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Andrew Koppelman on the Paradox of Religious Freedom

Rand Richards Cooper on American Exceptionalism

Richard Alleva on 'Leviathan'



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LETTERS

How seminaries talk about sex

THE REST OF THE STORY?

I write in response to your package of articles "Clerical Errors: How Are We Training Our Priests?" (March 6). We are particularly disappointed by the publication of Paul Blaschko's piece "Inside the Seminary," and are surprised that, by your own admission, neither the rector of St. John Vianney College Seminary (SJV) in St. Paul, where Blaschko was a seminarian, nor members of the staff were contacted prior to publication. As a Catholic magazine committed to providing "a forum for civil, reasoned debate on the interaction of the faith," we ask that the editors of Commonweal include a balanced perspective in future discussions.

Our goal is that SJV men become well-rounded men in Christ, men of the church and men for others, by emphasizing their human, intellectual, spiritual, and pastoral formation. These young men—with the support of their families, vocation directors, and bishops—take a very bold step by choosing to discern a path to serve God and the church while earning their undergraduate degree at the University of St. Thomas.

Throughout a seminarian's time at SJV, we encourage and foster healthy and open dialogue in the areas of chastity and sexuality. This is a very important component of the discernment process. We adhere faithfully to the church's teaching in these areas and follow the guidelines of the Program of Priestly Formation.

The next issue of Commonweal will be dated May 1, 2015.

Because the men are discerning a life of celibate priesthood, the journey can be challenging at times. We are blessed to have priest formators, spiritual directors, and a licensed psychologist on staff—all of whom are dedicated to guiding our men through this process. In addition, our formation committee, which includes members of the laity, oversees the entire formation program. The seminary is also reviewed by an apostolic visitation team sponsored by the Congregation for Catholic Education. Within the past year, we have conducted both internal and external reviews of our acceptance and formation practices. Both reviews gave SJV high praise and confidence in our practices. We respond accordingly where improvements are needed, and we are very pleased that SJV consistently adheres to the best formation practices available.

Blaschko refers to an experience in which a re-enactment of spiritual warfare took place. What he did not note is that this was one very small part of a much larger, comprehensive formation program, which includes the study and discussion of texts such as St. John Paul II's "Theology of the Body," as well as undergraduate courses on marriage, family, and chastity. Experiences of individuals will vary, but the majority of those who attend SJV find their formation a foundation for a life of active leadership in the church and their communities, regardless of their vocational call.

Because these are undergraduate men, we emphasize the concept of discernment. These young men are earnestly discerning God's will for their lives, and, as a result, it is very natural to expect that some men "discern out" of the seminary. Not everyone who enters the seminary will become a priest. Either the seminarians come to this decision on their own or their formation directors, families, voca-

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tion directors and/or bishops encourage them to discontinue their seminary formation. There may be many reasons why a man discerns out of the seminary, and it would not be appropriate or professional to share this information publicly. We are not secretive when a man leaves, but we are confidential about the reasons why he leaves the seminary.

Additionally, Blaschko describes what he calls "the problem with women" for seminarians. Because SJV is situated on a co-ed college campus, and because these men are considering a vocation to the priesthood, it is likely and necessary that these conversations about their relationships with women take place. Every day SJV seminarians attend class with women, participate in campus activities with women, and work with female faculty and staff members. They are integrated into a very normal, healthy, balanced environment throughout their college years. As they discuss topics of sexuality and celibacy, their relationships with females should always be examined. To "guard your heart" is to encourage a young man to lead a life of virtue, not a life of isolation.

More than one hundred thirty undergraduate men from twenty dioceses are prayerfully asking themselves every day at SJV if the Lord is calling them to the priesthood and if they are fit for the vocation. There are joys in this examination, and there are challenges. We believe it is far better for them to consider these questions in a supportive, prayerful, formative environment.

It is our hope that, in the future, you consider all sides of the story prior to publication in order to provide a professional, balanced account of the topics for your readers.

(REV.) MICHAEL BECKER
St. Paul, Minn.
The writer is rector of St. John Vianney
College Seminary.

THE EDITORS REPLY

As the letter writer notes, *Commonweal* is committed to providing a forum for civil debate. The magazine's editors try to do this mainly by publishing articles by writers with various points of view—not by publishing articles that pretend to repre-

sent either *no* point of view or *all* points of view. Of course, this does not absolve the magazine's editors from checking the facts. In the case of Paul Blaschko's article, we did this by communicating with someone else who had been at St. John Vianney College Seminary during the period in question and by examining documentation provided by the author.

THE AUTHOR REPLIES

Thanks to Fr. Michael Becker for responding to my article. As Becker notes, there are several ways in which SJV stands out among college seminaries, and there are many who consider it to be exemplary. For me, however, this is all the more reason to worry that the experiences I had there are symptomatic of problems that are broader and more systemic in seminary education.

Becker does not point to any inaccuracies in my article. Instead, he suggests that I didn't provide a rich enough picture of human formation at SJV, and that, had I included more detail, the examples I gave would have been cast in a more favorable light. I certainly agree that there are good aspects of SJV's formation, but I don't see how these are relevant to the particular concerns I raised about sexual formation.

Although we disagree on several things, Becker and I have the same goal: we both think that it's important to provide those studying for the priesthood with the tools and resources they'll need to succeed in this important role. I hope that my article, and this exchange, can be part of a larger conversation about how our church can best train its future priests.

PAUL BLASCHKO
Notre Dame, Ind.

LET'S TALK ABOUT SEX

Paul Blaschko, Barbara Parsons, and Mary Gautier each contribute to our understanding of the dynamics and structures shaping the formation of priests today ("Clerical Errors: How Are We Training Our Priests?" March 6). As a former seminary rector, I want to call attention to a regularly ignored Catholic moral teaching that plays a major role in the sexual formation of celibate seminarians.

Mary Gautier concludes her article say-

ing, "Priestly formation is still far from ideal...seminaries are continually revising curricula and formation programs in consultation with vocation directors, faculty, and other experts. Progress is being made."

Is it? Certainly there are more workshops and conferences today on the subject of celibate sexuality and the boundaries priests must respect than in the past.

But underneath the current seminary formation program lies an overlooked theological flaw that subverts the best efforts of seminary faculties. The Catholic Church continues to teach that, when it comes to sexual behavior outside marriage, there are no venial sins. In other words, sexual fantasies, desires, and actions freely entered into are, at least objectively speaking, mortal sins.

Once we link all sex outside marriage with mortal sin, we handcuff efforts at healthy seminary formation. That's because, according to the Catholic moral tradition, no one should be asked to make a manifestation of conscience. For example: Do you commit adultery? Do you watch pornography? Do you masturbate? Answering yes to any of these questions would reveal a person's state of soul. Avoiding such invasive questions is, of course, fundamental to human dignity and is sound pastoral practice. But "sex outside marriage equals mortal sin" inevitably places a sin-laden cloud over discussions about sexual morality in general and celibate formation in particular. Ordinary human struggles to chaste living as well as serious red-flags—a seminarian's viewing of child pornography—tend to remain in the shadows as matters of conscience. As a result of this hermeneutic of sin, conversations between faculty and seminarians are mostly guarded and hypothetical. And efforts at healthy sexual formation often resemble the workshop and fallout described by Paul Blaschko during his years of seminary formation.

If we really want to make progress, a renewed Catholic theology of human sexuality is a necessary first step.

(REV.) DONALD COZZENS Cleveland, Ohio

From the Editors

An Ugly Business



emocratic politics can be an ugly business. That truism seems to have been one of the guiding principles behind Benjamin Netanyahu's campaign for re-election as Israel's prime minister. Finding himself in a close race with a reinvigorated Labor Party, Netanyahu resorted to scare-mongering and demagoguery on what one is tempted to call an almost biblical scale. First, he got himself invited by House Speaker John Boehner to address a joint session of Congress. The invitation was issued without notifying the White House or congressional Democrats. Netanyahu's speech was a blatant attempt to meddle in U.S. domestic politics by undermining President Barack Obama's efforts to negotiate an agreement with Iran that would forestall its development of nuclear weapons. Netanyahu's hectoring of the president was not popular with American Jews or Americans more generally.

The reaction to the speech in Israel was mixed, with many Israelis worried that Netanyahu's political alliance with Republicans would damage Israel's relationship with a Democratic administration and the Democratic Party in the future. On the eve of the election, polls showed Netanyahu's Likud Party trailing Labor. Netanyahu responded by employing even more inflammatory tactics. As the election drew closer, he warned that there was an international conspiracy to drive Likud from power and weaken Israel. Then, in a shameless reversal of a prior commitment given to the Obama administration, he announced that as long as he was prime minister there would never be a Palestinian state. The two-state solution to the Israeli-Palestinian conflict has been a bedrock principle of U.S. foreign policy through both Republican and Democratic administrations. Finally, on the last day of the campaign he warned that Arab Israelis were "coming out in droves to the polls." He called on Jewish voters to rally to his cause in order to prevent Israel's Arab citizens from toppling his right-wing governing coalition.

As happens all too often in democracies, Netanyahu's scorched-earth politics won the day. Likud was returned to power, and even increased its seats in the Knesset. Evidently, Netanyahu's extreme rhetoric caused many right-wing voters to flock to Likud rather than to other right-wing parties. With a larger plurality, the prime minister is now free to form a new government with either his conservative allies or with Labor, which is the second largest party in Israel's parliament. However, building bridges to his domestic political rivals may be easier than repairing his relationship with the Obama administration.

Predictably enough, Netanyahu has already retreated

from his pre-election rejection of a two-state solution and apologized for his remarks about Arab Israelis. How sincere his recantations are remains to be seen; the White House appears skeptical. Netanyahu's credibility could hardly be lower. His cynical and expedient rejection of a Palestinian state made a mockery of the Obama administration's efforts to restart the Israeli-Palestinian peace process. Allying himself with congressional Republicans to sabotage negotiations with Iran put traditional bipartisan support for Israel at risk. Should the administration and its international partners succeed in striking a deal with Iran, Netanyahu's opposition is now a foregone conclusion. In other words, although the U.S. commitment to Israel's military defense is not in jeopardy, it seems clear that the interests of the two nations are beginnning to diverge in important ways. Netanyahu wants to eliminate Iran's nuclear capabilities, even if that means war. The United States and its other allies believe the only realistic goal is to contain Iran's nuclear program. The tougher sanctions regime called for by Netanyahu and congressional Republicans cannot be sustained, and no military strike will permanently dismantle Iran's capabilities. Netanyahu thinks the Palestinian question can be deferred indefinitely, while Obama is convinced that the status quo is untenable—an injustice to the Palestinians and a threat to Israeli democracy in the long run. Without a two-state solution, Israel will soon find itself governing a territory in which Jews are outnumbered. Denied their own state, will the Palestinians then also be denied Israeli citizenship? Such an apartheid system would be a contradiction of everything Israeli democracy stands for.

Netanyahu, it is widely acknowledged, is good at getting himself elected but not very good at advancing his nation's long-term security, its international standing, or its economic well-being. Under his stewardship, Israel has fought two inconclusive wars in Gaza while relentlessly expanding Jewish settlement in East Jerusalem and the West Bank. Netanyahu has proved unwilling to take risks in pursuit of peace. UN resolutions calling for a two-state solution based on the 1967 borders and land swaps have long been vetoed by the United States in the Security Council. Having been sandbagged and vilified by Netanyahu, will the Obama administration rethink that veto? Such a decision would be a dramatic shift in U.S.-Israel relations, and would only increase Israel's diplomatic isolation. But Israel's newly re-elected prime minister may have left his principal ally no choice. ■

March 24, 2015

FAMILY VALUES

Peter Steinfels

When Liberals Blew It" was the headline on Nicholas Kristof's March 12 column in the New York Times. The headline referred to the moment fifty years ago when liberals treated Daniel Patrick Moynihan as a racist for proposing in a Labor Department report—eventually known as the "Moynihan Report"—that family disarray and the growth of single-parent households among African Americans were reaching what would now be called a "tipping point." The leading factors countering black poverty—primarily male employment—were in danger of losing traction. National action was imperative.

That Moynihan was right in broaching the delicate subject of the relationship of family breakdown and poverty



Daniel Patrick Moynihan (left) speaks with NBC News reporter Edwin Newman in 1975.

has been acknowledged all over the place—half a century too late, some might say, but in fact the acknowledgements have come steadily over the decades. Kristof, one of our best columnists, was condensing a complicated story into a brief column, which didn't do justice to all the details. One liberal voice, for instance, that didn't "blow it" was Commonweal's.

The Negro Family: The Case for National Action was originally a Department of Labor document "for official use only." Completed in March 1965 by Assistant Secretary of Labor Moynihan and colleagues, it was the basis for one of President Lyndon Johnson's boldest speeches on behalf of political and economic equality for African Americans, given in June 1965 at Howard University's commencement. Made fully public, however, in the context of the August 1965 Watts riots, the report became the target of fierce controversy.

In early September, *Commonweal* published a lead editorial recognizing that anything dealing, for example, with rates of out-of-wedlock births among blacks risked giving fuel to racists but that the report, nonetheless, deserved full attention. One month later, the magazine published an extraordinarily comprehensive and measured article on the report by the distinguished sociologist Herbert J. Gans. He noted its weaknesses but stressed the importance of its underlying premise: justice for American blacks would not be achieved unless assuring political rights was complemented with measures to assure socioeconomic equality. Putting it bluntly in language that remains controversial today, Gans welcomed the report for insisting on equality of results as well as of opportunity.

By mid-November the editors were expressing pained dismay at the onslaught of misleading attacks on the report

and its author, despite the fact that its concerns had been echoed by Martin Luther King Jr., and other black leaders. And truth to tell, *Commonweal* was not alone. The *New York Times*, the *New Yorker*, *Newsweek*, and *America* were similarly receptive to the report. A number of critics, like Christopher Jencks in the *New York Review of Books*, were respectful of Moynihan and impatient with his assailants.

Nor was the report beyond criticism. Its generalizations, exaggerations, and rhetorical flourishes might have been forgiven in a less tumultuous period than one of urban riots, war in Vietnam, growing student and black-power militancy, sexual revolution, and burgeoning feminism. Yes, "liberals blew it," if you take all of that into account as part of the liberal 1960s.

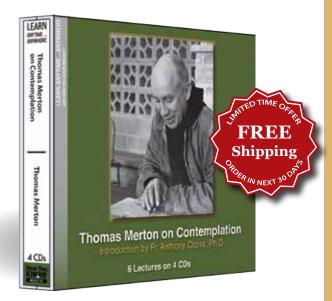
Perhaps of equal importance, liberals also blew it years later when the alarming patterns Moynihan highlighted became more alarming and increasingly characteristic of whites

as well as blacks. In 1965, 25 percent of black children were born to unmarried mothers, eight times the white rate; today 40 percent of all children are born to unmarried mothers.

Having largely conceded "family values" to conservatives and the New Religious Right, liberals or at least liberal thinkers and opinion-makers recoiled at anything threatening to take marriage and family structure seriously as matters of social policy. You had to have a thick skin to argue as a liberal that growing up in a two-parent family was something that our economy, our government, and our culture should promote. Many of the same ideological restraints on discussion continue to operate today.

Peter Steinfels is a co-founder of the Fordham University Center on Religion and Culture. This article was adapted from a blog post published on March 14.





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William Pfaff

No Longer Docile

EUROPE SOURS ON U.S. FOREIGN POLICY

Ritain, Germany, and France are all posting signs of dissent in the West. Last week Barack Obama's White House found two good reasons to angrily criticize the British government, its most faithful and docile ally and client in the post–World War II period. This was perceived by some in the press as evidence of the weakening of that "special relationship" that has prevailed throughout the twentieth century.

The United States has always found this relationship flattering, convenient, and inexpensive, as it was paying next to nothing for services rendered, including Britain's being first in line to dispatch solders on missions primarily of interest to Washington. The exception was Vietnam, when Lyndon Johnson begged in vain for London to commit as little as "a damned company of the Black Watch" so that the war would appear to be an international crusade of democracies against Communism. The British sensibly said no.

The poodle has recently taken to biting its master, a bad sign despite the British press's habit of calling the United States "the UK's most important strategic partner." Master bit back in March when a White House official deplored London's "constant accommodation of China," which has been going on since 2013, when Britain began cultivating Chinese trade and investment. The remark was occasioned by Great Britain's decision to join the Chinese-sponsored Asian Infrastructure Investment Bank, a potential rival to the international financial institutions controlled by Washington—for example, the World Bank and the International Monetary Fund. Germany, Italy, and France have just announced that they too will join the AIIB.

Britain, together with nearly all the other major European NATO members except Poland, has also been reproved by Washington for failing to spend more than 2 percent of its GDP on defense. How can NATO frighten Russian President Vladimir Putin into giving up Crimea and eastern Ukraine if it spends only 2 percent of GDP on its armies and navies? Britain's once-robust military is fading, while, for historical reasons, Germany still restricts its military

mostly to humanitarian or peacekeeping missions.

For the same historical reasons, Germany has long practiced a reserved diplomacy, in simple support of the Western Alliance—meaning the United States. But under Chancellor Angela Merkel, who grew up in what was East Germany and speaks Russian. Meanwhile, Germany has taken the European initiative in dealings with Russia and its president. Germany's relations with Washington have suffered since the revelation of the U.S. National Security Agency's comprehensive interception of Merkel's communications, including those conducted on her personal telephone. In Germany, this was considered a kind of treachery, though the Obama administration tut-tutted that this sort of thing was normal in relations among allies (as it is, on the U.S. side) and that Merkel was not being a worldly stateswoman and a good sport.

Then came the U.S.-backed coup d'etat in Kiev, followed by President Putin's takeover of Crimea and a bloody little war in eastern Ukraine that has produced more than three thousand



Not in step

casualties. In the face of tough talk from the White House and the Pentagon—and with Republicans in Congress demanding new arms shipments for Ukraine and an escalation of the conflict—Merkel collected French President Hollande and headed to Minsk to see Putin and negotiate a truce.

There is new dissent in France as well. French Foreign Minister Laurent Fabius has just angrily announced that France rejects Secretary of State John Kerry's recent suggestion that relations between the West and the Assad government in Syria might be normalized.

All these developments clearly reveal deteriorating transatlantic relations. The emergence of the Islamic state from the chaos in Iraq, Syria, and Libya; the continuing tension with Iran; and the sinister turn events have taken in Israel and Palestine are all widely attributed in Europe to American irresponsibility and adventurism. The time has perhaps come for Washington to consider that Europe might declare its independence. That possibility is already being discussed on the Continent.

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Fr. Nonomen

Certifiably Catholic

MAKE SURE YOUR PAPERS ARE IN ORDER!

ant to prove you're a good Catholic? I'm afraid you'll have to do more than feed the hungry and teach your children the Lord's Prayer in at least four modern languages and one or two dead ones. The absolute steel test for proving you're a good Catholic has little to do with the directives of Matthew 25 or your ability to educate and evangelize. No, it has everything to do with whether or not you can pry a 3x6 inch piece of paper from the hand of your parish priest.

That paper is called a "sponsorship certificate," and it attests to the fact that you meet all the requirements and qualifications to be a sponsor for the sacraments of Baptism or Confirmation. There are three hoops to jump through. First, you must be a fully initiated member of the Catholic Church, meaning you have received the three sacraments of initiation. Second, to the best of your abilities, you are living a life that is in accord with the codes, canons, and teachings of the church. For most, this means keeping the church's marriage laws. And if you're still with me, there is one more requirement, and perhaps it is the trickiest of all. The third requirement is that you are a practicing Catholic and have a relationship with a parish community. Does that mean

you have filled out a registration card? (Quick! Do it now and pre-date it!) Does it mean you signed up to receive envelopes? (Never hurts.) Does it mean you're the head usher who gives Father a nice bottle of Scotch at Christmas? (Highly recommended!)

To be fair, obtaining a sponsorship certificate can be an opportunity for a pastoral encounter from which abundant good comes. All too often, though, it's an experience that would make Torquemada blush. A woman recently came to my office in tears. She was asked to be a Confirmation sponsor for her niece. When she went to her parish to get the required certificate, the only question the secretary asked was if the woman used envelopes. Then a quick computer check showed she hadn't made any contributions for about a year and a half. As you might assume, the reason for that dereliction was complicated. The woman had just taken a job as a principal of a large and troubled elementary school. What little free time she had on weekends was spent on family matters. Once things settled down at her new job, she intended to become more active in the parish. The secretary shrugged. The woman would have to see Father after Mass. If he knew her, he'd write a certificate.

"Father," however, had only been at the parish for two months, so he couldn't possibly know who she was.

Frustrated and angry, the woman ended up in my office because I officiated at her wedding nearly twenty years ago. As she explained, in addition to the challenging new job, she was dealing with a bulimic teenage daughter. Many Sunday mornings were spent in family therapy—something she didn't want to share with the parish secretary. We talked for an hour, I wrote her a certificate, and I've seen her and her husband and daughter at Mass almost every Sunday since.

A listening ear and a little common sense are both vehicles of the Spirit. Thumbscrews and computer accounting programs usually only drive people away. As Pope Francis continues to paint the global church in more compassionate colors, the local parish must follow suit. The manner in which we treat people seeking sponsorship certificates is another way to evangelize. If someone is not an "activated Catholic," take a little time to find out why. Offer some creative solutions to whatever might be needed pastorally, whether it concerns an annulment or how a person might go about having their sevenyear-old baptized. When someone who has been away from the church shows up at the door for whatever reason, you need to seize the opportunity.

Will they come back? I admit that, no, a lot of them do not. Many of the people with whom I've made "deals," pocket their certificate and never return. But every once in a while someone does reconnect. Every once in a while, that little piece of paper turns a "good" Catholic into an active Catholic.



Godmother holds baby during baptism at a Ukrainian Catholic Church in St. Louis.

Fr. Nonomen is the pastor of a suburban church. He has been a priest for more than twenty years.

CNS PHOTO / LISA JOHNSTON, ST. LOUIS REVIEW

Harold Bordwell

Faith on the Front

A WORLD WAR I CONVERSION STORY

he French writer Henri Ghéon (1875–1944) remembers evenings in the mess hall in Belgium in 1915, not far from the trenches and the medieval city of Ypres that by the end of the First World War would be shelled to the ground: "We amused ourselves like fools with two model trains running on a table, with switchings, derailments, and collisions." And on New Year's Eve, in the Grand Hotel of Nieuport-Bains, there was foie gras, champagne, cake, light music and laughter. Exempted from military service, Ghéon could have served elsewhere, but

he chose to be a Red Cross doctor at the front, he writes, "out of curiosity, out of vanity, to be able to say, 'I was there."

Ghéon's rare book, Born in Battle (L'homme né de la guerre): The Testimony of a Convert (Yser-Artois 1915), has recently materialized out of the mists of the Great War as a digitized version from the collections of the University of Michigan Library (www.lib.umich. edu). Like the battlefields it describes, it has the faded, fitful appearance of an old newsreel, but not even an unedited digital scan of the French text can diminish the religious rebirth the author narrates.

For Ghéon had lost his faith—and made it known to his mother—at about the age of fifteen. It is a Sunday, he is dawdling downstairs, it is time to leave for church, his mother, upstairs, keeps calling to him. "We're already late," she says, "you're going to miss Mass." Coming upstairs, he replies, "I'm not going," adding quickly, not giving his moth-

er the chance to say anything, "I no longer believe." It was like a knife in the heart of the believer he loved, he recalls, in a family where his father, an unbeliever, seemed to have meant little to him.

When war broke out in 1914, Ghéon had already made a name for himself as a critic and an essayist. He believed then, he writes, in the cult of art, "a kind of earthly eternity." Although he admired such Catholic writers as Paul Claudel and Charles Péguy, he felt no need to follow them: "They simply accustomed me to a point of view that remained foreign to me."

Among his friends in Paris was André Gide, a Protestant by upbringing and a protestant in literature and life, and one of France's most influential modern writers. Learning of Ghéon's departure for the Belgian front, Gide told him to look up a man by the name of Pierre Dupouey. The advice was to change Ghéon's life forever.

Captain Pierre Dupouey was a man inspired and an inspiration to others—his fellow officers, the men he commanded, and the chaplains who knew him. Ghéon saw Dupouey only three times and was immediately captivated by his personality, for Dupouey loved distant lands, deserts, poetry, and adventure. Short and stocky, with a dark beard, his

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looks surprised Ghéon, but their first brief stroll in the dunes (with a battle raging) in late January 1915 was a revelation. No man he had ever known, he writes, seemed more assured of what he was saying—it was in the sound of his voice and in his few but well-chosen words. Three days later, at their second meeting, Dupouey, the proud father, showed him a photo of his fatcheeked baby son, yet later that day remarked, "I love this life, even the sand, with the sea at one's feet, the sun reflected everything.... It's too bad that the Boches are lobbing their bits of trash at our heads." The third and last time they met was a rainy day in late February. Easter was not far away. Walking through an almost deserted town of destroyed and damaged buildings, Dupouey stopped to buy eau de cologne in one of the few open shops, then unexpectedly said that he was developing an "immoderate liking for ruins. Don't you think it's disturbing?" And

they laughed. But Dupouey was suddenly alone with his thoughts, as if Ghéon were not there.

On Holy Saturday night, Ghéon later learns, a stray round struck Dupouey in the forehead. "I didn't know his religion," he writes, "I didn't know if he was religious." It was only later that a chaplain told him that Dupouey had spoken of how magnificent Easter was to him and that he wanted to serve Mass for him that Easter Sunday. "He saw death coming," the chaplain said, "and the closer it got the less he seemed to fear it."

Dupouey's character had provided the spark, but Ghéon was cautious, as if he was on a patrol in the murderous Belgian dunes and polders. He began a correspondence with

Dupouey's widow in Toulon that increased his admiration for the man but not for his religion. He tells how, two days before Dupouey's death, he entered a church as a social call—"to pay a visit to the God of his country." Another day he writes to Gide that he prays for Dupouey "without believing...to believe for others, not believing myself." He goes to Sunday Mass by himself, "as a spectator," he writes, but something is stirring within. On the eve of a battle, he says, for the first time in twenty-five years, the first prayer he learned as a child, the Our Father. Yet shortly before he returns to the church, he almost angrily says he will go to God "in spite of his priests." He reads Voltaire and describes the chaos around him, including the disturbing sight of a wounded British soldier walking back from battle naked except for his helmet. On Christmas Eve 1915 he receives communion and his confessor tells him that he must receive the Eucharist simply and modestly, like most people. "It's our daily bread.... Its effect is slow but lasting." Only the greatest saints, he is warned, experience a kind of bliss on earth.

We are far from the Second World War admonition that there are no atheists in the foxholes. "Two years have passed," Ghéon writes in the epilogue to his book, which was written at Verdun and in Lorraine from July to December 1917, "and the war persists. I have seen it up close and at its worst on the Aisne and the Marne; I have lost good friends; death has not gone away and still poses a question that needs to be resolved. Nothing has been able to alter the certitude and the faith in my soul."

After Dupouey's death Ghéon had sought out the church cemetery in Coxyde-Ville where he was buried. A wooden cross, a date—April 3, 1915—and artificial flowers with the words: "To Our Captain." An end and a beginning.

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Open House

How Pope Francis Sees the Church

Walter Kasper

he Bible and Catholic tradition have various images for describing the essence of the church. At the center of Pope Francis's understanding of the church, corresponding to the approach of the Argentine theology of the People, stands the image of the church as the People of God (*Evangelii gaudium*, 111–34). It is firmly anchored in the biblical, patristic, and liturgical tradition. The Second Vatican Council renewed that understanding and presented the church as the messianic people of God (Lumen gentium, 9–12). Before long, however reservations grew loud among European theologians. One suspected a one-sided sociological, political, grassroots ecclesiology. It was different in Argentina. There the impulse of the council was eagerly seized upon and further developed into the Argentine form of liberation theology, into the theology of the people. Pope Francis imbues this ecclesiology of the People of God with concrete life.

That is not new in itself, but is certainly a renewed view of the church, which should lead to a new style of ecclesial life. In *Evangelii gaudium*, Pope Francis speaks of "pastoral care in conversion." In his speech to the bishops of Brazil in Rio de Janeiro, he said very clearly what he meant by such a conversion:

In reference to the conversion in pastoral care, I would like to remind you that "pastoral care" is nothing other than the exercise of the church's motherhood. She gives birth, breastfeeds, lets grow, corrects, nourishes, leads by the hand.... There is need therefore for a church that is capable of rediscovering the womb of mercy. Without mercy it is scarcely possible today to penetrate into a world of the "injured," who need understanding, forgiveness, and love.

Pope Francis's style is correctly understood against the background of the theology of the people. This style is not good-natured folksiness or even cheap populism. Behind the pope's pastoral style, which is close to the people, stands an entire theology, indeed a mysticism of the people. For him the church is far more than an organic and hierarchical

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institution. It is above all the people of God on their way to God, a pilgrim and evangelizing people that transcends every (however necessary) institutional expression.

Ultimately, the church is rooted in the secret of the most holy Trinity. Salvation is a work of God's mercy. Out of sheer grace God draws us to himself through his Spirit and brings us together as his people. Thus, the church stands under the primacy of grace; the Lord always precedes us with his love and his initiative. Through his Spirit he draws us to himself, not as isolated individuals, but as his people. So the church must be the place of renegotiated mercy, where all can feel themselves welcomed and loved, where they experience pardon and can feel encouraged to live according to the good life of the gospel.

On the basis of his theology of the People of God, Pope Francis is averse to every form of clericalism. "Laypeople are, put simply, the vast majority of the people of God. The minority—ordained ministers—are at their service" (EG, 102). The shepherds should not feel that they are fine, genteel lords, but rather should take on the smell of the sheep. Francis wants the participation of the entire people of God in the life of the church—women as well as men, laypeople as well as clerics, young and old. On the basis of baptism and confirmation, all are missionary disciples; they should be included in decisions. Lay ministries ought not be restricted to intraecclesial tasks; they are supposed to have an impact on advancing Christian values in the social, political, and economic world and should be engaged in applying the gospel to the transformation of society. The education of the laity and the evangelization of the professional and intellectual life pose, therefore, a significant pastoral challenge.

The topic of women is especially important to the pope; he devotes two sections to women in *Evangelii gaudium* (103-4). John XXIII counted the participation of women in public life and consciousness-raising concerning their human dignity among the signs of the times. Pope Francis recognizes that women make an indispensable contribution to society and he joyfully notes how many women exercise pastoral responsibility in the church, together with priests. "But we need to create still broader opportunities for a more incisive female presence in the church. Because 'the feminine genius is indispensable in all forms of expressions of the life





of society" (EG, 103). All the same, the reservation of the priesthood to men, as a sign of Christ, the bridegroom who offers himself in the Eucharist, is not open to discussion. Yet in the case of sacramental power, we are moving on the plane of function and not of dignity or superiority. "Indeed, a woman, Mary, is more important than the bishops."

For Pope Francis that is not a defensive argument. Rather, he sees in it "a great challenge for pastors and theologians"; it is a matter of recognizing more fully "what this entails with regard to the possible role of women in decision-making in different areas of the church's life" (EG, 104). There are, in fact, many influential positions in the church, including the Roman Curia, that do not require ordination and are open to women, where women could introduce their specific talents for the well-being of the church and could break up an all too one-sided clerical atmosphere simply through their presence and their collaboration.

Young people are also important to the pope—one might say, as a matter of course. In his welcoming address at World Youth Day in Rio de Janeiro on July 25, 2013, he said:

I have come as well to be confirmed by the enthusiasm of your faith. You know that in the life of a bishop there are many problems that need to be resolved. And with these problems and difficulties, a bishop's faith can grow sad. How horrible is a sad bishop! How bad is that! So that my faith might not be sad, I came here to be filled with your contagious enthusiasm!

Pope Francis knows about the difficulties of young people today and the difficulties of youth ministry (EG, 105-6). But he also knows that "young people call us to renewed and expansive hope, for they represent new directions for humanity and open us up to the future, lest we cling to a nostalgia for structures and customs which are no longer life-giving in today's world" (EG, 108).

The pope names the theological foundation of the signifi-

cance of the laity's witness in the church. He refers to the teaching of the sensus fidei, the spiritual sense for what is a matter of faith and living the life of faith. The doctrine of sensus fidei, which is imparted to every Christian through the Holy Spirit in baptism, is very well established in the biblical and theological tradition, but has often been neglected. John Henry Newman showcased it in a renewed way in his famous essay, "On Consulting the Faithful in Matters of Doctrine," and Vatican II renewed it again. It holds that the people of God as a whole cannot err in matters of belief (Lumen gentium, 12; Evangelii gaudium 119, 139, 198).

Unfortunately, that teaching was neglected after the council. There was a fear that it would be misused by dissenting groups inside the church. Pope Francis doesn't share those fears. He highlights the doctrine of the sensus fidei and from it concludes that the church must keep its ear to the people. He speaks of the laity's instinct for finding new ways of evangelization and he argues, therefore, in favor of making provisions for their voices to be heard and for pastoral dialogue with them.

Pope Francis wants a magisterium that listens. He shows how serious he is in Evangelii gaudium. In this apostolic exhortation, he cites not only statements from the Roman magisterium but also documents from episcopal conferences around the world. Popular piety is especially important to him. It is a fruit of the Holy Spirit, a theological source and is, so to speak, the mother tongue of the faith. In their 2007 Aparecida document, the bishops of Latin America and the Carribean speak of the "people's mysticism"—Pope Francis cites the text in Evangelii gaudium (124, 237).

That does not mean that the church creates out of itself the truth and its power. On the contrary, as the itinerant people of God, the church does not live out of its own resources, but rather from listening to the word of God and from the sacraments, especially the Eucharist. The pope devotes the Fordham University proudly presents

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entire, lengthy third chapter of *Evangelii gaudium* to living on the basis of the proclaimed word of God.

All evangelization is based on that word, listened to, meditated upon, lived, celebrated and witnessed to.... The church does not evangelize unless she constantly lets herself be evangelized. It is indispensable that the word of God be ever more fully at the heart of every ecclesial activity. God's word, listened to and celebrated, above all in the Eucharist, nourishes and inwardly strengthens Christians, enabling them to offer an authentic witness to the Gospel in daily life.... The preaching of the word, living and effective, prepares for the reception of the sacrament, and in the sacrament that word attains its maximum efficacy. (EG, 174)

With respect to the sacraments, the church is a merciful mother with an open heart for all. The sacraments are medicine and nourishment for the weak; they are not only for the perfect, according to the pope. The church should be an open house with open doors. Francis seems to prefer the image of the church as a merciful mother, an image that was dear to the martyr-bishop Cyprian in his dispute with Novatian, in contrast to Novatian's image of the church as a pure and holy virgin. Against the rigorism of Novatian, Cyprian supported the cause of clemency and mercy for those Christians who had become weak during persecution (*lapsi*). Today Pope Francis says that he prefers a church that is bruised, hurting, and dirty because it has been out on the streets, rather than a church remaining shuttered within its structures, while outside a starving multitude waits.

With these and many other statements in the pope's daily homilies, it appears that the pope has laid the groundwork for allowing Christians in irregular situations, such as divorced and remarried individuals, after examination of their respective situations, to the sacraments of reconciliation and Eucharist. The pope has responded that he was not thinking of such concrete situations when he made his general statement in *Evangelii gaudium*. Until there is a decision about that pastorally pressing, yet still contentious, question, he wants, in the exercise of his office of unity, first to hear what the Spirit is saying to the churches (see Rev 2:7, 11, 17, 29, etc.) and then decide.

Contrary to many misrepresentations, in my talk before the consistory of cardinals in 2013, though I did touch on that question, I intentionally left it open. I expressly referred to the decision of the synod in communion with the pope. "Remaining in the truth" is for me, as for all the theologians who took part in the discussion, a matter of course. The question that awaits an answer, however, is: What does truth mean in the sense of the biblical truth

of divine faithfulness (*emet*, in Hebrew) in a concrete situation. As many recent exegetical investigations show, this issue cannot be resolved merely by quoting the words of Jesus (Mark 10:2–12 and parallels), which were already transmitted differently in the New Testament. Even if the question under consideration is not the only or even the central question of the family today, it has nonetheless become for many Christians the test of the viability of the new pastoral style. Therefore, it is to be hoped that in keeping with the old conciliar tradition, after all have been heard, a great consensus about it can be achieved so that, unified, we can turn all the more to the fundamental questions in the present crisis of the family.

For that reason it would be wrong to stay fixated on internal ecclesial problems and on what is often characterized as "hot potatoes." Pope Francis is thinking beyond the church's inner space. During the preconclave period, then-Cardinal Bergoglio pointed out that the church should not be focused on itself; it ought not be a church that is narcissistically in love with itself, that revolves around itself. A self-involved human being is a sick human being, a self-involved church is a sick church (EG, 43). Francis wants out of the stale air of a church that is self-involved—suffering from its own condition, bemoaning or celebrating itself. For him the church is an open house, a father's house, in which there is a place for everyone with his or her difficulties. Therefore, he warns about a fundamentalism as well as about a one-sided sacramentalization of ecclesial life.

Pope Francis's paradigm for the church is mission, a pastoral ministry that is not only preservative but decidedly missionary, a church that is permanently in a state of mission. That does not mean proselytism. The church grows not by proselytizing, but by attracting (EG, 14). As

the pope repeatedly says, it is a matter of being a church that goes to the peripheries. That means not only the bleak peripheries of megalopolises, but also the peripheries of human existence.

God is a God of the journey, who has patiently traveled a long path with us in the history of salvation. The church fathers spoke of God's patience and forbearance, of his pedagogy and economy. As we have seen, the motif of a journey or path is important for Francis. For him faith is not a fixed standpoint, but rather a path on which every person, as well as the church as a whole, is on the way. The church's task is to accompany people wisely, patiently, and mercifully on this path, this process of growth. Francis quotes Blessed Peter Faber, for whom he has special esteem: "Time is God's messenger" (EG, 169-73). The concluding document of the extraordinary synod of 2014 adopted this understanding of a pastoral ministry that meets people where they are and accompanies them.

That said, we touch upon the deepest—I would say the mystical—dimension of Pope Francis's ecclesiology. He wants to encounter Christ—indeed,

to touch Christ—in the poor (EG, 270). The church is the body of Christ; therefore, we touch the wounds of Christ in the wounds of the others. "Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me" (Matthew 25:40). That is a mystical point of view. It calls to mind Francis of Assisi who, at the beginning of his spiritual journey, embraced a leper; and it recalls Mother Teresa's experience of her calling, when she carried a dying person into her cloister and, in the process, had the experience of carrying Christ in her arms, like a monstrance. Last year in Albania, Mother Teresa's native land, Francis spoke movingly of a church that can administer solace because it too has experienced solace.

At this point the paradigm shift in method, corresponding to the model of the Good Samaritan, becomes concrete. The Samaritan descends into the dust and dirt of the street, touches and binds up the wounds of the one fallen among robbers, and also pays for his care. Francis speaks of a mysticism of coexistence and encounter, of embracing and supporting one another, of participating in a caravan of solidarity, in a sacred pilgrimage; he speaks of a mystical and contemplative fraternity, which "knows how to see the sacred grandeur of our neighbor, of finding God in every human being" (EG, 92). Or—Johann Baptist Metz put it—this is not a mysticism of closed eyes, but rather



a mysticism of open eyes, which becomes a mysticism of helping hands.

For Pope Francis, the guiding star of evangelization and of this kind of pastoral care is Mary, Jesus' mother—and our mother. Mary is the subject of Evangelii gaudium's closing chapter. That has become a tradition in the encyclicals of the past few popes. For a pope who comes from Latin America and is devoted to popular piety, it is completely natural that his first apostolic exhortation should also end with such a chapter. Guadalupe in Mexico, Aparecida in Brazil, and Luchan in Argentina are all Marian pilgrimage sites of national and continental significance. We should not arrogantly dismiss their mention as a tribute to the ancestry and culture of the pope, but rather acknowledge the religious power—including the power of the new evangelization—that emanated and still emanates from these centers in the history of the Latin American continent. We should take seriously the fact that without Mary we can never entirely understand the spirit of the new evangelization and can never entirely understand the church as well. Without Mary the church would lack a feminine image. Mary accompanies God's people on the path of evangelization, even in periods of darkness, which include many tribulations. She is the model and advocate of evangelization. Thus, there is a Marian style in the missionary activity of the church; it is a revolution of tenderness and love.

Nonexistent & Irreplaceable

Keep the Religion in Religious Freedom

Andrew Koppelman

merican law has long accorded religion special treatment. Quaker and Mennonite objections to military service have been accommodated since colonial times. Sacramental wine was permitted during Prohibition. Today the Catholic Church is allowed to deny ordination to women despite antidiscrimination laws. Jewish and Muslim prisoners are entitled to Kosher or halal food.

This tradition has become intensely controversial of late, reflecting a growing scholarly consensus that special treatment of religion cannot be justified. While some scholars would rule out *all* legal accommodation, the more common view would allow it in certain cases, but under another description. It is morally arbitrary to single out "religion," the argument goes, and so a different legal category, such as "conscience," should be used. A second and related objection is that the bounds of "religion" are so indeterminate that the term is meaningless—a term that European colonizers, for instance, used willy-nilly to describe whatever local practices somehow reminded them of Christianity.

The singling out of religion for special legal treatment, I will argue here in response, is appropriate, and precisely *because* religion doesn't correspond to any narrow category of morally salient thought or conduct; as such it is a concept flexible enough to be accommodated legally while keeping the state neutral about theological questions. Other, more specific categories are either too sectarian to be politically usable, too underinclusive, or too vague to be administrable.

First, a note on how such arguments should proceed. The philosopher John Rawls famously held that justification in political philosophy should follow the method of "reflective equilibrium," in which we try to bring our considered moral judgments into line with our more general principles. Any general theory, he wrote in *A Theory of Justice* (1971), must be consistent with the specific judgments "in which we have the greatest confidence," such as our judgments "that religious intolerance and racial discrimination are unjust."

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These are "provisional fixed points," Rawls wrote, "which we presume any conception of justice must fit." The fixed points that theories of religious liberty must fit include such generally agreed-upon assertions as: "Quakers are entitled not to be drafted;" and "the state should not establish a religion or endorse articles of faith." Any political philosophy that is to be viable in the United States must preserve these commitments to free exercise and disestablishment. Our question is whether this can be done without relying on the category of "religion."

When law singles out religion for special treatment, we can reasonably ask what good or purpose it hopes to promote by doing so. The earliest and most obvious answer is that there is a good specific to religion—salvation by Christ is the classic one—and that religion should be singled out in order to promote that good. Of course, when you do that, you can end up with a pretty narrow definition of religion. Henry Fielding's Mr. Thwackum, in the 1749 novel *Tom* Jones, lamented the "various sects and heresies in the world," and declared that "[w]hen I mention religion I mean the Christian religion; and not only the Christian religion, but the Protestant religion; and not only the Protestant religion, but the Church of England." John Locke's classic Letter Concerning Toleration (1689) claimed that "true and saving Religion consists in the inward perswasion of the Mind," and insisted that "frivolous things" ought not to divide "Christian Brethren, who are all agreed in the Substantial and truly Fundamental part of Religion." But many religions have rejected such ecumenical inclusiveness and continue to proclaim themselves the only true path to heaven. Today just over a third of all Americans consider Christianity the one true religion, and half that number reject the view that all major religions contain some truth about God.

What else beyond salvation might be the good that religion supposedly delivers? Multiple candidates suggest themselves, including harmony with the transcendent origin of universal order (if it exists); courage in the face of heartbreak (if that kind of encouragement helps); a transcendent underpinning for the resolution to act morally (if that kind of underpinning helps); contact with the awesome and the indescribable (if awe is something you feel), and so on. In

the cottage industry of proposals to discard the category of "religion" and substitute something else, however, these candidates haven't gotten much attention, for the excellent reason that they are theologically loaded. It is not just that they are narrower and more specific than "religion;" it's that their goodness is a specifically religious goodness that depends on contestable metaphysical premises. Secular liberal philosophers tend to shy away from such notions, and militant atheists are disgusted. There are, however, a lot of religious people out there. When religion is regarded as good, it is usually for religious reasons.

The fact that different religions conceive these goods differently is one reason for the state to remain vague about this question, since privileging any of them would discriminate among religions. American law's neutrality is specifically neutrality *among religions*; the establishment clause of the

First Amendment means, at its core, that the state may not endorse contested theological propositions. One reason for using "religion" as a proxy for specific ends such as salvation is that, if the good the state pursues is described in this vague way, the state need not assess the comparative value of those ends. There is also, of course, disagreement about which religions actually achieve these goods. If the pertinent good is salvation, for instance, then perhaps it is incumbent upon the state to figure out which religion actually delivers it. Deploying the broad category of "religion" helpfully allows the state to evade that dangerous task. It still takes the

controversial position that religion is good, but embraces it abstractly enough to make room for everyone, except possibly the atheists. And (as I'll explain shortly) it even sometimes manages to squeeze them in as well.

eligion" then is a proxy for the genuine religious good (if there is one), and part of its value is that we need not agree about what exactly it is a proxy for. But what about religion as a proxy for secular goods? Secular political theorists, naturally enough, focus on secular ends. A number of these have been proposed as candidates for special accommodation in place of religion, including individual autonomy; a source of meaning inaccessible to other people; psychologically urgent needs (in effect, treating religion as analogous to a disability that needs accommodation); comprehensive views; minority culture; and conscience.

All are underinclusive. Consider conscience, the most widely advocated substitute. Conscience excludes some claims that are widely recognized as valid; and many religious claims that nearly everyone would want to accommodate are not conscientious. (A paradigm case is the ritual use of peyote by

the Native American Church.) The emphasis on conscience focuses excessively on duty, while many people engage in religious practice not from a sense of duty prescribed by sacred texts, but on other grounds: adherence to custom; a need to cope with misfortune or injustice, temptation or guilt; a desire to feel connected to God. Indeed, core religious practices often have nothing to do with conscience. When a recent survey asked Catholics why they attended Mass, the largest group, 37 percent, pointed to "the feeling of meditating and communicating with God," while only 20 percent referred to "the need to receive the Sacrament of Holy Communion," and only 6 percent said "the church requires that I attend." This experience-based religiosity is increasingly common in the United States. The most recent congressional pronouncement on religious liberty, the Religious Land Use and Institutionalized Persons Act of

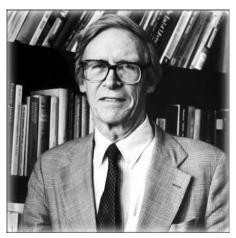
2000, declares that "the term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief."

The secular objection to the use of "religion" as a category was well stated by Christopher Eisgruber and Lawrence Sager, who in a 1994 *University of Chicago Law Review* article argued that "religion does not exhaust the commitments and passions that move human beings in deep and valuable ways." This may well be true. Yet "deep" is not an administrable legal category; it is too vague for that. We are too opaque to one another, our depths too personal and idiosyncratic,

for us to discern which of each other's commitments and passions really merit respect. Reliance on imperfect proxies is an inescapable part of social life.

The difficulty of finding a suitable secular analogue for "religion" is also apparent in an issue we have not yet discussed—the disestablishment of religion. American law is clear that the state must be neutral with respect to religious questions. Government, the Supreme Court declared in 1968, "may not aid, foster, or promote one religion or religious theory against another or even against the militant opposite. The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion." What could be the secular analogue to this doctrine?

Two have been proposed. One is liberal neutralitarianism, which holds that the state should be neutral toward all controversial conceptions of the good life. Instead of embracing any controversial conception of what is good, it should provide citizens with means to pursue whatever lives they happen to prefer, religious or otherwise. The difficulties of this conception are the subject of a large academic literature, but the basic problem is simple: If the state can't



John Rawls

IN FIFTY YEARS NO ONE WILL KNOW

In fifty years no one will know.

The heavens will wheel and the trees drop their berries, but no one will know what he knows now about love,

the part already passed, the part around the corner, the part that wrenched the mind from its spiny cave, the part that sheltered in the flesh.

No one will know how it all stood on the verge of oblivion, the noctilucent air distilled in the sound of her voice failing.

—Eric Rawson

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promote good lives, then citizens' lives will be impoverished. If the state can't support the arts, for example by teaching about them in the public schools, then many citizens will never learn about Mozart and Rembrandt.

The other proposal is John Rawls's claim that the government should be neutral toward all "comprehensive views." A conception is comprehensive, Rawls explains in *Political Liberalism*, "when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole." And: "A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system."

Yet many religious views are not fully comprehensive: most religious people do not rely on their religious beliefs to structure their lives in this pervasive way. Perhaps in response to this, Rawls also wants to exclude any "partially comprehensive" conception, which comprises "a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated." This is an odd locution. It is like saying that a person with a speck of dirt on his shoulder is partially buried. Rawls is brought to this incoherent position because he is attempting to capture the moral basis of disestablishment of religion in terms that make no mention of "religion." The fact that a philosopher as brilliant as Rawls couldn't do it is powerful evidence that it can't be done.

Here is the logic that makes this issue so knotty. No single-factor justification for singling out religion can suc-

ceed, since any invocation of a factor X (whether religious or secular) as a justification will logically entail substituting X for religion as a basis for special treatment, making "religion" disappear as a category of analysis. This substitution will be unsatisfactory, however, since there will be settled intuitions about establishment and accommodation that it will be unable to account for. Any X will be an imperfect substitute for religion, but a theory of religious freedom that focuses on that X will not be able to say why religion, rather than X, should be the object of solicitude.

There are two ways around this difficulty. One is to say that these are not ends the state can directly aim at, and that religion is a good proxy for them. Doing this justifies some imprecision in the law. We want to give licenses to "safe drivers," but these are not directly detectible, so we use the potentially errant but still basically useful proxy category of "those who have passed a driving test."

This routine feature of law is overlooked in Brian Leiter's claim, in his book *Why Tolerate Religion?* (reviewed in these pages by William A. Galston, May 3, 2013), that religion could legitimately be singled out for special protection only because of "features that all and only religious beliefs have, either as a matter of (conceptual or other) necessity or as a contingent matter of fact," or that would not merit such principled toleration if other beliefs have those same features. He is correct that no such features exist. He acknowledges the indispensability of legal proxies, but does not examine the impact of that concession on his thesis that singling out religion is unfair.

The other way is to say that religion is an adequate proxy for multiple goods, some of which cannot directly be aimed at, at least in the United States. Because "religion"—or, at least, that subset of it that is likely to come before American courts—captures multiple goods, any substitute that aims at any one of them will be underinclusive. None can fully capture our settled intuitions about accommodation. There are *lots* of good candidates for accommodation, in other words, and neglecting any of them is unfair. As I have argued before in these pages ("Keep it Vague," *Commonweal*, Nov. 4, 2013), religion is not just a proxy for something else; it is a proxy for *many* something elses. It is a bundle of proxies.

The fundamental objection to "religion" as a category, of course, is that it is itself underinclusive. That claim is hard to test, because the bounds of the category are so uncertain. The debate among legal scholars over religion is chronically confused by their failure to grasp a point familiar to scholars of religion—namely, that "religion" is a label for something that likely has no reality outside human imagination. (This is not a theological claim. The proposition that the Christian God exists outside human imagination, for instance, does not necessarily entail that "religion," encompassing everything connoted by that word, exists similarly.) Religion—at least, as a legal category—has no essence. If it has a determinate meaning, it is simply because there is a settled and familiar practice of applying the label of "religion" in predictable ways.

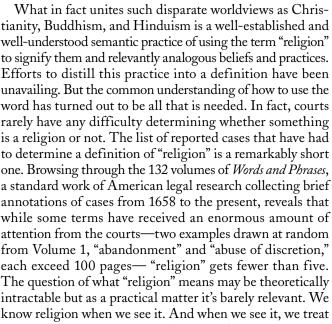
Scholars of religion disagree about whether there is any identifiable essence to "religion." Both Jonathan Z. Smith and Talal Asad claim that the term "religion" denotes an anthropological category, arising out of a particular Western practice of encountering and accounting for foreign belief systems associated with geopolitical entities the West was forced to deal with. Martin Riesebrodt, on the contrary, argues that all religions serve common functions: they promise to avert misfortune, help their followers manage crises, and bring both temporary blessings and eternal salvation. For legal purposes, it does not matter who is correct. Even if theorists could converge upon a single definition, it would not be one that American law has relied upon—nor one necessarily suited to the law's purposes.

he question of religious accommodation arises in cases where a law can allow some exceptions. Many laws, such as those determining military conscription, taxes, environmental regulations, and antidiscrimination policies, will accomplish their ends

even if there is some deviation from the norm they set forth, so long as that deviation does not become too great. In such cases, special treatment is sometimes appropriate. Religious exemption is the practice of singling out religion as a basis for such special treatment. Since there is no such thing as religion, if such accommodations are justified, the justification must ultimately depend on some good other than religion. Religion can only be a proxy.

The closest the Supreme Court has come to addressing the question of how to define religion for legal purposes is a pair of Vietnam-era draft-exemption

cases. Both involved claimants who conscientiously objected to war but would not avow belief in God. In U.S. v. Seeger (1965), the Court responded with a functional definition of religion, holding that the crucial question is "whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption." It explained that a pertinent objection "cannot be based on a 'merely personal' moral code," but gave no example of the line it was drawing. In Welsh v. U.S. (1970) the court ruled further that an individual's description of his own beliefs as nonreligious did not disqualify him from accommodation, and that such self-characterization made for "a highly unreliable guide for those charged with administering the exemption." Conscientious-objector status, it asserted, should apply to "all those whose consciences [are] spurred by deeply held moral, ethical, or religious beliefs." Since then the Court has offered no further clarification of what it means by "religion."



it as something good.

So how to assess where we are? Even if we stipulate that religion is valuable—or, more precisely, that "religion" is an irreplaceable proxy for that which is genuinely valuable—this alone does not tell us whether the American regime of special accommodation treats religion appropriately. It is possible, after all, that religion is an appropriate category of accommodation and that it is often unfairly privileged. The question in any particular case is whether the decision-maker—be it court, legislature, or administrator—is giving adequate weight to the religious interest at stake

and balancing it appropriately against whatever state policy it is coming into conflict with. It's often hard to get a clear answer to that in even a single case. Aggregating the heterogeneous universe of cases into a broad evaluation is *really* difficult.

We know we can rule out some answers, such as the notion that religious interests should always win, or that the state's interest is always so weighty that accommodation is never appropriate. But that leaves all the interesting work still to be done. Injustices and errors will always exist—some state laws exempt religious day-care centers from safety inspections! But anecdotes aren't enough to assess the general pattern. While I am not attempting to defend the current accommodation regime as a whole, I have no confidence that some widely endorsed reforms of the type discussed here would be an improvement. I suspect that from a legal and political standpoint, the best we can do is embrace the paradox of religion: protect it, because it doesn't exist.



Brian Leiter

Richard Alleva

Rotten from the Head Down

'LEVIATHAN'

eeling emotionally robust, moviegoer? You'd better be if you intend to see *Leviathan*, the acclaimed Golden Globe winner and Oscar nominee for best foreign film, written and directed by Andrey Zvyagintsev. Tightly constructed, incisively directed, handsomely photographed, and perfectly acted, this Russian drama certainly disturbs in all the ways that Zvyagintsev and his co-writer Oleg Negin wanted it to, but also achieves a degree of desolation that possibly goes beyond their original intent.

A premonition of doom arrives with the very first shots of the icy, rocky seacoast of the northern Russian fishing community of Pribrezhny. The sky displays arctic magnificence but the water looks dank and oily. Surely nothing good can happen here.

And nothing does. The hero, or antihero, is a ne'er-do-well handyman named Kolya (played by Aleksey Serebryakov, who deftly tempers ferocity and self-pity with a befuddled sweetness). Kolya, who lives with his second wife Lilya and a son from his first marriage, Roma, is resisting efforts by the local government to take over his seaside property for a profitable development project. These efforts are spearheaded by the town's corrupt mayor, Vadim (played by Roman Madianov, who looks a bit like Boris Yeltsin and manages to be both menacing and pathetic). Kolya officially charges the mayor with not giving sufficient notice and appropriate recompense, but he is mainly upset about being pushed around by officialdom and dislodged from his home. He calls in help from Dmitri, an old army buddy now practicing law in Moscow. An initial court ruling, read by the judge with a machine-like precision and speed that conjures up a nightmare of judicial indifference, goes against Kolya, but Dmitri counsels patience. He says



Aleksei Serebryakov as Nikolai in Leviathan

he has contacts back in Moscow who have some useful dirt on Vadim. When Dmitri finally presents this dirt behind closed doors, the mayor appears to be cornered. So Kolya can win after all?

Curb all optimism. We soon see the craggily handsome Dmitri lying on his hotel bed, and then Kolya's wife walking in from the bathroom nearly naked. The adulterers mean no harm to Kolya's legal battle, but their affair makes many things go awry for him. Friendships are fractured, beatings administered; there is a suicide and, toward the end, the same judge is reading, in the same machine-like voice, a judgment immeasurably more devastating to Kolya than the previous one. By the end, every hope for justice has been annihilated. The fix was always in, as we should have known from the start, but at least the talents of the director and his actors never let the bleak plot seem mechanical.

The evils depicted here aren't altogether systemic: they arise partly from individual moral failings. And if it's individuals who are at fault, then, at least theoretically, there's hope that they

can learn, improve, and grow strong enough to fight the system. But what gives me pause is that all Leviathan's characters seem to be sunk in either self-justifying choler or a sort of hopeless, lachrymose emotional swamp from which no one can escape, or even dream of escaping. It's depressing enough to think you can't beat the system, but much worse to believe you can't beat whatever's gone wrong in your head or heart. Behold Kolya and Dmitri pressing their foreheads together in drunken selfpity while they reminisce about happier days as Lilya looks on in disgust. Or consider the face-off between Kolya and Mayor Vadim outside the former's house, with both antagonists so drunk they can't keep upright, much less brawl. Laugh if you can at one of the lighter, vet still quite bitter moments in the film when Lilya enters the home of her friend Angela, and Angela's little son shoots his toy gun at her. Lilya: "Why do you want to kill me?" Boy: "Because you're pretty." Angela: "That's men for you. First you're pretty. Then they want to kill you." Saddest of all, the scene at dawn late in the film when Lilva (exquisitely played by Elena Liadova) disentangles herself from her sleeping husband's embrace and realizes that, for a multitude of reasons, she can't accept his forgiveness of her adultery. These scenes (and several others) gave me the impression that none of these people had any more chance of escaping their miseries than a puppy would have of swimming its way out of a giant vat of molasses. All these characters and their woes seem to have their Russian literary antecedents: old man Karamazov with his dangerous, spiteful buffoonery; the realization of Anna Karenina that her husband is, emotionally and morally, a flunky; the feuding drunken landowners of Gogol. Everything ends in a key of self-abasement that is oddly self-congratulatory: no one can suffer like us Russians!

To be fair, there are moments in *Le*viathan that clearly indicate that the filmmakers intended it to be a political indictment of a corrupt tyranny that could and should be curbed. In Mayor Vadim's office hangs a picture of Putin, and the town's fishermen and cannery workers don't need to be told that a fish. rots from the head down. Furthermore, the film is just as blunt in its indictment of the Orthodox Church for cozying up to the mayor. On a bureau of the local bishop's office is a bust of Jesus, but on either side of it are images of czars. Church and state are being indicted together because they are together in corruption. (To his credit, the Metropolitan of Murmansk and Monchegorsk, the diocese where *Leviathan* was shot, has reportedly praised the film's honesty.) And yet 30 percent of the movie's budget came from the Russian Ministry of Culture. And while some profanity was removed from the version that showed in Russia, apparently it was not otherwise censored. Amazing!

Or perhaps not so amazing. Late in the movie, Kolya bitterly asks a priest, "Where is your God?" and the cleric proceeds to cite Job as someone who vainly argued with God and could regain contentment and prosperity only by ceasing to question the Lord. The priest plainly intends this as reprimand and instruction, but whom has Kolya questioned or argued with throughout the movie? Not God, but the local representatives of the state. So what is the Leviathan of the title? Is it Thomas Hobbes's Leviathan, the state? Or is it the whale in the book of Job, whose might Jehovah invokes in order to measure by comparison his own much greater might?

If you lay a hand on him, you will remember the struggle and never do it again! Any hope of subduing him is false; the mere sight of him is overpowering. No one is fierce enough to rouse him. Who then is able to stand against me? Who has a claim against me that I must pay? Everything under heaven belongs to me. (Job 41:8–11)

In the context of the movie, are God and the state one and the same—a force not to be questioned as it goes about its proper business of subduing and disciplining a population too wild, too drunken, too self-pitying, to discipline itself? Zvyagintsev couches this possible equivalence as an irony, but Vladimir Putin, no dab hand at irony, might get a kick out of this movie. In a way, it justifies his grim regime and its sinister methods. In what may be the most paradigmatic political scene in Russian literature, the poor little clerk Evgeny in Pushkin's "The Bronze Horseman," shakes his fist at the statue of Peter the Great, whose royal fiats have indirectly ruined the clerk's life. Then the statue seems to come to life, threatening to crush the little man under the horse's hoofs, and the ineffectual Evgeny slinks away to die. Why bother with any protest, even the shaking of one's fist? This is Mother Russia. The fix is always in.

Erratum: In a fit of absentmindedness I wrote the following phrase in my review of *Mr. Turner* (March 20): "[Turner] sincerely expresses an abiding love for his father...then later...denies he has any living parent." What I should have written was "...any living child." Good son, bad father: that's one of the many contradictions director Mike Leigh imputes to the protagonist of his splendid movie.



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Rand Richards Cooper

Unexceptional

American Reckoning The Vietnam War and Our National Identity

Christian G. Appy Viking Press, \$28.95, 382 pp.

udy Giuliani went on an Obama-bashing tear in February. Speaking in Manhattan to an audience of business executives meeting with Republican presidential hopeful Scott Walker, the former New York mayor charged bluntly that "I do not believe that the president loves America... He wasn't brought up the way you were brought up and I was brought up, through love of this country." Giuliani went on to assert that "with all our flaws we're the most exceptional country in the world," and described himself as "looking for a presidential candidate who can express that."

A key phrase in this attack—"the most exceptional country in the world"—reveals it as no mere loose-cannon salvo. but an ad hominem thrust aimed at a particular American nerve. What Giuliani is accusing the president of lacking is not patriotism but one particular form of patriotism: the one based on American exceptionalism, the notion that the United States is the greatest nation in history. I've never understood the respectability of exceptionalism as a philosophical position. Isn't there something blatantly indefensible, even silly, about claiming to be the greatest country ever? Anyone who travels abroad inescapably recognizes that every country possesses certain virtues and lacks others—just as people do. Why should it, why should we, be otherwise?

The historian Christian Appy agrees, and has written a book that takes dead aim at American exceptionalism. Appy

is a historian of the Vietnam War—his 2003 book, *Patriots*, was a mammoth oral history of the war—and his new work explores the shock delivered to our system when we, the world's mightiest nation, were vanquished by an impoverished country of farmers. *American Reckoning* traces the political and psychological legacy of that defeat; its title suggests both a belated tally and a moment of judgment, even comeuppance.

Appy's view is that American exceptionalism is an obnoxious and dangerous delusion, and his broadside against it recounts a litany of Vietnam atrocities, beginning on page 2 with military truck drivers playing "gook hockey," competing to run over the most children. To Appy our war policy was itself an atrocity, from napalm and chemical defoliants to mass forced relocations, carpet bombing, free-fire zones, and body counts. All this plus the massacres at My Lai triggered "a profound national identity crisis," he argues, and "shattered the central tenet of American national identity—the broad faith that the United States is a unique force for good in he world." But the faith would be pieced back together. In the aftermath of Vietnam, the political right undertook "a restoration project," writes Appy, "to rebuild everything they thought the war had destroyed—American power, pride, prestige, and patriotism."

American Reckoning ranges broadly across political, military, and cultural history, discussing popular songs and novels, TV, even Broadway shows, at one point even asserting that South Pacific—the musical—"prepared the soil for deeper U.S. involvement in Asia by romanticizing the capacity of Americans to reach out peacefully and effectively to grateful Asians." Appy unearths little-remembered events, like

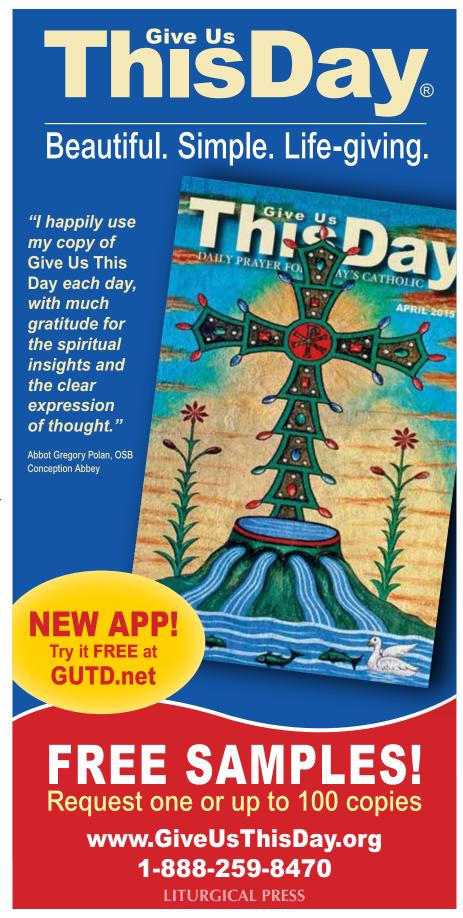


A Viet Cong prisoner awaiting interrogation at the A-109 Special Forces Detachment in Thuong Duc, Vietnam, January 23, 1967

the 1966 protest by a group known as The Napalm Ladies, or Bloody Friday of May 8, 1970, in which construction workers attacked protesters in Manhattan, two days after the shootings at Kent State. He evokes the toxic invective surrounding such emblematic figures as Dr. Spock, the liberal child-raising guru, or Jane Fonda, whose visit to North Vietnam was broadly viewed as treasonous. In the 1968 police crackdown on protesters in Chicago—he notes that a majority of Americans sided with the police—he sees the beginnings of a polarization that divides this nation right up to today. Are we a sainted nation or a sinning one? "By 1970," Appy writes, "debates about the war had deepened into debates about the very meaning of America."

The book's second half moves from recounting the war to assessing the subsequent struggle over its meaning. A chapter called "Victim Nation" outlines the "willful amnesia" that rewrote Vietnam as "a story of American victimhood." Begun by presidents Ford and Carter, the drive to rebuild American innocence reached its apotheosis with Ronald Reagan and his invocation of "morning again in America." As Appy penetratingly observes, the Vietnam War Memorial—erected in 1982—cast the war as a crucible of American suffering; "the focus," he writes, "was on healing, not history." The problem with healing as a prism for viewing war is that it leads us to honor veterans without debating—or even understanding—the wars we send them into. "[T]he commemoration of vets," Appy asserts regarding Vietnam, "impeded a critical reexamination of the war."

his book's insight is that for nations as for individuals, painful failures can foster introspection, wisdom, and course correction—or denial and willed ignorance. American Reckoning portrays a nation made ignorant by Vietnam. To our victim nation, hostility to the United States, attacks on U.S. personnel or interests, never makes sense, but rather presents "an inexplicable eruption of unprovoked



hatred out of nowhere." Appy believes we have become incapable of linking anti-Americanism in the world to any narrative other than that of unprovoked evil. He notes that the 1979 ordeal of the hostages in Iran and their instant elevation to heroic status upon their release revealed "a powerful need to identify heroes who might serve as symbols of a reconstituted national pride and patriotism."

Failing to grasp the true lessons of Vietnam, by the 1980s we embraced a number of dubious ones: that our military would have prevailed if allowed to fight without constraint; that the shame of Vietnam was "not the war itself, but America's failure to embrace its military veterans;" and that recapturing American greatness meant unabashedly exercising our military might once more. So while Vietnam had been fought to bolster America's reputation abroad—to show the world we were not a "pitiful, helpless giant," as Nixon fretted—now aggression was necessary to reinvigorate its confidence at home. "It's a proud day for America," enthused George H. W. Bush after the 1991 invasion of Iraq, "and, by God, we've kicked the Vietnam syndrome once and for all!" Reagan and Bush brought us the obscenity of war as therapy. If American foreign policy is shaped, as Appy cheekily asserts, by "aggressive masculinity," then Grenada and Iraq 1 were our Viagra.

American Reckoning loses focus in some places, at times becoming a general chronology of U.S. foreign policy down the decades, and elsewhere serving up random social, economic, and racial issues from a grabbag of progressive indictments. But this is by design a rambling kind of book, and it effectively addresses a host of Vietnam-era topics: the power of the domino theory and the relentless refrain of "Who lost China?"; the arrogance, recklessness, and cynicism of the "best and the brightest" who guided our war policy; LBJ's agonies of doubt; the ugly race politics of Nixon's Southern Strategy and his appeal to white working-class Democrats. Appy has a way with pithy one-liners—commenting, for instance, that in the exhortations of our Cold-War leaders "the Communist threat to freedom always got more public attention than the Communist threat to profits," or that our military's pledges to "win the hearts and minds" of the Vietnamese made it sound as if the troops we were sending "were a well-armed Peace Corps."

ppy is a genial presence on the page, but this is a polemical **L** book, and intermittently simmers with outrage—as when it summons Jimmy Carter's response to a reporter who asked, in 1977, whether we had a moral obligation to help rebuild postwar Vietnam. "Well, the destruction was mutual," Carter responded; "I don't feel that we ought to apologize or to castigate ourselves or to assume the status of culpability." Appy is incredulous. "The destruction was mutual"? A small, poor country was pounded with 5 million tons of bombs, while a large, rich country remained physically unscathed; the country of 35 million had some 3 million people killed in the war—a majority of them civilians while the nation of 200 million people lost about 58,000 of its military troops." Here and elsewhere he gives full voice to the guilty conscience he believes our leaders suppressed.

American Reckoning shows an American exceptionalism damaged by Vietnam but not destroyed. The restoration project boosted by Reagan was completed by the attacks of September 11; today, 80 percent of us believe that the United States is "the greatest country in the world," a faith that persists despite the tortures and desecrations in Iraq and Afghanistan. Appy recounts these offenses in lurid detail, then quotes a host of American leaders, ranging from Obama to Hillary Clinton to Defense Secretary Leon Panetta, all declaring, as if reading from the same script, that "This is not who we are."

But it is who we are, Appy insists. Many readers will argue for less dire readings of American motives and morals, both in Vietnam and today, but Appy leaves no room for them; at best, in his view, we were—and remain—haplessly self-deluded. Significantly, his epigraph quotes a character from the 1974 Vietnam novel, *Dog Soldiers*, by the late Robert Stone: "We didn't know who we were till we got here. We thought we were something else." His view of our nation today is grim, a "mass surveillance state" whose "permanent war machine" deploys drones that wantonly kill children abroad while its citizens embrace a patriotism based on military hero worship.

If there is any hope, he locates it in a different love of country—a critical and dissenting patriotism sparked by Vietnam, then smothered by the jingoistic restoration. It is the patriotism of left-leaning '60s journalists like I.F. Stone; of Senator William Fulbright, who excoriated his own government for colluding with "corrupt and reactionary military oligarchies;" of Cindy Sheehan, the Iraq vet mom who protested outside George Bush's Texas home; and of historians such as Chalmers Johnson and Andrew Bacevich, disaffected former believers who argue that heavy-handed projections of U.S. power abroad have estranged us from our best traditions. American Reckoning has a prescription for national psychic health: "to reject—fully and finally—the stubborn insistence that our nation has been a unique and unrivaled force for good in the world."

Achieving the kind of patriotism this book espouses won't be easy; much false history will have to be rewritten, and that stubborn insistence on our own unquestioned virtue rooted out. Appy quotes from a plaintive 1972 essay, "The Defeat of America," by the historian Henry Steele Commager. "Why do we find it so hard to accept this elementary lesson of history," Commager asked: "that some wars are so deeply immoral that they must be lost, that the war in Vietnam is one of these wars, and that those who resist it are the truest patriots?"

Rand Richards Cooper is one of Commonweal's film critics.

Lawrence Douglas

What Counts as Murder?

Hitler's First Victims The Quest for Justice

Timothy W. Ryback Knopf, \$26.98, 288 pp.

our young Jewish men, between the ages of twenty-one and thirty-four, are seized by members of the SS, sent to a Nazi concentration camp, and soon thereafter murdered. This hardly sounds like the stuff of a promising original historical study. After all, millions of Jews throughout Nazi-occupied Europe faced an identical fate. Indeed, at first glance we might be struck not by the fact of the murders but by the fact that the four survived as long as they did while in captivity. Jews deported to the three pure extermination facilities constructed by the SS in 1942 were usually dead within three hours of their arrival. These four, by contrast, survived three weeks of camp life before meeting their deaths.

What makes these murders the worthy subject of Timothy Ryback's arresting new book, *Hitler's First Victims: The*

Quest for Justice, is their timing. The destruction of Europe's Iews was concentrated between early 1942 and late 1944. These men were murdered in mid-April 1933, that is, less than three months after the elderly Reich president Paul von Hindenburg reluctantly named Adolf Hitler chancellor on January 30, 1933. No sooner had Hitler taken office than the Nazis opened their first concentration camp near the lovely town of Dachau, on the outskirts of Munich. Designed to keep political enemies of the regime in preventive detention, Dachau, almost from the day it opened its barbed-wired gates became a place of abuse, torture, and killing. The four Jews shot on April 12, 1933, (three died on the spot, while the fourth succumbed to his wounds several days later) thus represented some of the very first persons to be sent to Dachau and to die there.

As Ryback shows, the shootings occurred at a time when the killing of Jews arguably still counted as murder. Later, as the Holocaust unfolded, this would cease to be the case. In the later years of the Reich, SS courts came to recognize three forms of acceptable or lawful killing: euthanasia, "lawful" executions at concentration camps (that is, as punishment for any variety of acts, from attempted escape to an inability to work; the point was not to pass judgment on the reason for the execution but simply to require that a reason existed), and the officially decreed extermination of Jews. None of these acts constituted crimes under SS law. SS law continued, however, to hold the murdering of Jews without prior order as a punishable offense. Herding Jews into gas chambers or shooting Jews in mass graves was acceptable and approved conduct, shoot-



Josef Hartinger

ing Jews for sport was not. But even here, SS courts treated the unauthorized killing of Jews not as murder or even manslaughter but as acts of disobedience or lack of discipline.

Postwar German courts obviously rejected this doctrine, and instead reasoned that those who ordered, organized, and participated in the Holocaust had violated the German law against murder in place during the Nazi era. But in holding that even Hitler could have been tried under the operative law of the Third Reich, postwar German jurists overlooked the inconvenient fact that the Führer's orders had enjoyed the status of law. To claim that Hitler had violated Reich law was, then, incoherent. This holding might have been a necessary legal fiction to enable postwar trials, but it obscures the power of criminal states to pervert the content of law.

Ryback returns us to a time when things were still very different. The spring of 1933 was a moment of dramatic political transition as the Nazis moved quickly and decisively to reshape the German political landscape. Yet this was also a time when an enfeebled Hindenburg could still call Hitler to account for his party's vulgar racial politics and when news of the killings at Dachau could still elicit a strong response from the likes of Josef Hartinger, a young

deputy prosecutor in Munich. Conservative in his politics and devout in his Roman Catholic faith, Hartinger was a bright and hard-working civil servant, unyielding in his dedication to the rule of law. Hartinger aggressively investigated the untoward happenings at Dachau at a time when it was rapidly becoming professionally costly but not yet explicitly dangerous to do so; a dogged prosecutor like Hartinger could still face down the commandant of a concentration camp and demand access to a crime scene.

That Hartinger ultimately failed in his effort to bring the SS men at Dachau to justice is less than surprising. Perhaps more unusual is the fact that he managed to indict several camp staff, albeit for killings that occurred some weeks after the murder of the four Jews. Alas, these indictments were quashed as Hartinger's superior, Karl Wintersberger, a chief prosecutor who a decade before had intrepidly and successfully tried Nazi thugs, now lost his nerve, giving Heinrich Himmler, the head of the SS, and Hitler the opportunity to intervene to protect their henchmen.

The story is fascinating in its own right, and Ryback tells it well, helpfully illuminating the escalating tensions between Bavarian jurists and statesmen and freshly installed Nazi politicos. But Ryback goes too far in his insistence that the four murdered Jewish men be counted as the Holocaust's first victims. From the beginning, virulent anti-Semitism was a keystone of Nazi politics, as was a commitment to violence and terror as a means of destroying political opposition. All the same, if we compare the Nazis' notoriously anti-Semitic Nuremberg law of 1935 to Jim Crow laws then in place in the American South, we may be struck by the similarities. It was not until years later, after the Wehrmacht's invasion of the Soviet Union, that Nazi policy regarding the Jews began to assume the shape of an all-out campaign of extermination. The murders in Dachau might have offered a glimpse of what was to come, but just a glimpse. More persuasive is Ryback's claim that it all might have been very different if more Germans had behaved like Hartinger, who, after all, survived the Reich even if he never realized his dream of becoming chief prosecutor. Even if we cannot say for sure that the catastrophe was preventable, we can certainly agree that the failure to act with determination and courage made it all the more inevitable.

Lawrence Douglas's most recent book, The Right Wrong Man: John Demjanjuk and the "Last Great Nazi War Crimes Trial" will be published this fall by Princeton. He teaches at Amherst College.

Susan K. Wood

Converging Paths

No Turning Back The Future of Ecumenism

Margaret O'Gara Edited by Michael Vertin Liturgical Press, \$29.95, 253 pp.

passionately committed ecumenist, the theologian and teacher Margaret O'Gara was taken from us prematurely by cancer in 2012. O'Gara was an active participant in official dialogues among the Roman Catholic Church and Anglicans, Evangelicals, Lutherans, Mennonites, and others, both in North America and abroad, over several decades, and her ecumenical credentials run long and deep. Her husband, Michael Vertin, collects here a number of her essays as a sequel to her 1998 book, The Ecumenical Gift Exchange. O'Gara herself chose the title, No Turning Back, to express the irreversible commitment to church unity of those who follow Jesus today.

O'Gara came to her vocation naturally and early. Her father, James O'Gara, ran the Chicago Catholic Worker House and worked at *Commonweal*, as managing editor and then editor, for more than

three decades. Her mother, Joan Smith, helped direct the Chicago Inter-Student Catholic Action movement. O'Gara reports that she determined to become a theologian at age twelve and wrote her first ecumenical essay while in high school. Her study and later her teaching at St. Michael's College at the University of Toronto, with its ethnic and religious diversities, provided a seedbed for her ecumenical formation. There she mediated the different theological and cultural sensibilities presented by students from Africa, Asia, South America, Europe, and North America.

Part I of *No Turning Back* introduces the ecumenical perspective to a general audience. Written in vivid first person, the book's short and direct vignettes, punctuated with insightful observations, explore and express the spirituality of ecumenism; in identifying a strength of her tradition for the Mennonites, for instance, O'Gara names "the tendency of sacramentally based solidarity to encourage and confirm an ecclesial commitment to justice and peace for the entire world." These essays present the virtues of prayer, friendship, and hospitality that form the bedrock



Margaret O'Gara

of ecumenism. The final essay shows how an ecumenist is personally transformed by rereading a common history, by analyzing teachings, by exchanging ecumenical gifts, and by learning to collaborate. This transformation, in which we collaborate for the sake of evangelization, allows us "to announce the Gospel," O'Gara writes, "to a world that longs to hear this good news."

Part II contains longer and more technical essays, many of which reflect O'Gara's expertise—dating to her doctoral dissertation on the minority bishops at Vatican I—in issues of papal primacy, infallibility, ordained ministry, and teaching authority. She points out that Vatican I spent a lot of energy on the subject of papal infallibility, leaving the topic of papal primacy relatively unexamined—and thus a promising area for development through ecumenical dialogue.

In 1896 Leo XIII declared Anglican orders null, largely on the suspicion that the Anglican ordinals of 1550 and 1552 and the *Book of Common Prayer* of 1549 and 1552 were designed to exclude the sacrificial dimensions of the Eucharist and the priesthood. O'Gara suggests that the time may be ripe for a reexamination of the validity of Anglican orders. A reevaluation of Apostolicae Curae, liturgical changes in Anglican ordinals and developments in Anglican liturgical theology, an expanded Catholic theology of ordained ministry in the teaching of Vatican II, and ecumenical agreements on ordained ministry—all of these developments offer a new context for reassessing the 1896 judgment.

Following the example of a solution in the Donatist controversy, O'Gara emphasizes the intention "to do what the church does" in assessing both ministry and apostolicity. She argues that advances in the theology of apostolic succession include an awareness of its primary manifestation in the church as a whole, as "an expression of 'permanence' and 'continuity of Christ's own mission in which the church participates' (*The Porvoo Common Statement*)." Episcopal succession is a sign, but not guarantee, of this apostolicity. Conversely, the *Niagara Report*, issued by the joint Anglican-

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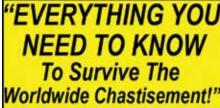
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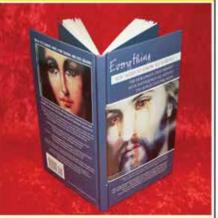
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Lutheran Consultation in 1987, asserts that "a material rupture in the succession of presiding ministers does not by itself guarantee a loss of continuity of apostolic faith."

O'Gara points to the appointment of Lutheran bishops to historic sees at the time of the Reformation as evidence of their "intention to continue the life and ministry of the One, Holy, Catholic, and Apostolic Church." She notes that where previously the reconciliation of church communions followed the recognition of ministries, today within an ecclesiology of communion "the reverse is the order of preference," with the result that an assessment has to incorporate not only the intention of the ordained minister, but also that of the community.

Ecumenical work that still lies ahead includes the rethinking of the exercise of papal authority and the reconceptualization of teaching authority itself. O'Gara suggests a way forward in the recognition that the denials of one church may not contradict the affirmations of another. Thus, for example, "When Lutherans deny that the primacy of the bishop of Rome is divinely mandated, they do not deny that papal primacy could be conditionally necessary today for the effective proclamation of the Gospel in the contemporary world."

Although the church may not turn back in its commitment to ecumenism, O'Gara reminds us, echoing Pope John Paul II, that "no pilgrim knows in advance all the steps along the path." Nor will that path be easy for pilgrims bent on the spiritual transformation that flows from collaboration: "they spend their time and talents on lengthy studies of positions they only gradually come to understand," O'Gara writes with sympathy; "they endure the embarrassment and frustration that flow from the sins of their own church communion and from those of their dialogue partner's church communion as well; and frequently their efforts are feared or suspected by members of their own church." ■

Susan K. Wood, SCL, is professor of theology at Marquette University.

Ioshua Dill

The Great Escape

A Backpack, a Bear, and Eight Crates of Vodka

Lev Golinkin Doubleday, \$25.95, 320 pp.

ev Golinkin's new memoir, A Backpack, a Bear, and Eight Crates of Vodka, tells the story of his Russian Jewish family's emigration from Soviet Ukraine to the United States in the waning days of the Cold War. A gripping account of a family's flight from tyranny, Golinkin's memoir also delves into the experience of everyday life under totalitarianism, the effects of official and cultural anti-Semitism, and the difficulties of growing up as a refugee with a past that you would rather forget.

At a historical distance of twenty-five years, discussions of the Soviet Union can devolve into kitschy humor. "In Soviet Russia, television watch you," and all that. In his memoir, Golinkin often adopts this snappy, sardonic tone. Soviet parades were, he says, the world's

gold standard. "Macy's has balloons. We had intercontinental ballistic missiles rolling through Red Square." Even the book's design—the cover is, naturally, red and black, featuring blocky letters and a hammer-and-sickle—and its catchy title participate in this. But the backpack, (teddy) bear, and crates of vodka of the title are items that Golinkin's family was able to bring along when they fled the Soviet Union, the vodka serving to bribe all the venal Communist functionaries they had to deal with on their way past the iron curtain. Humor, though, is sometimes the best way to deal with an impossible situation—that must have been the philosophy of Lev's father when he wrote a formal letter informing bureaucrats back in the Soviet Union that he didn't mind their keeping the royalties to his patents (his life's work, stripped of him when he emigrated) as long as they shoved them you-know-where.

The humorous tone doesn't prevent the author from engaging with topics of deadly importance. The book's message is, simply put, extremely harsh in



Lev Golinkin

its anti-Communist verdict. Golinkin describes the regime's "cultural castration" of its people as follows: "They killed the priests, they killed the rabbis, they killed the teachers, they killed the judges, they killed anyone and everyone who was a source of knowledge and inspiration.... They killed with diligence, they killed with pride, they killed and they killed until there wasn't a man left who could recite so much as a damned nursery rhyme.... The souls of the people left bare and trembling, the Communists' goal had been accomplished." It is amazing to read the account of a child's experience of totalitarianism: "I don't remember learning to be afraid of them, the police...or that certain words like 'synagogue' are not to be uttered except in the apartment, but I know it, as surely as I know a hot stove will burn my hand." Even after moving to the United States, the Golinkin family continues to be terrified of the police for some time. It is a stark reminder of what life in the Soviet Union was like.

entral to the book is the experience of anti-Semitism, both official and cultural. As an ethnic Jew in Kharkov (current-day Ukraine), Lev is beaten up by schoolmates and menaced by strangers. One of the most important experiences of his life comes when his childhood friend Oleg begins to examine him in a mirror and tells him, "You are a zhid. I know you are. You have the ass of a zhid, the face of a zhid...we learned how to look for them in school." Suddenly Golinkin perceives his physical features as those of a despised Jew. "I hated myself and I wanted others to hate me," he abruptly states at the end of the chapter. This episode has long-lasting effects: if we are to take what he says at face value, he avoided looking in mirrors for over a decade because he so loathed what he identified as his Semitic features. That is stunning on a purely psychological level and seems to demand some extra analysis of why Lev personally experienced this level of self-hatred for so many years.

Occasional flashbacks and flash-

forwards hint at the fact that the book recounts an adult's reckoning with his past, but its primarily chronological structure means it reads like a story, and that the thematic centrality of anti-Semitism is sometimes obscured. It is disconcerting, for example, when Lev, whom we have known for two-hundred pages as a funny and engaging storyteller, is suddenly confiding to someone "that I hated myself...that I had been afraid for as long as I could remember." By the end, it becomes clear that the major drama of the book is Golinkin's attempt to reconnect with a past that he'd previously attempted to discard completely. "Ten years of rigorously excising the shreds of my childhood had left me raw and exposed," he says, but for us his entire childhood has just been accounted for in a fairly coherent way: episodic, but by no means shredded.

Religion, on paper a decisive factor in the Golinkins' flight, plays an ambiguous role in their story. Like many Soviet Jews, the family had only a tenuous connection to Judaism as a religion, with Lev's father going to personal risk to procure matzah for Passover but having only a hazy idea of the meaning or even the date of the holiday. While the Soviet Union's suppression of Jewish identity is presented as an act of cultural terrorism, Golinkin reports that he and his father were less than enthusiastic about adopting their ancestral religion after arriving in America. He even quips that he went to a Jesuit university to further distance himself from his Jewish heritage. It is curious, however, to see a prayer by Oscar Romero reproduced in full near the end of the book, paired with a final episode in which Lev sets out to find a woman in Austria who had, years before, given him a jacket a moving diptych that helps close out this story.

Golinkin's straightforward and vivid narration of his emotional crises and turning points makes for an interesting contrast with the cerebral and meditative analysis of Maxim Shrayer's memoir *Waiting for America* (2007). Shrayer's family, like the Golinkins, were Jewish émigrés from the Soviet Union who



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emigrated with help from HIAS, the Hebrew International Aid Society. "Documentary homebrew is aged, purified, and given an artistic vintage by the writer's conscious use of language, style, and narrative structure," Shrayer says in his preface, a sentence that gives a feel for the book as a whole—self-conscious in its stylistic and structural approach, and aspiring to take its place next to the memoirs of other Russian émigrés who coaxed the memory to speak. Certainly, the fact that Shrayer was older when he emigrated meant that the experience took a much different place in the course of his life. He probes his memories for their meanings to a greater extent, while simultaneously recognizing their limitations ("the sentimental often becomes ludicrous in retrospect, so let me stop right there," he remarks at one point). In Shrayer's account, the child's terror felt by Golinkin is replaced by an adult's feelings of alienation and displacement. "[I] was now a Soviet provincial on the streets and squares of courtly Vienna.... Imagine how I feltas though I'd just been born. I remember slowly traversing Stephansplatz.... The year was 1987. The Berlin Wall hadn't come down yet. I had a few schillings in my pocket and several shots left in my old Russian camera." Nevertheless, for Shrayer as for Golinkin, emigration marks a major emotional and psychological turning point. His summer in Austria and Italy, he says, "paved the way for the detachment of the Russian 'I' from the American 'me."

Golinkin's memoir paints his past with the primary colors of childhood, adolescence, and young adulthood. Through moments of humor and horror, funny anecdotes, and sardonic asides, Golinkin invites us to witness the events and meet the figures of his past as he comes to terms as an adult with the relationship between his own past "I" and present "me."

Joshua Dill is a Pannonius Fellow with the Common Sense Society in Budapest, Hungary, and a graduate of the Georgetown University Graduate School of Foreign Service.

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Things Fall Apart Peter Quinn

he greatest failure in America is the failure to stay young. It is a failure of imagination, the inability to grasp the alternatives offered by surgery, cosmetology, and pharmacology. It is a failure of will, the indiscipline that results in flagging energies, flabby bodies, and clogged arteries.

It is a failure of financial planning, the incapacity to amass the resources needed to deploy the full panoply of anti-aging techniques and technologies. Most basic of all, it is a failure of

genetic foresight, the prenatal passivity that accepts a poisoned lineage of physical and mental infirmities, moral laxness, and hereditary balding.

For me, the nightfall of old age is particularly upsetting. I tried hard to seize and hold the day. I was born to healthy, middle-class parents in a good neighborhood. Except for college and that weekend in Las Vegas, I drank moderately. I exercised regularly and completed several marathons. I had regular checkups and took care of my teeth.

I've enjoyed a reasonably successful career, a happy marriage and a retirement undimmed by fear of living in a cardboard box and subsisting on the kindness of strangers.

Some changes were only to be expected. At thirty, I faced up to male pattern baldness. At forty, I purchased my first pair of reading glasses. At fifty, I added Metamucil to my orange juice. At sixty, I started blood-pressure

medication and did my best to eschew meat and order whatever fish was on the menu

Mariano Fortuny, Study of an Old Man

Despite hard work, sound planning, lifestyle adjustments, and unusually well-behaved Irish genes, I find myself—to paraphrase the poet Yeats—"where all the ladders" end, "in the foul rag and bone shop" of encroaching decrepitude.

One day I had hearing as good as a rabbit's. The next I suffered "sudden onset hearing loss." At cocktail parties, I can no longer distinguish conversation from background noise (not that it matters much). Going out to dinner requires several minutes of configuring the seating to compensate for my auditory deficiency. I developed epilepsy As a result, I can no longer drive, ride a

bike, swim alone or-not that I had ever had the desire-swing on a trapeze.

My knees resemble the coil springs on a rusted '56 Chevy. Two weeks ago, something snapped in my upper arm while doing my morning pushups. I can't lift my right arm above my shoulder. Last week, while jogging, I wrenched my back so badly I can't walk right. I had surgery for thyroid cancer. My medicine cabinet resembles the pickup window at the local pharmacy.

My powers of recall are showing signs of wear and tear. I open cabinets and drawers and instantly forget what I'm looking for. The ability to attach names to the faces of friends and acquain-

> tances is becoming one of life's small triumphs.

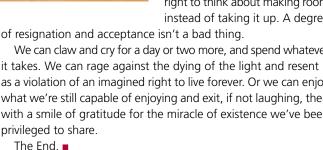
> "The wages of sin," wrote St. Paul, "is death." Either he forgot to mention or deliberately left out that so are the wages of virtue. We're all inching or hurtling toward the egress, and we Baby Boomers are elbowing our way to the head of the line. For us, keeping the Grim Reaper at bay looms as an increasingly expensive proposition.

> It's true you can't take it with you. It's also true that we members of the over-sixty-five set will suck up a disproportionate share of the country's medical resources in order to make incremental additions to life spans already longer than those enjoyed by 99 percent of our ancestors.

> The inevitability of the final curtain doesn't make it easier to accept. I'm as reluctant and

fearful as anyone else to face the end. But, sooner or later, it's all right to think about making room instead of taking it up. A degree

We can claw and cry for a day or two more, and spend whatever it takes. We can rage against the dying of the light and resent it as a violation of an imagined right to live forever. Or we can enjoy what we're still capable of enjoying and exit, if not laughing, then with a smile of gratitude for the miracle of existence we've been privileged to share.



Peter Quinn is the author of Dry Bones (Overlook).

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