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Religious Liberty at Risk?

**BLASE CUPICH
MARY ANN GLENDON
DAVID HOLLENBACH
THOMAS A. SHANNON
AND THE EDITORS**

OF MANY THINGS

This is my favorite painting in the entire Metropolitan Museum of Art," my friend Lauren tells me, directing my attention to an image on the wall of the museum's Renaissance gallery. She is pointing to "Portrait of a Young Man," an early 16th-century oil on wood by Bronzino. In it a young, pale man stands with one hand on his hip. His elbow, draped in what the catalogue entry calls "fashionably slashed sleeves," juts out toward the viewer. His other hand rests on a book, one finger between the pages, a temporary placeholder. His expression seems to denote a mix of both inner calm and barely masked annoyance, and I feel as though he's about to scold me for interrupting a quiet moment.

Lauren has offered to teach me more about art because I've been helping her to explore Catholicism. Religious art, in part, helped pique her interest in the church, so I'd imagined that she might direct my attention to any one of the dozens of images of Christ or the Blessed Mother, but here we are in front of a pale, seemingly haughty man. I'm grateful to have Lauren as a guide, because without her, I likely would have passed this painting without notice on my way to more famous attractions, like the grand and newly restored "Washington Crossing the Delaware" or the majestic Temple of Dendur, an ancient sandstone structure from Egypt. Plus, Lauren is a skilled artist with an M.F.A., while I gleaned most of my early knowledge of the Met from a "Sesame Street" movie called "Don't Eat the Pictures." It seemed only reasonable to give her the benefit of the doubt.

She points out Bronzino's skillful rendering of the man's elbow, the way his hand falls partly in shadow. It's fascinating, she says, to think about the use of light and dark in the painting and how it affects the way the artist depicts the painstaking detail of the knuckles of one hand, his lips and one eye, while the subject's thumb and ear lose some of

their form and appear grey, almost blurred. Lauren explains that artists striving for realistic images must strike an appropriate balance in an effort to present a complete picture, emphasizing the key elements while avoiding caricature. On our way to this painting, we passed other seemingly less balanced portraits, in which artists depicted richly detailed fabrics paired with flat faces or ornate hairstyles surrounding dull eyes.

Lauren drew my attention to the man's hand. "You can see that the artist moved it," she said. This image I'd at first seen as only static became at once more alive, layered. I knew these works had a place in art history, but I'd failed to pay much attention to their individual histories before that moment. Later Lauren sent me close-up x-ray images of the painting from the museum's Web site. One can see aspects of the artist's original plan for the painting and the places where he changed the background, the position of the book, the shape of the man's head and the contours of the fabric.

The commentary on the museum Web site reads: "Because of the extent of these changes, it has sometimes been speculated that the painting was begun at one time and then finished later—perhaps years later." I consider the patience and dedication it takes to develop that sort of vision and revision. In any task or effort, it can be tempting to try to skip to the end of the process, but true progress often takes time. And the in-between stages are not always pretty; certain elements move into or out of focus, new details emerge. And sometimes the only thing to be done is to take a step back. One must try to keep in mind the larger picture, to trust that all will come together eventually, beautifully, and at the same time to work as hard as possible to make that happen. Lauren and I never got around to viewing many religious paintings that day. But looking back, I wonder if maybe we had been discussing faith all along.

KERRY WEBER

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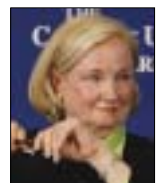


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ON THE WEB

An open letter from **Mary Ann Glendon**, right, and others on the proposed contraception “accommodation.” Plus, **video reflections for Lent** and a podcast interview with the editors of **The Jesuit Post**. All at americamagazine.org.



The Money Race

Readers of Ryan Lizza's "The Obama Memos" (*The New Yorker*, 1/30), know that President Obama is above all a pragmatist. That article analyzed a series of the president's decisions and revealed that more often than not he chose what he perceived to be the most politically feasible path. In light of the president's practical bent, it was not surprising that his administration reversed course and endorsed a "super PAC" to aid his re-election bid. It was nonetheless discouraging and possibly illegal.

The Supreme Court has ruled that independent expenditures on political campaigns must be "totally independent" and made "without any candidate's approval (or wink or nod)" (*Colorado Republican Federal Campaign Commission v. Federal Election Commission*, 2001). It is very difficult to argue that Restore Our Future, the super PAC affiliated with Mitt Romney, or the president's support group, Priorities USA Action, meet this stringent standard. In the case of the president's group, the endorsement came by way of a conference call from the Obama campaign. And though President Obama will not appear at any events sponsored by the super PAC, staff from his administration will.

One way to combat the ill effects of recent Supreme Court decisions that allow big donors to spend unlimited funds to influence elections is to ensure that these expenditures are in fact independent. Fred Wertheimer of Democracy 21 has requested that Attorney General Eric Holder investigate the ties between super PACs and presidential campaigns. Of course, now that the Obama campaign has jumped on board the money train, his attorney general may be reluctant to dig too deep. The scenario leaves one yearning for a little less pragmatism and a little more idealism.

The Case for Good Counsel

The recent increase in the number of deportations of immigrants is not due only to the tough policies of the Department of Homeland Security. Poor legal representation also plays a major role. When the Benjamin N. Cardozo School of Law at Yeshiva University asked immigration judges in New York State to rate the performance of lawyers they had observed in deportation cases from mid-2010 to mid-2011, the judges rated the performance "inadequate" in a third of the cases and "grossly inadequate" in another 14 percent. That is nearly half of all cases when combined. Worse, from 2005 to 2010 over a quarter of the immigrants had no legal representation at all, which

markedly skewed their case results. Two-thirds of the immigrants with counsel had successful outcomes, compared with only 8 percent of those without a lawyer. In short, there would be many fewer deportations if all immigrants had competent legal representation.

Yet even basic legal information is withheld from detainees around the country. In 2010 more than half of the nation's detention facilities offered the detainees no information about their legal rights, and more than three-fourths prohibited private phone calls with lawyers. To correct the information gap, Catholic Charities—in Florida, California, Louisiana and Georgia—is working with the Legal Orientation Program of the nonprofit Center on Immigration and Justice to inform immigrant detainees about their rights and about the court and the detention process. Governments, law schools and legal associations should champion the twin causes of competent legal counsel and information for immigrants.

All You Holy Women

The recent consistory in Rome was a momentous occasion for the 22 men named cardinals, but the day also honored two American Catholic women. On Feb. 18 the College of Cardinals approved the canonization of Blessed Marianne Cope and Blessed Kateri Tekakwitha. Their canonization will take place in October, along with that of five other blessed. Marianne Cope, O.S.F., served as a teacher and hospital administrator in central New York State, where she helped to establish two of the first hospitals in that area. But she is best known for her later work. During the last 30 years of her life, Sister Cope served alongside St. Damien deVeuster, S.S.C.C., at a leper colony in Hawaii, where she died in 1918 at the age of 80. While caring for people with leprosy, she made sure to attend not just to her patients' physical needs but to their educational and spiritual needs as well.

Kateri Tekakwitha's life was far shorter, but her service and virtue equally admirable. Kateri, born in 1656 in what is now upstate New York, is often called "Lily of the Mohawks" in honor of her mixed Mohawk and Algonquin heritage. Baptized by a Jesuit at the age of 20, she died only four years later. In her short lifetime she endured ridicule from her tribe for her Christian faith but maintained her practices of prayer, penance and care for the sick and aged. Scarred by smallpox as a young child, her intercession is often sought by individuals with skin diseases.

Both women are reminders of the simple ways Catholics today can be of service to others.

Policy, Not Liberty

For a brief moment, Catholics on all sides were united in defense of the freedom of the Catholic Church to define for itself what it means to be Catholic in the United States. They came together to defend the church's institutions from morally objectionable, potentially crippling burdens imposed by the Obama administration under the Affordable Care Act. Catholic journalists, like E. J. Dionne and Mark Shields, and politicians, like Tim Kaine and Robert P. Casey Jr., joined the U.S. bishops in demanding that the administration grant a broad exemption for religiously affiliated institutions from paying health care premiums for contraceptive services. Then, on Feb. 10, President Obama announced a compromise solution by which religious institutions would be exempt from paying the objectionable premiums but women would not be denied contraceptive coverage. A confrontation that should never have happened was over. But not for long.

After a nod to the White House's retreat as "a first step in the right direction," the U.S. Conference of Catholic Bishops rejected the president's "accommodation" as insufficient. Their statement presented a bill of indictments on the fine points of public policy: It opposed any mandate for contraceptive coverage, expanded the list of claimants for exemption to include self-insured employers and for-profit business owners and contested the administration's assertion that under the new exemption religious employers would not pay for contraception. Some of these points, particularly the needs of self-insured institutions like universities, have merit and should find some remedy. Others, with wonkish precision, seem to press the religious liberty campaign too far.

The bishops have been most effective in influencing public policy when they have acted as pastors, trying to build consensus in church and society, as they did in their pastorals on nuclear war and the economy. The American public is uncomfortable with an overt exercise of political muscle by the hierarchy. Catholics, too, have proved more responsive to pastoral approaches. They expect church leaders to appeal to Gospel values, conscience and right reason. They hope bishops will accept honorable accommodations and, even when provoked, not stir up hostility. In the continuing dialogue with government, a conciliatory style that keeps Catholics united and cools the national distemper would benefit the whole church.

The religious liberty campaign seems to have abandoned a moral distinction that undergirded the conference's

public advocacy in past decades: the contrast between authoritative teaching on matters of principle and debatable applications of principle to public policy. The natural law tradition assigned application to the prudent judgment of public officials. Writing of policy differences in 1983, the bishops wrote, "The Church expects a certain diversity of views even though all hold the same universal moral principles." Contemporary Catholic social teaching has spoken of policy in terms of "a legitimate variety of possible options" for the faithful and the wider public; it has urged that differences over policy be tempered by charity and civility.

The campaign also risks ignoring two fundamental principles of Catholic political theology. Official Catholic rights theory proposes that people should be willing to adjust their rights claims to one another. It also assigns to government the responsibility to coordinate contending rights and interests for the sake of the common good. The campaign fails to acknowledge that in the present instance, claims of religious liberty may collide with the right to health care, or that the religious rights of other denominations are in tension with those of Catholics. But as Pope Benedict XVI wrote in "Deus Caritas Est," the church does not seek to "impose on those who do not share the faith ways of thinking and modes of conduct proper to the faith." Furthermore, the campaign fails to admit that the administration's Feb. 10 solution, though it can be improved, fundamentally did what Catholic social teaching expects government to do—coordinate contending rights for the good of all.

By stretching the religious liberty strategy to cover the fine points of health care coverage, the campaign devalues the coinage of religious liberty. The fight the bishop's conference won against the initial mandate was indeed a fight for religious liberty and for that reason won widespread support. The latest phase of the campaign, however, seems intended to bar health care funding for contraception. Catholics legitimately oppose such a policy on moral grounds. But that opposition entails a difference over policy, not an infringement of religious liberty. It does a disservice to the victims of religious persecution everywhere to inflate policy differences into a struggle over religious freedom. Such exaggerated protests likewise show disrespect for the freedom Catholics have enjoyed in the United States, which is a model for the world—and for the church.



SIGNS OF THE TIMES

IRAN CRISIS

A Dangerous Escalation Toward a Showdown

The West's continuing confrontation with Iran took a bizarre turn on Feb. 14 when a house inhabited by a group of Iranian men in Bangkok, Thailand, was demolished by an explosion. The group in Thailand was apparently preparing its own "sticky" car bomb attack in a copy-cat reprisal for a series of assassinations in Teheran. The Bangkok attacks seem to have been meant to coincide with a similar attack against an Israeli diplomat in New Delhi, India, and an attempted attack in Tbilisi, Georgia.

A new covert effort by Iran may represent its response to the assassinations of its nuclear scientists, widely attributed to Israel intelligence. The unexpected escalation could not have come at a worse time, as the media in the United States and Israel grimly assess the likelihood of a military confrontation with Iran and as members of Congress from both parties continue a drumbeat for war. Adding nuclear fuel to the fire was an Iranian announcement on Feb. 15 of a series of research "achievements," including a 50 percent increase in its uranium enrichment capacity.

"We're not on an inevitable track to war," said Paul R. Pillar, a professor at Georgetown University's Center for Peace and Security Studies, "but with this recent escalation the danger of war is greater now than at any time I've seen in the last couple of years."

Pillar worries that there is now a "substantial" threat of an incident in the covert war between Israel and Iran "spinning out of control beyond the intentions of either side." And the busy shipping lanes of the Persian Gulf, now regularly used by U.S. warships and Iranian Revolutionary Guard speedboats and navy frigates, likewise offer another arena where an incident could lead to open conflict.

Pillar believes the Obama administration does not want the confrontation with Iran to escalate into open warfare, nor does he think the administration is set on regime change in Iran as its only option for turning aside Iranian nuclear ambitions. There is a better way ahead, he says. "We can negotiate, and we can negotiate like we really mean it and we take the most recent communication [from Iranian nuclear negotiator Saeed Jalili] and

run with it." In a recent letter to a European Union official, Jalili suggested that Iran was ready to negotiate a "spectrum" of issues with the West.

Openness on the part of U.S. negotiators to a "wide range of issues" that divide Iran from the West is key, says Pillar. Part of that openness, he argues, is that U.N. and U.S. negotiators must be ready to accept Iran's right to pursue peaceful nuclear research, this time under the careful supervision of the International Atomic Energy Agency.

Election year politics and the intentions of the Israelis remain the wild cards in the conflict, according to Pillar. "But I think a formula can be found," he said, that would satisfy all parties ahead. The cost of further escalation would likely prove too high for all sides. A substantial interruption of oil exports out of the Persian Gulf may be more than the shaky U.S. and

European economies can stand; and the potential human and environmental impact of a regional war between Iran and its surrogates and Israel, with or without the United States, could be devastating. Conflict, he adds, would be a setback for relations between the Western and Islamic worlds that could last for generations.

FAITH AND SOCIETY

Religious Liberty At Vatican and Lambeth Palace

The role of religion in society and its protection from a "deeply intolerant" militant secularism were themes in Rome and at Lambeth Palace in Great Britain



The amphibious assault ship U.S.S. Bataan transits the Strait of Hormuz in October.



U.S. NAVY PHOTO BY QUARTERMASTER 1ST CLASS THOMAS E. DOWLING

last month. A British delegation to the Vatican on Feb. 14 commemorating the 30th anniversary of the re-establishment of full diplomatic ties between the Holy See and the United Kingdom included the Conservative Party member and senior British government minister Baroness Sayeeda Warsi.

In an address to the Pontifical Ecclesiastical Academy, the baroness, who is a Muslim, said Europe must “become more confident and more comfortable in its Christianity.” The continent’s response to “militant” secularization in Europe “has to be simple: holding firm in our faiths, holding back intolerance, reaffirming the religious foundations on which our societies are built and reasserting the fact that, for centuries, Christianity in Europe has been inspiring, motivating, strengthening and improving our societies.”

In a preview of her speech the day before, Warsi argued that Christian values “shine through our politics, our public life, our culture, our economics, our language and our architecture.” She said, “You cannot and should not extract these Christian foundations from the evolution of our nations any more than you can or should erase the spires from our landscapes.”

Back in the United Kingdom, the baroness’s monarch, Queen Elizabeth, likewise had religious liberty on her mind during a speech before Archbishop of Canterbury Dr. Rowan Williams and an inter-religious audience gathered at Lambeth Palace to mark the beginning of the queen’s diamond jubilee year. In an address to representatives from nine faith traditions that now make their home in Great Britain, the Queen reaffirmed the positive role of religious faith in British society, but worried that “the significant position of the Church of England was “occasionally misunderstood” and “commonly under-appreciated.”

“Its role,” she said, “is not to defend Anglicanism to the exclusion of other religions. Instead, the church has a duty to protect the free practice of all faiths in this country.... The Church of England has created an environment for other faith communities and indeed people of no faith to live freely. Woven into the fabric of this country, the church has helped to build a better society—more and more in active co-operation for the common good with those of other faiths.”

As the British delegation finished its visit in Rome on Feb. 15, Lord David Howell, minister of state in the Foreign and Commonwealth Office, argued that strengthening ties to the

Vatican will help the United Kingdom in its efforts to confront the global challenges of poverty, arms proliferation, climate change, regional conflicts and threats to religious freedom. A joint statement released on Feb. 15 said the Vatican and the United Kingdom “agreed on the urgent need for action to strengthen the universal commitment to religious freedom as a fundamental human right.”

In a written statement, the Vatican emphasized the need “to ensure that institutions connected with the Catholic Church can act in accordance with their own principles and convictions” and “stressed the necessity of safeguarding the family based on marriage, religious freedom and conscience.”

Vatican officials and the British ministers discussed plans to work together to fight religious intolerance and discrimination; reaffirmed the need to promote sustainable development that protects human dignity; and recognized the shared commitment to tackle poverty, climate change and arms proliferation. They expressed hopes for a resumption of Palestinian-Israeli negotiations.



Pope Benedict XVI greets Britain's Baroness Sayeeda Warsi during a private meeting at the Vatican on Feb. 15.

Catholics on Religious Exemption

Support for a religious exemption to the contraceptive mandate in the U.S. health reform plan is stronger among Catholics than among the general population, according to a survey released on Feb. 14 by Pew Forum researchers. According to the survey, 55 percent of Catholics who have heard about the controversy support giving religious institutions that object to the use of contraceptives an exemption from the regulation, while 39 percent oppose such an exemption. The figures were reversed for respondents without a religious affiliation. Among Catholics who attend church at least once a week, 63 percent said they favored a religious exemption, while 25 percent said religious organizations should be required to cover contraception the same way as other employers. White evangelical Protestants were even more likely to support the religious exemption, with 68 percent in favor and 22 percent opposed.

Seeking Abuse Victims

Catholic bishops should find out what is keeping victims of sexual abuse around the world from coming forward, said Bishop R. Daniel Conlon, chairman of the U.S. bishops' Committee on the Protection of Children and Young People. U.N. statistics have shown "that sex abuse is widespread and crosses all cultures and societies" and is not just a phenomenon plaguing the church or Western nations, he said on Feb. 13. A mandate from the Congregation for the Doctrine of the Faith requires all bishops to establish anti-abuse guidelines by May of this year. "We as a church...want to be at the forefront of society in helping to deal with this

NEWS BRIEFS

Thousands are mourning the death on Feb. 13 of the Mother Teresa of Meghalaya State, Sister **Amalia Pereda Ortiz de Zarate** at age 84, who revolutionized health care in rural northeastern India. • **María del Mar Muñoz-Visoso**, assistant director of media relations at the U.S. Conference of Catholic Bishops, was named executive director of the Secretariat for Cultural Diversity in the Church as of Feb. 27. • On Feb. 15 Cardinal Daniel N. DiNardo of Galveston-Houston called on the Senate to resolve conscience protection problems with the federal health reform law by passing the **Respect for Rights of Conscience Act**. • St Joseph's Church in the Dnipropetrovsk, Ukraine, seized by Communist authorities in 1949, will at last be fully **restored as a place of worship** after a 20-year court battle that ended with possession returned to the church. • The Archdiocese of Denver's **Theology on Tap** program is seeking a new venue after a lecture on religious liberty by Auxiliary Bishop James D. Conley on Jan. 26 generated consternation and complaints among some patrons and staff at the hosting tavern. • The Rev. Jeffrey N. Steenson became a monsignor and head of the **Personal Ordinariate of the Chair of St. Peter** at the Co-Cathedral of the Sacred Heart in Houston, Tex., on Feb. 12.



Mar Muñoz-Visoso

issue, so even in countries where there have not been allegations of abuse in the church, the church can still be a forceful agent for bringing about change in the larger society," he said. Bishop Conlon, bishop of Joliet, Ill., was in Rome to attend two international gatherings dealing with the church's response to child protection.

Turmoil in Congo

Human rights activists in the Democratic Republic of Congo are denouncing acts of violence by police in Kinshasa against Catholic parishes and marchers on Feb. 16. Police were attempting to halt a series of commemorations of the 20th anniversary of the so-called "Christians massacre" on Feb. 16, 1992, when Christian demonstrators were killed by troops

loyal to the Mobutu Sese Seko regime. Some marchers were also demanding the nullification of recent elections, described by many observers, including Congo's Catholic bishops, as fraudulent. Marchers at one parish were surrounded by police and trucks equipped with water cannons and prevented from demonstrating. At other parishes peaceful marchers were dispersed by police with tear gas grenades, and at the Parish of Saint Joseph Matonge, women were beaten by police, according to witnesses. On Feb. 13 the Congolese government also pulled three television stations off the air, two of them close to the opposition leader Jean-Pierre Bemba and one belonging to the Catholic Church.

From CNS and other sources.

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Forgive Us Our Sins

Our second-grade daughter made her first reconciliation recently. She had some questions about the two kinds of sin.

"Mortal sins are the big sins that God doesn't forgive, right?" she asked. I told her that God always forgives all our sins. Then why, she wondered, do we bother distinguishing the more serious from the less serious sins? I told her sin separates us from God and one another. With bigger sins we have gone farther away from God and one another, and so we have to move our hearts more to be close again to God and others. God always forgives, but we also have to be willing to give of ourselves to bridge the gap. Carpool theology has its challenges.

That same week, Emmanuel Ntakirutimana, O.P., chairman of the Burundi national independent Human Rights Commission, spoke to my students at Catholic University about peacebuilding and reconciliation. From the time of Father Emmanuel's birth, just before Burundi's independence in 1963, until today, Burundi has known five decades of violence, including the 12-year war from 1994 to 2006 that left more than 300,000 people dead, mostly civilians, and many times that number traumatized and displaced. How do people put a country back together after such serious and violent divisions? Father Emmanuel and the Catholic Church in Burundi are working at all levels of society to make the fragile peace more sustainable. At the individual and community level,

he works with Centre Ubuntu to help restore moral values and rebuild social trust and relationships. Through narrative theater, communities name and acknowledge their troubles and publicly play-act the difficulties in their communities. It is a form of truth-telling and public acknowledgement that is important after conflict, a type of truth and reconciliation process at the village level, more accessible and less threatening to people than formal governmental processes because it comes in the package of laughter and play. The process helps start people talking, trusting and even working on common community projects together. It can open up individuals and communities for greater healing over time.

Father Emmanuel decried dehumanizing opponents, from calling the opposition "enemies to the country" to "parasites" and "beasts." Such talk lowers the moral bar, breaks social bonds between opposing groups and facilitates the tearing of the social fabric, which takes decades to rebuild. The new Burundi Human Rights Commission is just setting up shop and hiring personnel. Soon it will issue difficult reports, investigating past and current violations of human rights. As for reconciliation, Father Emmanuel says, "We are not there yet."

Listening to Father Emmanuel, I wonder about ourselves. Are we there yet? Too often we appreciate the need for peacebuilding abroad but fail to see the need for reconciliation and peacebuilding at home. As I took Father

Emmanuel on a tour of the monuments in Washington, D.C., he noted all the war memorials (World War II, Korea, Vietnam) but found no monument to peace on the National Mall. Pickup trucks with confederate flag bumper stickers, pro-gun slogans and racist caricatures of President Obama moved by us in traffic. We passed the sites where the Occupy movements had been protesting but were being moved out, despite Constitutional guarantees to the right to assemble and to petition the government peacefully. In his quiet and respectful manner, Father Emmanuel asked why the United States urges peacebuilding abroad but not at home, why the United States

reports on human rights violations in other countries each year but never issues its own human rights report.

It is a good question. The United States has been torn by centuries of violence, yet we had no "truth and reconciliation commission" at the end of the Civil War or after the civil rights movement. Today, overheated political rhetoric picks at that scab. Dehumanizing the opposition as enemies of the country, parasites and beasts tears the social fabric here as well as abroad. As Catholics, we are committed to reconciliation, communion and the peace of Christ, not just in the church building on the weekend among people like ourselves. God forgives all sins. But we have work to do in reconciliation, beyond the confessional to the public square.

MARYANN CUSIMANO LOVE is professor of international relations at The Catholic University of America in Washington, D.C.

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Cardinal-designate Timothy M. Dolan of New York discusses the new birth control mandate on “CBS This Morning” on Feb. 9.



FINDING OPPORTUNITY IN A PAINFUL MOMENT

Staying Civil

BY BLASE CUPICH

At the foot of that cross, inside the thousands of churches across the city, I imagined the stories of ordinary black people merging with the stories of David and Goliath, Moses and Pharaoh, the Christians in the lion's den, Ezekiel's field of dry bones. Those stories—of survival, and freedom, and hope—became our story, my story; the blood that had spilled was our blood, the tears our tears; until this black church, on this bright day, seemed once more a vessel carrying the story of a people into future generations and into a larger world.

*From Dreams From My Father
Barack Obama*

On Feb. 10 President Obama announced what administration officials are calling an “accommodation” to the earlier decision of the U.S. Department of Health and Human Services to narrowly define the conscience exemption for religious entities that offer insurance coverage to their workers. As of this writing, the details of that “accommodation,” have not been fully studied. Care will be required to examine what this further articulation of the government’s policy will mean in practice.

The initial reaction of the leadership of the U.S. Conference of Catholic Bishops to the president’s remarks has been understandably cautious but optimistic, noting that this development presents an opportunity for dialogue to resolve the impasse. Part of that optimism may stem from what Mr. Obama did not say. It is remarkable that he made no reference to the distinction made earlier by H.H.S. between “non-profit employers based on religious beliefs” and “religious employers.” It seems to have just evaporated. The president only mentioned “religious institutions,” univocally including in that term those entities that are “affiliated”

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MOST REV. BLASE CUPICH *is the bishop of Spokane, Wash.*

with a church, “like Catholic hospitals and Catholic universities,” The significance of collapsing the two terms originally distinguished by H.H.S. cannot be overplayed. Although the U.S. bishops rightly objected to government enforcement of insurance coverage of services and procedures that are morally objectionable, the central issue following the H.H.S. decision of Jan. 20 was that the government—heretofore specifically precluded from doing so by the Constitution and over 230 years of court precedent— would now decide what it means for any church to be church and what defines the permissible exercise of religion. In the end, as a recent **America** editorial put it (2/13), churches would be forced to “to function as a sect, restricted to celebrating its own devotions on the margins of society.”

Clearly, as the U.S.C.C.B. noted, the president’s announcement Friday provides an opportunity to resolve the present impasse. But I believe that an even greater opportunity is before us—namely, to have a fundamental dialogue that is deeper and on a more prolonged basis about the role of religion in society in general and the nature of religious liberty in particular, especially as it applies to faith-based charitable, health and social service ministries in the United States. I also believe that the president, relying on his personal experience with churches, which he cited once again on Feb. 10, has not only the potential but also the responsibility to make a significant contribution to this more sustained and expansive discussion.

When Barack Obama, as a candidate, addressed the topic of racism in a historic speech, entitled, “A More Perfect Union,” given at the National Constitution Center in Philadelphia on March 18, 2008, he drew on the stirring words quoted above from his book, *Dreams From My Father*. Of course, the context was the controversial remarks of his former pastor, the Rev. Jeremiah Wright, a man who, Mr. Obama said, “helped introduce me to my Christian faith, a man who spoke to me about our obligations to love one another; to care for the sick and lift up the poor...and who for over thirty years led a church that serves the community by doing God’s work here on Earth—by housing the homeless, ministering to the needy, providing day care services and scholarships and prison ministries, and reaching out to those suffering from H.I.V./AIDS.”

What Catholics and other believers who object to the H.H.S. ruling were saying, in effect, was simply this: The church that gave inspiration to Mr. Obama’s Christian faith would no longer be considered a church that qualifies for a conscientious exemption if it continues to serve “the community by doing God’s work here on Earth—by housing the homeless, ministering to the needy, providing day care services and scholarships and prison ministries, and reach-

ing out to those suffering from H.I.V./AIDS.” The church that captured Mr. Obama’s imagination would be restricted in how it functions as “a vessel carrying the story of a people into future generations and into a larger world.”

Similarly, when Mr. Obama recounted the narrative of his journey of faith, Catholics understood, for we too have a narrative, a story. The biblical stories of survival, freedom and hope, which became his story, have inspired Catholic individuals and religious communities to bring God’s saving work to the world not only through private works but by establishing institutions when there were none. The long arc of history that recounts the Catholic Church’s embrace of people of all faiths and none in providing health, education and welfare in society is as incontestable as it is impressive. We continue in our day to write the next chapter of that story by serving people in these various ways—we call them ministries—not because they are Catholic, but because we are Catholic and this is what Christ wants.

Three years ago to the date of the H.H.S. decision, President Obama reminded us in his inaugural address “that our patchwork heritage is a strength, not a weakness. We are a nation of Christians and Muslims, Jews and Hindus, and non-believers. We are shaped by every language and culture.” The church doing God’s work here on earth by serving the community not only is a large part of that patchwork heritage, but has oftentimes held it together.

My intention in pointing out the parallels between the language of Mr. Obama and those of us who were profoundly dismayed by the H.H.S. decision is simply to offer some common ground that may shape both the dialogue that needs to take place to unpack the details following the president’s announcement on Feb. 10, and the further

national discussion on the role of religion in society. For a start, that framework should take into account the following:

1. A recognition that the challenge to the free exercise of religion comes not solely from the administration, but also

from the courts and legislatures. The limitations being placed on the activities of religious bodies have been a growing concern for more than a decade.

2. While the H.H.S. decision was a symptom of what is happening around the country due to actions by the legislative and judicial branches, it was uniquely significant in that it affected all religious institutions on a federal level. There should be reluctance to make a national policy so inflexible that it fails to take into account the country’s diversity.

3. Related to this, the state should carefully consider the historical contributions of religious organizations to society and how this heritage has marked their identity before attempting to make distinctions that disqualify a religious organization from a freedom of conscience exemption.

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4. A return to civility will be needed for us to seize fully the opportunities this newest development offers us. While the outrage to the H.H.S. decision was understandable, in the long run threats and condemnations have a limited impact. Leaders especially have a responsibility in this regard. They should always be leery of letting a situation escalate to an undesirable degree, particularly if it has the potential to bring lasting harm to both the church and the nation, and even worse, disproportionately affect the least among us.

5. We should never stop talking to one another. Though assurances were given on Feb. 10 that the administration's plan all along was for government and church to work together to resolve conflicts over the H.H.S. mandate, the impression was that the government door was shut and it was up to the church to fix a problem it did not create. If that was a misperception, conversations could have at least clarified it.

6. Likewise, the church should make every attempt to clarify the misrepresentations about its intentions. For obvious reasons, the church will object to being forced to directly participate in activities that violate important core religious teachings, especially when proven alternative pathways already exist. However, in doing so the church is not trying to impose its will on others. Commenting on the place of Catholic social doctrine in public debate, Pope Benedict XVI unambiguously stated in his first encyclical, "God Is Love": "It has no intention of giving the church power over the state. Even less is it an attempt to impose on those who do not share the faith ways of thinking and modes of conduct proper to faith. Its aim is simply to help purify reason and to contribute, here and now, to the acknowledgment and attainment of what is just."

7. Finally, while this controversy has been painful for the nation and the church, it has raised awareness of the important contribution that religion makes to the common good. In an era that has seen not only the erosion of the free exercise of religion through laws, regulations and court decisions, as well as the attempts to marginalize the voices of believers, commentators from various perspectives and politicians of different persuasions have had to grapple with the role of religion in society. It would be a mistake to let the next news cycle topic distract us from exploring further this important issue, an issue that merited the first place in our Bill of Rights.

The kind of soul-sharing that inspired candidate Barack Obama's historic contribution to the national dialogue on racism could serve us well in both the short and long term. With clarity and conviction he compellingly stated his own principles on religion in society, with which we agree. Now the challenge is for both government and church leadership to apply them in this and future situations afresh and with mutual respect. **A**

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First of Freedoms?

How religious liberty could become a second-class right

BY MARY ANN GLENDON

Until recently the status of religious liberty as one of the most fundamental rights of Americans has seldom been seriously challenged. Despite lively controversy about its precise scope and limits, citizens of all faiths have long taken for granted the unique model of religious freedom that has enabled this nation's diverse religions to flourish and to coexist in relative harmony. Recent legal and political developments, however, suggest that the first freedom in our First Amendment may be en route to becoming a lesser right—one that can be easily overridden by other rights, claims and interests.

This past September, alarm at that prospect prompted the U.S. Catholic bishops to establish a special committee “to help keep bishops alerted to present and ongoing threats to religious liberty at home and abroad and also to help them teach, communicate and mobilize their people in defense of religious liberty.”

When the bishops' Ad Hoc Committee on Religious Liberty was launched, its chairman, Bishop William Lori of Bridgeport, Conn., stressed concerns about the increasing erosion of conscience protection for individuals and institutions. At the federal level, the top-rated program through which the U.S.C.C.B.'s Migration and Refugee Services agency helps sexual trafficking victims has recently lost its

funding for refusing to provide “the full range of reproductive services” including sterilization, abortion and contraception. The U.S. Agency for International Development has required its providers—such as Catholic Relief Services—



to include contraception in their H.I.V. prevention and international relief programs, even if that violates the recipients' moral commitments. And regulations issued by the U.S. Department of Health and Human Services will require most private health insurers to cover sterilization, contraception and drugs that induce abortion.

The legal picture was brightened somewhat by the Supreme Court's decision in January in the case *Hosanna-Tabor Church v. Equal Employment Opportunity Commission*, which unanimously confirmed the right of churches to select their own ministers and religious leaders without governmental interference. But religious individuals and institutions continue to face assaults on their constitutional rights from several directions. On Jan. 20, H.H.S. announced that it would not expand its exemption for

MARY ANN GLENDON, a professor at Harvard Law School, is the author of *The Forum and the Tower: How Scholars and Politicians Have Imagined the World, From Plato to Eleanor Roosevelt* (Oxford University Press).

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employers who have religious objections to providing health insurance coverage for sterilization, contraception and abortifacients, despite pleas from leaders of many faiths to do so. The announcement came just one day after Pope Benedict XVI had warned, in an address to U.S. bishops, of “grave threats” to conscience rights and “the church’s public moral witness.”

In 2010 a closely divided Supreme Court gave a green light to public universities that refuse to recognize student religious groups, such as the Christian Legal Society, that restrict membership to persons who support the group’s beliefs. There are countless stories like that of Julea Ward, a Christian student at Eastern Michigan University who is currently contesting her expulsion from the school’s graduate counseling program for refusing to affirm that homosexual behavior is morally acceptable. Conflicts have become particularly intense where religious groups that uphold traditional marriage are concerned. It does not help the churches’ efforts to uphold their teachings in this area that the U.S. Justice Department, in abdicating its responsibility to defend the Defense of Marriage Act, has attributed support for traditional marriage to bigotry.

Emboldened by recent developments, militant secularists are claiming that religious freedom is an unnecessary right. Some maintain that religious people and groups already have all the protection they need or deserve from antidiscrimination laws and constitutional safeguards for freedom of expression and association. Others, more insidiously, treat religious liberty as part of a generic liberty right rather than a distinctive freedom that merits special exemptions and accommodations.

Marginalizing Religion

More is at stake in these challenges than the mission of all churches, including the Catholic Church, to provide vital social services like health care and education. The ability of religious persons and groups to participate in public deliberation about the conditions under which they live, work and raise their children is also at risk. In announcing the formation of the new committee, Cardinal Timothy Dolan, president of the U.S.C.C.B., stated that we are witnessing an unprecedented effort to reduce religion to a private activity, driving religious beliefs and convictions from public life. “Never before,” he said, “have we faced this kind of challenge to our ability to engage in the public square as people of faith.” Archbishop José Gómez, a committee member, added

that the stepped-up infringements represent “a sharp break” from our nation’s history, in which religious freedom has always included “the churches’ rights to engage in the public square to help shape our nation’s moral and social fabric—from the abolitionist movement, to the civil rights movement, to the pro-life movement.”

Raising the stakes still higher is the likelihood that increasing marginalization of religion will take a toll on the moral culture that undergirds and nourishes our democratic experiment. Religion plays more than a trivial role in sustaining our complex commitments to freedom, the rule of law and compassion for the disadvantaged. It is probable that religion is an important factor in the minimal social

cohesion that a heterogeneous society like ours requires.

That was the belief of many of this nation’s founders, and it is the conclusion reached by a number of the best secular thinkers in Europe, where the trend toward

marginalization of religion is more advanced than in the United States. Jürgen Habermas, a professed atheist and political leftist, surprised many of his followers when he announced that he had come to think that the social goods we take for granted in free societies may well have had their source in the legacy of the “Judaic ethic of justice and the Christian ethic of love.” In his case, it was concern about biological engineering and the instrumentalization of human life that led him to conclude that the West cannot abandon its religious heritage without endangering the great social and political advances that are grounded in that heritage. “The liberal state,” he has written, “depends in the long run on mentalities that it cannot produce from its own resources.”

In a similar vein, the Italian philosopher-statesman Marcello Pera, who describes himself as agnostic, argues that “without the Christian vision of the human person, our political life is doomed to become the mere exercise of power and our science to divorce itself from moral wisdom; our technology to become indifferent to ethics and our material well-being blind to our exploitation of others and our environment.”

As if the current legal assaults on religious freedom are not enough to cause concern, a glance at the changing religious landscape in the United States should set off alarm bells as well. Two of the most striking trends revealed in recent surveys of religious attitudes and practices suggest that the status of religious freedom may be shaky even in places where one might have expected it to be secure. The

Religious leaders and citizens need not roll over and play dead when their basic freedoms are attacked.

surveys show an increasing proportion of Americans who decline to affiliate with any organized religion (16 percent) and rising numbers of persons who describe themselves as “spiritual” rather than “religious” (between 20 percent and 33 percent). It is reasonable to assume that the more that religion is seen as a private, solitary matter, the greater the likelihood that concern about full, robust free exercise of religion will become less intense. Add to this that the Pew Forum’s survey of young Americans between the ages of 18 and 29 found that they are considerably less religious than previous generations were at the same age.

Success in Exercising Rights

The U.S. bishops, in establishing their new committee, showed their awareness of the magnitude of the challenges ahead—and of the need for the laity to embrace their responsibility for bringing Christian principles to life in the secular sphere. As Bishop Lori pointed out: “It’s not enough for the bishops and leaders of Church institutions to clearly state our teaching; the government needs to hear from the lay faithful. The more they [government leaders] see a unity and resolve on the part of the whole church, the less likely they are to try to impose such unjust and illegal rules.”

The bishop was speaking from hard-won experience—gained in repulsing an especially brazen assault on religious liberty. In March 2009 the Connecticut state legislature announced hearings on a bill—specifically directed at the Catholic Church—that would have reorganized Catholic parishes by transferring administrative control from the pastor and the bishop to an elected committee of laypersons. Perceiving the bill as a thinly veiled attempt to silence the church on important issues, as well as an unconstitutional interference with internal church affairs, Bishop Lori set about rallying rank-and-file Catholics to the church’s defense. Through the diocesan Web site and the Connecticut Catholic Conference, he and Archbishop Henry Mansell of Hartford and Bishop Michael Cote of Norwich urged people to contact their representatives and to attend a rally at the State Capitol on the day the hearings were to take place.

That day, a crowd of 5,000 persons heard the usually mild-mannered Bishop Lori give a fiery speech in which he recalled other instances in American history where Catholics had been singled out for discriminatory treatment. “Even a first-year law student would know that Bill 1098 is unconstitutional,” he said. “Let’s bury it for good.”

These efforts were successful, and the bill was withdrawn. But the assault on the church did not end there. One month later, citing the role of the diocese in galvanizing opposition to the church reorganization bill, Connecticut’s Office of State Ethics notified the diocese that it was under investigation for failing to register as a lobbyist.



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Bishop Lori again went into action. He issued a statement pointing out that when a church encourages its members to exercise their rights of speech and assembly, it is not engaged in lobbying but in constitutionally protected activity. He drove the point home by filing a federal civil rights action against officials of the Office of State Ethics. At that point, Richard Blumenthal, Connecticut's attorney general, stepped in, calling on the office to drop an investigation that risked chilling constitutionally protected political expression by the church. Shortly thereafter, the office announced it would take no further action against the diocese.

Reflecting on the incident, Bishop Lori said: "It's really astonishing to think that the state government could imagine that it could exercise that much control over the internal affairs of a particular church. That really alerted me and a lot of people to the present dangers against religious liberty."

What is remarkable about the Bridgeport controversy is not the brazenness of the attacks on religious liberty. What is truly impressive is the proof that successful resistance to such efforts can be mounted by concerned citizens and courageous bishops. The lesson of Bridgeport is that religious leaders and citizens need not roll over and play dead when their basic freedoms are attacked. Even if immediate, aggressive and intelligent action is not as successful as it was in Connecticut, those who wish to silence religious voices in the public square will at least learn that their actions will have costs.

The lesson could not have come at a better time. The erosion of conscience protection, in particular, has placed church-affiliated hospitals, schools and social services in a difficult position. In November 2011 Catholic Charities in Illinois decided to dismantle its 90-year-old adoption and foster care programs because it was financially unable to continue its court battle against the state's insistence that they place children with same-sex couples. Faced with the choice between moral compromise and expensive litigation with an uncertain outcome, many institutions have simply retreated from the field. This was the case in 2006 when Catholic Charities in Boston decided to close down its adoption services rather than mount a full-scale challenge to state licensing requirements that do not permit it to operate consistently with Catholic teaching.

No serious person disputes that religious freedom has to be harmonized with other fundamental rights or that it is subject to necessary limitations in the interests of public health and safety. Questions of the legitimate scope and limits of religious liberty are complex and delicate, legally and politically. But religious voices must not be excluded from the processes through which these questions are resolved, and religious freedom must not be demoted from its prominent place among this country's most cherished freedoms. **A**



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A Balancing Act

Catholic teaching on the church's rights—and the rights of all

BY DAVID HOLLENBACH AND THOMAS A. SHANNON

Although the presidential election is 10 months away, some rhetorical fires are already raging. Key issues, as identified by some candidates and by the U.S. Catholic bishops, include abortion, gay marriage and contraception. Rightly or wrongly, many people think no political compromise is possible on these matters. And in this year's electoral politics, religious freedom is being invoked in ways that have political implications.

Catholic teaching on religious freedom provides a carefully nuanced framework for considering these debates. One element of the tradition requires respect for the church's right to play an active role in public life. The Catholic understanding of religious freedom stands in sharp contrast to secularizing approaches to public life and privatistic interpretations of the place of religion. The contrast is particularly evident in the way the U.S. bishops have linked their opposition to same-sex relationships and gay marriage to their exercise of religious freedom. They state that the human rights of all persons must be protected, but that this "should be done without sacrificing the bedrock of society that is marriage and the family and without violating the religious liberty of persons and institutions." This linkage echoes controversies about whether Catholic institutions can be legally required to provide family health care benefits for the partners of employees in same-sex relationships, provide adoption services to gay couples or fund insurance plans that cover contraception.

Civil Law and Moral Values

Argument about the role of the U.S. bishops in public life

DAVID HOLLENBACH, S.J., holds the University Chair in Human Rights and International Justice at Boston College. **THOMAS A. SHANNON** is professor emeritus of religion and social ethics in the department of humanities and arts at Worcester Polytechnic Institute in Massachusetts. Some of the arguments here are developed from an essay by David Hollenbach published in the January 2012 inaugural issue of the new *Journal of Moral Theology*.

reached high intensity during the debate over the Affordable Health Care Act enacted in 2010. Though the bishops have been long-time supporters of affordable, universal health care insurance for all Americans, they opposed the health



PHOTO: CNS/MIKE CRUPI, CATHOLIC COURIER

care bill because they concluded that the bill could allow tax dollars to fund abortions. Yet this position was not a matter of moral principle; it was a prudential judgment about consequences they thought might follow were the legislation passed. Whether the bishops were right in their judgment on this complex public policy has been questioned.

Unquestionably, the bishops' opposition to the Affordable Health Care bill was an exercise of their right to religious freedom. But how does their exercise of religious freedom relate to their other moral concerns, such as the right of all persons to adequate health care? When religious freedom is exercised to advocate legislative policy to enforce certain moral standards, like opposition to abortion or same-sex marriage, the role of civil law in the enforcement of moral norms comes to the fore. When and how is civil legislation an appropriate means for the promotion of the moral norms taught by the church's magisterium?

These questions, present in the current electoral debates, join two distinct but overlapping issues—moral pluralism among the U.S. population and an increasing politicization of religious issues. In Robert Putnam and David Campbell's book *American Grace: How Religion Divides and Unites Us*, two findings are significant. First, largely because post-baby-boomer generations are alienated from Catholic and evangelical leaders' positions on gay rights and abortion, younger Americans have become increasingly secularized. The percentage of young people who say they have "no religion" increased from 5 percent in the 1970s, '80s and '90s to 25 percent today.

Second, there is a notable correlation between being actively engaged in a religious community and supporting the Republican Party; there is a similar link between not being active in any religious community and supporting the Democratic Party. The so-called "God-gap" in American political alignment revolves primarily around the issues of abortion and homosexual relationships. Those who are pro-life and pro-traditional marriage are likely to be believers and Republicans, while those who are pro-choice and pro-gay rights are increasingly secular and Democratic. Abortion and homosexuality overshadow a range of other public issues of moral importance: avoidance of war, discontinuation of the death penalty, promotion of economic justice through jobs and just wages, provision of affordable health care, overcoming racial and gender discrimination, alleviation of global poverty and the promotion of human rights.

Mary Jo Bane, of Harvard University's Kennedy School of Government, has argued that polarization in politics is making it increasingly difficult for Americans to agree on or to achieve common purposes in national life. Since the Catholic moral tradition sees the promotion of the common good as the principal purpose of law and politics, one can ask whether polarization ought not to be raising serious concerns among Catholics.

Neither the unity of society nor the concerns of those who are religiously active should override all other values as the church determines its pastoral agenda. But some moral questions may have such importance that pursuing them justifies pastoral actions that lead to social conflict and the departure of some people from active involvement in the church. Still, if religio-political polarization threatens efforts to work for the common good and occasions a sharp decline in active participation in the religious community by the younger generation, then careful consideration is called

for about how church leaders approach public policies on abortion, contraception and same-sex relationships.

A Modest Approach

Catholic moral tradition has long stressed that civil law should be founded on moral values. But it also stresses that civil law need not seek to abolish all immoral activities in society. For one thing, such a goal is impossible to attain. Since it is very unlikely that a majority of people in a particular society will be fully virtuous, civil law should not try to coerce people to move dramatically beyond the level of virtue they have already attained. Such efforts would likely produce resistance, bringing civil law into disrepute and leading to an outcome that may be worse than pursuing

more modest moral goals.

Following this approach, John Courtney Murray, S.J., observed that efforts to promote virtue in sexual matters through civil coercion are particularly unlikely to succeed. In the mid-1960s Father Murray drew on Thomas Aquinas to argue that preventing the use of contraception by civil legislation would likely be unsuccessful. Similarly, Father Murray appealed to Aquinas to argue that the goal of civil law is to promote public morality, which is limited to achieving the common good of the population. Father Murray acknowledged that whether contraception was a matter of public or private morality could be disputed, but he argued that the case for holding it to be a matter of private morality was "sufficiently conclusive." He argued that the church should not try to keep laws on the books preventing the sale of contraceptives.

Father Murray further noted that using civil law to prohibit the sale of contraceptives was inappropriate, because many people rejected the argument that contraception was immoral, and others, including some religious leaders, held that it could be morally required as a means to responsible parenthood. Although Father Murray did not accept this argument, he argued against seeking to translate the Catholic moral objection to contraception into a civil ban because of the diversity of positions in society. Though the church could teach its members that birth control—among other issues—is morally unacceptable, the moral role of civil law is limited. The church should not ask the state to do what it has not been able to convince its own members to do.

This affirmation of both the reality of pluralism and the moral importance of the religious beliefs of others is directly relevant to our contemporary debates over how a society

How should society frame civil laws on matters about which there is considerable moral and religious disagreement?

should frame civil laws on matters about which there is considerable moral and religious disagreement. Should the government use civil legislation and coercive regulation to prevent abortion and same-sex relationships? Or on these matters should the church and other moral educators, like the family, seek to develop the virtue in people that will lead them to do what is right without their being compelled by threat of police action?

Avoiding Confrontation

Regarding the recent requirement from the U.S. Department of Health and Human Services that health insurance must now cover contraception, this policy is a lamentable failure by the administration to take the religious and moral concerns of Catholic leadership as seriously as they should. Still, this failure ought not lead to a church/state confrontation. We would suggest that since the H.H.S. policy mandates insurance coverage of contraception and not its use, Catholic institutions could rightly regard provision of health insurance in line with H.H.S. regulations as a form of “remote or indirect material cooperation” with the contraceptive action the church officially regards as immoral. The harm to the common good of not providing full health insurance to employees at Catholic institutions or of separating these institutions from formal con-

nection with the church could be disproportionate. One need not see the recent H.H.S. ruling as drawing “a line in the sand” or as a direct threat to Catholic religious freedom, as Cardinal Timothy Dolan, president of the U.S. Conference of Catholic Bishops, has argued. Following standard principles of the Catholic moral tradition, some compromise between church and state on this matter can be sought.

The Second Vatican Council’s “Declaration on Religious Freedom” stated that the way government should respond to matters on which there is moral or religious disagreement should be based on a presupposition in favor of freedom. Freedom “is to be respected as far as possible, and curtailed only when and in so far as necessary.” Father Murray added that this means freedom should be limited only so far as necessary to preserve society’s very existence.

Both Father Murray and the council specify when such threats exist and thus when religious freedom can be limited and when it cannot. The criteria are the standards of “public order.” Public order includes three elements: justice, which secures the rights of all citizens; public peace, which itself is grounded in justice; and those standards of public morality on which consensus exists in society. Public order is a moral concept—the minimal level of morality that protects the most basic prerequisites of social life. These pre-

ON THE WEB

From the archives, John Courtney Murray, S.J., writes on religious liberty.
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requisites include protection of the levels of justice and peace required for a civil society to exist at all. When such requirements of public order are endangered, the use of the coercive power of the state is justified, even to limit religious freedom.

Drawing on Father Murray's analysis, we can conclude that the question to be addressed regarding same-sex relationships, abortion and contraception in the United States today is whether permissive stances toward each threaten social life, and whether the justice and public peace that sustain social life require that each be prohibited by law. Clearly, some religious leaders (including bishops) believe that abortion and same-sex relationships do threaten social life. They hold that civil recognition of same-sex partnerships threatens the family bonds that hold society together, and that abortion is the unjustified taking of innocent human life. The bishops argue that the standards of justice and public morality can be invoked to support the use of coercive governmental power to limit same-sex partnerships and prevent abortion.

A significant number of U.S. citizens do not agree with the bishops; some who disagree do so on religious grounds. One could argue that those who disagree with the bishops are simply in error when they hold that homosexual partnerships based on mutual love and commitment can be

morally justifiable, or when they conclude that in some tragic circumstances abortion might, with regrets, be justified. It is appropriate here to recall Vatican II's rejection of the earlier Catholic position that error has no rights.

To suggest that the government is not the appropriate agent for pursuing the advancement of moral values on homosexuality, abortion or contraception is not an argument that these actions are either morally insignificant or acceptable. It is simply not the role of the government to compel people to hold right beliefs on all moral matters. Similarly, with the moral disagreement and pluralism in the United States today on committed same-sex relationships and on abortions in situations of grave distress, it is not the role of government to resolve these disagreements through legislation. The use of coercive law in these areas is likely to be ineffective and to impede the attainment of the common good. Since the common good is the overriding standard of both social morality and civil law in the Catholic tradition, action that threatens the common good should be taken only when the justification for the action is entirely clear.

The approach to religious freedom presented here will enable the church to contribute to the common good, remain faithful to its own true identity and respect all its fellow citizens. A

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BOOKS & CULTURE

ARCHITECTURE | PAUL MARIANI

IN THE FOOTSTEPS OF IGNATIUS

Following a saint through Spain

After an awful night's flight from Boston to Madrid, during which dozens of teenagers roamed the airplane aisles joking in Spanish, my wife, Eileen, and I land. We are greeted by a representative of Washington Theological Union, the sponsor of our retreat. Professor Edward McCormack has, for the past 20 years, offered retreats based on the Spiritual Exercises for high school and college students. Like our other retreat leaders, he has been preparing for this journey for a long time.

So begins an eight-day trip through Spain's Basque country in the footsteps of St. Ignatius Loyola, the 16th-century founder of the Jesuits. There are 26 of us, divided evenly between men and women. There are six couples, five priests, several single women and some half-dozen other people who are all taking the trip as the culmination of a course in the Spiritual Exercises under the guidance of Professor McCormack and Joan Knetemann, director of the department of institutional advancement at WTU.

As with any pilgrims, in any era, we all have our own reasons for being here. There are the more civilized reasons: history, culture, prayer, good tapas and Spanish wine, a generous dose of curiosity. Then there is the deeper reason, unarticulated but necessary, that is seldom clear to any of us until we have made the journey and that may not show itself for weeks or even months to come.

On This Spot

With cameras and journals we hit the ground recording what seems obvious by its grandeur or its hints of the sublime: the grand edifices of Madrid, the medieval splendors of Burgos, St. Francis Xavier's fortress-like dwelling, and the marble and stone piles of the

PHOTO: SHUTTERSTOCK.COM/MATT FROMMER



The Sanctuary of Loyola in Spain

Magpie Harm

They blind the lambs
these black and white birds,
traveling in pairs across the rain-dark lawn.
They're dangerous and despicable,
argues my friend, recognizing
their cruelty year by year

as long as flocks have bred.
It is a cold day, a city
brittle with traffic.
Where is there a way
vehicle fumes and coal sweat
have not soiled?

Two of the birds are searching
the grass beyond the stretching
chestnut tree roots, twin
assassins in the late afternoon.
And I get ready to tell my companion that

these birds take no joy in destruction,
nor in the agony of the new-born.
They gather new-minted pennies and
dazzling buttons, isn't that the legend?

Planning nests of treasures,
they wing across the iron land
each evening, disappointed
in the taste of blood.

MICHAEL CADNUM

MICHAEL CADNUM's 35th book, the novel *Seize the Storm*, will be published by Farrar, Straus & Giroux. He lives in Albany, Calif.

Sanctuary of St. Ignatius in Loyola, enfolded within the fortress-like structure where Ignatius grew up, the building itself enclosed within the great baroque church.

Accommodations range from the modest, comfortable meals and dormitory rooms at Centro Arrupe to a sumptuous dinner and a room at the Parador in Cardona. There are tapas bars in Pamplona that are, as they say, to die for. And an ascetic-looking guide there speaks of his distaste for Ernest Hemingway, with his incessant talking of the running of the bulls. So wrapped up is our guide in these canned remarks that we barely notice the sidewalk plaque with embossed chain links and the familiar IHS at the top, followed by the words: *Aquí Cayo Herido San Ignacio de Loyola 20 de Mayo de 1521 A.M.D.G.* ("On this spot St. Ignatius Loyola was seriously wounded on May 20, 1521"). A French cannonball ricocheted off a stone wall and struck Ignatius, shattering both his legs. The fortress he was protecting against an overwhelming French enemy had to be surrendered, because no one else was willing to carry on the fight besides this crazy Basque.

In San Sebastián, we peered down at the coastal waters from above the striated rocks; it was as if the wind itself had carved these lines into the hillside. The image of a 16th-century double-masted ship, uncovered on one of the walls in Loyola's house, is a reminder of his family's connection to the sea.

From miles away the serrated edges of Montserrat are visible, and nearby Manresa, where Ignatius lived in a cave for a year. There, amid the now-baroque splendors of the little chapel, I

touch the cold exposed rock he must have touched. I realize that in terms of geological formation, a nanosecond separates me from the man who lived and shaped the spiritual exercises that have shaped me, my wife and my sons.

In Barcelona I find Antoni Gaudí's Sagrada Família Basilica, begun in 1882 but still unfinished. The architect died in 1926, but work on this neo-Gothic, Art Nouveau edifice is expected to go on until the late 2020s. (The building made me think of a Disney castle.) It is magnificent, breathtaking, even sublime, and captures something of Barcelona's audacious spirit. George Orwell called this incarnation of Catalan Modernism one of the most hideous buildings in the world. To others it is the masterwork of one of the most original architects of the last 200 years.

Approaching the Meaning

Several priests in our group celebrate Mass in the crypt of Barcelona's cathedral, dedicated to St. Eulalia, martyred at 13 in the fourth century. Afterward, I stare into the marble faces of the indifferent Roman authorities surrounding her sepulcher, then into the faces of her torturers. After several attempts to kill her failed, on Feb. 12, 303, she was stripped and crucified. But a heavy snow fell and covered her nakedness. As a sign, legend has it, never once has it snowed in Barcelona on that day.

I grew up with legends like these, at which the mind balks. Yet no matter how many times Eulalia's story has been replayed, the pride and stupidity that violated her youthful innocence end up damning themselves, as the faces of stupidity and hatred are

held up to the flickering candlelight in the crypt beside this young girl, who has set her eyes on something many refuse to see. “We had the experience but missed the meaning,” T. S. Eliot wrote as he approached his own omega point in life. He saw that the “approach to the meaning restores the experience/ In a different form....”

An Old Friend

I remember a time, when I was half my present age—*nel mezzo del cammin di nostra vita*—driving a rented car through the Tuscan hills with Eileen beside me and Allen Mandelbaum, my mentor and Dante’s translator, and his girlfriend trying to relax in the back seat. The roads zigzagged through ancient towns as stone buildings loomed up on either side, until Eileen became ill with motion sickness and I had to pull over. That is where Allen spotted a lead pipe channeling cold mountain water. He covered her forehead with a handkerchief soaked in those refreshing waters, while I paced back and forth, eager to push on to the next church murals and paintings.

Now, 35 years later, with the news that my old teacher and friend has just died, I realize what the heart of this pilgrimage in the footsteps of Ignatius comes down to, as an experience is replayed for me with a clarity that haunts and astounds.

One morning we are on our bus riding up the precipitous mountain road that clings to the edge of the Aiskorri Range, en route to the Franciscan sanctuary of Our Lady at Aránzazu in the Basque country of Oñati. There is a shrine to the Virgin at the summit, on the site where Mary is believed to have appeared to a shepherd a generation before Ignatius was born. He said he saw her among the thorn bushes and exclaimed, “Arantzan zu?!” (“Is that you, among the thorns?”). Linguistically the phrase means simply “place of the hawthorns.” Thus the rugged moun-

tain landscape itself announces the Franciscan sanctuary of Our Lady of Aránzazu. The bus swerves back and forth, yawning over the indifferent crevasses below.

Eileen is doing fine. She has a view of the hillside and has taken her Dramamine. But just behind us, on the other side of the bus, one of our group, nauseous from motion sickness, begins to vomit. There is a clamor to the young Peruvian bus driver to get the bus off this narrow road as soon as possible. Our fellow pilgrim, stricken, wobbles down the rear steps of the bus with the help of Joan and some others. I watch him, as if this were some movie: an old man—like myself—dizzy and helpless. Suddenly I am descending quickly down those same steps, daring myself to do what I am about to do, as I begin wiping the vomit from his shirt and pants, com-

forting him as I can.

I will later remember looking into his eyes, which have grown suddenly deep, to see...to see what? The eyes of Ignatius and Francis of Assisi and the eyes of Eulalia, and then, yes, Christ’s eyes looking back at me.

Soon, with cars speeding past me in both directions, Joan asks me to get back on the bus, where it’s safer. An odd sense of peace has come over me as

I sit down beside my wife. Then it comes to me, as it has to many other pilgrims, that this is why I have come these thousands of miles: to find Christ here, now, at this junction, even as I learn to find myself.

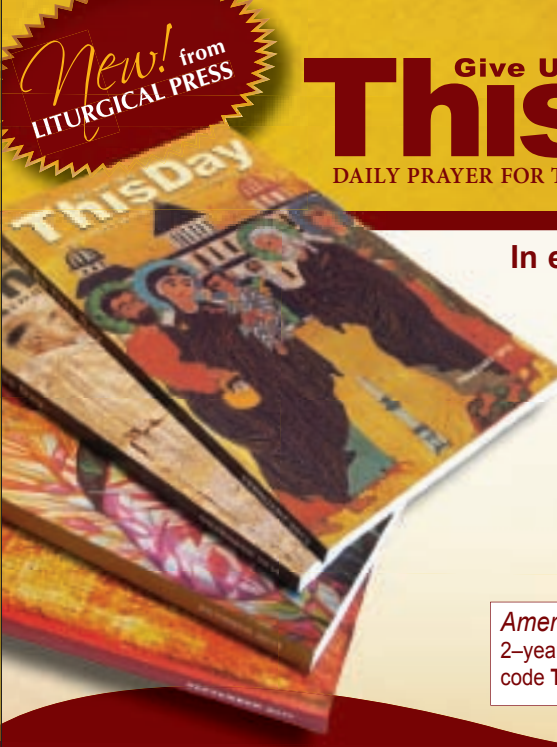
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PAUL MARIANI, *University Professor of English at Boston College and former poetry editor of America*, is the author of *Gerard Manley Hopkins: A Life* (Viking 2009). “*The Broken Tower*,” a film based on his biography of Hart Crane, was recently released.

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TEMPTED TO DESPAIR

THE TERROR OF HISTORY On the Uncertainties of Life In Western Civilization

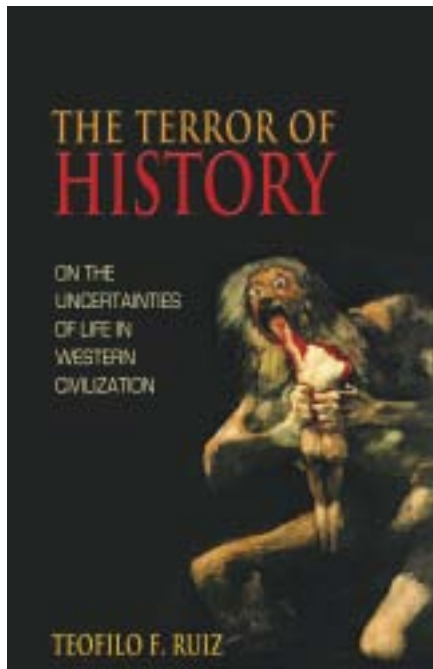
By Teofilo F. Ruiz
Princeton Univ. Press. 200p \$24.95

"It is difficult for a professional historian to stand aside from his or her métier and write a book in which the personal continuously intrudes into the narrative," writes Teofilo F. Ruiz. In *The Terror of History*, the U.C.L.A. professor of history harnesses his personal story to his professional métier. Or is it the other way around? With heavy doses of memoir and confession, this is surely among the most intimate reflections on history to appear in recent years. *Terror* has much to say about the ways in which we respond to life's disasters and discontents and the stark consequences of choosing one response over another.

Ruiz is, first and foremost, a man of letters. His references to literature, film and art, from Homer to Goya to Tolkien, will be refreshing to those who crave something more than archival material and footnotes from their history books. *Terror* has two points of departure. The first is Giovanni Boccaccio's description in *The Decameron* of how Florentines responded to the outbreak of the Black Death in 1348. Some took refuge from this horror in religious belief and ritual, including extreme forms like flagellation. Others embraced the pleasures of the senses. Still others, like Boccaccio himself, took the aesthetic route of writing, painting or some other artistic expression. All these responses, according to Ruiz, are characteristic efforts to escape the movement of history in search of something timeless and permanent.

The other point of departure is Ruiz's own search for refuge as a teach-

er and writer. The three chapters dedicated, respectively, to religion, to the world of the senses and to the lure of knowledge and beauty are filled with arresting vignettes taken from both the history of Western civilization and the author's own life. Ruiz regrets that



he does not have more to offer by way of answers: "Age, I fear, does not necessarily confer wisdom." His occasional asides on current events or swipes at contemporary figures tend to distract from the book's wider vision, but readers will enjoy the journey nonetheless.

There is much to admire about this book. It is the product of a lifetime of hard work and serious thought about life's fundamental questions. Above all, Ruiz does not shy away from the consequences of atheism, a position he has held for four decades since losing the Catholic faith. The book's conclusion features the dark poetry of James Thomson: "There is no God; no Fiend with names divine/...This little life is all we must endure,/ The grave's most holy peace is ever sure,/"

We fall asleep and never wake again." Ruiz admits that such a creed provides no clear answers to the question of whether or not one's life or work has any meaning.

I consider the book's most haunting passage the author's description of a moment when he is trying to avoid his wife's request to empty the garbage: "Eventually I go to the bathroom to take a shower. I am alone. I look at myself in the mirror. I see nothingness around and in front of me. Nothing is to be accepted. Nothing is to be believed." A look in the mirror, even more than a look at the world around us, can be a temptation to despair. Faith tells us that this sometimes repellent mirror image is only part of the picture, that there are other images—some of them close at hand—that remind us of what we are yet meant to be. Still, Ruiz says that he can no longer make sense of the world through religion.

Yet *Terror* has some unfinished business. In the first chapter, the author refers to a fourth way in which some Florentines responded to the Black Death. They helped. They cared for the sick. They buried the dead. Ruiz credits such people with giving the rest of us hope. It is curious, then, that he does not dedicate a chapter to this fourth group. Yet surely such people are worthy of consideration. What animated them in 1348, and what animates them now? Many, though not all, of these have been people of faith. And I dare suggest that, though the author locates himself primarily in the aesthetic category, he has more than a foot in this final group that he mentions but does not explore.

How does someone without faith make sense of this more excellent way? I would very much like to read Ruiz's account of the people who give us true hope amid the terror of history.

SAM ZENO CONEDERA, S.J., a Jesuit scholar, is currently studying philosophy at Fordham University in New York.

DEVIOUS HISTORY

THE PRAGUE CEMETERY

A Novel

By Umberto Eco

Trans. Richard Dixon

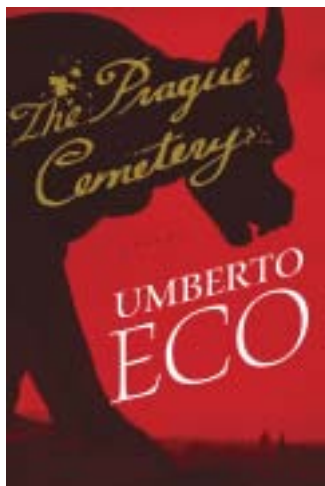
Houghton Mifflin Harcourt. 464p \$27

The Prague Cemetery is a dark and cynical novel filled with detailed historical allusions and personages, as well as the clever word-play readers have come to expect from Umberto Eco. Employing three narrative voices—those of Simone Simonini (the only fictional character in the novel), Abbé Dalla Piccola (who may or may not be a figment of Simonini's imagination) and the Narrator (an intrusive character who speaks directly to the reader)—Eco constructs a 19th-century universe in which the anti-Semitism forged and frequently re-drafted as *The Protocols of the Elders of Zion* becomes the *raison d'être* for the Third Reich.

While the Old Jewish Cemetery in Prague provides a specific, historical locus for the alleged Jewish conspiracy to conquer the world, it also serves as a conduit for Eco's larger purpose. As the novel illustrates, history is not so much recorded memory as active scripting. In this text, what actually happened, or happens or (as Eco implies) will happen, is always trumped by characters like Simonini, who revise, rewrite and restage events. His heinous roles as forger, murderer, spy and all-around deceiver recast and permanently alter individual lives, complicate national and international relations and initiate new grudges, all the while deepening age-old prejudice

against the Jewish people.


Though Simonini makes good money from his forgeries, he finds himself dejected and without purpose. Just four pages from his story's conclusion, he asks, "What had been causing the emptiness I had been feeling for weeks, other than a sense of no longer being a protagonist?" In this novel, the hero is simply that, a protagonist, one who acts and whose actions gather the forces of his world around him. While the hubris characteristic of tragic heroes is Simonini's, a final realization of himself as merely human eludes and therefore does not redeem him. By novel's end, Simonini clearly defines himself as a fully realized solipsistic zealot: "I realize the whole purpose of my life has been to bring down that accursed race.



Rachovsky [of the Russian secret service] is right: hatred alone warms the heart."

Through pages of sometimes tedious scenes of greed, perversity and abuses of proper authority in state and church (here the Jesuits, "the Lord's octopuses," figure prominently), Eco incorporates each of the seven deadly sins into the novel's pages. Satanic rituals, rape, physical abuse, wrongful accusation, unwarranted punishments, falsehoods, close-range shootings, the dumping of inconvenient bodies into sewers and the stealing of sums both large and small work in concert to discredit and destroy an entire people.

As was widely reported when Eco's sixth novel was initially published in Italy, both the Chief Rabbi of Rome and *L'Osservatore Romano* expressed strong criticism of the book. Numerous characterizations of the Jews in both the text and the illustrations are indeed negative and jarring. In Chapter Two, Simonini credits his grandfather's vocal and public hatred of the Jewish people for imbuing him with his own lifelong animosity toward them. Grandfather's litany of supposed Jewish faults and aberrations



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comprises a two-page catalog of vitriol. That list and further disparagements in the text are balanced by the sheer degraded humanity of Simonini and the other Jew-haters in the narrative. So unsavory and despicable are their prejudices and actions that any attentive reader is sure to consider their anti-Semitic dialogue and diatribes in light of the characters' own lacks and perversities:

But why philosophize instead of piecing together events? Perhaps because I need to know not only what I did before yesterday, but also what I'm like inside—that is, assuming there is something inside me. They say that the soul is simply what a person does. But if I hate someone and I cultivate this grudge, then, by God, that means there is something inside! What does the philosopher say? *Odi ergo sum*. I hate therefore I am.

The novel appears to move beyond Simonini and his accomplices, even past the Jews and the horrific Holocaust, asking its readers to consider any and all history shapers, forgers of any cultural saga, as Simonini's clones. Perhaps Eco is even punning on the word *plot*, in the interactive game with which he engages his readers. In the Prague cemetery—amid many plots—there is the alleged Jewish plot to conquer the world. There is the forged plot of the Protocols against the Jews. There is the plotting between and among historical figures, political parties, religious orders, masters and slaves, writer and subject. And, of course, there is the novel's plot itself.

Does Eco do with us as Simonini does with *The Protocols of the Elders of Zion*? Does he revise and rewrite history so his readers, distracted and hoodwinked by his deft telling, come to accept his story as the “true” one?



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Does he respect the thousands who have made for the novel's booming sales? Or does he reduce us to one of the two types of readers he imagines possible in his prefatory note?

I am expecting two kinds of readers. The first has no idea that all these things really happened, knows nothing about nineteenth-century literature, and might even have taken Dan Brown seriously....

The second, however, knows

or senses that I am recounting things that really happened. The fact that history can be quite sodevious may cause this reader's brow to become lightly beaded with sweat. He will...suspect that these things could happen again today. In fact, they may be happening in that very moment.

MARY DONNARUMMA SHARNICK *chairs the English Department at Chase Collegiate School in Waterbury, Conn., and was recently awarded a Solo Writer's Fellowship by the Beatrice Fox Auerbach Foundation.*

ROBERT K. VISCHER

LEGAL HURDLES

RIGHTS GONE WRONG

How Law Corrupts the Struggle for Equality

By Richard Thompson Ford
Farrar, Straus and Giroux. 288p \$27

In recent months, the Occupy Wall Street movement has spawned a slew of commentary, much of which has criticized the protesters for a lack of focus and a failure to translate their dissent into clear legal and political claims. The encampments that sprang up around the country appeared to be the product of distress over increasing economic inequality, but consensus regarding the appropriate set of remedies was in short supply. The moral clarity and singular focus of the civil rights movement in the 1960s seems a far cry from the jumble of messages emerging from the tents of lower Manhattan.

Though writing before the emergence of Occupy Wall Street, the legal scholar Richard Thompson Ford expresses concern about the direction of today's political protests in his new book, *Rights Gone Wrong*. Ford accuses today's protesters of often having "more style than substance" and of

"choosing symbolic targets that make for good press even when they aren't good examples of injustice and demanding simplistic and often unworkable solutions to complex social problems."

The demise of meaningful social protest is not Ford's real target, though. Today's protesters are simply reacting to what the political system gives them, and Ford diagnoses the misguided assumptions that shape the ways in which we use law to remedy social injustice. In other words, when we have a very simplistic, shortsighted approach to using our legal system to fix social problems, we should not expect anything other than simplistic, shortsighted protests demanding more of the same solutions.

Ford points out that the valuable strides made through civil rights legislation in the struggle for racial equality during the 1960s had a significant downside, for our political system has

used that model to address a whole variety of social problems for which a civil rights template is an awkward fit. Access to participation in public life, for example, has been a problem for the disabled, but current obstacles very rarely arise from outright bias. Federal law requires states to provide free instruction that meets the unique needs of a child with a disability, and if they fail to do so, then the parents can seek reimbursement of private school tuition. Ford complains that some parents who never intended to send their child to public school can thereby game the system to get the cost of private school paid for by the public.

Similarly, laws that prohibit discrimination on the basis of age have not done much to help elderly job seekers, but the laws "have distorted the job market to the benefit of an already privileged group of older workers" by making it more costly to remove an elderly worker from a position. Indeed, employers may be even less willing to hire an elderly worker because the threat of litigation makes it difficult to fire them.

Even in the paradigmatic civil rights context of race, Ford sees an overreliance on individual rights. If public schools had been permitted to adopt more gradual desegregation plans in the wake of *Brown v. Board of Education*, rather than the forced busing plans that became common in the 1970s, Ford believes there would have been less public backlash. The backlash in turn

inspired reverse discrimination lawsuits that ended up erecting—with the help of conservative judges—new constitutional barriers to even modest desegregation plans.

Building on these and other examples, Ford argues that most of today's



social injustices are more complex than antidiscrimination statutory remedies contemplate. He notes that our civil rights laws “haven’t significantly improved job opportunities for unemployed racial minorities, elderly people, or the disabled.” Focusing on individual rights, he concludes, is not “the most effective way to attack social injustice.”

It is hardly novel to suggest that America has become too dependent on individual rights. The value of Ford’s book, though, is his willingness to trace the harms caused by that dependence in particular areas in which antidiscrimination laws loom large. Though he does not categorically disavow the power or importance of such laws, he believes that we reach too reflexively for them as the solution for social injustice.

I might quibble with his characterization of the individual claims at stake in some disputes and with his occasional underestimation of the good

that has come from an antidiscrimination framework in a given area. All in all, though, Ford has written a highly accessible narrative that underscores the need for Americans to roll up their sleeves and do the heavy lifting necessary to address persistent economic and racial inequality.

In this regard, things may not have changed all that much from the 1960s. Near the end of his life, Martin Luther King Jr. realized how little the new civil rights laws had done to change the everyday lives of poor blacks in the South. He did not dismiss the legal dismantling of Jim Crow as a waste of time, of course; he simply recognized that more meaningful social progress would require more than a legislative act. The Poor People’s Campaign that he launched was subject to intense criticism, in part for its far-flung, more nebulous goals. King recognized, however, that antidiscrimination laws alone would not do the trick.

So maybe Occupy Wall Street—in all its messy, cacophonous glory—is onto something. Perhaps we really do need to step back and raise social consciousness of injustice before jumping to simplistic rights-driven solutions. Instead of the “high drama of the Freedom Summers,” Ford sees a “long, slow winter of institutional reform” ahead because tackling social injustice “will require wonkish policy intervention, frustrating compromises, and tedious negotiations with government, businesses, and other organizations.” With this book, Ford has in effect contributed a new placard to the American protest march—one that reads, “This is more complicated than you think.” As Ford himself would attest, though, that does not make the underlying struggle any less important.

ROBERT K. VISCHER is associate dean for academic affairs and a professor of law at the University of St. Thomas Law School, Minneapolis, Minn.



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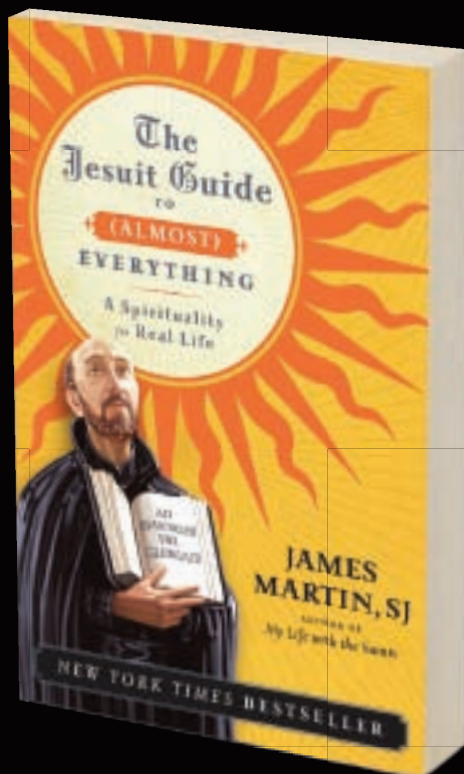
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LETTERS

Allies, Not Enemies

Thank you for the reasonable, eloquent argument in "Taking Liberties" (Editorial, 2/13). Countless numbers of progressive Catholics worked long and hard for health care reform all across this country and believed that this delicate little issue would get resolved as promised—with deliberate consideration and imagination, using intelligence and thoughtful compromise rather than ideology. The regulatory avenues available to the administration for averting this disastrous, avoidable ideological showdown were wide enough to drive a double-wide trailer through.

While you use the term "misunderstanding," this misstep reeks of betrayal. It is beyond anything imag-

inable. We have come too far not to figure this out. We are the president's allies, not his enemies.

JOHN CARNEY
Lenexa, Kan.

Bad Risk Assessment

If the White House can constitutionally issue a rule or executive order forcing Roman Catholic bishops to provide "free" contraception to employees ("Taking Liberties," 2/13), then what is to prevent the White House from ordering the bishops to provide abortion services? Or euthanasia? Or perform same-sex marriages? If religious liberty, as enshrined by the founding fathers in the First Amendment, does not prohibit such governmental overreaching, then churches as organized institutions exist at the whim and mercy of a few politicians in this country.

There was no groundswell of popu-

lar opinion or political pressure demanding that Catholic institutions be compelled to provide "free" birth control pills. This idea originated within the administration itself, which clearly made a conscious decision to throw a tasty bone to its "reproductive rights" constituency and give the hierarchy of the Catholic Church a good poke in the eye at the same time, all at the expense of the First Amendment. It has calculated that it will get away with it, because many Catholics ignore their own church's teaching with respect to the use of contraceptives.

Ultimately, however, the administration is going to lose its bet because its calculations were based on a faulty understanding of the Catholic Church. The church has never formulated its moral teachings based on popular opinion or compliance data; and most churchgoers, no matter how liberal in their personal views, still dislike seeing politicians disrespect their church and religion.

JAMES MCPARLAND
Columbus, Ohio

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WITHOUT GUILF



"The ethics training has improved my behavior to where I'm only amoral."

Sexism Is a Sin

Isn't it convenient that the political issues that most concern Catholic bishops always involve women's rights? The all-male hierarchy seeks to mobilize its authority and resources to attack women's rights rather than to challenge society about deeper, more troubling issues like war and poverty. The church said sexism is a sin, but its leaders do not examine their own consciences to see how their doctrines represent a fundamental affront to women's humanity and dignity.

ROSEMARIE ZAGARRI
Arlington, Va.

Transforming, Not Controlling

Concerning "Taking Liberties" (2/13): Isn't health care coverage considered a part of an employee's total compensation? In other words, isn't the money spent on health care just like the money given in a paycheck? And indi-

viduals can spend their pay according to their individual consciences. They can gamble, support a charity, support a political candidate, buy stock in a weapons manufacturer and so on. So why should the church inhibit the individual from taking responsibility for his or her choices?

I do not like it that my taxes go to subsidize oil companies, bail out banks and make pre-emptive war. But I pay my taxes because I am a member of a democracy. I think the church can look in the same way at paying for health coverage of procedures it deems sinful. The church's mission, in my mind, is to transform the culture through our words and actions, not to control it.

JIM GUNSHINAN
Berkeley, Calif.

Stop Ignoring Singles

Concerning "The Marrying Kind" (Current Comments, 2/13): This is pretty typical of churches. Everyone is

up in arms over whether so and so are cohabitating, or they wonder about those two women who just walked in. Meanwhile, there is a largely ignored population: singles. Put some work into drawing into the life of the church those of us without families. You may find that it pays off in the end. After all, I have the time to teach that C.C.D. class and lead a Bible study and host coffee time and drop in on the homebound. Even if I don't have the time, just being ignored makes me feel like less of a valued member of the family than the married members of the church.

MINDY EVANS
Portland, Ore.

A Child's Perspective

Re "Conversation Starters," by Richard Gaillardetz (2/13), from the vantage point of an 11-year-old, growing up in Atlanta, Ga.: For me, the Second Vatican Council was about a wonderful

energy, the subject of countless discussions around the dinner table with Atlanta Jesuits, Dutch priests and local clergy. The church was moving and opening, changing. In retrospect it was thrilling and exciting. My parents were from France, and I am grateful to them that they talked about Teilhard de Chardin, Yves Congar and Karl Barth, among others. In Atlanta there were Bishops Paul Hallinan and Joseph Bernardin as leaders, an exciting and dynamic time which, I have to admit, I rather miss these days.

EGLE GATINS WEILAND
Columbus, Ohio

Accepting an Invitation

I welcome Professor Gaillardetz's invitation ("Conversation Starters," 2/13) to revisit the beauty, balance and humility manifest in Vatican II. The council was a timely and great gift to the church and the world. There have been forces within the church that

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wish to regress. This is a dangerous trend, for it is an attempt to challenge the Holy Spirit. The council truly opened the windows and let in some fresh air. This spirit has been sustained by theologians, educated lay persons and religious communities of men and women. My own religious community and members of the Leadership Conference of Women Religious internalized that spirit.

PATRICIA KROMMER, C.S.J.
Los Angeles, Calif.

Where Were the Women?

Fine as the article by Professor Gaillardetz is ("Conversation Starters," 2/13), there is one dimension in which it is quite misleading. By including women in the fifth paragraph, the author risks creating the illusion that women were included in

each of the three Vatican II dynamics he identifies. In point of fact, that is not true.

Women were excluded from the coffee bars, where the author rightly says so much of the real dialogue took place. Instead, the women observers (who were not invited until the third session of the council) were required to have their own coffee bar, which they mischievously named Bar-None. It would seem that bodily differences were more important to the bishops than differences of belief and practice, for male observers of other religious traditions were quite welcome.

I must sadly conclude, then, that the "openness to the world" praised by Professor Gaillardetz was a severely restricted openness. Half the world was overlooked. As we look back at the great achievements of the council, let

us not gloss over its limitation with respect to the inclusion of women. It is to be hoped that no council ever again will be so limited.

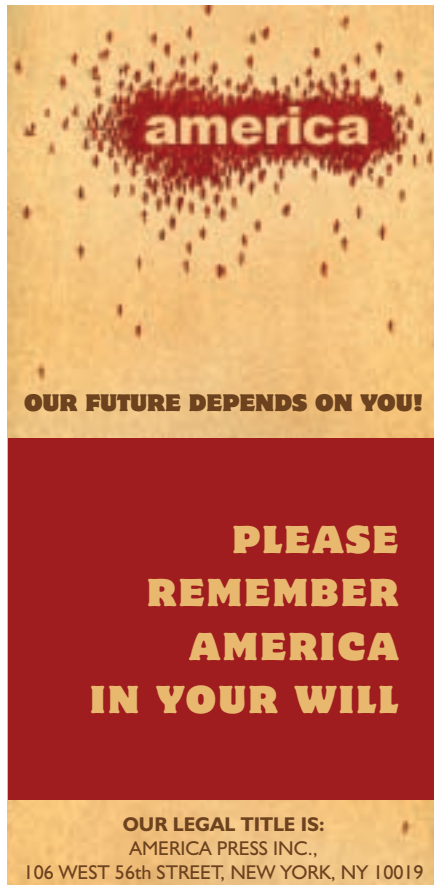
MARY AQUIN O'NEILL, R.S.M.
Baltimore, Md.

Women's Worth

As much as a sense of unworthiness is a problem for all young adults in the Catholic Church, as described in "You are Worthy" by Richard G. Malloy, S.J. (2/13), I believe it is even more difficult for young women. How can a woman believe she is worthy in a church that rarely acknowledges women in word (our prayers) or presence (our liturgies)? We really need leaders who stand in the shoes of young women and men and see the church that they are seeing.

SUSAN MCCARTHY, R.D.C.
White Plains, N.Y.

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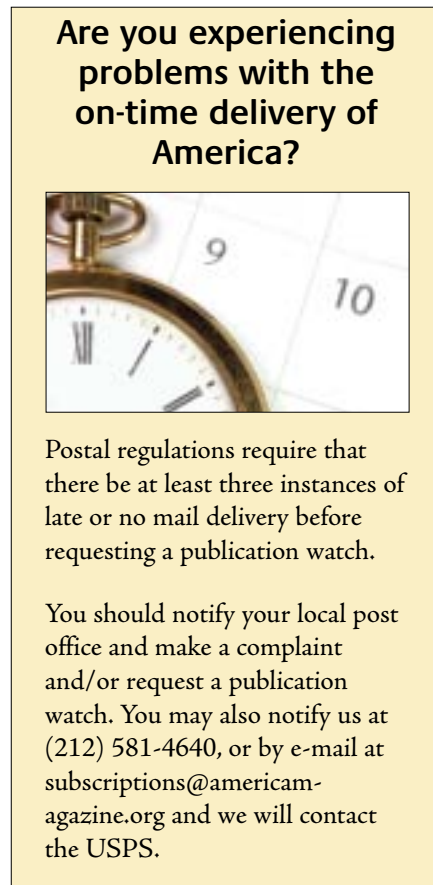
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Fools for God

THIRD SUNDAY OF LENT (B), MARCH 11, 2012

Readings: Ex 20:1-17; Ps 19:8-11; 1 Cor 1:22-25; Jn 2:13-25

We proclaim Christ crucified (1 Cor 1:23)

How foolish is the Gospel? Today's reading from the First Letter to the Corinthians begins: "For Jews demand signs and Greeks look for wisdom, but we proclaim Christ crucified, a stumbling block to Jews and foolishness to Gentiles." Does this mean that the Gospel should look irrational or make people stumble? Isn't wisdom supposed to be the refulgence of the divine light and image of God's goodness (Wis 7:26)?

Surely Paul means that conventional wisdom is upended by the Gospel. There is something about the Gospel that turns our normal patterns of understanding inside out. In this same section of the letter, Paul reminds his readers, "Not many of you were wise by human standards, not many were powerful, not many were of noble birth. Rather, God chose the weak of the world to shame the strong..." (1:26-27). What seems impressive or valuable to the world does not appear that way to God. Jesus upends conventional wisdom all the time, with sayings like "Blessed are the poor in spirit" and "Whoever finds his life will lose it, and whoever loses his life for my sake will find it" (Mt 5:3, 10:39).

Jesus is anything but a conformist. Instead of embracing cultural assumptions, he does or says the opposite. This is what happens in the Gospel reading. "Jesus went up to Jerusalem.

He found in the temple area those who sold oxen, sheep and doves, as well as the money-changers seated there." Jesus drove them out, overturning the moneychangers' tables as he went. "Take these out of here," he demanded, "and stop making my Father's house a marketplace."

The practice of buying and selling in the temple area was not considered blasphemous, and perhaps it was even imagined pious. After all, it is safe to assume this was taking place in the outer court, where even Gentiles were free to walk. And since pilgrims would have needed sacrifices, one might argue that the merchants were providing a service for good religious causes. Further, since the law forbade graven images, didn't Roman coins with Caesar's image have to be exchanged? Conventionally, it all made sense.

But the temple was supposed to represent God's assured presence to Israel. Consider: "One thing I ask of the Lord; this I seek: To dwell in the Lord's house all the days of my life" (Ps 27:4). The Gospel tells us that the disciples will later see Jesus' prophetic act as fusing with the Psalmist's profound expression of faith: "Zeal for your house will consume me" (Ps 69:9). In hindsight it is especially easy to see that human conventions can blind us to spiritual truths. What seemed legitimate really profaned what was holy.

When the authorities demanded a sign for Jesus' authority to do such a thing, he again upended their conventional way of thinking. "Destroy this temple and in three days I will raise it up." They imagined bricks and mortar, "but he was speaking about his body." The risen Christ is the ultimate countersign in a world where death is imagined to be final. He is the new presence and visible symbol of God. It seemed like foolishness to them. Their conventions blinded them to the truth.

The Gospel is neither irrational nor absurd. Yet it can seem so to a world filled with fear, grasping and narcissism. The U.S. bishops' peace pastoral is one of the sanest documents I have



PRAYING WITH SCRIPTURE

- Consider what is most sacred in your life.
- How can God's love most radiate through that?
- Ask the Lord to show you how to protect it.

ever read. It was denounced as naïve by a world committed to realpolitik. The teaching that the world's goods are intended for all and that the common good trumps private property are profound truths. Yet the last two popes have been demonized for insisting on them. The intrinsic value of human life is an obvious divine imperative, yet it appears negotiable to the majority of Americans.

Catholics have long been fully integrated in society. The great danger is that our faith could become little more than a quaint accent to a culturally co-opted faith. We could stand to look a little foolish. **PETER FELDMEIER**

PETER FELDMEIER is the Murray/Bacik Professor of Catholic Studies at the University of Toledo.

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with Rev. John J. Cecero, S.J.



John J. Cecero, S.J., is Director of the Center for Spirituality and Mental Health at Fordham University. He presents widely on the role of spirituality in mental health. He is the author of *"Praying Through Lifetraps: A Psycho-Spiritual Approach to Freedom."*

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Living an Authentic Spiritual Life: Lessons Learned from the Dying

with Rev. Dr. Kathleen J. Rusnak, Ph.D.



Rev. Rusnak is an ordained Lutheran pastor with a doctorate in Psychology and Religion. She is author of several books, most recent, *"Because You've Never Died Before: Spiritual Issues at the End of Life."*

Morning Keynote for Spanish-speaking Community:

"Pongámonos las Pilas! Que el Espíritu Santo Nos Impulsa"
(*"Let's Get on the Ball (Recharge Our Batteries), as it is the Spirit Who Impels Us!"*)

with Rev. Eduardo C. Fernández, S.J.



Fr. Fernández teaches pastoral theology & missiology at the Jesuit School of Theology at Santa Clara University in Berkeley & the Graduate Theological Union. He is past president of the Academy of Catholic Hispanic Theologians of the United States. His two latest books are *Mexican American Catholics* (Paulist Press, 2007), awarded a 2008 Catholic Press Association Book Award, and *Culture-Sensitive Ministry: Helpful Strategies for Pastoral Ministers* (Paulist Press, 2010) with Kenneth McGuire, CSP and Anne Hansen.

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