

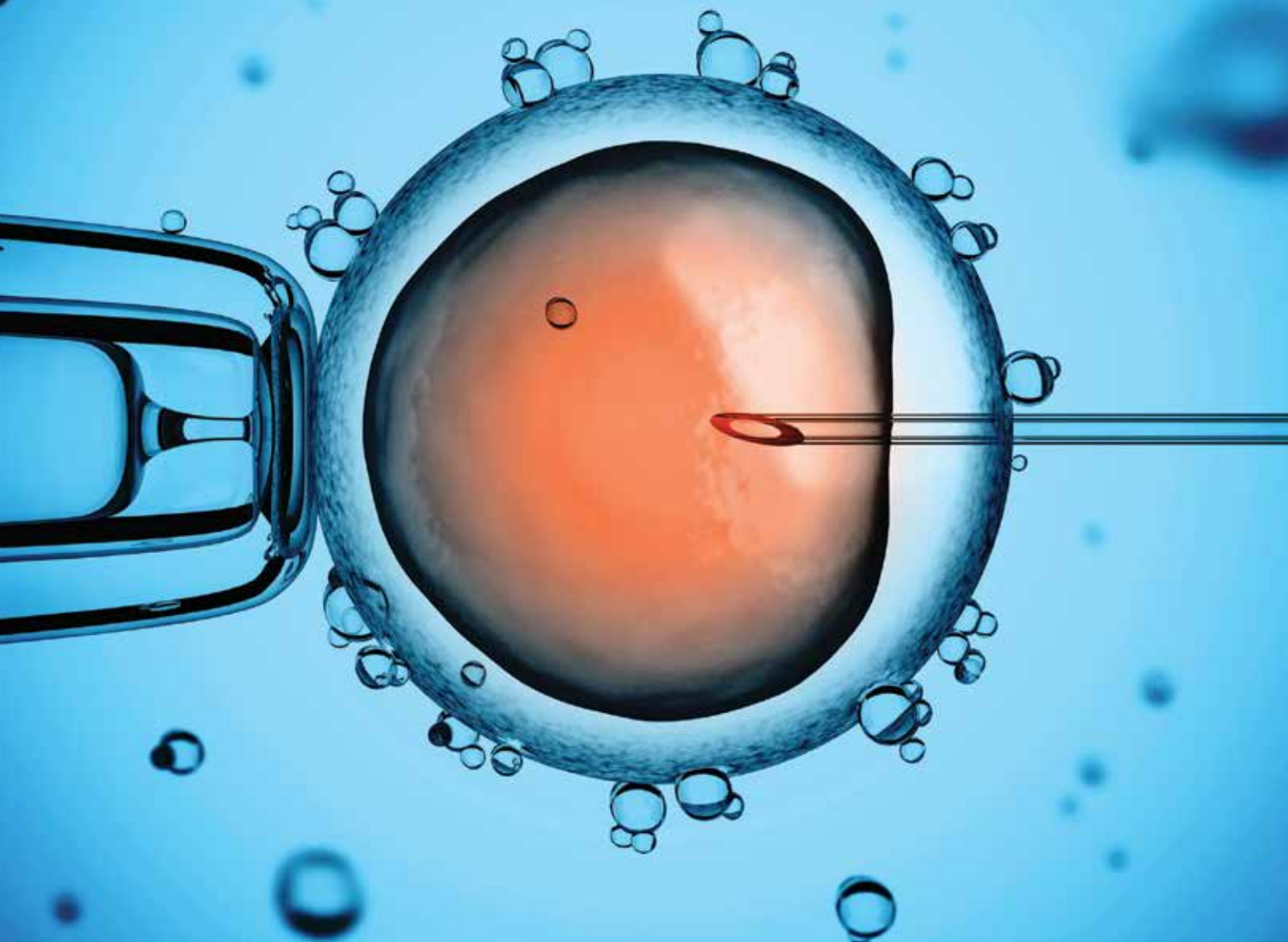
Commonweal

A Review of Religion, Politics & Culture

JANUARY 23, 2015

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**E. J. DIONNE & THE EDITORS ON
MARIO CUOMO**



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LETTERS

OF COUNCILS & POPES

Francis Oakley's article ("Authoritative & Ignored," October 24, 2014) is provocative and interesting, but some of the claims made are in need of qualification. The following can be noted:

First, Oakley claims that the *Dictionnaire de théologie catholique* "simply omitted Constance from its listing of the church's general councils." He fails to mention, however, that the *DTC* (Volume 3, Part 1, 1911) goes on to note that "many authors count twenty ecumenical councils, because they include the Council of Constance in this number." The *DTC* then states that Constance can be considered ecumenical in its final part following the election of Martin V, consisting of sessions XLII to XLV, but there is no agreement about its status prior to session XLII. So Oakley's claim that the *DTC* tries to render Constance into "oblivion" is not accurate because the *DTC* recognizes that many authors consider Constance to be a true ecumenical or general council.

Second, Oakley is correct that Martin V needed to accept Constance as a general council because he owed his election as pope to that council. Oakley fails to mention that there is no clear evidence that Martin V ever confirmed *Haec sancta synodus* (April 6, 1415) as an authentic conciliar decree. Whether all of the proceedings of Constance can be considered truly conciliar is a matter of scholarly debate. Because the decree *Haec sancta synodus* endorsed a form of conciliarism later rejected at Florence, many Catholic theologians question whether it ever received actual confirmation by Pope Martin V (1417–31). The decree also refers to the anti-pope, John XXIII, as "Lord Pope." With regard to Constance, Robert Bellarmine argued that a council is unable to define any matters of faith when the identity of the pope is uncertain, as

was the case at Constance prior to the 1417 election of Martin V (cf. *De Conciliis*, Book II, Chapter XIX). Many Catholic scholars (including Bellarmine) likewise note that Martin V confirmed only that which was decreed by Constance in a conciliar manner (*conciliariter*), thereby suggesting that not all the pronouncements of the council (such as *Haec sancta*) were truly conciliar.

Third, Oakley is correct that Bellarmine believed general councils cannot contradict each other. This, though, is why Bellarmine placed Constance under the category of general councils partially approved and partially rejected (because of the conciliarism endorsed in Constance's early sessions). Bellarmine's enumeration of the eighteen fully approved general councils matches that of the Catholic Church today, with the exceptions of Vatican I and II (which had yet to be held) and Constance (1414–18), which he regarded as partially approved and partially rejected. Bellarmine was well aware of the problems with the conciliarism present in *Haec sancta*. This is why he did not include it in his list of fully approved general councils. Later church tradition would come to regard Constance as ecumenical—at least with regard to those sessions approved by Martin V. Catholics need to accept Constance as an ecumenical council today because John XXIII, in solemnly opening Vatican II on October 11, 1962, identified Vatican II as "the twenty-first ecumenical council." Likewise, in the solemn ceremony of December 8, 1965, marking the end of Vatican II, the council fathers, in addressing the rulers of the world, referred to themselves as "We, the fathers of the twenty-first ecumenical council." If Constance was not an ecumenical council then Vatican II would be the twentieth ecumenical council (following Bellarmine's numbering). Clearly, St.

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John XXIII considered Constance to be an ecumenical council with respect to its decrees that were confirmed as conciliar. He could not, however, have considered *Haec sancta* to be a confirmed conciliar decree because it refers to the other John XXIII (the anti-pope) as "Lord Pope" (*dominus...papa*).

Finally, Oakley seems to have an antipathy toward what he calls "the current, absolutist understanding of papal monarchical power." He fails to appreciate the beautiful way Vatican II was able to achieve precisely the synthesis of episcopal collegiality and papal primacy that Cardinal Franz König and others sought. Contrary to Oakley, Constance has not been forgotten by Catholic scholars who support what Vatican I and II teach about papal primacy and infallibility. Such scholars, however, understand Constance in way other than Oakley's.

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Detroit, Mich.

The writer is professor of systematic theology at Sacred Heart Major Seminary.

THE AUTHOR REPLIES

Let me begin by thanking Robert Fastiggi for taking my little article seriously enough to write a response. I am, of course, well aware of the fact that there have been and are Catholic scholars who take a different view of Constance than do I. How could I not be? The points Fastiggi makes come straight out of the old, standard interpretation of Constance and the conciliar episode that came to full bloom in the wake of the nineteenth-century triumph of the Roman theological school over its long-standing Gallican rival. And those points I have dealt with in my *Council Over Pope?* (1969) and *The Conciliarist Tradition* (2003). For detailed commentary on them, then, I take the liberty of referring him and any interested reader to those two books.

Here, my comments on Fastiggi's four points must necessarily be brief. As follows:

First, the article in the *DTC* to which I referred is that on "Conciles," which does indeed consign to oblivion not only Con-

stance but also (and oddly) Pavia-Siena and Basel, both councils convoked by popes viewed as legitimate by everyone. The article in *DTC* to which Fastiggi refers is a different one, titled "Constance (*Condie de*)," which takes a different view. This is far from the only instance in which articles dealing with such issues in the same, modern Catholic encyclopedia contradict one another. Such contradictory articles are also to be found in the (old) *Catholic Encyclopedia*, the *New Catholic Encyclopedia*, and the second edition of the *Lexikon für Theologie und Kirche*. The disarray on these neuralgic issues in those publications is really quite striking.

In Fastiggi's second point, two issues are intermingled. First, the matter of papal approbation. But why the big fuss? Formal papal approbation was no more called for in relation to the great councils of the ancient church than was papal convocation. In any case, had *Haec sancta* been invalid, so, too, would have been the actions Constance had taken in its name to end the schism, and Martin V himself, therefore, would not have been a true pope. He was well aware of that fact and was in no position to do anything but accept the validity of that crucial decree even if he did not issue any formal approbation. Second, John XXIII as "anti-pope." But who says so? The fathers at Constance certainly did not view him as such. Nor did Martin V, who, after becoming pope, referred to him simply as "my predecessor" or "pope," while being careful to refer to John's rival Roman and Avignonese claimants as "popes so-called in their obediences." Moreover, the lists published in the *Annuario Pontificio* are the closest thing we have to an "official" listing of popes, and from 1913 to '46 the *Annuario* designated John XXIII as a legitimate pope. But, of course, that could have been taken to suggest that all the decrees of Constance, including *Haec sancta*, were legitimate. Clearly it was time to do some rewriting of history. In 1947, then, in his new listing of popes (now the standard one), Mercati, while giving no reason for so doing, simply labeled John XXIII as "anti-pope." Problem solved!

The truly important issue pertaining to the status of Constance as a council is not

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Mario Cuomo, Politician

Former New York governor Mario Cuomo, who died January 1 at the age of eighty-two, was a reader and supporter of, and occasional contributor to, this magazine. Cuomo's unwavering support for abortion rights set him at odds with *Commonweal's* opposition to the *Roe* decision and the magazine's advocacy of restrictions on access to the procedure, but his willingness to engage his critics and explain in some detail why he thought prohibition was not a realistic or prudent option set him apart from most prochoice Catholic politicians. So did his command of the church's social teaching and tradition of moral reasoning, especially on the complex relationship between morality and the law. "I can offer you no final truths, complete and unchallengeable," he said in his controversial speech on abortion at the University of Notre Dame in 1984. "But it's possible this effort will provoke others—both in support and contradiction of my position—that will help all of us understand our differences and perhaps even discover some basic agreement."

Such agreement may seem even further from our grasp today than it did thirty years ago, but that never stopped Mario Cuomo from making the effort. His example should compel us to do the same.

The son of Italian immigrants, Cuomo was an ardent and eloquent advocate for activist government in the liberal tradition of Franklin Roosevelt's New Deal. As a three-term governor of New York, he often found his initiatives hamstrung by recession, Republican opposition, and the need to balance the state's budget. During a period of rising crime, he bravely opposed the death penalty, vetoing any bill authorizing executions. At the same time, as he ruefully noted, his legacy included building more prisons than any governor in the state's history. "You campaign in poetry. You govern in prose," he famously remarked, and so he did. His achievements as governor were relatively modest. But the mark he left on the nation's broader political debates, and especially the forthright way in which he defended the communitarian values he learned growing up as a poor kid in New York City, gave inspiration and hope to the millions of Americans who looked on with alarm at the Reagan Revolution and its progeny.

Cuomo made a name for himself nationally with a spell-binding speech at the Democratic Convention in 1984. In it he directly challenged President Ronald Reagan's tax-cutting and military-spending policies. Contrasting Reagan's "Social Darwinism" with the Democratic Party's historical

concern for the poor and the needy, Cuomo offered a forceful rebuttal to Reagan's insistence that government was the problem rather than an indispensable part of the solution to the nation's ills. "We believe in only the government we need," Cuomo explained, "but we insist on all the government we need."

Reagan's landslide reelection seemed an emphatic rejection of the sort of liberalism Cuomo stood for. The rise of identity politics had shattered the New Deal coalition and ushered in an era of middle-class economic stagnation and increasing inequality. Neither party has a strategy for restoring either confidence in government or a measure of economic fairness and security for the average American. Cuomo twice flirted with running for president, but each time pulled back at the last moment. For this he was widely ridiculed as "Hamlet on the Hudson," but perhaps he had a better feel for what was politically possible than either his supporters or his critics. He had gotten into politics mediating cases that pitted government infrastructure and low-income housing initiatives against the interests of skeptical working- and middle-class New Yorkers. As his relative success in that role demonstrated, he had a good feel for where compromise was possible and where it was not. Perhaps he intuited that his brand of liberalism was no longer tenable nationally.

Many argue that Cuomo's political instincts, as well as his Catholic education, failed him when it came to abortion. His Notre Dame speech has been severely criticized for providing intellectual cover for Catholic politicians who claim they are personally opposed to abortion, but will not impose their views on others. The speech, though flawed, was more serious and nuanced than that. Cuomo was wrong to insist that the morality of abortion was a question of religious belief or dogma and hence could not be debated using the public moral reasoning available to believers and nonbelievers alike. He made a much stronger case for the moral legitimacy of his prudential judgment as a politician. Prohibiting access to abortion would not work, he argued. It would also undermine respect for law more generally, further polarize the American people, and make the task of reaching consensus on other political issues even more difficult. One does not have to agree with Cuomo's judgment on that score—*Commonweal* did not—to recognize the seriousness with which he took the church's teachings and the sincerity of his desire to discover some more basic agreement with those with whom he disagreed. *Requiescat in pace.* ■

PROTESTERS & THE NYPD

Kaitlin Campbell

When I marched in New York on December 13 in the Millions March, the NYPD impressed me. The officers demonstrated the values listed on the sides of their cars: courtesy, professionalism and respect. Even as certain protesters provoked them (“You guys are getting paid overtime for this, is that why you’re smiling? Keep smiling, that’s blood money”) as songs about “racist police” and chants about “killer cops” echoed between buildings on Fifth Avenue and along the six-mile march route through Manhattan, NYPD officers stood silent behind barricades they set up for us, or walked alongside the march on the sidewalk, observing. A helicopter hovered above us the whole day; its presence became unthreatening, a steady reminder we were all watched.

From my brief experiences with Occupy protests, this was a striking difference. I was prepared for orange nets, mounted cops on rearing horses, or paddy wagons disguised as ambulances. Instead, officers blocked off traffic, and explained to confused tourists and impatient businessmen that they’d need to wait until we passed. They allowed the movement to move.

There was anger, but I never saw it escalated by the police or by the main body of protesters. Whenever someone would start antagonizing police directly, they’d be promptly asked by fellow marchers to “not do that”—“that’s not what we’re about.” Apologies always came and were always accepted.

During the day, I saw parents with their children, elderly protesters carrying “Decriminalize the Police” signs alongside young protesters with megaphones yelling “How do you spell racist? NYPD. How do you spell murderer? NYPD.” I saw signs listing the names of unarmed black men killed by police. There were echoes of Ferguson’s “Hands up. Don’t shoot!” chant, and “I Can’t Breathe” yelled eleven times—the number of times Eric Garner told police officers he couldn’t breathe before passing out and dying. There were people of all different faiths. I was marching with the “Catholic bloc,” made up of NYC Catholic Workers and their friends. Before the march we met for discussion and a brief prayer service. With us were the mothers of black sons, and the father of a policeman. All feared for their children’s lives. But the black mothers had more to say. “Black Lives Matter to me isn’t a slogan on a t-shirt. Frankly, it makes me angry we even need to yell it. And I’m going to yell it because I’m angry. I’ve had enough.”

In addition to anger, there was real hope that day. Voices so often silenced were given the space to be heard. Someone yelled something through a megaphone about being on the right side of history; I believe everyone there, including the cops assigned to facilitate those thirty thousand New Yorkers’ right to free speech, was on the right side of history.

After the march officially concluded at One Police Plaza, a group began heading toward the Brooklyn Bridge, where NYPD vehicles already waited, eventually allowing protesters to continue to march across. I wasn’t sure whether to continue. Waiting behind a traffic barrier and a gaggle of NYPD officers, I considered the price of getting arrested. My thoughts were interrupted by a police officer. “You either have to join them or go home,” he said, gesturing toward the river of people moving across the bridge. “But you can’t stand on this highway divider.” I joined them, and thanked him.

We kept walking for another five hours, winding through the streets of Brooklyn, still with the protection of the NYPD, until we reached the Pink House projects where Akai Gurley was killed. There we observed a moment of silence.

Many of those who marched through Brooklyn as the cold night got colder were in a daze. It seemed we were marching because we couldn’t stop, and for many this was more than physically true. When we were halting all traffic on thoroughfares in downtown Brooklyn, including buses and garbage trucks, people honked and cheered and filmed us, pumping fists in support. Through residential neighborhoods we chanted, “Out of your homes, into the streets.” People came out of their buildings and cheered us, or brought cookies and water. A white

father took his young daughter by the hand and walked alongside us. We cheered, and continued chanting, “What do we want? Justice! When do we want it? Now! If we don’t get it: Shut it down!”

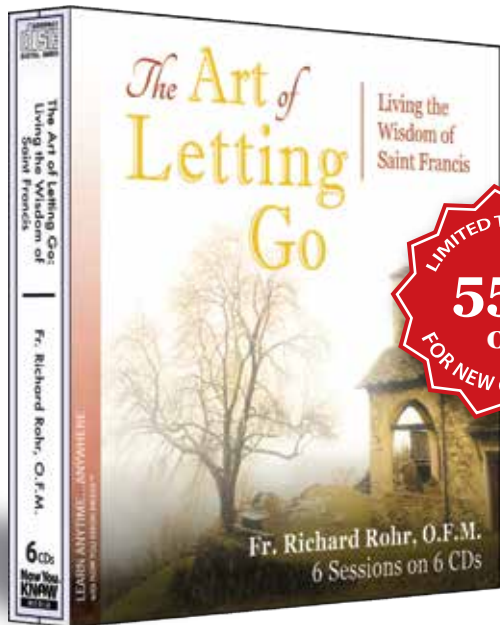
I eventually had to stop when I’d passed the last subway stop on the last line that would get me home in under two hours. Spotting a fellow marcher across from me on the train, I felt a silent solidarity. We nodded at each other, and then both fell asleep.

The clarity of purpose and the sense of unity that carried marchers through the streets that day seems swallowed by smear campaigns, political distortion, and messages from counter-demonstrators, whose numbers paled in comparison but who seemed to get more media coverage.

These issues won’t be solved by bills, or body cameras. We can address them now by talking in a way that doesn’t polarize. “I can’t breathe” signs versus “I can breathe” signs, the mayor versus the police, even black versus white—all these divisions are what the protests aim to overcome. That is why I support the protesters for continuing in spite of the recent killing of two NYPD officers. I condemn cop killers and killer cops. If anything, the recent atrocities are more of a reason to continue the nonviolent peaceful movement. There’s nothing to disguise.

A version of this article first appeared on dotCommonweal on December 26, 2014.





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E. J. Dionne Jr.

The Conscience of Mario Cuomo

HIS GREATEST MORAL ASSET WAS HIS HUMILITY

There will never be another politician like Mario Cuomo, a man shaped by a different age. Yet he taught lessons about racial reconciliation, the role of religion in politics, the purposes of politics itself and—oddly for a politician—humility that will always be fresh.

Cuomo, who died New Year's Day, was brilliant and engaging but also irascible and terribly sensitive. He was tough and calculating but also, in a curious way, innocent. He was an Italian-American Catholic politician from the old neighborhood who refused to sand off all his rough edges. He sought to join his affection for the parochial with an aspiration to the universal.

To be friendly with him could be more challenging than being his enemy. One of my favorite Cuomo moments came during his difficult and ultimately unsuccessful 1994 effort to win a fourth term as governor of New York. Cuomo's steadfast opposition to the death penalty was hurting him in his campaign against Republican George Pataki, so he suggested a referendum on the issue—as long as voters could support life without parole as an alternative.

Many said his proposal was politically motivated. I wrote a column arguing that while the election was surely on his mind, his approach was useful because many voters would be willing to abolish capital punishment as long as they knew that killers would be put away permanently.

The morning the column ran, I heard from a gruff and agitated Cuomo. "What do you mean I did it for political reasons?" he barked into the phone. Well, I said, it was hard to believe that the politics were irrelevant, and then asked: "But Governor, has anyone else

written positively about this idea of yours?" To which he replied, "Of course not, that's why I called you." It was Cuomo's novel way of saying thanks.

I confess that I identified with Cuomo from the time I first began covering him during his unsuccessful campaign for mayor of New York City in 1977. I liked that he was an unabashed liberal Catholic proud of his neighborhood roots. I also admired his determination to broker peace in a series of disputes

but, unlike a comparably powerful keynoter twenty years later, he disappointed them.

In another 1984 speech at Notre Dame, he defended Catholic politicians who opposed making abortion illegal, arguing that "to assure our freedom, we must allow others the same freedom, even if it occasionally produced conduct by them which we would hold to be sinful."

He did not convince the bishops, but one thing he said might yet help us out of the cul-de-sac of abortion politics: He proposed reducing the incidence of abortion by providing "funds and opportunity for young women to bring their child to term" and by setting out to "teach our young men...their responsibilities in creating and caring for human life."

I regret that we never got to see a dialogue between Cuomo and Pope Francis, ticket sales to which could have raised a mighty endowment for the Catholic Church's worthy charitable work. And you wonder how the pope would react to Cuomo's reference in the keynote to an adage that St. Francis of Assisi was the "world's most sincere Democrat."

Since one of Cuomo's major legacies as governor was massive prison construction and since he drew when necessary on the strategies of another shrewd Italian thinker named Machiavelli, he never pretended to be St. Francis. But his sense of his own limitations may have been his greatest moral asset, even if it impeded his reach for the ultimate prize in American politics.

"I do desperately want to believe in something better than I am," he once said. "If all there is is me in this society, then I've wasted an awful lot of time, because I'm not worth it." But his time on earth was worth it, and I'll miss him. ■



Gov. Mario Cuomo at Cornell University in 1987

where compromise seemed impossible between the city's white ethnic working class and African Americans.

He wasn't even sure about the justice of the deals he arranged but he was certain that groups struggling to rise up should not be at each other's throats. His personal formula spoke simultaneously to the political calling's grandeur and its limits. "The purpose of government," he liked to say, "is to make love real in a sinful world."

His moving defense of liberalism in his keynote speech at the 1984 Democratic National Convention made millions yearn for him to run for president

Fran Quigley

The Limits of Philanthropy

TIME TO END THE CHARITABLE TAX DEDUCTION

When I worked for our local legal services program here in Indiana, we often represented clients who had profound disabilities or severe illnesses but were unable to obtain the medicine and care they had been prescribed. Our state government provides very limited access to Medicaid, so these clients' applications were routinely rejected. Once, when one of my colleagues helped a client file an appeal of such a decision, he groaned when the case was assigned to a judge who was known for his outspoken contempt for "welfare." After listening to a full hour of evidence about the woman's chronic pain and her struggles to afford medication and therapy, the judge promptly denied her request for Medicaid coverage. The woman left the courtroom in tears. Her lawyer started packing up his files. The judge lingered for a moment, and broke from his stoic demeanor. "It really is too bad what she is going through," he said to my colleague. "Isn't there some kind of program out there to help people like her?" The judge meant a charity program, and the answer was no. The woman was in need of years of assistance with expensive health care, not to mention housing and food. Every free-clinic director or shelter staffer I have ever known would be the first to insist that his or her efforts are no substitute for a reliable social-safety net or a job with a living wage. But that judge is just one of many people who assume that there must be a "program out there," a charity that will come to the rescue of whoever needs rescuing.

It turns out this is a peculiarly American illusion. Most other rich countries devote far more government funding to programs that meet social needs; they do not expect charity to replace state assistance. The United States spends only about 20 percent of its gross domestic product on government assistance with essentials like health care, food, and housing, while Germany, for example, spends 25 percent. Even the United Kingdom, after decades of Thatcherism under both the Tory Party and "New Labour," spends almost 24 percent. Over the past seventy years—beginning with the Universal Declaration of Human Rights, followed by the adoption of the International Covenant on Social, Economic, and Cultural Rights—much of the world has embraced the idea that basic life necessities are a human right. Today, many countries officially recognize the rights to food, housing, and health care in their constitutions. But Americans largely shun what we call not rights, but "entitlements"; and the United States has refused to ratify the social and economic rights covenant.

It is not that Americans are hardhearted. We give more in private donations than the citizens of other rich nations. On

average, Americans donate nearly 2 percent of our overall income to nonprofit organizations, and more than 80 percent of all U.S. households report making such donations. As a result, nonprofits are a big part of our culture and our economy. Not only do we count on them to meet many social needs that in other countries are provided by the state; nonprofit organizations employ one in every ten members of the U.S. workforce.

Nor is this a new thing. In the early nineteenth century, Alexis de Tocqueville wrote admiringly about the eagerness of Americans to form voluntary organizations. In the years since, our country has developed a loose network of thousands of individual charities funded by tax-deductible donations. We Americans get to vote with our wallets on what kind of support we want to offer the poor, an arrangement that suits our individualism as well our suspicion of bureaucracy. Applause for charity and volunteerism is a staple of U.S. political rhetoric across the ideological spectrum. President George H. W. Bush had his "Thousand Points of Light"; Barack Obama promotes "United We Serve." In 1981, Ronald Reagan explicitly justified a cut in government social spending by appealing to Americans' preference for voluntary charity: "The truth is that we've let government take away many things we once considered were really ours to do voluntarily out of the goodness of our hearts and a sense of community pride. I believe many of you want to do those things again."



Volunteers of America Soup Kitchen in Washington, D.C., 1936

GALILEO

Prone before the archbishop, he averted his face from the severe brocade and chasuble stained with incense and filth, his hands pressed to the cold marble.

I like to think he lay there absently musing on the first time he focused his cardboard scope, and saw ears on Saturn: he and his planet, both recklessly deaf to the distant growl of anathema.

—Rob Sulewski

Rob Sulewski is a playwright who teaches writing at the University of Michigan. His recent work has appeared in the Bear River Review and Blue Unicorn.

great wealth exists alongside grinding poverty. Charity may not be very effective at alleviating long-term poverty, but it is quite good at relieving our sense of guilt about it.

America's reliance on charitable organizations to make up for an inadequate safety net is reinforced by the tax code. Since 1917, U.S. law has allowed individuals, corporations, and estates to deduct as much as half their annual taxable income in an amount equal to charitable gifts made to qualified nonprofit organizations. Every dollar in charitable contributions reduces the tax obligation of the richest Americans by nearly 40 cents. The 501(c)(3) organizations that are eligible to receive tax-deductible gifts include charitable, religious, educational, and sports groups,

among others. No other developed nation offers such a generous tax deduction for charitable giving.

One obvious effect of this policy is a loss of revenue. For 2014, the U.S. Treasury estimates the cost of charitable tax deductions will be \$51.6 billion, an amount more than three times the annual federal budget for the Temporary Assistance to Needy Families (TANF). The deduction effectively transfers resources from public programs to charities. By doing so, it also transfers decision-making power from democratically elected governments to individual donors. Obviously, those who can afford to give the most have the most control over how charitable organizations spend their money. This results in what has sometimes been referred to as a "plutocratic bias" in the nonprofit sector. This bias is exacerbated by two characteristics of the charitable tax deduction. First, the majority of low- and middle-income Americans file their taxes without itemizing deductions, which means they get no tax benefit for their charitable donations. Second, even the minority of nonwealthy donors who do claim charitable tax deductions benefit less than wealthy donors because their tax rate is lower. Not surprisingly, three-quarters of the money U.S. taxpayers save through charitable deductions goes to people with incomes over \$500,000, even though the charitable donations of this income group amount to just a little more than half of all charitable gifts. By contrast, U.S. taxpayers with incomes under \$50,000 gave 20 percent of all charitable donations but received only 5 percent of the tax savings.

The nonprofit sector is not just profoundly undemocratic; a lot of it is not even intended to help those most in need. Donations to college football teams, opera companies, and rare-bird sanctuaries are eligible for the same tax deduction as a donation to a homeless shelter. Historically, high-income donors have demonstrated a preference for donating to higher

The private generosity of Americans, impressive though it is, does not meet the needs of America's poor. Despite our overall wealth, we have higher poverty rates than most other developed countries, and millions of Americans lack access to health care and safe, affordable housing. Even when charitable organizations aim their resources directly at these challenges, they tend to be more effective at responding to emergencies than at solving structural economic problems. When, content with charity, we do not heed the call to justice—a call that echoes from Old Testament prophets to St. Augustine to modern-day popes—soup kitchens and short-term homeless shelters proliferate, while long-term nutritional assistance and housing support are scarce.

In her 1998 book *Sweet Charity?*, the sociologist Janet Poppendieck examined the new food pantries and soup kitchens that sprang up in the 1990s as federal anti-poverty programs were being scaled back. While praising the many dedicated providers she encountered in her research, Poppendieck pointed out that recipients of charity often feel demeaned, even in settings where volunteers and donors try to minimize the unavoidable hierarchy of benevolence. As any mother forced to line up for help from the community food pantry can tell you, it truly is better to give than to receive.

Poppendieck also points out a more serious problem with our preference for charity over public welfare programs. "The growth of kindness and the decline in justice are intimately interrelated," Poppendieck writes. "This massive charitable endeavor serves to relieve pressure for more fundamental solutions." Poppendieck extends the metaphor to argue that broad participation in—and awareness of—charitable efforts act as a "moral safety valve." Participating in a walk-a-thon for the homeless or donating a box of macaroni and cheese to a food drive may keep us from confronting the underlying injustice of a society where

education, health research, and the arts. Overall, most of the money donated by Americans goes to local churches and other religious organizations, and only about 5 percent of that money is spent on social services. Many Americans don't know the difference between tithing and almsgiving, and neither does the IRS.

Despite the impressive amount of money Americans donate every year, only a little of this "charity" has the effect of transferring resources from the rich to the poor. Indeed, some tax-deductible donations, such as gifts to foundations that support wealthy school districts, actually increase inequality. This is especially discouraging when one considers that the tax deduction for a donation to an institution that serves the wealthy is money that could have been spent on proven government-assistance programs like food stamps, unemployment compensation, and housing assistance. Despite being chronically underfunded, such programs are more efficient than charity programs designed to help the same groups of people. Together, these government programs are credited with lifting more than 40 million people out of poverty each year. Needless to say, they could do much more if they had some or all of the money the government currently loses through tax deductions for charitable donations. And much more needs to be done.

When President Obama proposed a cap on charitable deductions in 2012, others took the opportunity to push further. Citing the unequal benefits the deduction provides to wealthy donors, Cato Institute senior fellow Daniel Mitchell argued in the *Wall Street Journal* that high-income Americans can afford to forego the deduction, and are often already rewarded for their generosity with premium seats at the symphony or named university buildings. Making a similar argument, the *Economist* quoted William Gladstone, who in 1863 told the House of Commons that the working class should not have to pay higher taxes so that the wealthy could receive a deduction for a gift that had already brought them "credit and notoriety."

Getting rid of the charitable tax deduction would mean billions of dollars in increased revenue each year. It would also help dispel the illusion that discretionary charity from the excess accumulated by our nation's wealthiest citizens constitutes an effective and adequate response to hunger, homelessness, and illness. It is time to shut off the moral safety valve.

During the brief 2012 debate over Obama's proposal to cap charitable deductions—a debate Obama lost—a lobbyist for the nonprofit sector defended the deduction in another *Wall Street Journal* op-ed. As an illustration of the deduction's utility, she cited the Congressional extension of allowable deductions for donations made in response to Haiti's devastating earthquake of January 2010. That law did encourage private donations; in the end, nearly half of all U.S. households donated to Haitian relief efforts. But those efforts on the part of nongovernmental organizations were disastrously implemented. The characteristic flaws

of NGO responses to large-scale national emergencies—a lack of coordination among hundreds of separate groups, the elevation of donor interests and nonprofit visibility over the needs of those to be served—are still on full display in Port-au-Prince today.

I don't mean to suggest that the nonprofit sector isn't valuable. Acts of personal generosity can and should supplement a broad system that guarantees each individual her right to the essentials of life. Small-scale charitable programs can provide valuable examples of innovation, developing methods that may later improve the comprehensive public systems that address social needs. Volunteer work can provide important firsthand exposure to the sufferings of the poor. The people who stock food pantry shelves are likely to be the same people who campaign for federally funded anti-hunger programs. Bill Gates's experience as a philanthropist eventually turned him into a champion of government-funded health programs and tax equity.

In any case, getting rid of the charitable tax deduction would not doom the U.S. nonprofit sector. Historically, the number and size of donations appear to be tied more to increases in pretax wealth than to the tax code. Many middle-class donors wouldn't be affected at all, since they don't itemize their donations. And while some surveys quote rich donors who say they would donate less money if the tax deduction was decreased or eliminated, the same surveys and other research suggest that this may not be true. It turns out that the same intrinsic rewards that motivate Americans to volunteer, such as the desire to give back to the community and to set an example for others, are also what inspire large donations. Along with the prospect of public recognition, these incentives have a far greater impact on giving than tax policies do. One of this country's most generous philanthropists, Warren Buffett, has said that tax implications are mostly irrelevant to the charity decisions of the very wealthy.

Still, it would be naïve to pretend that eliminating the deduction would have no impact on the nonprofit sector, including some charities associated with the Catholic faith. But as long as it meant more money for public programs that help the poor, it would be worth the tradeoff. After all, charitable organizations don't exist for their own sake; they exist to provide a service. If it can be provided more effectively and comprehensively by government agencies, then it should be. To say otherwise is to be either sentimental about nonprofits or irrationally disdainful of government. It may be time for charity to take a step back, so that justice can take a step forward. ■

Fran Quigley is clinical professor and director of the Health and Human Rights Clinic at Indiana University McKinney School of Law. His book *If We Can Win Here: The New Front Lines of the Labor Movement* will be published by Cornell University Press in April.

The Future of Baby-Making

Don't Take the Sex Out of Reproduction

Gilbert Meilaender

It was forty years ago, in his *Ethics of Genetic Control*, that Joseph Fletcher articulated clearly what the future of baby-making was going to be. Reproductive technologies can now do far more than was possible when Fletcher wrote, but not more than he could imagine. “Love-making and baby-making have been divorced,” he wrote. “Sex is free from the contingencies and complications of reproduction, and sexual practice can now proceed on its own merits as an independent value in life.”

Fletcher emphasized the importance of both choice and control in human reproduction, though it was never quite clear which of them was the more basic in his thinking. Asserting that human reproduction was now centered in will and choice rather than in our genitalia, he nevertheless was quite ready to require the “genetically unfortunate” to be sterilized, and able without hesitation to assert that those who knowingly give birth to a “defective” child are “as guilty of wrongdoing as those who culpably contribute to a wrongful death.”

We are now fast approaching a point at which a half-century’s technological development may make Fletcher’s imaginings sober reality. In a recent article in the *New York Review of Books* (September 25, 2014), Carl Djerassi suggests that in less than another half-century we can expect to see an increasing “divorce of coitus from reproduction.” As it becomes easier to freeze not only embryos but also a woman’s eggs, he predicts in vitro fertilization (IVF) will no longer be used only by women with impaired fertility. Instead, it will become a desirable reproductive method even for women who experience no fertility problems. As if on cue, the *New York Times* reported in October that some companies—in particular, tech companies such as Facebook and Apple—have recently begun to offer a new “health benefit,” covering a considerable portion of the expense of freezing eggs for women who work for the company. Djerassi also notes that women may even wish to be sterilized once their eggs have been retrieved—the better to enjoy sex without fear of an inconvenient pregnancy. There

are at least two reasons, he thinks, why this scenario is by no means farfetched.

In part, the opportunity to retrieve and freeze a relatively large number of eggs at an early age may offer a kind of insurance against future health or reproductive problems. Doing so would not commit a woman to using IVF in the future; she might still decide to conceive children the old-fashioned way. But it would provide options for the future, enabling women to use their cache of stored eggs for reproductive purposes at a later age, whenever they feel the time is right. To be sure, embryo retrieval requiring hormonally induced superovulation carries some medical risks and possible complications during pregnancy that should not be underestimated. Djerassi’s expectation that IVF will be used with increasing frequency by women with no fertility problems rests on the reasonable assumption that the procedures will continue to be improved and the risks lessened. It is hard to bet against medical advance. Djerassi also notes a point that has become rather standard in defense of new reproductive technologies—namely, that “normal coital reproduction at an advanced age carries its own risks.” Evidently these are simply two ways, each with its pros and cons, of producing a desired result.

A second reason for Djerassi’s prediction of increased IVF use even by women who have experienced no fertility problems is essentially eugenic. By this I do not mean the kind of state-sponsored, coercive measures that gave eugenics such a bad name in the mid-twentieth century. Rather, private individuals pursuing their own aims may wish to avoid having children with a variety of defects or to have children of a particular sex or with certain desirable characteristics. Screening for any or all of these purposes prior to implanting an embryo could become routine, or so Djerassi speculates. “For many fertile women who plan on having no more than one or two children, and are prepared to pay for such information, this would be a major incentive to pursue the IVF route to conception rather than ordinary coitus.” Fletcher would have understood. “Producing our children by ‘sexual roulette’ without preconceptive and uterine control, simply taking ‘pot luck’ from random sexual combinations, is,” he wrote, “irresponsible.” Choice replaces chance and control replaces mystery—at least for those with

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the financial resources to seize the opportunity offered by reproductive technology.

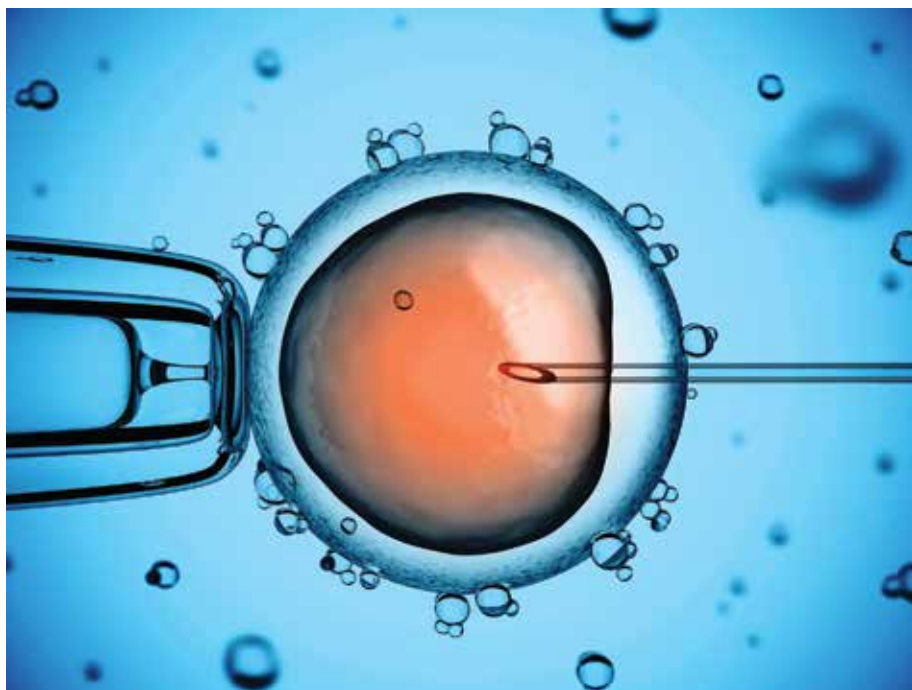
There will be some, as there have always been, who will pooh-pooh any prediction that our future might be one in which coitus and reproduction are separated in the minds and lives of many people. At least in my experience a common response to predictions like Djerassi's has been a slightly worldly laugh and the observation that most people are surely likely to prefer the route of sexual intercourse. But that response assumes, of course, that baby-making via IVF (using frozen eggs or embryos) is still somehow connected to the experience of coitus. That response has not yet made the mental separation Djerassi foresees, imagining a world very different from the one to which we are accustomed.

In the future world he anticipates, these are simply two different things: sex for the fun of it, children if and when we choose and of the sort we choose.

A better and more thoughtful response would ask two questions about such a future world: Would it be good for children? And would it be good for sex?

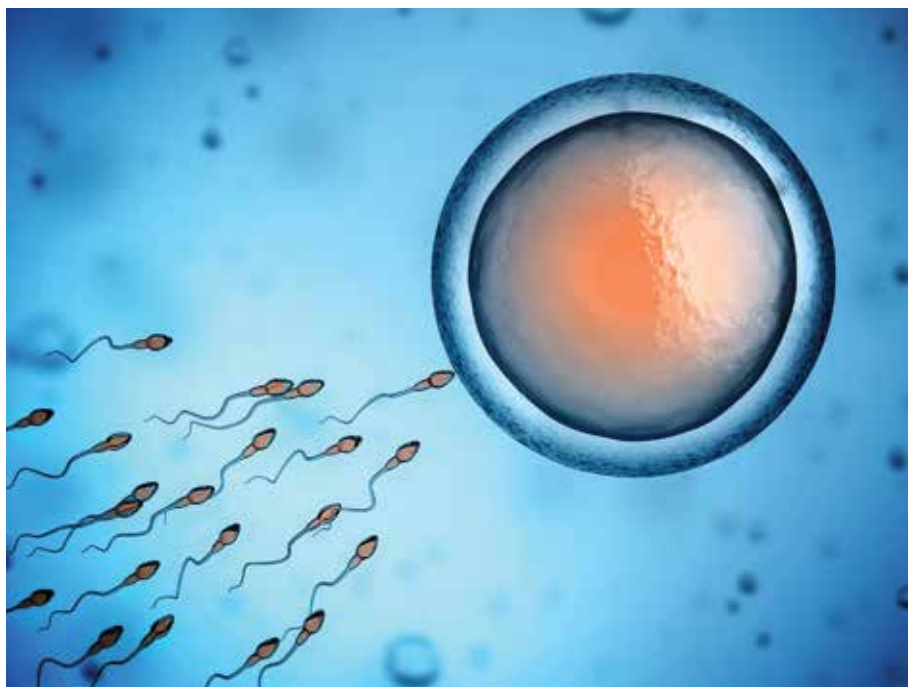
Think first about children. Why should it matter how we produce them if, once we have them, we love them? In fact, might we not love all the more those whom we have taken pains to produce, those who are not simply the result of a passionate act that was probably not focused on the well-being of a possible future child? Perhaps so. At the very least, we need not deny that parents who use technology to produce their children—and even produce them to meet certain specifications—will love them. But that does not mean there is no cause for concern here.

One of the oldest distinctions in moral thought is between *doing* and *making*. Making occupies a great deal of our lives, as it should. We are in the world as people who have projects, people who seek to accomplish a variety of important aims and produce needed products. Yet, of course, we are not just makers or engineers; we are also doers who engage in a variety of activities whose worth is entirely independent of any product that results. Thus, we play, we worship, we admire the beautiful in sight or sound—and we make love. In such doings we are not seeking to accomplish something or produce some result. On the contrary, we exercise a certain generosity of spirit that takes us out of ourselves and testifies to goods whose worth cannot be measured in terms of goals accomplished or strategic plans carried out.



There may be countless ways to *make* a child; not all of them amount to doing the same thing. When a man and a woman give themselves to each other in the act of love, they are not undertaking a project intended to produce a child as the aimed-for result. They are not making anything, but they are doing something of great human significance. Perhaps they deeply desire a child; perhaps they hope that their love-making will have a child as its fruition. Indeed, their love-making may be structured with considerable deliberation in ways that they hope will result in conception. Still, that hoped-for child is not, in the most immediate sense, the object of their embrace. Instead, in that moment they set aside their projects in order to attend to each other and give themselves to each other in their mutual embrace. And then, if a child should happen to result, that child is simply a kind of natural blessing on their love, a gift given them when they were so beside themselves that they could not make or engineer anything. Moreover, the child who is not a product made by them is equal to them in dignity, sharing in their being imparted in love, and not one whom they have made or whose destiny they should try to determine or control.

Does this really make a difference? Or am I living in a world of pure theory? We should never suppose that ideas lack consequences, and we can reflect on some possible consequences by recalling the relation between responsibility and humility that Michael Sandel elaborated in his widely read book *The Case Against Perfection*. The more reproduction becomes separated from coitus and the more we begin to pick and choose among possible children, the greater the responsibility we shoulder for the character of the next generation. Disposed as we are to believe that



are separated, if the sexual relationship is not in any way oriented toward the next generation? Is it sufficient that sex be fun, a form of play that answers to some deep human needs and desires?

There is no answer to this question likely to meet with universal assent. It may even be—to voice the sort of possibility we are seldom even allowed to consider today—that the answer is to some extent different for women and men. In any case, true as it is that sex can be a pleasurable form of play, does thinking of it that way really do justice to the experience—to what sexual partners are seeking from each other? There are countless ways to play, and, on the whole, these are matters for will and choice, personal projects that we take up and continue for as long as they give what we are seeking. But desire is, of course, endless and not

being responsible must be a good thing, we may forget that there could be responsibilities that are more godlike than human. As conscientious parents we will, of course, seek to nurture our children on the path toward adulthood. But do we really want to think of ourselves as responsible for shaping not only their nurture but also their nature? Accepting responsibility for the eugenic shaping of our children may smack more of hubris than humility. It may be bad both for us and for them.

A humility that receives children as blessings given to us rather than products made by us may deepen our capacity to see in others, whatever their talents or capacities, a dignity equal to our own. After all, we have not made them; we have simply received them as those who mysteriously have a share in our own being. Perhaps, then, a world in which coitus and reproduction have been divorced would not be good for children.

What about sex? Would it be good for sex—that is, for the act of love between a man and a woman? This may seem a little less obvious. *Is it good for children?* That question seems like a sensible one, however we may happen to answer it. But it may not be as obvious why we should ask my second question. If, however, we rephrase the question in a slightly more traditional way, its significance—and complications—will be apparent. Why continue to think that sexual love and procreation should be held together in the relation of a man and a woman?

Suppose we separate these two in our thought and practice. Sex is one thing—fun, personally fulfilling, potentially relationship-building. Producing children is another—meaningful at least for some, personally fulfilling for many. What happens to the meaning and experience of sex if the two

easy to satisfy. What even deeply engaging forms of play do not offer is something that is more than just a personal undertaking, something that connects us to deeper—mysterious and mythic—aspects of our humanity. Oriented as it is in its very nature to the next generation, sexual love carries significance that we have not chosen or willed. And perhaps only that sort of significance can justify the kind of vulnerability sex involves, in which a man and woman give not just their bodies but themselves to each other. Perhaps—I offer it only as conjecture worth pondering—the divorce of coitus from reproduction, depriving the act of love of the kind of seriousness it traditionally carries, would not be good for sex.

We could simply stop there. But there is an obvious problem left hanging, and we need to consider it. Grant for the sake of argument that it would be bad if we were to create a world in which sex was one thing and reproduction another, with no necessary connection between them. Grant that it would be bad if, as a quite common occurrence, children were produced by noncoital means. Grant that it would be still worse if those means often or regularly had eugenic overtones.

But, then, if reproduction should not be in principle divorced from the sexual relation, should that relation be divorced from reproduction (insofar as it is within our power to do so)? Some questions never go away, and contraception seems to be one of them. If baby-making is best done in the context of love-making, as I have been suggesting, may love-making deliberately sever its connection to baby-making?

Speaking only for myself, it would be unfortunate if the argument against an autonomous, noncoital world of baby-

making should turn out also to be an argument against contraception. Unfortunate in part because in our cultural context it would surely be a losing argument. Nevertheless, arguments that lack cultural purchase are not necessarily false, and that would not in my mind be sufficient reason to give it up. Rather, it would be unfortunate because it would not capture the complexity of marriage as what Paul Ramsey (Fletcher's great opponent) called "the covenant of marriage and parenthood."

In marriage the biological and the personal are held together in a union of love. Ramsey argued that this union has its basis not simply in natural law nor, even, in a Christian doctrine of creation. Its deeper basis is the teaching of John's gospel that God's own creative work was not simply the making of a product but an act of love. Hence, "we procreate new beings like ourselves in the midst of our love for one another, and in this there is a trace of the original mystery by which God created the world because of His love." If we think in this way, we will not want a world that separates coitus and reproduction in principle, but this does not mean that we should exercise no control at all in either marriage or parenthood.

Parents are not parents unless they help shape and direct the course of their children's development. We can and must provide nurture, even if we draw back from the use of techniques aimed at determining our children's nature. Likewise, the exercise of some control over our procreative powers, so long as it does not separate sex from procreation in principle, may have a place in the covenant of marriage and parenthood. To borrow a phrase that I love, even though it failed to gain papal endorsement in *Humanae vitae*, "the whole ensemble of conjugal acts," though not necessarily each individual act, should be oriented toward procreation.

None of these judgments can be made with precision, but difficulties and uncertainties do not undermine the central truth that holding together love-making and baby-making is good both for children and for sexual love. We do not have to endorse a future world in which coitus and reproduction are routinely separated, as if deep within our humanity the first were not oriented toward the second. We cannot easily discern the direction our culture will take. Perhaps the risks and dangers of reproductive technologies will turn out to be deeply problematic. Perhaps a routine separation of love-making from baby-making will turn out to be profoundly unsatisfying. Perhaps we as a society will recoil from parental decisions made on unmistakably eugenic grounds.

And, of course, perhaps none of that will happen. Even so, it will still be true for Christians that in marital love that gives rise to children "there is a trace of the original mystery by which God created the world because of His love." Discerning the implications of that trace and exploring that mystery will not answer perfectly every issue raised for us by reproductive technologies, but it will give us a place from which to take our bearings—a place that will be good for both children and sex. ■



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‘Lawful but Awful’

The Moral Perils of Drone Warfare

Paul Lauritzen

This past summer the Stimson Center, a nonpartisan think tank devoted to global security, issued the report of its task force on U.S. drone policy. It makes for depressing reading. Among other things, the report concludes that although the American use of drones for targeted killing may be legal, the pervasive use of drones threatens the rule of law. “While the legal norms governing armed conflicts and the use of force look clear on paper,” the task force concluded, “the changing nature of modern conflicts and security threats has rendered them almost incoherent in practice. Basic categories such as ‘battlefield,’ ‘combatant,’ and ‘hostilities’ no longer have a clear or stable meaning. And when this happens, the rule of law is threatened.”

No one familiar with the history of just-war tradition or international law will be surprised to hear that the changing nature of conflict necessitates a reevaluation of the moral frameworks used for assessing the use of force. For evidence that such a reevaluation is taking place, we can turn to President Barack Obama’s address at the National Defense University (NDU) in May 2013. Responding to calls for his administration to justify its policy of targeted killing using drones, Obama explained that his administration was committed to a multi-pronged approach to counterterrorism, one that utilizes both a law-enforcement and a military model. The president said that his preference was to capture, interrogate, and prosecute suspected terrorists—but that when this was not an option, he would not hesitate to use deadly force. As commander-in-chief, he insisted, he had the authority to do so.

In defending the executive authority to initiate drone strikes, the president notably differentiated between the moral commitment to wise statecraft and the legal right of self-defense. “This new technology,” he observed, “raises profound questions—about who is targeted, and why; about civilian casualties, and the risk of creating new enemies; about the legality of such strikes under United States and

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MQ-1 Predator unmanned aerial vehicle, also known as a drone

international law; about accountability and morality.” Addressing these questions, the president noted first that America’s actions are legal. Yet, he continued, “America’s legitimate claim of self-defense cannot be the end of the discussion. To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance. For the same human progress that gives us the technology to strike half a world away also demands the discipline to constrain that power—or risk abusing it.” In developing guidelines to guard against such an abuse, international law must be adhered to, the president asserted, but there are other standards as well. America, he insisted, would act only “against terrorists who pose a continuing and imminent threat to the American people, and only when there are no other governments capable of effectively addressing the threat. And before any strike is taken, there must be near certainty that no civilians will be killed or injured.”

The distinction Obama draws between wise decisions and legal ones nicely illustrates the contrast scholars have drawn between classical and modern conceptions of the just-war

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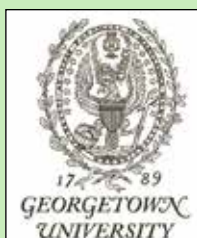
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tradition. That there is a moral component to the exercise of political power, which extends beyond the responsibility to protect the state from attack—that some actions are “lawful but awful”—is an idea embedded in classical notions of just war, but frequently missing in contemporary ones. Modern conceptions of the just-war tradition typically assess the use of force to protect innocents within the context of one state defending its citizens against unjust aggression by another state. By contrast, classical just-war tradition understood that the sovereign had the responsibility to seek peace *and* justice, period. One commitment set out in contemporary Catholic teaching on just war strongly echoes this classical tradition—namely, the emphasis on a “universal common good.” The U.S. Conference of Catholic Bishops’ 1993 statement *The Harvest of Justice Is Sown in Peace* advocates

a global order oriented to the full development of all peoples, with governments committed to the rights of citizens, and a framework of authority which enables the world community to address fundamental problems that individual governments fail to resolve. In this framework, sovereignty is in the service of people. All political authority has as its end the promotion of the common good, particularly the defense of human rights. When a government clearly fails in this task or itself becomes a central impediment to the realization of those rights, the world community has a right and a duty to act where the lives and the fundamental rights of large numbers of people are at serious risk.

It is worth noting that the Obama administration has articulated something very much like this position in defending its use of drones for targeted killing. As the president explained in his NDU address, where foreign governments cannot or will not effectively stop terrorists from planning and launching attacks against innocent civilians, the United States will consider the use of drones and targeted killing legitimate. In this, the president has classical just-war tradition on his side.

In recent decades, however, just-war tradition has come to be read in a new and legalistic way. Instead of couching the tradition in terms of wise statecraft and the promotion of peace and order, just-war practitioners came to view violence itself—rather than the absence of order—as the greatest threat to human flourishing. As a consequence, the use of force could rarely be justified, and typically only in the pursuit of self-defense, a position that is a hallmark of international law.

Yet there is good reason not to fold just-war tradition into international law. To illuminate this point, let’s examine the analysis of Laurie Blank, a scholar of international law, on the just-war category of proportionality as it applies to Israeli action in Gaza. Writing at the *Hill*, a Washington political blog, Blank notes a tendency among those assessing conflicts like Gaza to count up the civilian casualties on both sides and to declare significant asymmetries

as evidence of war crimes—which some have accused Israel of committing. Yet Blank insists that “widely different numbers of civilian casualties between two sides in a conflict says nothing about the proportionality of particular attacks on specific targets.” Proportionality is rather about deciding whether civilian casualties will be excessive *in relation to the anticipated military advantage gained*. “Conflating asymmetry and proportionality is both inaccurate and harmful to the law of war’s core purposes,” Blank writes. “They are simply wholly different concepts: one a factual game of numbers and one a comprehensive legal analysis.”

Now consider the analysis of Frances Kamm, professor of philosophy and public policy at Harvard’s Kennedy School of Government. Proportionality, Kamm correctly notes, is “about whether the harm that will be caused by military action is proportionate to the goal of the war or an individual military action.” Like Blank, Kamm insists that simply comparing numbers of dead and wounded is not sufficient to determine proportionality. Yet she notes that the proportionality standard does not itself tell us what is proportionate or disproportionate; making that judgment takes us beyond a strictly legal framework. And the fact that a military action is proportionate, she reminds us, does not make it morally permissible or wise.

As Michael Walzer has written, “proportionality is a dangerous idea.” It is a dangerous idea because an action can be lawful—that is, proportionate, discriminate, and necessary—and still be morally awful. This is why just-war theory as classically conceived is important. It does not provide an algorithm for right action, but rather guidance for leaders concerned about the wisdom of using force both generally and in concrete circumstances. It is significant that in defending his policies on counterterrorism, Obama has sought to revise important categories of international law like “sovereignty” and “imminence” by appeal to traditions of moral thought more akin to Aquinas than to the UN Charter.

What would be the implications of basing contemporary discussions of the ethics of warfare on Aquinas’s insistence that the justification for using force is not rooted in the right of self-defense, but rather in the sovereign’s responsibility to secure both peace and order? Would the discussion of Israeli action in Gaza be different, for example, if we asked not whether it is legal, but whether it is wise? And what about our country’s use of drone strikes? Under international law, the use of force across territorial boundaries is acceptable under any of three conditions: the recipient state consents to it; the UN has authorized it; or the state using it is defending itself against armed attack or an imminent threat. Although the Obama administration’s full legal justification for its use of targeted killing has not been made public, officials have provided enough detail about the policy to suggest that they have attempted to meet these conditions.

Even if targeted killing using unmanned drones is consistent with international law, we still must assess the practice morally. In terms of *jus in bello* considerations, the administration says it is committed to meeting the requirements of necessity, discrimination, and proportionality, and that drone strikes are the most discriminate and proportionate weapons available. Yet there remain reasons for concern. The problem is that drone warfare, at least as the United States has deployed it, *threatens to erode rather than support order and stability*. Yes, drones strikes can be much more precise than other weapons and can therefore reduce the destruction caused by military engagement. Yet they effectively expand the fight in time and space, and they enforce a surveillance regime that is indiscriminate and terrifying to an entire population. Focusing on the numbers killed and injured by a missile strike can incline us to overlook the suffering of those living under constant surveillance and threat.

Given that U.S. drone strikes have been shrouded in secrecy and conducted in regions of the world minimally accessible to journalists and human-rights workers, we lack a full understanding of their effects. But the few studies that include firsthand accounts suggest that drone warfare does not simply threaten terrorist networks, but profoundly disrupts the lives of noncombatants. “Living Under Drones,” a joint publication of the International Human Rights and Conflict Resolution Clinic at Stanford Law School and the Global Justice Clinic at NYU School of Law, cites former *New York Times* journalist David Rohde’s account of his time as a prisoner of the Taliban. “The drones were terrifying,” Rohde wrote. “From the ground, it is impossible to determine who or what they are tracking as they circle overhead. The buzz of a distant propeller is a constant reminder of imminent death.” Rohde called the experience of living under drones “hell on earth.” Both “Living Under Drones” and “The Civilian Impact of Drones,” a report jointly produced by the Human Rights Clinic at Columbia Law School and the Center for Civilians in Conflict, suggest that we should be more attentive to the cultural, economic, and psychological harm that may befall civilians even when the danger of physical harm is minimized.

If just-war tradition is to help us think morally about the use of force in our current situation, we may need to take a lesson from Aquinas. To be sure, Aquinas set out conditions under which war is justified; indeed, the three conditions he lists—legitimate authority, just cause, and right intention—are still part of virtually every account of just-war theory. But Aquinas is clear that above and beyond these conditions, the sovereign has a responsibility to seek peace and order—and thus, even given just cause and right intention, if using force will increase instability and chaos, prudence dictates against it. In such a circumstance, warfare is morally unwise.

We have only just begun a debate about unmanned drones and targeted killing. If just-war tradition is to be useful in this debate, we will need to remember with Aquinas that morality, law, and wisdom do not always align. ■

Rand Richards Cooper

Uncanny

'THE BABADOOK'

My pleasure in being scared silly by movies dates to age eight, when I shrieked in my seat as a murderous Alan Arkin, kitchen knife flashing, hunted Audrey Hepburn in *Wait Until Dark*. Ever since, I have taken guilty pleasure in horror movies, terror movies, thrillers, suspense, and all films whose goal is to make you feel temporarily unsafe in the world. You either crave this kind of thing or (like my wife) you detest and avoid it, finding real life already unsettling enough on its own.

As the aficionado knows, there are many, many cinematic ways to rattle people. Some movies derange you through sheer suffocating entrapment, like Neil Marshall's spelunking nightmare, *The Descent*, in which a group of women lose their way in a cave populated by ghouls. Stalker movies like *Halloween* turn you into prey; harrowing portrayals of sibling hatreds, as in *What Ever Happened to Baby Jane?*, plumb your anxiety about family; mind-bending forays into paranoia, such as Roman Polanski's *Repulsion* or *The Tenant*, excite your deep fear of losing your mind. Some scary movies blur dream and reality together, as in *The Cabinet of Dr. Caligari*, *Nightmare on Elm Street*, or the shocking close of *Carrie*. Elsewhere, nature runs amok (*The Birds*, *Jaws*), the devil runs amok (*The Omen*, *The Exorcist*), passing strangers run amok (*Deliverance*, *The Hitchhiker*). Your bland-seeming stepfather runs amok (*The Stepfather*). Fright films are a guilty pleasure because of how radically they simplify human affairs, keeping you plugged into a current of dire anticipation even as they travesty morality, luxuriate in psychological calamity, and reduce character to the rudiments of animal survival. The scary movie appeals to our central nervous system, not to our souls.

Jennifer Kent's *The Babadook*, an Australian import and surprise Oscar contender, is the glittering exception, a horror film that abjures cheap thrills and builds its terrors securely atop a base of all-too-familiar human pain. (Spoiler alert: If you haven't seen the movie, you might want to put this review aside until later.) The setup is deceptively simple. Amelia (Essie Davis), an overworked and sorrow-ridden single mom, lives in a row house in Adelaide with her seven-year-old son, Sam (Noah Wiseman). The aura of somber distress hovering over them, we learn, derives from the death of Amelia's husband, killed in a car wreck as he drove her to the delivery room on the day Sam was born. Though years have passed, the hurt remains fresh; the movie opens with Amelia revisiting the accident in a

nightmare. As for Sam, he is a dreamy and eccentric boy, given to obsessions and to sudden outbursts—he's on the spectrum, as we say nowadays—whose social isolation and problems at school only add to Amelia's burdens. A caregiver at a nursing home by day, solo caregiver after work for a very demanding child, she is taxed beyond measure, and depressed to boot.

Sam is prone to nighttime fears, and bedtime begins with Amelia conducting a ritual check of all closets and under the bed; then she reads aloud to ease her son toward sleep. One night he hands her a strange book—a vintage clothbound volume of mysterious provenance, lurid red in hue, titled *Mister Babadook*. When she asks where it came from, he shrugs. The tale inside is nightmarish—a sinister fable featur-



Noah Wiseman & Essie Davis in *The Babadook*

ing a black-coated pop-up monster who howls imprecations and demands entry into the house, screaming “LET ME IN!!!”—and Amelia quickly closes it. “It’s just a book,” she says to soothe her upset son. “It can’t hurt you.”

With that shaky bromide, writer-director Kent takes us on what first looks to be a tour of a distressed child’s imagination, a place where—we all know well—a book indeed can hurt you. Sam becomes obsessed by the idea of the Babadook, who with his black hat and bared claws looks like a cross between a chimney sweep and Freddy Krueger. Haunted by this specter, the boy fashions homemade weapons to defend himself and his mother, and his erratic acting-out at school jumps up a notch. The Babadook is real, he insists; it is trying to kill him and his mother too.

Sam’s troubles push the already daunting demands on Amelia to a critical point. Desperate for her son to sleep at night—so that she can too—she gives him Ambien. It works; but now whatever phantom has been afflicting his imagination begins to beset hers. Soon

Amelia too seems to be hearing strange knocking sounds in the night—and the sinister book, which she has torn up and thrown away, mysteriously reappears on her doorstep, pieced back together. When she goes to the police to report that someone is stalking her family, they treat her as if she is losing her mind.

Is she? Deftly Kent keeps competing scenarios in play, lodging her film in a zone where supernatural and psychological explanations overlap. Is the Babadook a genuine force of evil? Is it a figment, or expression, of the boy’s distress? Or is soft-voiced Amelia, the tired, fragile mother, losing her grip on sanity? Who or what is knocking on the walls in the dead of night? And who put those bits of glass in her soup? Kent pulls a shrewd reversal, midway through the movie, which both redirects and magnifies our dread. The boy is not the problem; his mother is. The film turns on this point, and from then on careens toward an ever-deepening horror, as Amelia’s capacity for harm—for causing harm—becomes ever clearer, and the son, whom we had thought

was going to be the perpetrator of violence, now sets up as the victim.

Gradually we perceive in Amelia underlying emotions too powerful and threatening for her to acknowledge: grief at the loss of her husband, and rage at her son for causing that loss and then surviving instead of his father. Kent sets up a standard kind of movie horror and then bit by bit reveals the true sources of that horror, which are psychological rather than supernatural: not the demonic, but the deranged; not possession, but repression. We think we know what kind of film we’re in for—one in which the brimming imagination of a child is used as a conduit for terror—but we’re wrong. *The Babadook* begins as *The Sixth Sense* and turns into *Repulsion*. At one particularly intense moment I almost fled the theater. The film’s insights are so acute, and its implications so dark, that watching becomes almost unbearable.

Kent and her cameraman, Radek Ladczuk, maximize their effects by keeping distractions minimal. The cast consists of two characters, plus a few tangential add-ons, and the locations are severely limited; 90 percent of what we see takes place within the rooms of the house—its furnishings outdated and austere, and shot in funereal shades of gray. The film’s look, feel, sound, and pacing are perfectly tailored to evoke anxiety, claustrophobia and dread. And this is not done cheaply; there are no jump-cuts, sudden inundations of noise, or other cheesy editing effects. Most thrillers are highly efficient machines for sending your pulse racing. *The Babadook* finds a far more literary path to our vulnerabilities. Its unusual power derives from its connection to powerful human emotions—grief, anger, and regret—which it sets up and then pushes, bit by bit, to where they imperceptibly merge into madness.

Jennifer Kent is a first-time director, and she has made an almost perfect movie. *The Babadook* is the canniest film about the uncanny to come along in quite some time. Let’s see if the Academy shivers up an Oscar or two next month. ■



Noah Wiseman in *The Babadook*

Celia Wren

CSI Cambridgeshire

'GRANTCHESTER'

Have sermons ever featured so frequently in a television whodunit? The formulaic but likeable new mystery series *Grantchester* is hardly a theology-powered drama. But the episodes regularly sample homilies at the Anglican church that's home to the tale's protagonist, Rev. Sidney Chambers (James Norton). A handsome, young, jazz-revering vicar in a picturesque 1950s English village, Sidney periodically bemuses his friends and parishioners with his flair for solving crimes. Yet his sleuthing rarely takes him too far from the church where he and his bumbling curate, Leonard, preach on forgiveness, the importance of not judging others, and other uplifting topics.

The digestible snippets of sermon, the amiable virtuousness of Sidney, the tidy plotting—all these elements help make *Grantchester*, airing in six parts, January 18 to February 22 at 10 p.m. on PBS, decisively feel-good entertainment. Based on the mystery series by James Runcie—who modeled Sidney on his own father, Robert Runcie, Archbishop of Canterbury from 1980 to 1991—"Grantchester" (part of PBS's *Masterpiece* programming) is soothingly old-fashioned, falling comfortably within the bounds of the cozy mystery genre.

Not that the show ignores darkness and loss, even outside of its crime-puzzle storylines. Very brief flashback sequences regularly remind us that Sidney fought in World War II, earning a decoration for valor (as Robert Runcie did). The flashbacks are just vivid enough to suggest the horror of that battlefield experience. And the tendency of the clerical Sidney to turn to alcohol for comfort (he loves whiskey and disdains sherry) testifies to the lingering effects of trauma.

Still, Sidney seems to have survived war remarkably well, retaining an up-

beat vision of the world and a resilient faith. When Leonard (Al Weaver) flees Grantchester, spooked by the more demanding aspects of the priesthood, Sidney furiously pursues him on a bicycle. Catching up with the curate at a rural bus stop—one of the many settings that allow the camera to take in the gorgeous Cambridgeshire countryside—Sidney gives a morale-boosting talk, emphasizing the happy aspects of their profession, without denying the draining dimensions.

"For every funeral, every sick child, every tiresome knock at the door, there's a wedding or a christening, or a quiet chat at the fireside about the status of the priesthood," he says. "It's life we deal in, Leonard. The good, the bad—all the gray areas in between."

Needless to say, the comically hapless Leonard returns to the homey digs he shares with Sidney, a drolly brusque landlady named Mrs. Maguire (Tessa Peake-Jones), and an adorable retriever puppy named Dickens. As for Sidney's sleuthing habit, the vicar views it not as a distraction from his pastoral duties, but as an extension of them. "As a priest, isn't everything our business?" he asks rhetorically, at one point. "There is no part of the human heart which is not our responsibility."

As this bit of summary may imply, *Grantchester* is so heartwarming it verges on being cloying. Fortunately, Norton lends Sidney a good deal of depth: this gumshoeing vicar is unflaggingly patient with parishioners, and he usually seems to come up with the right calm, inspirational rejoinders to people experiencing distress, but you can see—in the shades of sadness and ambivalence that cross his face—that such responses require effort on his part. The heartless behavior of a debutante named Amanda (Morven Christie), whom Sidney loves, despite her engagement to a



James Norton as Rev. Sidney Chambers

wealthier man, further taxes the young clergyman's equanimity.

Also providing a valuable counterweight to the story's more sugary aspects is the figure of Inspector Geordie Keating (the compelling Robson Green), a hard-bitten local cop who, improbably, becomes a best friend, and regular backgammon partner, to Sidney. Geordie is all too aware of the class differences that other characters would prefer to gloss over. And his cynical comments and flinty expressions add some welcome grit to *Grantchester*. Unlike the remarkably enlightened Sidney, Geordie is not so willing to prioritize compassion over law and custom: when an investigation reveals a suspect's homosexuality, Geordie is happy to arrest the man (homosexual behavior was illegal in 1950s Britain), despite Sidney's pleas to ignore the matter.

But such sobering moments are few and fleeting in *Grantchester*—a television show that may prompt recovering English majors to rifle through their poetry anthologies. Back in 1912, after all, the English poet Rupert Brooke wrote "The Old Vicarage, Grantchester," a now-lyrical, now-tongue-in-cheek paean to the eponymous Cambridgeshire hamlet. That long poem's humor and nostalgic yearning—Brooke wrote it while in Germany—find a sort of pop-culture equivalent in this retro TV show.

"Say, is there Beauty yet to find? / And Certainty? and Quiet kind?..." Brooke wrote. "Stands the Church clock at ten to three? / And is there honey still for tea?"

For viewers of *Grantchester*, the answer is yes. ■

William H. Pritchard

Pretty Good for a Novelist

The Children Act

Ian McEwan

Nan A. Talese/Doubleday, \$25, 221 pp.

Ian McEwan came to this reader's attention when his 1998 novel *Amsterdam* won the Booker Prize. He subsequently spoke of that novel as having loosened him from "certain intellectual inhibitions" in the service of an art "more irresponsible and free." A somewhat odd claim, at least for the many readers who found *Amsterdam*, for all its nimble comic grotesquerie (two estranged friends contrive to bring about their mutual assisted suicide), to be inferior to its successor, the more ambitious and "human" *Atonement*, McEwan's 2001 family saga covering seven decades of life in twentieth-century England. At any rate, few would dispute that the novels after *Amsterdam* are written out of a sense of life emanating from a wider, more encompassing view than that of their predecessors—two books of short stories and four novels, of which *The Child in Time* (1987) is perhaps the most notable. The deepening of both fictional techniques and human feelings in McEwan's more recent books bolsters the case for viewing him as the premier novelist writing in English today.

These recent novels disclose large differences in narrative technique, from the dispassionate, rather toneless recounting of a wedding-night disaster (*On Chesil Beach*, 2007) to the highly inflected, sarcastic, self-exculpatory voice of the Nabokovian *Solar* (2011). But in all of them we encounter sentences, even paragraphs, that seem to be spoken by someone whom we must call Ian McEwan. An instance in *Saturday* (2005): the exemplary neurosurgeon Henry Perowne is deeply moved as he hears his

son's performance of a pop song—and proceeds to describe its technical construction with a musicologist's flare:

Theo's guitar starts out alone with a languorous two-bar turnaround, a simple descending line from the fifth fret, tumbling into a thick chord which oozes into a second and remains hanging there, an unresolved fading seventh; then, with a sharp kick and roll on the tom, and five stealthy, rising notes from the bass, the blues begins.

After the piece ends, Perowne is moved to a large statement about music:

There are these rare moments when musicians together touch something sweeter than they've ever found before in rehearsals or performance, beyond the merely collaborative or technically proficient, when their expression becomes as easy and graceful as friendship or love. This is when they give us a glimpse of what we might be, of our best selves, and of an impossible world in which you give everything you have to others, but lose nothing of yourself.

Pretty good for a medical man, no? Yet rather than criticize McEwan for failure to keep within the lines of his protagonist's doubtless limited perceptions, we might admire this expansion into authorial largeness, so gracious and poised (like the music itself) that we scarcely notice any lack of fit.

Saturday, my favorite of McEwan's books, is notable for its evocation of the streets and traffic of London and its precise description of hospital rounds in a conscientious surgeon's life; among its features are a vividly rendered squash game and Perowne's excursion from London to visit his demented mother in a nursing home—the mother's dissociated sentences acutely captured by McEwan. Some have balked at the novel's crucial scene, when Per-

owne's daughter Daisy, about to publish her first book of poetry, is ordered by Baxter (a thug who has invaded their home) to strip naked and read one of her poems, but instead reads Matthew Arnold's "Dover Beach," to the astonishment and admiration of Baxter. Admittedly this is not the realism McEwan can be so adept at, but rather a fiction writer's godlike effort to make a marvelous thing happen; still, the inventiveness of its happening in this novelist's prose makes it too shocking and horribly engaging simply to be deplored as untrue to life. And though *Saturday* is not an especially humorous book, it's full of those "judicious and instructive observations" that Samuel Johnson recommended in *Hamlet*. There are more of such observations in McEwan's work generally than has perhaps been recognized.

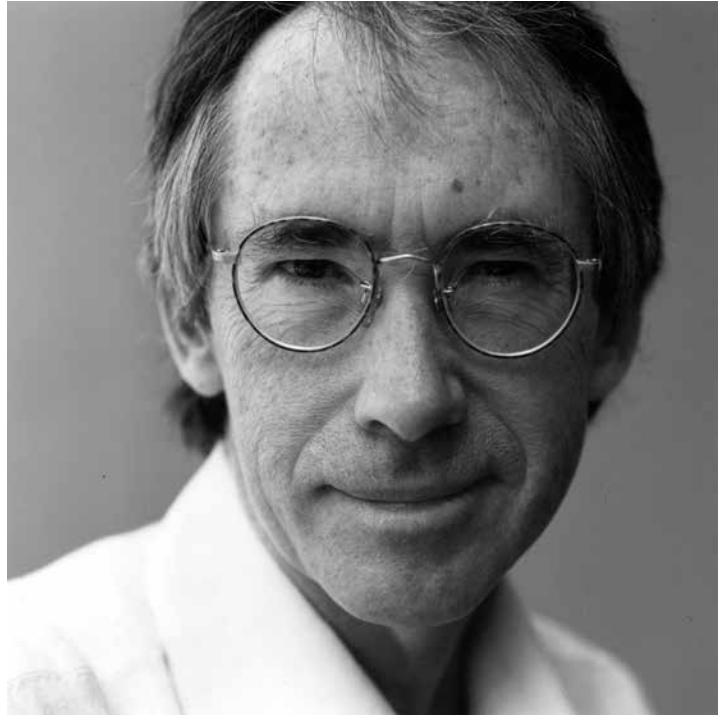
Saturday was followed by McEwan's shortest novel, *On Chesil Beach*, a work severe in its deliberately "objective" presentation of early marital disaster. Then came two playful and mostly comic works: *Solar* (2011), an episodic treatment of the Nobel physicist and antihero, Michael Beard, whose ignominious travails include having his penis frozen to the zip of his snowmobile suit during an Arctic visit; and *Sweet Tooth* (2012), a complicated historical caper set in 1970s England, a spy or mock-spy story including real people who inhabited the London literary scene back then. Like *Atonement*, it has a trick ending in a postmodernist vein.

With his newest novel, *The Children Act*, McEwan has effected a successful return to the moral and social complications of *Saturday*, and has done it by commanding a discipline—the

law—comparable to the intricacies of medicine and physics summoned in his earlier books. The novel is handsomely proportioned, five sections of about forty pages each. At its outset our heroine, Fiona May, a widely respected high-court judge, is thrown off her game by her husband Jack's confession that he has become sexually involved elsewhere and wants a last fling before old age. Fiona is approaching sixty, an age described with ironic acuity: "Not the full withering, not just yet, but its early promise was shining through, just as one might catch in a certain light a glimpse of the adult in a ten-year-old's face." She is currently rewriting a judgment about two Jewish children whose schooling is contested by the mother and the father, a fundamentalist Muslim. McEwan establishes the weight and legal clutter attendant upon individual cases:

Parents choosing a school for their children—an innocent, important, humdrum, private affair which a lethal blend of bitter division and too much money had transmuted into a monstrous clerical task, into box files of documents, so numerous and heavy they were hauled to court on trolleys, into hours of educated wrangling, procedural hearings, deferred decisions, the whole circus rising, but so slowly, through the judicial hierarchy like a lopsided, ill-tethered hot-air balloon.

Such passages rise like the hot-air balloon from the spectacular opening of McEwan's *Enduring Love* (1997). What's impressive here, and of a piece throughout the book, is the rhetorical, metaphorical, syntactical net of the writing, the medium through which the story is told. It's no surprise that McEwan admires John Updike's work (he wrote a lovely tribute after Updike died); they share, alongside a habit of thoroughly researching their novels, a



Ian McEwan

pleasure in the figurations of narrative weaving.

The Children Act moves briskly. Its main plot involves Adam, a seventeen-year-old Jehovah's Witness who will not accept a life-saving blood transfusion. Together with a social worker, Fiona visits the hospital on London's South Bank where the boy is being kept. During the visit Adam reveals his love of poetry and music; he reads one of his poems to Fiona and demonstrates some beginning steps he has taken on the violin. Impressed, she sings, to his halting violin accompaniment, Benjamin Britten's arrangement of Yeats's early poem, "Down by the Salley Gardens" ("In a field by the river, my love and I did stand"). Back in court, Fiona delivers a judgment in accord with the Children Act of 1989 and its stipulation that "The child's welfare shall be the court's primary consideration." And so, against the wishes of the boy's parents—and his own dutiful plan to follow the tenets of their faith—the hospital is permitted to give him the transfusion. The remainder of the novel takes up the boy's recovery, his subsequent loss of religious faith, and his growing fixation on the judge ("My Lady," he likes to call her). In a parallel

and less strongly rendered development, Jack returns to the nest to work things out, slowly, with his wife.

In making Adam so attractive (he's a favorite of the nurses, his face "beautiful" even in the shadow of death), McEwan plays a risky game—shining a light of admiration on the boy's efforts with the violin, letting him produce poetry that Fiona praises as possessing "a touch, a very small touch of poetic genius." A sardonic reviewer, chiding the novel for this sentimental picture of a beautiful youth, expressed the mischievous wish that McEwan had instead given Adam a bad case of acne and an

addiction to violent computer games. One takes the point, yet the care and intelligence with which the novel lays out the exchanges between judge and boy in the hospital room are undeniably strong, and Adam's move away from his initial challenging sarcasm to a growing love of Fiona is convincingly done. The eventual outcome is an instance of something terrible happening with no one to blame (in Robert Frost's homemade definition of tragedy), even though Fiona deeply blames herself.

Though I have said nothing about the law briefs and cases Fiona is involved in, they are part of the thickly planned detail of a believable professional career. What struck me as even more pleasurable is a concert at Wigmore Hall, given for various judicial types, in which Fiona accompanies on the piano a fellow barrister, a tenor. Music has asserted itself tellingly in earlier McEwan novels: for example, the attempt by Clive Linley, the composer in *Amsterdam*, to write an appropriate finish to his composition; or, in *Chesil Beach*, the heroine listening to string quartet concerts at (again) Wigmore Hall; or the aforementioned performance of the pop song in *Saturday*.

In *The Children Act* the concert begins with the tenor and Fiona performing Berlioz's song cycle *Les Nuits D'Été*, whose opening song is "Villanelle":

Mark nodded at her to show he was ready, and immediately her fingers were summoning from the colossal instrument the gently rocking chords and her mind seemed to follow behind.... His voice sounded warmer in her ears, bang on the note, free of the tuneless vibrato he sometimes deployed, free to search out all the delight in Berlioz's setting of the "Villanelle," and then, later, in the "Lament" all the sorrow of the steeply falling line, "*Ab! Sans amour s'en aller sur la mer!*" Her own playing looked after itself.

That the final number of the concert, Britten's "Down by the Salley Gardens" (wouldn't you guess it!), will elicit a tragic event makes the confident assurance of the beginning "Villanelle"—and the assurance in McEwan's writing—all the more impressive.

It's possible that my pleasure in this scene has much to do with my being a pianist familiar with the Berlioz songs, and that other readers will feel less intimately connected. In any case there's no denying that McEwan's own relation to music is a strong one. Responding to an interviewer who asked how much music influenced his writings, the novelist admitted to taking great pleasure in musicians and composers. "Perhaps more than any other art form," he declared, "music consistently delivers satisfaction and formal perfection that are only ever found in the best poetry. Novels, and even great novels, are never perfect all the way through—*Anna Karenina* or *Madame Bovary*, and certainly *Ulysses* have their longueurs. *The Goldberg Variations* do not."

If like most novels, *The Children Act* has imperfections, it should come as no surprise, but also should be set against the rich detail that permeates the book. "Details are the giant's fingers," wrote Updike in one of his early stories. It is in the details where McEwan's greatest strength is to be found. ■

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Robert Kiely

Peter Paul & Mary

The Catholic Rubens

Saints and Martyrs

Willibald Sauerländer

Translated by David Dollenmayer

Getty Research Institute, \$45, 311 pp.

It's an old saw among art historians that once Renaissance artists learned enough about anatomy and perspective to paint beautiful bodies, religious subjects became excuses to show off humanistic skills with little or no theological depth. Thus, Fra Angelico, the saintly Dominican, was a "true" religious painter, whereas Michelangelo and those who came after him were masters of a renewed Classical celebration of the flesh without much interest in the spirit. The trouble with

old saws is that they are rusty, dull, and don't cut. For one thing, Michelangelo and the great Venetian Tintoretto were known to have been profoundly devout. It is impossible to look at their work with care, attention, and familiarity with Christian tradition and the Bible and not see the interpretive richness of their religious art. The same is true of Titian and the notoriously rowdy Caravaggio, whose *The Adoration of the Shepherds*, *The Calling of St. Matthew*, and *The Entombment of Christ* should be enough to gain him entrance to the Kingdom, if not canonization.

Peter Paul Rubens (1577–1640) has long presented a particular challenge to classification. He was a pious and well-educated Catholic. Many of his paintings are of religious subjects. Yet they



The Entombment by Peter Paul Rubens, circa 1611–12

are so bright and cheerful, so crowded with buxom women and muscular men caught in swirls of light and color, that his work, even his religious paintings, must be considered baroque (in the dismissive sense of the term)—decorative, theatrical, busy, pagan, and only superficially Christian. But, in the arts, as in life, simplistic classification gets in the way of actually paying attention. How refreshing it is, then, to read this scholarly, accessible, and beautifully illustrated book by the German art historian Willibald Sauerländer. The author describes himself as a descendent of Protestant sacristans and agnostics, but he has a deep knowledge and understanding of Catholic theology, tradition, and culture, and of the historical circumstances of the Lowlands in the early decades of the seventeenth century. “The altarpieces with which Rubens... decorated the churches of the southern Low Countries,” he writes, “must be seen against the historical background of the Wars of Religion, iconoclasm, and the Calvinist, Protestant rejection of images of saints and the Virgin Mary.”

According to Sauerländer, calling Rubens a master of “baroque passions” is not altogether wrong unless—as too often is the case—it becomes an excuse for ignoring his expression of religious and ethical sentiments and ideals. “It is only a slight exaggeration to say that art history has appropriated Rubens as one of its greatest figures by wresting his art free from the church”—that is, from theology, liturgy, history, and his own faith. Sauerländer’s project is to put the seventeenth-century church back into the picture by giving particular attention to Rubens’s paintings of subjects—the Eucharist, saints, and martyrs—that were criticized by Reformers and intentionally deemphasized by the church. (Veneration of Mary is another important example, though most of Rubens’s paintings of the Virgin are outside the compass of this study.)

One of the book’s most insightful and touching chapters addresses Rubens’s great altarpiece *The Deposition* in the Cathedral of Our Lady in Antwerp. When opened, as it would be during

the celebration of Mass, the altarpiece is a triptych, with Christ’s Descent from the Cross in the center, the Visitation (with Mary wearing a fetching hat) on the left wing, and the Presentation in the Temple on the right. When the piece is closed, the left panel depicts a Herculean St. Christopher carrying the infant Jesus on his back, and a hermit with a lantern appears on the right panel. Rather than dismissing the seemingly random choice of ancillary subjects as expressions of Rubens’s creative fancy, Sauerländer looks into the archival material on the commissioning of the painting and into the theology of the Real Presence. Christopher was the patron saint favored by the local Civic Guard, wealthy laymen who contributed to the payment of the artist. They wanted their saint to be prominent in the picture. However, the cathedral chapter composed of bishop and clergy, following the directives of the Council of Trent, insisted that central pictures over main altars focus on Jesus, not on local saints.

The magnificent result, according to Sauerländer, is a compromise worked out between Rubens and his patrons. Taking the symbolism of Christopher as “Christ-bearer” to heart, Rubens painted a rugged Christopher impossible to miss when the panels are closed during the week; with side panels open, the viewer sees on the left the pregnant Mary visiting her cousin Elizabeth and, on the right, Mary presenting Jesus to Simeon, who holds the infant in his arms. The large central panel is a powerful depiction of Jesus being lifted down from the cross by Joseph of Arimathea, Nicodemus, the beloved disciple John, and Mary Magdalene, with his mother standing by and seemingly directing the entire process. Altogether the altarpiece is a tribute to all those—like Christopher—who “carry Christ” and make him present to others. It is beautiful to behold, and a carefully reflective lesson on the Eucharist, Mary, and the Communion of Saints. Baroque and Catholic.

Sauerländer’s chapters on saints include learned and insightful discussions

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of paintings of St. Francis as a Flemish peasant kneeling on the ground in a patched habit and a very different portrayal of Ignatius of Loyola standing on the steps before an altar in his “shining gold chasuble.” In his portrait of Ignatius, painted for the Jesuits in 1620 to promote their founder’s canonization (which occurred two years later), Rubens includes a row of Jesuit brothers standing next to Ignatius and crowds of the poor and sick writhing below. According to Sauerländer, the painter’s challenge was to depict Ignatius as priest, founder, preacher, and miracle-worker all in one, resulting in one of his most “intelligent,” if not most emotionally satisfying, works.

In Rubens’s image of Lawrence about to be stretched on the grill, the author sees the influence of Michelangelo’s statue *The Dying Slave*, now in the Louvre. Like other Baroque painters, Rubens frequently imitated and adapted classical works—including the famous Greek statue of *Laocoön and His Sons*—and classical ideas—especially stoicism—in his art, but as Sauerländer argues and demonstrates, Rubens’s religious paintings bring these influences together with the wishes of his patrons, his own knowledge of theology, and his faith in their Christian coherence. Regarding a disturbing yet beautiful painting of the martyrdom of St. Stephen, the author observes, “The liturgical and theological message of this highly emotional depiction of a martyrdom is contained in the oratio of the Mass on St. Stephen’s Day: ‘We beseech Thee, Lord, let us imitate what we celebrate, so that we learn to love even our enemies; for we are celebrating the birthday of him who was able to entreat our Lord Jesus Christ even for his persecutors.’” Rubens would have known and understood this. Brilliant, Baroque, and Catholic, his paintings shed more than one kind of light on his sacred subjects. ■

Robert Kiely is professor of English emeritus at Harvard. His most recent book is *Blessed and Beautiful: Picturing the Saints* (Yale University Press).

Nicholas Clifford

Enforced Forgetfulness

The People’s Republic of Amnesia

Tiananmen Revisited

Louisa Lim

Oxford University Press, \$24.95, 249 pp.

Louisa Lim’s book is not simply a retelling of the Tiananmen story, when those mass demonstrations in Beijing culminated in the massacre of June 4, 1989. Rather it is a look, a quarter of a century later, at some of the effects of what happened, and most par-

ticularly at the ways in which the Chinese leadership has sought not so much to cover up the massacre as to erase it entirely from public memory. In this, they have been highly successful. But not completely, and Lim, a former journalist for both National Public Radio and the BBC, has managed to search out some of the survivors of Tiananmen Square who have not forgotten and who no longer fear speaking out.

As she points out, even for us to use the name Tiananmen for what happened back then, and to think of students as



Pu Zhiqiang demonstrates for the right of freedom of speech on May 10, 1989.

the victims, betrays a selectivity that we have chosen as a kind of shorthand for these events. Thus, while students organized and led the demonstrations, it was not they but ordinary Beijing citizens who were the chief victims of the army's attack. Most of the killing in fact took place in the streets west of the square, particularly at Muxidi some five kilometers away. A Chinese professor once suggested to me that there was little gunfire in the square because most of the troops had exhausted their ammunition by the time they got there.

Moreover, what happened in Beijing was only one part of a widespread national movement that took place in more than sixty other cities. That spring foreign journalists were thick on the ground in Beijing, thanks to the visit of Mikhail Gorbachev in late May. Elsewhere they were not present, and neither were the charismatic (and photogenic) students who led the protests in the capital. Lim in fact gives a whole chapter to the bloody clashes in Chengdu (capital of Sichuan province), which are unknown to most foreigners. (I heard about them simply because four or five days after the massacre, I found myself in the Shanghai airport near a group of Australians on their way home from Chengdu, who were talking of the violence they'd just seen there.)

Though many Chinese obviously remember the events, few are willing to talk to a journalist like Lim. Among these few are the Tiananmen Mothers, a small group of aging women who lost their children in the massacre and seemingly no longer have anything to fear. So too is Bao Tong, a high official at the time whose son, Bao Pu, now in Hong Kong, runs a publishing house devoted, as he says, to filling in the "blank spots" in China's historical record. Indeed Hong Kong is the one place in China where June 4 decidedly has not been forgotten. Each year on that date tens of thousands of people turn out for a candlelight vigil in a highly impressive display of public memory (I saw it for myself in 2001).

But for most people, particularly those educated since 1989, the massa-

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cre simply does not exist. The leadership has had three main responses (or non-responses, if you prefer): oblivion, materialism, and nationalism.

Oblivion, by the attempt to expunge virtually every hint of the event from education and the public record. Even the Shanghai stock exchange was seen as a menace in 2012, when on the massacre's anniversary it closed down (by accident or design) exactly 64.89 points—numerical shorthand for June 4, 1989—a fact promptly removed from internet sites.

Materialism, because in the last thirty years, more than 600 million Chinese have been lifted out of poverty, a stunning advance unprecedented in human history. Quite rightly that has brought extraordinary gratitude to the leadership. Less fortunate, however, is the increasing scale of corruption and the view that money and expensive possessions are the only true measures of worth.

And finally nationalism, which has meant among other things a revivifi-

cation of the old slogan "Never Forget National Humiliation" (*wu wang guo-chi*). This phrase, which goes back to the early twentieth century, calls on patriotic Chinese to remember that ever since the Opium War (1839–42) foreigners have kept China down, and continue to try to do so today. In a speech this July commemorating the anniversary of the outbreak of the Sino-Japanese war in 1937, President Xi Jinping noted that "no one can change history and facts" (as China often claims the Japanese try to do). But in reality, as Lim shows in this fascinating book, the molding of historical memory may require the ignoring of facts, and Beijing does this very effectively, and by no means only for June 4. China, of course, is hardly unique in suffering from historical amnesia, but most places do not use penal sanctions to enforce forgetfulness. ■

Nicholas Clifford taught Chinese history at Middlebury College for many years.

Lawrence S. Cunningham

The Way of Perfection

Born from the Gaze of God The Tibhirine Journal of a Martyr Monk (1993–1996)

Christophe Lebreton
Translated by Matte Nygard
and Edith Scholl, OCSO

Cistercian Publications/Liturgical Press, \$19.95,
210 pp.

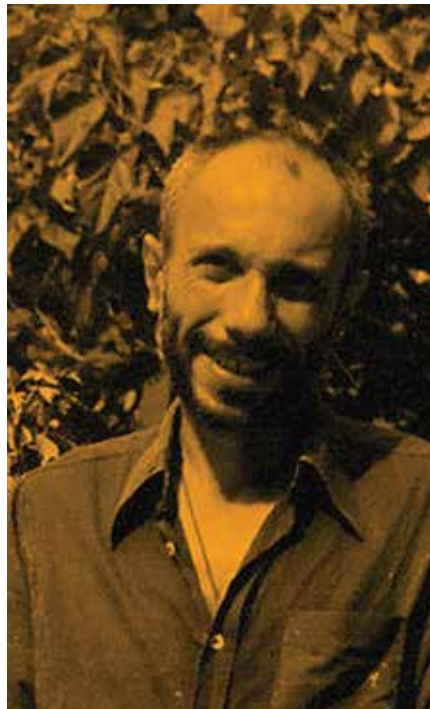
In 1974, Christophe Lebreton abandoned his legal studies in Tours to enter the Trappist monastery of Tamie in his native France. After a period of monastic formation, desiring a simpler life, he changed his stability to the Algerian monastery of Our Lady of the Atlas. He would likely have ended his days in contemplative obscurity had not seven members of the community, including himself, been kidnapped and beheaded by an Islamist terrorist group in 1996. The story of the martyred monks gained widespread attention mainly because of the prize-winning film *Of Gods and Men* that chronicles it.

Lebreton was the youngest member of the community. He had been given a notebook as a gift in 1993, which he used as a personal journal from then until a week before his death in March 1996. His entries reflect the sad and frightening story of Algeria during that period as Islamists attempted to discredit the government through widespread acts of terror, especially against those who were not Algerians themselves. The government retaliated with savagery. Lebreton's religious reflections are punctuated with accounts of murders of foreign contractors, religious men and women, and Algerian journalists and intellectuals, of car-bombings and the vicious reprisals of the Algerian military, providing a constant reminder of the state of near civil war. The monastic community attempted to live within this turmoil without choosing sides, even as police eyed them with suspi-

cion while militants sought medical care from Brother Luc, a physician, by night.

But even neutrality was perilous: Though many, including the nuncio, wanted them to leave, shouldn't they stay as a gesture of solidarity with their besieged village neighbors? Was it to be refugee status or martyrdom? The question became the subject of many chapter discussions within their cloister. One farmer who worked with Lebreton in the cooperative fields told him poignantly that every morning when he saw the lights still on in the monastery, he felt that there was hope. After much debate and soul-searching, the monks decided they should stay as a visible sign of peace and as an act of community with their neighbors, caught between the demands of the "men of the mountain" (as they called the militants) and the ferocious military, which, as Lebreton notes, had once left the mutilated bodies of a dozen militants displayed in a nearby town square.

Most of the entries in this volume



Christophe Lebreton

are the monk's own spiritual reflections, often jotted down as the fruit of his own *lectio*, in tandem with his comments on his life in community. While his notes on the conflict in Algeria fill in the now-ample chronicle of those sad days, it is in those spiritual reflections that we find sustenance. Lebreton's poetic touch lends the ring of truth to his reflections on his own faith and his search for spiritual wholeness amid the surrounding turmoil. He had a profound conviction about the grace that had called him to the contemplative life, which he summed up beautifully in a simple quatrain set down on July 7, 1994: "You have received everything as pure gift / Give everything as pure gift / That is what it means to consent / completely and simply to the Gift."

In several entries Christophe reflects on the diaries of Etty Hillesum, who was in Amsterdam during the Nazi occupation. While reading her journals I often experienced a sort of dread as she told of the tightening of laws against her fellow Jews, since I knew, as she did not, what her entries clearly portended: Auschwitz. That same sense of impending dread arose as I read this journal; readers know how things will end for Lebreton and his brothers. Fittingly, the last entry in his diary, written on the Feast of Saint Joseph in March 1996, consists of fragments from Psalm 100: "My song is about kindness and justice.... I shall walk the way of perfection. When will you come to me?... I shall walk with a perfect heart." Lebreton was kidnapped a week later.

Born from the Gaze of God is beautifully translated from the French by Matte Nygard and Sr. Edith Scholl, OCSO, and it includes facsimiles of journal pages and photos of Christophe Lebreton. Some books are read first for instruction and then a second or third time for nourishment; this is such a book, and it is a more than worthy addition to the mounting literature on Christian martyrdom in our time. ■

Lawrence S. Cunningham is John A. O'Brien Professor of Theology emeritus at the University of Notre Dame.



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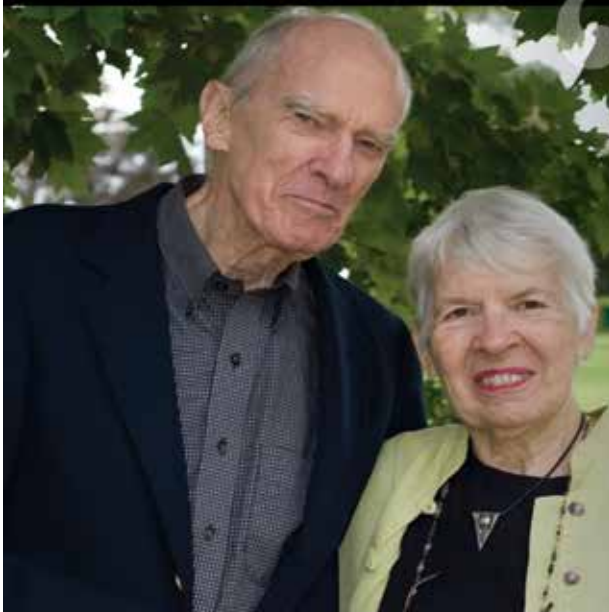
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LETTERS continued from page 4

whether people count it in some partial way as legitimate but whether or not it is to be viewed in its entirety as legitimate and, with it, the decree *Haec sancta*. That, for centuries, had been the Gallican view. The Roman theological school, however, to avoid recognizing *Haec sancta*, and by invoking anachronistic criteria, insisted that only the last few sessions could be viewed as legitimate.

Finally, I don't for a minute believe that Vatican II achieved a stable, let alone a "beautiful" synthesis of episcopal collegiality and papal primacy (it simply placed those two notions side by side). Neither did the members of the traditionalist minority; instead, they feared that the notion of collegiality might open the door to conciliarism. Nor, it may be, did Paul VI himself. If he did, why during the council's "black week" did he feel the need to attach to *Lumen gentium* the qualifying and distinctly high-papalist *Nita explicativa praevia*?

In my article I noted that in the matters under discussion the devil tended to lie, alas, in the details. If it does nothing else, this exchange of views should serve to illustrate the accuracy of that rueful acknowledgement.

FRANCIS OAKLEY

AN EERIE ECHO

I recently witnessed firsthand the high stakes the poor experience, outlined in Daniel K. Finn's "Understanding Scarcity" (December 5, 2014).

Just before Thanksgiving I went to the grocery store, loading up my cart for the feast. As I stood in the check-out line I noticed a woman ahead of me. She carefully studied the total on the display while slowly unloading her cart. As more and more items went through the cashier's hands, I noticed the woman becoming anxious. She stopped unloading and got out her wallet, looking inside as if to check how much money lay within. Then she returned to her cart. She picked up two of the remaining items, weighing one in each hand. Hesitantly she put one item on the belt and returned the other to the cart. She repeated this with the rest of the items, glancing back and forth between her hands and the display. Her shoulders slumped as this went on, but eventually she made her choices, paid, and left the store.

I watched her go, a sense of guilt hovering over me as I placed my items on the belt. I had chosen all of them without a thought to how much money I was spending, although I knew it would be a lot. The experience provided a vivid, real-life example of someone who needs to make difficult choices every day, but especially at holiday time—choices that I cannot imagine, given my comfortable, middle-class life.

Finn's piece eerily echoed my recent experience, and I appreciate his review of a book that seems to grasp the devastation poverty can produce, but also offers concrete solutions.

HOLLY WIEGMAN
Niskayuna, N.Y.

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Room for Both?

Malik Neal

It was June 27, a Friday, and the sun was disappearing slowly into the clouds over Sri Lanka's Jaffna Peninsula. A pile of trash smoldered on the dirt road, and as the heat of the day faded, a warm breeze carried the stench through the window of the room I was waiting in. Spider webs hung limply from the corners of the low ceiling, and a pair of well-worn sandals sat on the floor, beneath a cracked mirror.

A low, almost inaudible voice emerged: "Welcome to my home. Please, sit."

My host and I shook hands, and I took the chair opposite him at a small, rectangular table.

I remember the date and the details because the man was a terrorist. For twelve years, Prashant, as I will call him, was a member of the Liberation Tigers of Tamil Eelam, a separatist insurgent group I was studying for my academic research on ethnic conflict. The LTTE, or simply the Tigers, had for nearly three decades fought for an independent Tamil state in the small island country of Sri Lanka. Fear was the Tigers' method of persuasion, murder their main way of stoking it: they mastered the use of suicide bombings, carrying out more attacks than any other terrorist organization to date; assassinated two world leaders; and massacred several thousand innocent civilians. The FBI labeled the LTTE, before its brutal defeat in 2009, "among the most dangerous and deadly extremist groups in the world."

But it was precisely Prashant's cordial demeanor—the soft voice, the warm, parental smile—that slowly put me at ease as I sat across from him in his home. We spoke for three hours, maybe more, and I wrote until my fingers cramped, my notes becoming illegible. Our conversation centered on his past: his motivation for joining the LTTE, his experience as a soldier, and the cruel acts he and others carried out. Prashant's English was good, but he often switched tenses without realizing it, lending his stories a vivid intimacy.

"I am on the roof," he recalled at one point, "and a soldier [a Sri Lankan government soldier] is walking to me. I shoot my gun; he is dying." Death. All of his stories seemed to return to it. He didn't boast. He simply told the truth.

I asked him if he had changed, or if he had any regrets. "I regret all I have done, every day," he confessed. "I have to live with that." He paused for a moment. His face clouded over. "All I can do is beg for forgiveness. That's all I can do."

I closed my notebook, preparing to leave. But then, unexpectedly, he spoke.

"Malik," he said, lingering thoughtfully on my name. "What is your religion?"

"Christian," I answered. "Catholic."

His eyes widened with enthusiasm. "I am the same!" There was a pause, a moment that, in lingering, only added emphasis to the words that followed. "Will you pray with me?" he asked. A smile gaped at his lips.

I felt the panic rising in my throat. Surely, I thought, as a researcher, it would be inappropriate to interact with a source in this way. Even more, I simply could not reconcile his request with what he had done, and thus, who he was. I suddenly saw prayer as a form of endorsement. I had made my decision, but I couldn't think of what to tell him. I muttered something as I tried to form my thoughts.

He interrupted. "Don't worry, it is on your way to the bus. I will walk with you."

We left the house and walked for a few minutes, barely able to see the path ahead. There were no people around. Stray dogs lurked ominously along the road, barking loudly. Suddenly, a large, discolored statue of the crucifix, dimly lit, became visible. Below was a small wooden slab for kneeling. We stopped.



Christmas Mass in Colombo, Sri Lanka

"This is where we will pray," Prashant said, motioning me toward the statue.

I looked down at the small kneeler and then at him. "We can't both pray here," I pleaded, expressing my honest impression that there wasn't enough space, but also hoping this would provide me with a way out.

And then, resting his hand on my shoulder, he stared squarely into my eyes. "No," he said in a near whisper. "There is room for us both."

We knelt beside each other. I made the sign of the cross and clasped my hands tightly. I looked up into the inky blackness in the sky above. The dogs no longer barked. It was quiet now, and so he began. ■

Malik Neal was a 2013–2014 Fulbright Research Scholar in Sri Lanka. He graduated in 2013 from the College of the Holy Cross in Worcester, Massachusetts.



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