lack of schooling in law, to register an instinctive discomfort with the idea of textualism as a legal theory. The impulse behind it, of course, is another thing.

At base, Justice Scalia’s textualism represents his reaction to what he saw as the deplorable state of legal interpretation in U.S. courts, where, as he wrote, there is “no intelligible, generally accepted and consistently applied, theory of statutory interpretation.” It was his aim to supply this missing theory. However attentive his theory is to a reasonable, contextual construal of the written law, his position, nevertheless, is rather clearly an expression of legal positivism.

Law, in this positivist view, gains its force from contingent social factors, not from its moral merits or participation in right reason. The role of the judge is, accordingly, not to improve bad laws but to take the text as the settled law, for good or ill, whether it be liberal or conservative, whether this proceeds from good counsel and cooperation or through crooked compromise. Textualism is an overemphasis upon the text, plain and simple: an overreaction to the real problem of judges insufficiently bound to what stands written.

Higher Law

Returning to the Summa, Justice Scalia allowed that Aquinas knew infinitely more about theology. But he himself, the justice insisted, knew a great deal more about judges and judging. And he was certainly correct to desire some safeguard against manifest distortions like Roe v. Wade, in which justices discover gross injustices as “rights” where no compelling textual foundation can be provided. A crack in the door, like the case of Church of the Holy Trinity v. United States—which allowed that the “spirit” of the law might prevail over the “letter”—is open to abuses too evident to bear enumerating.

And yet, two things make the medieval theologian a much deeper juridical thinker than the judge.

First, Justice Scalia’s legal theory has no ultimate framework for holding the government accountable before God. He was unable, for instance, when questioned after the lecture, to defend an administration of justice such as the Nuremberg Trials. The trials, of course, famously appealed to the natural law to convict men who had simply enforced the promulgated, positive law of Nazi Germany. When pressed on the issue, the justice steadfastly disavowed any such appeal to a higher unwritten law. To justify the war trials, he instead simply maintained that, as he saw it, winners in a war have a right to punish the losers. “Might makes right” is the classic formula for this doctrine.

In charity, one may assume the justice did not wish to accept all that this implies, but it is worth commenting on the consequences all the same. In a word, praise God the United States won the war; for one shudders to imagine the work of the “courts” had the Nazis been victorious. The Soviets, too, were winners in the Second World War—and they simply drove the German “losers” to the gulags. Is that also the proper work of justice? Were these trials as humane and upright as Nuremberg with its appeals to a higher law?

Textualism in Justice Scalia’s inflection has no analogical understanding of law. God’s own unwritten commands are, thus, allowed no entry into public, legal discourse. (Justice Clarence Thomas, it might be noted, would differ here from Justice Scalia. Though less a theorist than his colleague on the bench, Justice Thomas broadly acknowledges the force of the natural law. He further points out that the framers wrote the Constitution under the same conviction—a different spin on “originalism.”)
Corrective Justice

A second deficiency in the viewpoint of Justice Scalia, less severe in its ultimate import but more revealing of challenges proper to the American system of law, is his anachronistic reading of Aquinas. Specifically, the saint was working with a very different, much more biblical, conception of the “judge.” In particular, the separation of powers, which Americans take as axiomatic, a system which siphons off judges entirely from the work of making laws—or at least attempts to—is in fact a novelty in the history of jurisprudence.

Functionally, of course, the familiar system of checks and balances ensures protection against particular abuses. But the three branches of government also scatter the integral elements of law in some fundamentally problematic ways. It is very important that Americans be honest and enlightened on this point. For all its certain advantages, the administration of justice is, on account of separated powers, an unusually disjointed operation in our society, susceptible to its own abuses and tragic breakdowns.

For Aquinas, the judge was also the legislator—a plenipotentiary, like a king—not simply the hand-bound interpreter of some legislature’s promulgated text. The modern issue of “judicial activism” is, accordingly, tied up with a very different set of historical and legal assumptions, specific to the American context. There is something to be learned, however, from the older viewpoint. In the scriptural worldview, shared by the Christian Middle Ages, judgment was an act that could compensate when the written statutes fell short of the perfection intended. Indeed, judgment was exactly this: the place where injustice was corrected.

The question we must put to our own ministers of justice (not only judges) is this: Where is this mechanism of judgment in our system? Who will undo the injustice, which at times we inflict by law upon ourselves? Increasingly we are becoming a nation lacking judgment. Who will decide aright for this land’s afflicted?

Judgment Day

Our constitution is a wondrous prodigy of statecraft. But can judges really be divorced from all lawmaking behavior? Should they be? We object to the alternative, perhaps, because in a blush of democratic idealism we wish the law to be promulgated only “by the people”—not by “unelected officials,” as we often derisively name our judges. But, in the machinery of this republic, is the court not also representative in its own special way? And is it, in fact, so clear that the court has really served this country more poorly than the Congress or many we have duly elected as our commanders in chief?

In our common law system, precedent itself is a form of legislation. This means that judges are indeed effectively lawmakers. It is true, the court is not the right instrument for deciding every issue; but it will not serve the common good if Catholics in this country concerned about crucial issues like abortion and same-sex marriage rally around the illusion that judges have no share in legislating.

If the significance of Nuremberg failed to register adequately with Justice Scalia, as a believing Catholic and honest steward of the common good, he understood well the urgent need for an escape clause in the event—ever more real in our nation—that civil servants must face some proximate cooperation with evil. Recusal was Mr. Scalia’s answer for judges. Judges might thus save their skin and their conscience—but not the country. Aquinas’s appeal to a higher law grounded in divine authority is obviously another, stronger option, for it provides a corrective to the disordered situation, not simply a way out for the judge.

For Justice Scalia, however, “natural law” was just rhetorical cover for the preferred moral agenda of any given judge. Such skepticism is profoundly disappointing. If in times and places, such as our own, the natural law can erode in a people’s perception—even to the point that its dictates are no longer widely grasped, a circumstance Aquinas himself allows—then the answer should not be a frightened moratorium on appeals to God’s eternal law. (This is not to say, however, that the natural law should always be positively legislated, as both Thomas Aquinas and Justice Thomas would agree.)

Justice Scalia has now gone to meet the one who judges justly, and I am confident that his public witness and career of service will find its just reward. As the country now solemnly seeks to fill his chair on the Supreme Court, we may hope judges like this good man may still be found. Though burdened with a problematic theory, Justice Scalia was nevertheless blessed through the gift of faith with a moral insight often lacking in the secularism that surrounds us. It would serve our nation well if more judges let such knowledge inform their administration of justice. Otherwise, it is certain that those bound neither to the text nor to God’s unwritten law will continue to “legislate from the bench,” advancing the same injustices that make us cry, “Lord…judge your people in justice!” (Ps 72:1).
A Call to Conscience
A U.S. bishop reflects on Pope Francis’ challenge to the Mexican bishops.

BY STEPHEN E. BLAIRE

When Pope Francis delivered a strongly worded speech to the Mexican bishops during his recent visit, I felt both uncomfortable and challenged as a bishop in the United States. I heard clearly that we as bishops cannot just preach the Gospel and then remain on the sidelines while injustices prevail. As spiritual leaders of the church, we must be engaged in promoting the common good more than just guiding others to do so. I realized that as a bishop, I also must pick up the victim of robbers, pour oil and wine over his wounds, bandage them and bring him to the inn.

I recalled the words the pope spoke in St. Matthew’s Cathedral in Washington, D.C., this past September when he reminded the bishops gathered there that we needed to be “lucidly aware of the battle between light and darkness being fought in this world” and that we must “realize that the price of lasting victory is allowing ourselves to be wounded and consumed.” In other words, we have to be in the midst of the fray.

I cannot forget sitting in Congress and hearing from Pope Francis a Magna Carta for the church in the United States: to defend liberty as Lincoln did; to dream of full civil rights as Martin Luther King Jr. did, to strive for justice and the cause of the oppressed as Dorothy Day did and to sow peace in the contemplative style as Thomas Merton did. The message is the same whether we hear it in Washington, D.C., in Mexico or in California. It is only the circumstances and applications that are different. It is a message for the church to be engaged in the great work of human development for peace and justice that respects the dignity of the human person and promotes the common good. This is a work of God. Numbers 9 and 10 of the Second Vatican Council’s “Pastoral Constitution on the Church in the Modern World” propose that as human beings we “co-operate in finding the solutions to the outstanding problems of our time.”

The church respects the political, social and economic orders. It is not our mission to structure these arenas of human endeavor nor to give them an ideology. While individual members of the church are integral parts of these endeavors and have a civic and human responsibility to be so, as participants they maintain an autonomy that is enhanced by their professional, educational and experiential training. The church respects their autonomy and their freedom to act in accord with their consciences.

However, this does not mean that the church must sit on the sidelines and simply offer spiritual platitudes. The church has a mission to offer the light of Christ to the world. Jesus has redeemed all creation. The Gospel speaks to every dimension of human existence and to each and every arena of human striving. The political, the social and the economic orders of the world exist to serve the well-being of each and all. Four issues identified in Nos. 9 and 10 of the “Constitution on the Church” remain alive today. Developing nations still need to share in the political and economic benefits of modern civilization; the place of women still needs to advance; agricultural workers in many places still need to be set free from inhuman conditions; industrial workers being replaced by machines still need new opportunities.
Serving the Human Person

The Gospel is primary in the formation of conscience. The church speaks to the responsibility of political leaders to promote the dignity of every human person, especially the poor and most vulnerable, and to create, promote and protect the common good. The church calls for a social order built on solidarity among all peoples and calls for right relations that respect honesty, truth, human rights and freedom, especially in the practice of one’s religious faith. The church speaks of the economy in terms of serving the human person and speaks against the greedy accumulation of wealth to the detriment of the poor and an unfair and inequitable distribution of the goods of the earth. The earth and its goods belong to the human family and are entrusted to our care.

Indeed the church’s mission is to reflect the light of Christ in the world, but its mission is more than that. “Be doers of the word and not hearers only” (Jas 1:22). But when the tire meets the road, when the church becomes engaged in the real issues of life, this is where you begin to hear, “The pope can speak on spiritual matters, but he does not have any authority to speak on economic or political issues,” or, “The church certainly should give alms and feed the poor and care for those who are suffering, but stay out of the structural issues of politics, the social order and economics.”

It is true that the church respects the autonomy of the various arenas of life and that her members certainly should engage in the various realms of human endeavor. But it must also be said, in accord with Vatican II, that the church’s mission is to do more. The “Constitution on the Church in the Modern World” suggests ways for the church to be engaged beyond proclaiming the Gospel in word only.

The first way is by collaboration (Nos. 9, 10). We work together with all people of good will, and even with some of not so good will, to promote the common good. The church can be a partner with other faith traditions, community organizations, government and business in promoting what is just and right for society. Of course, the church cannot cooperate in matters of evil and must observe the ethical and moral principles of cooperation. But we do not have to be scrupulous to the point that we cannot shake hands with those opposed to us; we can work with them on matters related to the common good with means that are morally acceptable.

The church does not have all the answers, but it can be a partner in striving to improve the human condition. We can offer a moral perspective that flows from the light of Christ. In standing against the evil of abortion, we can improve how we work to address the desperate situations that people find themselves in that give occasion to such evil. Our opposition to physician-assisted suicide can engage us in strengthening palliative care and better helping people to die well. We can do our part in promoting better paying jobs and reducing the higher unemployment rates in places like the San Joaquin Valley, where I am a bishop and where people are working two or three low-paying jobs to keep food on the table. We can organize our parishes to be more active in keeping children in school through graduation. (The dropout rate is still too high in my diocese, and dropouts too easily can find a home in a dangerous gang.) No less important is how we care for God's creation in places like the San Joaquin Valley, where so many suffer from poor air quality. Most important, we can strengthen and promote the family as the basic unit of society.

The second way for the church to become more engaged is through dialogue. Pope Paul VI gave us the tools. Pope Francis is witnessing to its importance in the pursuit of peace and better human relationships. Dialogue opens the doors of mercy. “Dialogue is our method,” he told the U.S. bishops. He further emphasized that harsh and divisive language has no place in our society.

Dialogue requires the wisdom that comes from the Holy Spirit in understanding our faith, an openness of heart to the pursuit of that which is good and true and a boldness of spirit, as exemplified by the apostles in the Acts of the Apostles. It requires an ability to listen and to seek to understand. How many times Francis has reminded us of our sinfulness. As sinners we need to be open to learning, to letting the Spirit guide us and to acknowledging that we do not know it all. The transformation of the world in Christ might begin with our being willing to dialogue with the world on the advancement of the human condition so that we might learn from the world and better know what needs transformation by the Gospel.

Yes, I still feel some discomfort in applying the words of Pope Francis to myself as a bishop of the church. I still ask myself if I have walked closely enough with the poor. But it is never too late to accept the challenge. The Year of Mercy is a good time for me to examine my conscience and to undergo a new conversion of heart. The great question of our day, for us bishops and for all of us as the church, is this: How do we as the church in today’s very complex world witness to the light of Christ and collaborate in making our world more just, building a solidarity with all people of good will for peace and reconciliation?
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How are you being called to serve?

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Breaking Protocol

A significant, even historic thing happened on Saturday morning, Feb. 27, when Argentina’s new president, Mauricio Macri, visited Pope Francis in the Vatican. Few noticed it, however, because it regarded protocol.

In the 20th century, Vatican protocol required that if a Catholic head of state visited the pope accompanied by a spouse not married to him (or her) in the church then that person was not admitted to the official audience with the pope. Instead, the pope would greet that person separately in another room after the main audience.

This is what happened on June 15, 2015, for example, when Colombia’s president, Juan Manuel Santos, came to visit the pope with his spouse, María Clemencia Rodríguez Muñera. She married in the church in 1982 but soon divorced and had not received an annulment when she contracted her second marriage, with Santos, in a civil ceremony in 1987. The Vatican insisted that Santos’s wife could not join him for the audience with Francis, so the pope had to greet her afterward in a different room.

Pope Francis felt deeply unhappy at this situation imposed on him by protocol. He felt an injustice had been done to the couple, a Vatican source told the Argentine daily La Nación. On more than one occasion since his election, Pope Francis has commented publicly, albeit in a humorous vein, that the difference between protocol officials and terrorists is that one can dialogue with the latter.

After serious reflection, he decided to change the protocol. Thus, before Argentina’s new president visited him in the Vatican accompanied by his third wife, Juliana Awada, sources told La Nación that Francis, overcoming resistance from the protocol chiefs and secretariat of state, upended the protocol and ensured he could receive Macri with his wife in his private library.

A former Vatican official, who asked for anonymity, commenting on this change, applauded Francis for taking this step. “Francis is committed to the culture of encounter and goes out to meet people in their real life situations. That is his starting point, and it is bearing much fruit in all directions. He seeks to include, not exclude people.”

By now, it has become clear to everyone that Francis is a reforming pope, and his reform is not confined to the Roman Curia. It is moving in many directions. Two recent well-known examples illustrate this: first, his decision to open the Jubilee Year and Holy Door in Bangui and to allow holy doors to be opened in every diocese worldwide; and second, his decision to change the ceremony of the washing of feet on Holy Thursday so as to include women. In addition, in August 2013 he broke with protocol by bowing to Queen Raina of Jordan when, according to a centuries-old tradition, it should have been the other way round. Francis does not want an imperial court, or indeed any kind of court.

All this reform is an integral part of Francis’ broader vision for the church that he outlined in his programmatic document, “The Joy of the Gospel,” a text that merits greater attention than it has so far been given. In No. 43 he wrote, without explicitly mentioning protocol: “In its ongoing discernment, the church can also come to see that certain customs not directly connected to the heart of the Gospel, even some which have deep historical roots, are no longer properly understood and appreciated. Some of these customs may be beautiful, but they no longer serve as means of communicating the Gospel. We should not be afraid to re-examine them.”

In that same section, the pope recalled that “the church has rules or precepts which may have been quite effective in their time, but no longer have the same usefulness for directing and shaping people’s lives.” He continued: “Saint Thomas [Aquinas] pointed out that the precepts which Christ and the apostles gave to the people of God are very few. Citing Saint Augustine, he noted that the precepts subsequently enjoined by the church should be insisted upon with moderation so as not to burden the lives of the faithful and make our religion a form of servitude, whereas ‘God’s mercy has willed that we should be free.’”

Pope Francis concluded: “This warning, issued many centuries ago, is most timely today. It ought to be one of the criteria to be taken into account in considering a reform of the church and her preaching which would enable it to reach everyone.”

GERARD O’CONNELL

GERARD O’CONNELL is America’s Rome correspondent. America’s Vatican coverage is sponsored in part by the Jesuit communities of the United States. Twitter: @gerryrome.
A number of years ago, some members of the U.S. Conference of Catholic Bishops proposed relaxing the obligation on Catholics to honor solemnities, referred to popularly as holy days, when they fall on a Saturday. Or on a Monday. But not all. Or unless it is the Ascension of the Lord, in which case it slides almost seamlessly into the following Sunday. Unless you live in the Northeast.

At any rate, rather than lightening the burden on the consciences of believers (presumably the aim of the initiative), this move has served only to confuse parishioners and, not infrequently, their pastors. It has also had the effect of weakening the significance, rather than highlighting the solemnity, of such days and further sapping the sacramental imagination of American Catholics.

The phone calls start coming in to me, as pastor of a parish, a week or so before the solemnity.

“Is Aug. 15 a holy day this year?”

“Well, yes, in fact it is.”

“So I have an obligation to go to Mass?”

“No, actually, not this year, because it happens to fall on a Saturday.”

“But I thought it was a holy day.”

“It is, but it’s not a day of obligation this time.”

“Great, thanks.” (Read: “Whew, I don’t have to go to Mass.”)

Several things are at play here. First, the very term holy day has come to imply the obligation long associated with such solemnities. People hear “holy day” and simultaneously hear “obligation,” as though the terms were synonyms.

While in many cases this is not a bad thing (it only means someone catechized them about such solemnities), the dark side of this development is the inference that is immediately drawn that what makes the day important, special, significant is the obligation attached to it. What gets lost, of course, is the actual solemnity itself and what the church honors on that particular day.

The notion that the festal and sanc- toral cycles of the liturgical year offer a liberation from the mundane, secular rhythms imposed by more subtle (only because it has never dawned on us how much of our life is determined by them) and thus insidious elements of our culture (Hollywood, Hallmark, Madison Avenue, the imperium of professional sports) is hardly ever raised in preaching or catechesis, much less offered as a rationale for the value of holy days to the daily life of Christians.

Further complicating matters is how parishes may choose to schedule Masses for such solemnities. When a holy day rolls around, it is not likely that offering an additional morning Mass on a Tuesday or Thursday would attract parishioners who work, much less make fulfillment of the obligation easier for them. And when any particular holy day falls within the slide-rule-determined parameters of “non-obligation,” reducing the Mass schedule or, worse, simply doing nothing to highlight the day in the life of...
the parish communicates that what makes the day special or holy is the obligation attached to it rather than the mystery or saving event honored that day. Since the obligation is lifted, why make a fuss?

As a result, the tail ends up wagging the dog. Holy days are important because they are obligatory; they are not obligatory (well, some of the time) because they are important. We end up with a Kantian liturgical theology in which obligation is what both sanctifies such days and what is sanctifying about them. Instead of asking, “Is today a holy day?” a better question might be, “Why is today holy?” This is a question that draws the focus away from what is required of us and toward what God already has done for us, which we are privileged to participate in by sacrament, so that we may respond with gratitude.

A few years ago, a week or so before Lent began, I fielded a call from someone who inquired, “Is Ash Wednesday a holy day this year?” I was sorely tempted to reply, “Well ordinarily it is, but when it falls on a Wednesday, as it does this year, the obligation is lifted.”

A Restless Heart
Writing my way through uncertainty
BY EMILY DAGOSTINO

I have written at a graduate-degree level in another language, opining in Italian on Dante and Petrarcha, Machiavelli and Mussolini, Pirandello and Pasolini. In English, I have critiqued Nietzschean theory and backed up John Dewey’s take on the role of education in democracy. I have conducted research from the Congressional Record and interviewed elected men and women in the halls of Congress, sat weekly around John Boehner’s desk in Steny Hoyer’s chamber, once thwacked Nancy Pelosi with my backpack on an elevator, once sat in the balcony of the House chamber while George W. Bush delivered his State of the Union address. I have traveled to trailers and mansions in rural South Carolina, weaving words around threads of Southern culture I was grappling to understand.

All of these stories have fascinated me. But all of them have been stories that other people have asked me to write. And so, I have been restless since adolescence about my primary vocation, because I don’t think I’ve ever made enough effort to write stories no one else has assigned.

During my senior year in college, I quit the only creative writing class I had taken since grade school, because quitting saved me several thousand dollars and helped me pay off two student loans the month I graduated. But it delayed the inevitable restlessness. Writing for academia and for newspapers did not silence the voice in my heart urging me to write.

Even maneuvering into a professional role that is, to some degree, spiritually rewarding has not sated me. Working for a nonprofit organization committed to advancing the care of people facing mental illness—a cause that strikes close to home—and for people grappling with health issues and homelessness is good work. I am proud of it, and even passionate about it. My work for this organization means that I’m writing with a purpose. But it is not my writing. It is not my work. Someone else needs me to do it.

I have managed in the past five years to write with some regularity in my off hours and have even managed to sell a few essays and articles and to publish a few poems. I have taken a few classes...
and gone to a few workshops. But it still doesn’t feel like enough. I want to achieve more with my writing. I want to do better. Nine years after a friend counseled me to “write my way out of it,” I’m still trying to.

What do I want to write? Which is the right idea? What gets noticed and read? What resonates?

“But that’s not why you write,” my husband Sean says. “You do it because you love it. Don’t you?”

I’m not sure why I write anymore: Is it out of love, compulsion or a desire for recognition and accomplishment?

The priest-theologian Michael J. Himes writes in his book Doing the Truth in Love that restlessness is the path to joy. It keeps us hungry. A gift of the Holy Spirit, it drives us to always want more, to give more, to seek God by committing ourselves more completely to loving service.

Yet, instead of driving me toward God, my restlessness in writing has been driving me toward anxiety. It does not feel good. It’s disorienting and deeply unsatisfying. I want to sleep well at night. I want to be settled. I want to know that I do enough. I want to do it well. I want writing to pay the bills. I want to not have to work so hard all the time. I want to know I have purpose. I want to know what I’m doing and where I’m going. I want to be in control of the outcomes. I want to create profound meaning with my words and life. I want what I have to write to matter to other people. I think I’m coming at it all wrong.

Maybe I’m unsettled because God is challenging me to trust the anxiety, the process and the inherent worth of steady practice. Maybe this restlessness is asking me to become comfortable with not getting to decide how my story ends. Maybe it is asking me to gather everything I want from my writing, to hand it over and to practice having faith. I don’t want to give up control, even though I know it’s an illusion. But I know that’s what God is asking me to do.

Father Himes says the more restless we are, the more we seek to give and serve, the more likely we are to achieve joy. Joy is impervious to what I’m not and can’t be. It consents to a life strung with beads of disappointment. It cedes control. It expects nothing and accepts everything as it is. Joy lets me be flawed, finite and unfulfilled. In the face of failures, it holds and retunes: one steady, prolonged middle C.

Every day during which I return to the blank page, during which I put down 10 or 1,000 words, during which I capture one still frame of life—whether anyone else reads it or not—is a day I am trying to believe I’m on what Dante called the diritta via, or “straight way.” I’m beginning to see how restlessness helps me walk that path. Most days I wish I knew where it is leading. Some days I am graced with the thought that where it leads doesn’t matter. What matters is that, one word at a time, I am walking it.
“If we follow the trend of removing statues and renaming buildings we are searching for the perfect human being to honor.” —Gabriel Marcella, “Tough Days for Statues”
THE RAPTURE OF SEEING

In memory of Ellsworth Kelly

For Ellsworth Kelly’s 90th birthday in May 2013, the Museum of Modern Art honored him at its annual Party in the Garden and celebrated his art with a dazzling exhibition of his Chatham Series. In the Sculpture Garden women arrived in dresses patterned after Kelly paintings, and the grand old man of American painting made his way through the admiring crowd. Upstairs on the fourth floor, the Chatham show, the first suite of paintings Kelly had made after leaving New York City in 1970 for Spencertown, in upstate New York, was seen for the first time since 1972. Recalling a concept of painting on joined panels that the artist had developed in Paris in the early 1950s, each of the 14 pieces was in the form of an inverted “L” made of two joined canvases, each a monochrome of a different color. The series as a whole was a beguiling invitation to look and look and look, thrilling every minute more to one’s range of sensory response.

When the artist died on Dec. 27, 2015, at the age of 92, the Modern could be proud and grateful for that night. But for anyone who loved the art of the century past, at whose heart lay the triumph of abstraction, it was also a day of true mourning. Ellsworth Kelly had been one of its supreme, and most original, proponents.

Born in 1923 in Newburgh, N.Y., as a child he became an avid bird watcher and forever after based even his most abstract work—in paintings, sculpture, drawing and prints—on close observation of the world around him. After graduating from high school he moved to Brooklyn, where he briefly studied at the Pratt Institute. Drafted into the army in 1943 and discharged in 1945, he enrolled for two years at the School of the Museum of Fine Arts in Boston under the G. I. Bill, which also enabled him in 1948 to move to Paris, where he remained for the next six years—and where he found himself artistically.

Though an elegant draftsman, as his famous drawings of plants and flowers attest, his principal vocabulary became one of strongly defined forms or panels, juxtaposed in unmodulated color. Within his work the distinction between figure and ground disappeared, while the object itself is presented without any frame, directly on a wall that becomes, if one will, itself a ground. Often he made collages of colored paper, using chance as a compositional principle, and then refined the results intuitively with pencil drawings.

Among his unforgettable early works is “The Meschers” (1951), a blue-green evocation of seaside experience that can be analyzed into five tall vertical panels. The small rectangular panel of “Seine” (1951) vitally conveys the dance of light on water. His “Colors for a Large Wall” (1951) has the purity of color and dynamism of Mondrian but also an entirely different sensibility, feeling somehow closer to us, visually even more demanding but also less sovereign, more expansive, less self-contained.

When Kelly returned to New York from Paris in 1954, he settled in lower Manhattan on Coenties Slip, a neighborhood that welcomed other young artists, like Jasper Johns and Agnes Martin. Recognition came slowly for Kelly, but in 1957 the Whitney bought his stirring “Atlantic.” His “Sculpture for a Large Wall” was commissioned that year. And in 1959 he was included in the ground-breaking “Sixteen Americans” show at the Modern. He also began to make free-standing sculptures, the wittiest early example being “Pony” (1959)—at Agnes Martin’s suggestion, a tin can top crinkled into the suggestion of a child’s rocking horse, painted bright yellow above and bright red beneath.

After moving to the Hôtel des Artistes on the Upper West Side in 1963 and then to Spencertown in 1970, Kelly had his first retrospective at the Museum of Modern Art in 1973. In these years he was often linked and in fact confused with representatives of Hard Edge and Color Field painting, Op as well as Minimalism. That his journey predated most of them and had another destination is clear from a piece like “Blue Curve III” (1972), a marvelous rotated parallelogram in the form of a broadened diamond, in which a blue curve seems to grow as one looks at it, disengaging from a smaller white triangular shape above it and yet lending the white a magical shimmer.

In the 1970s he became increasingly interested in the use of materials like wood, bronze and weathering steel. From each he crafted slender totemic pieces that at once recall Brancusi and take a stand of their own. Still more compelling and mysterious were several folded bronze wall pieces from the late 1980s, the most beautiful of which, “Untitled (Mandorla)” (1988), evokes fruit and welcome and womb—and ultimately the Romanesque tympanums.
in which the risen Christ reigns supreme (as in a chaste early oil of 1949). He also returned to the joined, multi-panel works of earlier years.

The year 1996 was a triumphant one for Kelly, with a monumental retrospective opening at the Guggenheim Museum and then traveling to the Museum of Contemporary Art in Los Angeles, the Tate in London and the Haus der Kunst in Munich. At the Guggenheim, five great panel variations on the theme of the curve in brilliant green, black, red, blue and yellow held court in the High Gallery off the first ramp. Of the panels Simon Schama wrote in his now-famous review in The New Yorker, “Together they appear about ready to lose their moorings from the Guggenheim walls and drift off out of the museum and over Central Park.”


Kelly’s work abstracted from visual experience only to return us to it. His painting always sought an objectivity that could capture our attention on its own terms, from his original insistence on pure form and color to his experiments in scale to his austere and imposing series of sculptures. The 20th-century artists he most admired, Brancusi and Mondrian, Matisse and Picasso, also tell us much about his artistic ideals. For if the former became distinctively abstractionist, the latter never crossed that line.

The works that he insisted were objects in their own right continue to echo forms we have all glimpsed less searchingly: sweeping fans and swelling hillsides, signs and semaphores and sails, totems and towers. In a way that recalled Georges Bracque, he was as classical and indebted to tradition as he was contemporary and innovative, joining the grand dignity of Romanesque churches and Byzantine frescoes with the fragmented fields of modern experience.

“I think what we all want from art is a sense of fixity,” Kelly said, “a sense of opposing the chaos of daily living.” But for that one must risk contemplation, finding the time and space to share his clear vision. And if one does? Kelly’s pilgrimage amounts to a promise. “In a sense, what I’ve tried to capture is the reality of flux, to keep art an open, incomplete situation, to get at the rapture of seeing.”

And so he did.

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The first time I visited Sicily, I flew to Palermo. As we were landing, through the plane’s small window I noticed a distant plume of smoke rising out of a thick cloud cover toward the southeast. Could that be Mt. Etna, I wondered. It was. Etna erupted on October 30, 2002, as I was flying to Sicily. Fortunately, Palermo was some 120 miles safely away.

My guidebook said that “of all of Italy’s great art cities, Palermo is the most underrated.” Sicily’s history includes waves of settlers and rulers from Greeks to Carthaginians, Romans to Arabs, Normans and Spaniards and more. The Catholic presence is deeply impressed on Sicily, and Palermo’s churches house a great deal of art.

On a hill near the gothic cathedral is the old Norman palace, and its chapel is a wonder, particularly for its mosaics. So too is the suburban cathedral of Monreale. Gothic and baroque churches abound in Palermo, the Jesuits’ Gesù among them.

Late one afternoon, I found my way to the Galleria Regionale, where I roamed the galleries, pausing at many beautiful artworks—madonnas, saints in cruel martyrdom, crosses—until one piece stopped me cold. It was on a stand, isolated from crowded walls, an image of the Virgin Mary, the Annunciation by Antonello da Messina. The painting is small, a bit under 18 inches by 14 inches, but it radiates power. I stood staring at the image for a while, then sat down in a chair poised for gazing at the painting. Minutes passed; the better part of a half hour went by. No one disturbed my meditation.

The Annunciation is a common religious subject, appearing in frescoes, mosaics, triptychs, canvasses, sculpture. It gave artists free reign to paint exotic angels with elaborate wings and gentle gestures, a white dove hovering overhead. Many Annunciations have a ribbon of words coming from the mouths of Gabriel and Mary.

The exotic touches do not account for all of the popularity of Annunciation paintings. For this image shows the beginning of the story of Jesus incarnate. From now on God is actually with us in our human form. Here the divine, through a messenger, approaches the human and looks for cooperation that exceeds whatever went before. Here a teenage girl confronts a destiny beyond her imagination. And this is any of us coming to grips with God’s divine breath breathed into us giving us life, offering us possibility.

What caught me with this painting is Mary’s attitude. She is dressed in stunning blue, of course, and she is looking up from a book, a common detail in Annunciations. It is a head and shoulders image, so we do not see her kneeling. And rare among Annunciations, we see no angel. Nothing distracts from the young woman. Her left hand seems to hold her veil close. And she raises her right hand, palm out toward the unseen angel.

What is she gesturing? I took it to be a quite natural reaction. Luke’s story has Mary ask one question and then give in: “Fiat!” In this image she seems to say, “Okay, angel. I am not saying no. But I have some questions. We have to get some things clear before we go on with this!” This I found totally believable. She was surprised, astonished. But she did not lose her control.

How do we, how do I react when the divine intervenes? Providence, God’s will—it enters our lives, upsets our expectations with bad news or good, with grief or joy, but always with challenge and opportunity. We can stop for a moment before saying yes.

I saw more of Sicily in the days ahead, and when my plane took off from the Catania airport we circled around the steaming smoke that swirled around Etna. After we cleared that excitement, I thought back on my Sicilian days. Besides Palermo, I had seen the Greek ruins at Agrigento, the door of the first Jesuit college at Messina, the many sights at Syracuse. Much beauty, historic interest, holy places, like where St. Paul had lingered in Sicily on his way to Rome. But beyond all the splendor, I recalled that simple Madonna, her look, her gesture, her question. That was Sicily for me.

Two years later I wandered into the Metropolitan Museum of Art in New York, which was hosting an exhibition of Antonello da Messina. The Madonna was there. But as I walked over I spotted there a young man, 20-something, staring at the painting. He stood there motionless, rapt in wonder. I stayed back, respecting what he was going through. After 20 minutes or so he moved away, and I took his place. I stood and gazed and prayed and wondered. The image had lost none of its power for me. The Madonna still worked her wonder.
The work that shaped Frederick Law Olmsted’s life—and that transformed the face of landscape design and public recreation in America—began with a youthful desire to understand holiness. The autobiographical fragment that begins the Library of America’s new edition of his writings tells the story. As a young boy, Olmsted wanted to know what it felt like to be John the Baptist. Hoping to understand the privations to which the saint had subjected himself in the wilderness, young Olmsted found a honey-locust tree, took a pod from it and tried to eat one of its seeds. Finding the meat of the seed inedible, he took the remaining ones and planted them. With care and patience, he raised the resulting seedling into “the finest honey locust I ever saw.” In this fashion, at an early age, Olmsted “began to be affected by conditions of scenery.”

The career that followed was as improbable as its simple beginning. Many will, of course, remember that Olmsted was largely responsible for the design of New York’s Central Park. He is perhaps less often recollected for his work on such far-flung sites as North Carolina’s Biltmore Estate; Stanford University; the University of Chicago; Boston’s Emerald Necklace; and the Capitol Grounds in Washington D.C. The list goes on and on, but, sadly, what most of us know about Olmsted is only a list of such achievements—impressive, certainly, but too barrenly factual to give us any understanding of the man. The man was worth knowing. The Library of America edition of his works, *Frederick Law Olmsted: Writings on Landscape, Culture, and Society*, which gives us that man in all his genius and complexity, is well worth owning.

Since the publication of its first volume in 1982, The Library of America has performed the daunting but eminently worthy task of publishing what it considers the indispensable works of American letters. At the rate of one volume per month, it has made available, in annotated, durable cloth-bound editions with acid-free paper, the works of almost every great American writer imaginable, from Melville to Malamud and from Tocqueville to Tuchman. The series is now closing in on 300 volumes and going strong. The physical quality of the books has been uniform and impeccable. The annotations have often been less so, providing somewhat spotty commentary and leaving archaic terms or obscure references unexplained.

The Olmsted volume, however, masterfully edited by the esteemed Olmsted expert Charles E. Beveridge, supplies extensive and highly satisfactory notes. Moreover, highly conscious that his subject’s greatest contributions to American life were visual, Dr. Beveridge has wisely chosen to adorn the volume with 32 pages of lush and captivating illustrations. Most welcome is the complete series of proposed views that Olmstead and his partner Calvert Vaux submitted with their competition entry for Central Park. Beveridge’s work ranks alongside the John James Audubon volume (1999) as the most beautiful in the series thus far.

Very arguably, though, the greater treasure in these pages is Olmsted himself. In his letters, in his journalistic writings, even in such seemingly mundane sources as reports to city commissioners, he reveals himself not only as an artist, but as a man in whom humanitarianism and practicality existed in virtually equal shares. Better than most conventional architects, Olmsted understood the sociological value of beauty. His core belief was straightforward: that it did people good to come together in the pure air and under the light of heaven, and that a wise society should create places and opportunities that helped them to do so.

Olmsted realized that having a lovely public space to visit could do more than bolster one’s physical health. He perceived that in urban settings, people were often obliged by circumstance to interact chiefly with others who resembled them in religion, ethnicity and social status. He observed, too, that when people were thus segregated, they inclined to develop feelings of scorn and distrust toward the parts of the population that they very seldom saw. But in a handsome public park, one might find “all classes largely represented, with a common purpose, not at all intellectual, competitive with none, disposing to jealousy and spiritual and intellectual pride toward none, each individual adding by his mere presence...
to the pleasure of all others, all helping to the greater happiness of each.”

If Olmsted was somewhat overly idealistic in his estimate of the power of public spaces to bring people together, his planning of those spaces was relentlessly pragmatic. His proposals for the development of various public spaces show an immense knowledge of botany and pay scrupulous attention to climate, topography and the pre-existing architectural context. Never imperious or dictatorial, Olmsted is forever focused on making his designs work harmoniously with a given setting, seeking to discover true harmony rather than to impose a disruptive vision. Indeed, Writings on Landscape, Culture, and Society might serve as a fine companion volume to Robert A. Caro’s The Power Broker. The latter book tells much about how public planning, when fueled by ego and misanthropy, can go desperately wrong. In Olmsted’s writings, one sees so very much that went perfectly right.

To the Olmsted novice, some of the most fascinating and surprising material may come early in the volume, where one encounters a series of incisive public letters that Olmsted wrote in the 1850s regarding slavery. Olmsted found slavery not only destructive of the slave and morally ruinous for the master but also inimical to the non-slaveholding class of poor whites. Olmsted reported with shock that the South’s illiteracy rate was more than 30 times as great as in his native Connecticut and that poor Southerners were easily “dupered, frightened...prejudiced and made to betray their most direct and evident interests.” Moreover, the Southern economy deeply offended his sense of Yankee practicality. He informally calculated that the inefficiencies caused by slavery had enabled the Northern states to outperform the South by 300 percent to 400 percent. Nonetheless, Olmsted was slow to embrace abolitionism, which he termed a “fanaticism.” He also perceived—correctly as it turned out—that those who were so eager to free the slaves would be less enthusiastic about finding them places within the free economy.

Olmsted was a better architect of landscape than he was of sentences, and his prose in this volume is often much more dense and challenging than a reader is likely to enjoy. Nevertheless, it is a book well worth including in an erudite home library.

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ANDREW J. BACEVICH

FACE A HARD TRUTH

G.I. MESSIAHS
Soldiering, War, and American Civil Religion
By Jonathan H. Ebel
Yale University Press. 256p $40

This short but powerful book could have been even more powerful had the author made it shorter still. Jonathan Ebel, who teaches religious studies at the University of Illinois, has an annoying habit of circling a point endlessly before making it and then stomping on that point with both feet lest the reader somehow miss it. This particular reader kept muttering to himself, “Yes, yes, I get it! Now can we please move on?” Yet that unhappy writing tic detracts only slightly from the author’s very considerable achievement.

Ebel’s subject is the role that the soldier—especially the fallen soldier—plays in American civil religion. As the title, G.I. Messiahs, suggests, he sees that role as central. In the eyes of many—most—Americans, the soldier represents “the Word of the nation made flesh” and by extension “the second person of an American godhead.” “American civil religion seems to require this incarnation,” Ebel writes. Where American soldiers fight and the spot where the fallen rest become, in the eyes of their fellow citizens, sacred ground. Seated metaphorically “at the right hand of the father,” soldiers personify all that the nation as a whole is or ought to be. As exemplars, they possess and on occasion wield vast moral authority. In that regard, the Tomb of the Unknowns in Arlington may be said to contain the “modern martial embodiment” of Jesus himself.

Ebel’s examination of this phenomenon—“the soldier as savior,” if you’ve not yet gotten the drift—begins with World War I and extends up to the present day. The material he employs as evidence ranges from cemeteries and monuments to movies, literature and political rhetoric. Together, if taken at face value, these underpin a civil theology based on a trinity of “service, sacrifice, and salvation,” its three elements indistinguishable and inseparable.

One abiding feature of this narrative is its pristine simplicity, which allows little room for nuance and none for doubt. So, for example, in considering European cemeteries maintained as the final resting place of Americans killed in the two world wars, Ebel de-
scribes perfectly aligned white crosses arrayed on exquisitely manicured grounds that depict those interred there as “uniformly noble, uniformly sinless, uniformly saved.” In some instances, he points out, the crosses themselves are arrayed in cruciform. Through a process of sacralization, all the dead thereby merge into a single identity intended, in Ebel’s view, to validate the wars in which they fought and the nation that sent them to fight. The point of the exercise is to encourage visitors “to imagine an ideal soldier, an ideal army, an ideal America,” the wars thereby escaping scrutiny and the state accountability.

Yet as Ebel makes clear, the lived experience of actual soldiers complicates this preferred narrative. Real soldiers are real people. Some may be saints; most are not. Few who make the “supreme sacrifice” do so of their own volition. Those who do— their lives not so much offered as taken—are not uniformly noble and uniformly sinless.

Nor are those who survive. For soldiers who experience war at firsthand, life after may not be pristine or even tolerable. Ebel writes of one hero, winner of the Medal of Honor, who returns from World War I celebrated by all and then quietly and inexplicably commits suicide. Another Vietnam-era soldier, also a recipient of the Medal of Honor, spends time in a mental hospital before meeting his end in a failed holdup of a liquor store in Detroit.

Indeed, Vietnam posed an acute challenge to the soldier’s assigned role as paladin of America’s civil religion. Ebel characterizes the result as a “Christological crisis.” Certainly it was difficult to see the perpetrators of the My Lai massacre as Christ-like figures. More problematic still were the actions of soldiers who turned against the war, portraying it as immoral and denouncing the state that in their view had coerced them to serve. By indicting the nation, groups like Vietnam Veterans Against the War “inverted civil religion” of America’s civil religion “is as vigorous as it has ever been.” If so, that theology has become blandly generic, having long since shed its specifically Christian character.

Moreover, complicating facts continue to crop up, as Ebel’s account makes clear. Consider the case of Pat Tillman. One of the very few members of the American celebrity elite to enlist after Sept. 11, Tillman gave up a lucrative career in the National Football League to join the military elite as an Army ranger. When Tillman lost his life in Afghanistan, the Army wasted no time depicting him as a hero—covering up the fact that he had been killed by friendly fire. The cover-up soon unraveled. Worse still were subsequent revelations that Tillman considered his comrades a sorry bunch, questioned the war’s legality and was adamant in his own rejection of religion.

Likeminded members of Tillman’s
family refused to play along with his secular canonization. In death, he was not one with God. He was, instead, a corpse in a box underground—so they insisted with vehement bitterness. As they saw it, his death had served no purpose. It had been a waste.

For adherents to America’s civil religion, such disbelief is disturbingly subversive. For those inclined to see America’s civil religion as a particularly pernicious form of heresy, disbelief may offer a first step toward enlightenment. God and country are not one and the same. The sooner Americans come to terms with that reality the better.

**ANTHONY J. POGORELČ**

**BELIEVE IT OR NOT**

**THE VATICAN PROPHECIES**

*Investigating Supernatural Signs, Apparitions and Miracles in the Modern Age*

By John Thavis

Viking. 275p $27.95

In *A Secular Age*, Charles Taylor contrasts the enchanted world of our forebears and the modern world. The enchanted world is inhabited by spirits, demons and moral forces. Here the most powerful and important forces are outside what Taylor calls the porous self. With the modern age comes disenchantment and the emergence of “buffered selves” who perceive thoughts, feelings and *spiritual élan* as located in the mind. In John Thavis’s book we see the interplay of these two worlds and examine if the miraculous and the reasonable can peacefully coexist. The prophecies are related to objects, experiences and events that call for authentication from the Vatican. This book reveals behind-the-scenes struggles in the Vatican to keep tensions in balance and uphold order. Miracles that once forged solidarity are now often connected to ideology and can cause division.

Many moderns still hunger for enchantment. Modern technology can feed this hunger and enable people to be instantaneously aware of miracles anywhere they may appear. Seers may use social media to spread their prophecies. Likewise, there are new avenues for profiting from the miraculous.

Chapter 1 looks at relics and offers some theology as well as short biographies of saints whose body parts have been taken. Throughout the book Thavis highlights the real people behind the mysteries. Aquinas claims relics correlate with Christianity’s incarnational nature. Others see modern interest in relics as an extension of the culture of celebrity. Online commerce makes dealing in relics complicated beyond anything Martin Luther could have imagined. The Vatican tries to regulate the hygienic procurement of relics as well as their ecclesial purpose: public veneration, not private collection. We meet Mezzadro Gabriele, the Vatican’s top art restorer, who uses modern technology on incorrupt bodies, a phenomenon in itself that is not necessarily miraculous.

Marian apparitions receive due attention. Enchantment is taken for granted in Medjugorje, where visionaries range from gentle Mirjana to the tougher Vika. The apparitions, which began 35 years ago, generated an apparition tourism industry that transformed the economy of the small village, multiplying shops, hotels and B&Bs. Thavis provides an informative religious history of the area, which gives insight into how the apparitions unfolded, the tensions between the Franciscans and the diocese and the relationship between Medjugorje and the Catholic charismatic movement. He also examines other apparitions, like Necedah in Wisconsin and Bayside in New York as well as Fatima. He excels in illuminating the theological, social and cultural contexts of these events. Consistently, the Vatican’s approach to apparitions is cautious.

Next he takes us to Turin, home of the shroud. We learn of its history and miraculous preservation from a fire in 1997. The shroud is unique because of the interest it inspires in both enchanted and scientific minds. The increasing capabilities of science have spurred the interest. Sturp (the Shroud of Turin Research Project) is a 30-member team that includes mathematicians and forensic pathology experts. Even a group of Jewish scientists is interested in the shroud and what it may suggest about Jewish burial customs. The Vatican has not authenticated any miracles attributed to the shroud, even though both Pope Benedict and Pope Francis are devotees.

Perhaps the discussion of exorcism best brings together the interaction of the enchanted and bureaucratic worlds. Pope Francis warns of the vi-
tality and power of the devil; some suggest he is aware of this because he is from Latin America. The book provides sensational accounts and introduces a new breed of exorcist, who is not afraid to discuss his trade in public. He may also work with a team that includes psychological professionals. The Vatican approved the International Association of Exorcists in 2014, but before this, in 1999, it revised the rite, putting more emphasis on prayer to God rather than commands to Satan. However, some exorcists continue to use the old Latin rite, claiming the devil better understands it. Norms for the appointment of official exorcists for dioceses have also been revised. Thavis correctly notes that the Church, like other organizations, may embrace a movement and also offer some regulations to more effectively control it.

He explains the role of miracles in the canonization process. The Vatican defines miracles as objective occurrences that can be investigated in a systematic way. Here a systematic empirical process is the path to a theological declaration. Cardinal Lambertini established the criteria in 1734. The healing must be sudden and instantaneous, and there may be no relapse. Some believe control over miracles has been ceded to scientists. Thavis recounts wonderful stories of the miracles of Saints Damien of Hawaii and Marguerite d’Youville of Quebec as well as the cause of the Army chaplain Emil Kapaun. The stress is on how these miracles affect the lives of real people. Pope Francis has been more generous about waiving the miracle requirement for some canonizations, but some Vatican officials have reservations about this.

Finally, there is a look at end-time prophecies. Benedict XVI’s surprising resignation has been viewed as the fulfillment of such a prophecy. In some cases, the Vatican’s pursuit of the path of rationality may thwart the world of enchantment. Its judgments on private revelations fall into three categories: false or evil; lacking in evidence or credible; but the most common pronouncement is no judgment. The Vatican is cautious about authenticating the prophecies that come into its domain; officials do not want to make the church look foolish. Thavis’s book shows us that the Vatican may be more of a creature of modernity than we imagined.

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The Retreat of Death
EASTER (C), MARCH 27, 2016

Readings: Acts 10:34–43; Ps 118:1–23; Col 3:1–4; Jn 20:1–9

“God raised him on the third day” (Acts 10:40)

Long human history demonstrates that death comes for each of us, advancing on us, stalking us, cutting us down at the beginning of life, the prime of life, the middle of life or the end of life, inexorably turning our flesh and blood to dust and ashes. This is what death does. It does not miss anyone. But Easter, Christ’s resurrection, is about life. It is about stopping the inevitable march of death. It is about the retreat of death.

Christ’s resurrection bursts through the chains of death into glorious new life. God is, after all, the God of the living, as Jesus pointed out in a dispute with some Sadducees, asking: “Have you not read...how God said, ‘I am the God of Abraham, the God of Isaac, and the God of Jacob? He is God not of the dead, but of the living’” (Mk 12:26–27). Jesus interprets the simple verb “to be” to indicate God’s sovereignty over death. Because God “is,” Abraham, Isaac and Jacob still “are.”

Yet how could the end of death, this hard reality of human life, be shown? By conquering death in this one life, this one time, as “the first fruits” of all who have died, Jesus shows God’s eternal plan for humanity: the inevitable destruction of death.

It was difficult to comprehend, even for the closest of Jesus’ disciples. When Mary Magdalene came to Jesus’ tomb and saw that the stone had been removed from the tomb, she went to get Simon Peter and the beloved disciple. She went to report a desecration of the dead—“They have taken the Lord out of the tomb, and we do not know where they have laid him”—not God’s victory over death. Both Peter and the beloved disciple also went to verify the removal of Jesus’ body from the tomb. The beloved disciple “saw and believed,” but this belief only verifies the empty tomb, not Jesus’ resurrection, for the Gospel of John tells us that “as yet they did not understand the scripture, that he must rise from the dead.”

Mary Magdalene had gone to the tomb to honor Jesus’ dead body; the Synoptic Gospels all note that women went to Jesus’ tomb to anoint his body with spices. If anyone knew death, the ancients did. Dying people were not sent away to hospitals to die politely out of sight. People were condemned and killed in public, their battered bodies on humiliating display, corpses on crosses like so much human detritus. Family members and friends cared for the bodies after death, preparing them as best they could for the tomb, to show last respects and to guard against the stench of decay. Jesus’ friends knew death. They knew he had died.

It took the friends of Jesus a while to understand that his missing body did not represent theft or desecration, but the end of death. When they finally understood the Scripture “that he must rise from the dead,” it was because they had experienced Easter, witnessed Christ risen from the dead. Their experience of the risen Lord, interpreted through Jesus’ teachings and life, led them to one conclusion: He was not in the tomb because Jesus had been raised up by God from death to life.

Peter speaks of Jesus appearing “to us who were chosen by God as witnesses, and who ate and drank with him after he rose from the dead,” with the charge to go and tell others of what they had witnessed and experienced. It was the transformative experience for the first disciples—Mary Magdalene, Peter, the beloved disciple and all the others—because it reoriented not just their understanding of who Jesus was but of who God was and how God acts in human history. Death is not the end of God’s power or of our lives.

Through Jesus, who was raised from the dead, we, too, “have been raised with Christ.” Our lives are no longer lived in the shadow or fear of death, for death has been conquered and life reigns eternal. This must be the fearless reorientation of our lives: to live in the life of Christ, raised to new life, and not in the fear of death. God is not the God of the dead; God is the God of the living. And in Christ’s resurrection, God reveals the retreat of death and the victory of life.

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