

# Commonweal

A Review of Religion, Politics & Culture

MARCH 22, 2019

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# Commonweal

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## LETTERS

### *Prosecuting under RICO, Virilio's vision*

#### ...BUT WAY TOO CLOSE

I was astonished to read Cathleen Kaveny's column on the RICO statute ("Not the Mafia," February 8). I expect most readers would agree that the church isn't a mafia organization whose purpose is thoroughly criminal, but we all understand that there have been many efforts to expand the reach of RICO for the purpose of reaching the executive/administrative levels of organizations—people who may not commit the actual crimes, but who order, encourage, or enable the criminal behavior of other workers. Even police departments have been accused under RICO statutes. While no one suggests that pastors or bishops ordered priests to sexually abuse children, many of them surely enabled these crimes. And even if we agree that there have been serious efforts to prevent abuse more recently, the extent of the enabling is staggering.

But the real astonishing admission in Kaveny's piece is that the church has been left "morally bankrupt" by the scandals. Perhaps she meant that "many people think" the church is morally bankrupt.

After all, she claims that the church's "central purpose...is to follow Christ." But on the other hand, she wonders: "What would happen if the church ran with the metaphor and declared its own moral bankruptcy?" Then she lays out what that would entail. Does she mean that the church has not yet (not even yet!) dedicated itself to reforms funda-

mental enough to escape the serious charge of "moral bankruptcy"?

ED LAWRY

*Pleasant Hill, Ore.*

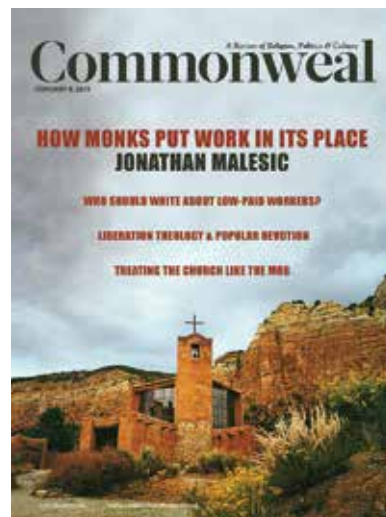
#### INVISIBLE DANGERS

Thank you for publishing an exceptionally thoughtful piece about Paul Virilio's social, political, and spiritual vision ("St. Bernadette's Blockhouse," January 25). The essay served as my introduction to

Virilio's thought and work, and I'm deeply moved by his insight and witness. The militarization of Western society and the rapid decline of privacy are invisible, highly printable dangers. I commend your decision to publicize Virilio's efforts to bring these dangers to light.

MARY ELLEN SINKIEWICZ

*Boston, Mass.*



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# One Step Forward

**I**n the lead-up to last month's four-day Vatican summit on the sexual abuse of minors, organizers made a concerted effort to lower expectations. A crisis decades in the making, the full scope of which is still coming into view, would not be solved in one meeting, they insisted. There would be no sweeping policy changes from on high, no declaration from Pope Francis that definitively addressed every concern about how the church handles sexual abuse, no "closure." But even if such a gathering was never intended to do everything, it's still fair to ask whether it did enough.

The unsatisfying answer is that no one knows—yet.

The effectiveness of the summit may only be revealed in the weeks, months, and perhaps years ahead, after the bishops have returned home and continue—or in some cases, start—the work of responding to, and safeguarding against, sexual abuse. It's an approach in line with what Francis once described as a "healthy decentralization," recognizing that bishops in different parts of the world might need to develop different strategies, perhaps above all when it comes to how the church relates to civil authorities. But this shouldn't be mistaken for a lackadaisical, "hands-off" approach. The Congregation for the Doctrine of the Faith will provide the bishops with a handbook that clearly lays out their responsibilities for dealing with accusations of abuse—and, as Austen Ivereigh points out in this issue (see page 12), the 2016 *motu proprio* "As a Loving Mother" makes it clear they'll be removed if they fail. It was also announced at the summit that special task forces would be created to offer bishops additional support. And there were proposals for how the bishops themselves, along with religious superiors, should be held accountable. Chicago Cardinal Blase Cupich offered a framework, rooted in synodality, for discussion and discernment about such reforms.

One line in particular from Cupich stood out: his claim that the "structural elements" of reform would not be enough unless "we anchor all our deliberations in the piercing pain of those who have been abused and of the families who have suffered with them." It showed that the summit organizers understand that the problem of abuse and its cover-up cannot be disentangled from clericalism, which can be mitigated but not cured by better policies. The summit aimed most of all at changing the hearts of bishops, who must enter

into the pain of the people of God and put the care of souls above their reputations and institutional prerogatives. It is tempting to dismiss this language of catechesis and conversion as a cynical evasion, a way of substituting pious words for genuine accountability. In the United States, where the abuse crisis has dragged on for decades, such talk may sound hollow. But Christians especially should realize that real, enduring change always requires conviction and repentance.

And the rest of what happened at the summit should have left the bishops deeply aware of what is at stake—especially those bishops from parts of the world where church leaders have not yet confronted the abuse in their midst. One report described the "stunned, shameful silence" of bishops as a survivor described "a lifetime of trauma, eating disorders, depression, and suicide attempts" after being abused for five years by a priest. "I, who loved coloring books and doing somersaults on the grass, have not existed," she said. Another important moment came when a Nigerian nun, Sister Veronica Openibo, lambasted church leaders for their failures as Francis sat just a few feet away. "How could the clerical church have kept silent, covering these atrocities?" she asked. She demanded that bishops acknowledge the way their "mediocrity, hypocrisy, and complacency have brought us to this disgraceful and scandalous place we find ourselves as a church." It was striking to see a nun openly criticize the all-male hierarchy—a small but important shift from the days when outspoken sisters were rarely seen and never heard at the Vatican.

For all the real progress made at the summit, however, Francis himself ended it on an unfortunate note. He began his closing remarks with a long preamble emphasizing that the sexual abuse of minors is not confined to the church, that it is "a widespread phenomenon in all cultures and societies" and often takes place in families. Oddly, he made sure to point out that child sacrifice took place in "pagan rites." This might all be true, but it felt like a flinch—the kind of defensiveness that has too often been used to contextualize away the church's crimes. Later in the speech, Francis underscored the "spiritual means" of confronting the wickedness of abuse: "humiliation, self-accusation, prayer, and penance." This was far more reassuring. Let's hope that he and every bishop who attended the summit take that truly to heart. ■



Margaret O'Brien Steinfels

# Racism in America

WE'VE COME A LONG WAY BUT STILL HAVE A LONG WAY TO GO

Will the United States ever escape its racist history? Some people naively imagined that the election of Obama would do it. But since Trayvon Martin and Ferguson, liberal voices insist that every visible wound be dramatically exposed and publicly cauterized. Might this treatment inflame rather than heal? That's a question now left to conservatives.

Actually, beyond partisan outlooks, life on the ground reflects a slow and painful effort to redress the national sin—small accomplishments along with improbable lapses.

For example: on President's Day weekend in the middle of Black History Month, the pastor's letter in our church bulletin noted two important birthdays, Abraham Lincoln (February 12) and Frederick Douglass (February 14). Both were cited as men who loosened the shackles of slavery. Throughout February, the local classical radio station featured not only Scott Joplin's well-known "Maple Leaf Rag" but nineteen other pieces by the black composer, including excerpts from his opera *Treemonisha*. The music of Florence Price, composer of symphonies, chamber music, and choral works was featured, as was the remarkable life of classical and jazz pianist and singer Hazel Scott. In the chitchat of music buffs, I discovered that George Gershwin insisted that the star roles of *Porgy and Bess* were to be reserved for black singers. Okay, small potatoes, and nothing like the grand gestures of the Oscars, but evidence of how Black History month has succeeded in its purpose: to celebrate black Americans, and to remind us of our racist history.

At the same time, however, old yearbook photos of people in blackface, white boys in MAGA caps, flaming headlines, and indignant newscasters

highlighted the complicated terrain of our racist present. In January, there were headlines about a photo from the 1984 Eastern Virginia Medical School yearbook said to be of Ralph Northam, the newly elected governor of Virginia. Was it he in blackface standing with someone in a Ku Klux Klan getup? In 1984! Two decades after the civil-rights movement! Oddly, not as much was made of the white-sheeted Klansman. Governor Northam belatedly denied it was he in the photo, but admitted to wearing blackface for a dance contest in which he imitated Michael Jackson's moonwalk. Suddenly Dixie politicians were preemptively confessing to having committed blackface before any more photos emerged.

And then there was a reported showdown at the Lincoln Memorial between white boys from Covington, Kentucky, and Native American demonstrators. We all know that white boys are racists. Who has not heard stories of Irish and Italian adolescents in Chicago and Brooklyn beating up black kids and chasing Jewish boys? Media went with the stereotype until video clarifications exposed the role of a band of self-proclaimed black Israelites, an aggressively racist sect, in the face of whose racist (and misogynist and homophobic) taunts both the boys and the Native Americans displayed exemplary restraint. Social-media gusto for exposing racist tropes momentarily subsided without any genuine examina-

tion of conscience. At least the bishop of Covington apologized for jumping to conclusions about the boys.

In the meantime, clamor for Northam's resignation came from fellow Democrats in Congress and the Virginia legislature along with editorial pages, the NAACP, etc. Yet Northam remains in office and says he intends to serve the rest of his four-year term, working "to ensure that black Virginians have the same opportunities as whites." One reason he continues in office is that African Americans in Onancock, Virginia, where Northam grew up, came to his defense. In the 1970s his parents sent him to the recently integrated public school. His class was half black and half white and he was one of two whites on the basketball team. Later, as a pediatrician, he treated all the children in his hometown. What did the blackface mean? Apparently no one told Northam it was a racist slur. Now he, along with others, has learned it is, and was. His friends and former classmates in Onancock, along with African Americans looking for equal opportunities, have given him the benefit of the doubt. Good for them. But he'd better see to those promised opportunities.

Racist words, images, and violence will plague our country for years to come. Still, the Northam scandal and the Covington fracas—I am leaving aside the sorry story of Jussie Smollett—offer some lessons and a bit of perspective. The first lesson is that stories about race should get the cooling-off period provided by old-fashioned fact checking. They are ill-served by the rough justice of social media. The second lesson is to recognize that past efforts at redress, such as integrating schools, are a significant step on the path to redemption. With so much yet to be done, don't forget or underestimate what has worked. ■



Virginia Governor Ralph Northam

Cathleen Kaveny

# Catholic Moral Theology in Crisis?

NOT SO FAST

Every few years, someone complains about the state of Catholic theology. A few years ago, Paul Griffiths used his plenary address before the Catholic Theological Society of America to castigate the membership for dabbling too much in politics, history, and other fields rather than focusing squarely on doctrine. More recently, Professor Charles Camosy of Fordham University has claimed that the field of Catholic moral theology is in crisis, both in a November essay in *Church Life Journal* and a follow-up interview with *America* last month. Why? Because many practitioners focus on intersectional analysis rather than on traditional issues in moral theology.

I suspect that Camosy's critique is a stalking horse for another, more existential criticism of the field. He fears that the concerns he holds most dear—particularly those relating to pro-life issues—are no longer at the center of academic discussion. That could be true. It may be a shame. I'm not sure it's a crisis.

First, some background. Intersectionality is a term used thirty years ago by legal theorist Kimberlé Crenshaw to make the point that race, sex, and economic and social location need to be examined together to give a sufficiently comprehensive account of structures of oppression. Martin Luther King Jr. came to much the same conclusion in the late 1960s when he began looking at the conjoined effects of militarism, race, and class.

Intersectional analysis can be a useful tool for scholars interested in Catholic social teaching. Like any tool, of course, it can be misused. But who, specifically, has misused it and how? Camosy does not tell us, apart from taking a few shots at the Catholic Theological Society of America, but instead launches a general broadside against a nebulous set of col-

leagues. In my view, it would be more helpful for him to engage particular thinkers with whom he disagrees. And it would be most helpful for him to show how his own work differs from what they do, and why his approach is acceptable and theirs is not.

Is the problem with intersectional analysis methodological? Camosy has used intersectional analysis in his scholarly examination of abortion, including the way race, class, and gender bear on it. As an activist, he has also deployed a critique of political power in examining the connection between political elites and Planned Parenthood. Camosy complains that the intersectional theologians want to remove oppressors from power, rather than working to convert and reconcile with them. But Camosy wants to vote prochoice politicians out of office and install prolife judges in the courts. What's the difference between their exercise of power and his?

I suspect that Camosy's critique of intersectional moral theologians is primarily substantive, not methodological. Most Catholic moralists are not as interested in talking about the issues that matter most to Camosy: abortion and beginning-of-life issues, or even traditional questions in medical ethics such as the withdrawal of life-sustaining treatment. They concentrate on immigration and refugees, race, climate change, sex and gender issues, and economic justice, as well as the interrelationship between all of these questions. Not surprisingly given the abuse crisis, the nexus between sex and power is also receiving much scrutiny.

All academic discussions shift over time. My sense is that many young moral theologians think there is nothing new to say about abortion and contraception, which were exhaustively considered in the prior generation. They want to break new ground, doing constructive

and critical scholarship, as the generation before them did in their own time.

Camosy contends that intersectional moral theologians are revisionists who are not thinking with the magisterial tradition. But is that really the case? Pope Francis put climate change front and center in *Laudato si'* and has called attention to the plight of migrants and refugees—often in an intersectional manner by showing that these issues are connected. He has also, incidentally, criticized the church's obsession with contraception, abortion and gay marriage—on the grounds that speaking incessantly about these issues will cause “the moral edifice of the church... [to] fall like a house of cards, losing the freshness and fragrance of the Gospel.”

But what about dissent? Certainly, some intersectional theorists are pushing for the revision of official Catholic teaching, particularly on neuralgic issues of sexual morality. Camosy asserts that some of them are importing an alien, secular set of norms to critique Catholic doctrine. But that is a complicated charge to sustain. The central Catholic moral framework is the “natural law tradition,” which claims to be consonant with the best insights of men and women of good will. In fact, Francis Sullivan, SJ, a distinguished ecclesiologist, has pondered the idea that Church teaching on specific moral issues can never be infallible, because such teaching invariably depends upon factual judgments that can develop and change.

In my experience, even the most progressive Catholic moralists see themselves as developing the tradition, not undermining it. That self-perception may be incorrect. But the task of a critic is to engage particular scholars with rigor and charity, to show precisely where and how they go wrong. It's the kind of criticism, alas, intersectional moral theologians still await. ■

John P. Slattery

# Teilhard & Eugenics

## A RESPONSE TO JOHN HAUGHT

I was eighteen when I first encountered the work of Pierre Teilhard de Chardin. It was the second week of my third semester at Georgetown University, and I was assigned Teilhard's "Mass on the World" for a theology class taught by the late Thomas King, SJ. I was instantly captivated. King was one of the world's preeminent Teilhard scholars, and quickly became my spiritual director, pastor, and mentor until his death in 2009. My appreciation for Teilhard flourished after my undergraduate years, surviving my time as a military officer, high-school teacher, and youth minister before I began graduate theological studies. Master's and doctoral work helped me understand that appreciating any scholar requires grappling with ambiguities and flaws in his or her thought, and the further my studies progressed, the more I became aware of such ambiguities and flaws within Teilhard's work.

I have written about some of this in a blog post for *Religion Dispatches* titled "Pierre Teilhard de Chardin's Legacy of Eugenics and Racism Can't Be Ignored," as well as in a longer article published in the academic journal *Philosophy and Theology*. Last month John Haught responded to my critique of Teilhard in these pages ("Trashing Teilhard," February 8). I am grateful to Haught for his response, since scholarly debate over this dimension of Teilhard's legacy is precisely what I had hoped my essay would provoke. I am disappointed, however, at Haught's unwillingness to address the specific points I have made and his apparent eagerness to preempt further debate.

Haught claims that "seasoned Teilhard scholars are aware of the questionable remarks" to which I drew attention. My extensive research on precisely this question indicates that this is not true. Only a 2013 book by the Jesuit John Cowburn (*Pierre Teilhard de Chardin: A Selective Summary of His Life*) and an unpublished 2000 dissertation by Amy Limpitlaw ("The Kingdom of God as a Unity of Persons: Pierre Teilhard de Chardin's Organic Model and John MacMurray's Form of the Personal") mention Teilhard's connections to eugenics, and contrary to Haught's claims, both works highlight the troubling nature of Teilhard's views on the subject.

Haught claims that Teilhard's connections to eugenics were "speculative," "not declarative," and ultimately peripheral to the core principles of his philosophical system. Let me offer just two examples to refute this claim. First, in 1951, Teilhard petitioned UNESCO to change its famous proclamation "The Equality of the Races." In his letter, Teilhard argued against "the scientific uselessness as well as the practical danger" of this document, noting that "it's

not a question of 'equality,' but of 'complementarity in convergence'...which does not exclude the momentary prominence of certain of its branches over others." Such a public argument points to a deeply held and seriously considered belief in inequality among humans.

The second example is a 1953 letter in which Teilhard argues that the church should establish an official commission on eugenics:

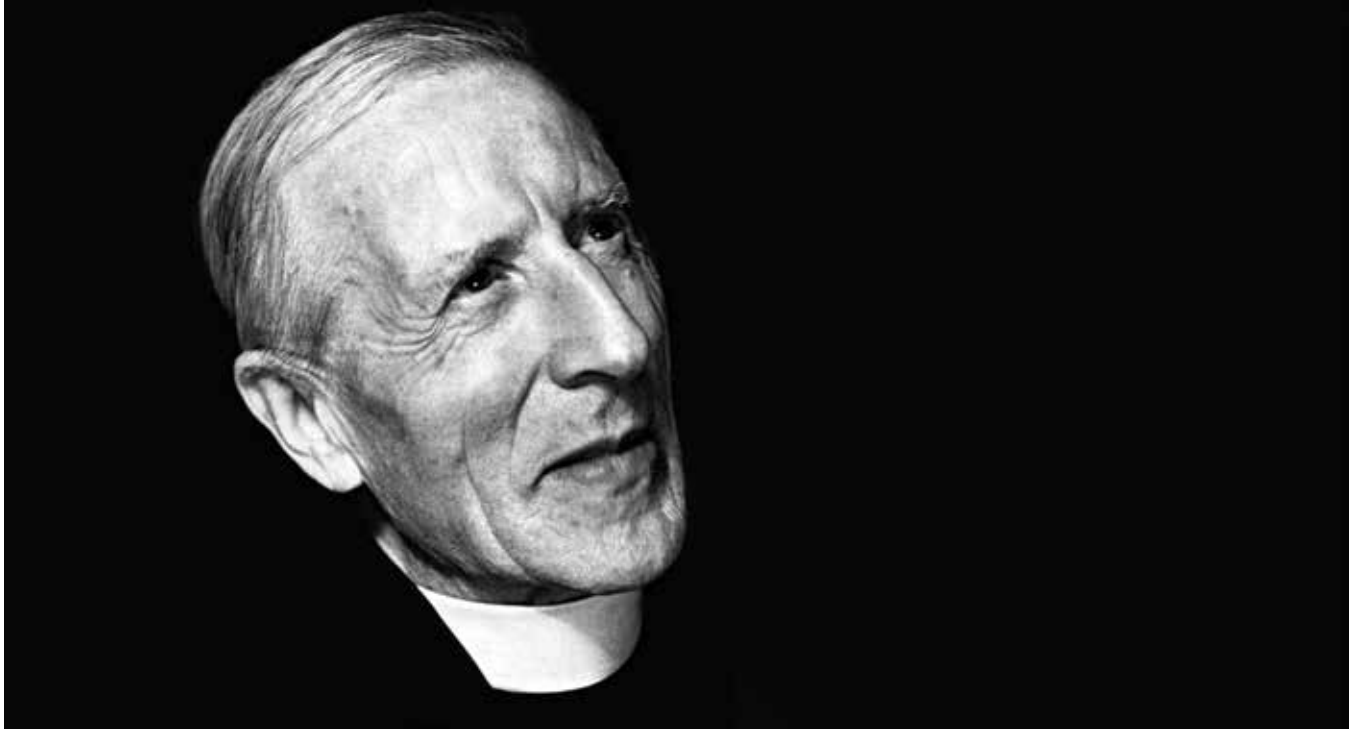
Why is it that in Rome, along with a 'Biblical Commission' there is no 'Scientific Commission' charged with pointing out to authorities the points on which one can be sure Humanity will take a stand tomorrow—points, I repeat, such as: 1) the question of eugenics (aimed at the optimum rather than the maximum in reproduction, and joined to a gradual separation of sexuality from reproduction); and 2) the absolute right (which must, of course, be regulated in its 'timing' and in its conditions!) to try everything right to the end—even in the matter of human biology.

While Teilhard had good reason to distrust the Vatican, he also knew what such disagreement could mean. The fact that he expressed these thoughts with clarity, in writing, is evidence enough of his commitment to these opinions. Haught claims that Teilhard's insistence (in several places, including the 1953 letter) that we must "try everything" was always made "within the constraints of a responsible moral vision rooted in Christian hope." However, Haught fails to provide a clear explanation of the content of this "responsible moral vision." While some passages suggest Teilhard's desire for the unity that Haught describes, others suggest that Teilhard preferred that some humans be discarded in order for others to thrive. In her dissertation, Limpitlaw addresses this troubling duality after assessing many quotations: "[Teilhard's] vision too easily shifts from a vision in which *all* contribute (however unequally), to one in which some are simply cast off. Complementarity gives way to a simple survival of the fittest and a destruction of the weak." More research and analysis are needed in order to define Teilhard's moral vision, especially at a time when liberation theology compels us to consider the needs of the oppressed, outcast, and differently abled *over* the needs of the strong.

Haught claims that Teilhard is "putting forth questions rather than declarations," citing part of a passage I use in my work. But the full passage in question negates his claim. It begins:

In the matter of "incorporated" energy we are incredibly slow to achieve (or even to conceive) the realization of a "body" of human-





ity. In this field the apostles of birth control (although too often inspired by the narrow desire of relieving individual hardships) will have rendered us the service of opening our eyes to the anomaly of a society that concerns itself with everything except the recruitment of its own elements. Now eugenics does not confine itself to a simple control of births. All sorts of related questions, scarcely yet raised despite their urgency, are attached to it.

Haught cites only the next part of the passage:

What fundamental attitude, for example, should the advancing wing of humanity take to fixed or definitely unprogressive ethnical groups? The earth is a closed and limited surface. To what extent should it tolerate, racially or nationally, areas of lesser activity? More generally still, how should we judge the efforts we lavish in all kinds of hospitals on saving what is so often no more than one of life's rejects?... To what extent should not the development of the strong... take precedence over the preservation of the weak?

Given the declarative statements that precede these questions, it seems clear that they are rhetorical: the reader can infer the drift of the answers Teilhard has in mind.

Haught claims that Teilhard's arguments for inequality are acceptable within a broader vision of a "differentiating union" of all peoples. But what kind of union? Early twentieth-century America saw a "separate but equal" differentiation that was anything but unified despite the claims of *Plessy v. Ferguson*. Apartheid laws in South Africa similarly claimed equality and unity through differentiation of ethnic groups. Given these and many other troubling examples of "differentiated unions" in the modern world, and given Teilhard's support of an unequal hierarchy of ethnic groups, further investigation of Teilhard's vision of unity is in order, as well as some skepticism about the unity part.

Haught is correct when he claims that Teilhard's ties to eugenics do not make him unique either among theologians or among thinkers of his generation. One can easily find rebarbative passages in Augustine, Aquinas, or Luther,

and theories of racial difference and the accompanying philosophical arguments of eugenics were indeed dominant scientific views in the early twentieth century. Nor should it be forgotten that Teilhard was one of the many victims of unjust censorship by the Catholic Church over views on evolution; he was not allowed to publish any theological essays between 1923 and his death in 1955. Perhaps, if he had not been censured, he would have changed his views on human equality through dialogue with other theologians, especially those who rejected eugenics despite its scientific and philosophical popularity at the time. Nevertheless, it is hard to deny that Teilhard's clear and consistent support of eugenics-related philosophies can be tied to core principles of his mature thought, especially his arguments combining physical and spiritual evolutionary development.

I do think there is a way forward for Teilhardian research, in addition to further investigation of his ties to eugenics. I would welcome a renewed focus on Teilhard's early mystical writings. But his support of eugenics and the related doctrine of human inequality force us to reject or readjust some interpretations of his ideas. It would be irresponsible to ignore even a tangential connection between Teilhard's arguments and eugenics, especially at a time when CRISPR technology and widespread DNA sequencing have revived eugenics-related conversations.

Christian theology demands, in its beautiful paradox, that we find holiness not in the strength but in the suffering of the world, and that the path to God is found by prioritizing the broken, the poor, the outcast, the marginalized, and the oppressed. I firmly believe there is a place for Teilhard in the Christian theological tradition, but there is absolutely no room for eugenics. ■

**John P. Slattery, PhD**, is a senior program associate with the *Dialogue on Science, Ethics, and Religion* Program of the American Association for the Advancement of Science.



Tony Blair with George W. Bush, November 19, 2003

*Andrew J. Bacevich*

## A World without the West

LEARNING TO LIVE 'WITHOUT' THE FREE WORLD

**D**oes the West still exist? Most American politicians, journalists, and policy intellectuals seem to think so, or at least they pretend to. But what if, like the *Baltimore Catechism* and *St. Joseph Missal* of my boyhood, the West has surreptitiously vanished, without anyone taking much notice of its disappearance? As with the old church of incense, ritual, and mystery, we can argue about whether what has replaced it represents progress, but there's no point in pretending that what once was still is. It's not.

Some place names all but quiver with historical resonance: Athens, Rome, Jerusalem, and not least of all, America. Yet during the second half of the twentieth century, the West merited a place on that roster.

In its heyday, the West—used more or less interchangeably with the phrase “free world”—was much more than a conglomeration of countries. The term itself conjured up a multiplicity of images: peoples sharing a devotion to freedom and democracy; nations mustering the political and cultural cohesion to stand firm in a common cause;

sacrifice and steadfastness in the face of evil. The West was Rick and Ilsa, Winston and Franklin, Jack and Ron at the Berlin Wall. It was Greer Garson as Mrs. Miniver and Tom Hanks as army ranger Captain John Miller.

For several decades after 1945, the West imparted legitimacy to U.S. claims of global leadership. Nations said to make up the West endorsed, or played along with, the notion that the United States was exceptional and indispensable. Endlessly reiterated in stump speeches and newspaper editorials, this proposition came to seem self-evidently true—or at least expedient.

**T**oday, it is neither. Seven decades after World War II and three decades after the end of the Cold War, to pretend that something called the West, taking its cues from Washington, continues to play an organizing role in international politics is to indulge in a vast self-deception.

The collapse of the Soviet Empire at the end of the 1980s robbed the West of its principal geopolitical rationale. Nomi-

nally, Western unity derived from common values; in reality, it derived from a common threat. Once the threat vanished, centrifugal forces were certain to make their appearance. From that point, the eventual unraveling of the West was probably inevitable. But one can credit President George W. Bush with hastening its end. His decision to invade Iraq in 2003, disregarding objections from key allies such as Germany and France, marked the West's slide into complete irrelevance: Washington no longer valued it as a mechanism for validating the exercise of American power. Henceforth, temporary "coalitions of the willing" would suffice to disguise what was, in effect, American unilateralism.

Of course, the Brits loyally signed up and sent what remained of their once-formidable army to join in liberating Iraq. Given that the Anglo-American partnership had from the outset formed the West's inner core, this amounted to much more than a mere gesture. Yet the ensuing war proved no happier for the United Kingdom than it did for the United States. Soon enough, the British people were deriding their prime minister for having played the role of Bush's compliant "poodle." As a consequence, the special relationship became little more than a quaint phrase, its significance extending no further than the fact that British costume dramas still have a privileged place on American television.

Events in 2013 confirmed that the special relationship had been severed. With President Barack Obama on the verge of ordering air attacks to punish the Syrian regime for using chemical weapons against its own people, he expressed hope that UK forces might join in. The British parliament took up the question. The vote: a resounding no.

In the United States, critics chastised Obama for backing away from his self-declared "red line." The real story was that the West was now fully defunct. Cooperation between the United States and its so-called partners might occur on a case-by-case basis, but the West retained about as much practical salience as the Papal States or the Holy Roman Empire.

**I**n his influential essay on a looming "Clash of Civilizations," published in 1993, political scientist Samuel P. Huntington foresaw the emergence of a world order centered on a competition pitting "the West versus the Rest." In one camp would be members of a predominantly white, vaguely Christian, affluent, and largely European (if American-dominated) club. "The Rest" would be a motley conglomeration: black, brown, yellow, religiously heterodox, mostly underdeveloped, and rent with ancient divisions. Huntington summoned Western peoples to gird their loins and rally together against the threat posed by these alien hordes. Civilization itself was at risk.

Yet subsequent events made it abundantly clear that the nations that once made up the West no longer possess anything like the solidarity required to mount a successful resistance. In fact, the West's demise has coincided with the emergence of an entirely new geopolitical order. Its chief

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characteristics are these: multipolarity, an Eastward shift of economic and military power, and the growing irrelevance of Europe—these plus a precipitous decline in America's global standing.

Huntington's speculation included an imaginative discussion of what he called "torn countries," with disintegrating Yugoslavia as a prime example. Today, nations that once formed the West's spine appear if not entirely torn, then at least starting to come apart at the seams. Examples include the emergence of illiberalism in European nations once assumed to be solidly democratic, a trend spurred by an inability to deal with mass migration from the global South. Then there is Brexit, which may yet see the United Kingdom disuniting. Of course, the most ominous divisions are those within the United States, stemming from the election of Donald Trump as president. Just now, it may be premature to characterize the United States as a torn country. Should Donald Trump be impeached or reelected to a second term, that judgment may require revision.

I remember my old *Baltimore Catechism* and my *St. Joseph's Missal* fondly, but their day has passed. So, too, have the days when something called the West still mattered. It's time to see the world as it is, not as we might wish to remember it. ■

**Andrew J. Bacevich's** *how-we-got-Trump* book is due to be published in the fall.



Austen Ivereigh

# Have the Bishops Learned Anything?

THE VATICAN SUMMIT ON SEX ABUSE

The contrast was little short of amazing. On the one hand, you had the experience inside the synod hall by the end of last week's Vatican abuse summit, with talk of a new resolve and clarity. On the other, you had the scorn from victims' groups who saw only missed opportunities.

Nothing like this had ever been done before: to use a synodal process to effect a global institutional conversion aimed at overcoming mechanisms of denial and resistance. Inside, 190 church leaders were becoming crusaders against child abuse, a shift that was especially notable among the presidents of bishops' conferences from Asia and Africa, some of whom began the February 21–24 meeting saying this wasn't their problem. Yet outside, survivors' spokespeople said the summit was just a wordy exercise for show, one that avoided the real task.

In fact, it was the victims who had been invited to tell the bishops their stories who were catalysts for the conversion of hearts and minds. Fr. Hans Zollner, the determined and methodical German Jesuit who is the pope's point man on this issue, spoke at the final press conference about working groups and individuals who told him of the transformation they had undergone after hearing from the survivors—many on video, others in person: “When I hear people from Asia and Africa speaking now, in the same language, with the

same determination, saying we need to confront this, own this, do something about it, at home—this is for me the most comforting and hopeful experience and impression I have.” Zollner mentioned an Italian woman who had shared an especially powerful story, breaking down at the end. The bishops, cardinals, and religious-order heads stepped forward to thank and comfort her. Their reaction, Zollner told us, was a “sign that this has reached the heart level, and if it reaches that level you can't be as you were before.”

The victims' groups demanded “concrete” measures and didn't see them, although the pope promised exactly that. “Why can't he enact zero-tolerance into church law? He has the power to do that,” complained Peter Isely, who represents a group called Ending Clergy Abuse. Yet if “zero tolerance”—a phrase with many meanings—means holding bishops accountable for failures to act on abuse allegations, then the meeting demonstrated that real progress is underway. For one, the Congregation for the Doctrine of the Faith will produce a small handbook, a *vademecum*, so that every bishop in the world will understand his obligations exactly. If bishops don't fulfill those obligations, the 2016 *motu proprio* “As a Loving Mother” makes it clear that they will be removed.

To make it easier to report such failures, two measures are likely to be enacted. The first is a proposal from Car-



Pope Francis speaks at the conclusion of Mass on the final day of the Vatican meeting on the protection of minors in the church, Feb. 24, 2019.



dinal Blase Cupich that should make it easier to denounce, investigate, and report on a bishop's failure to act. (Some version of it is likely to pass the USCCB in June, and will no doubt be copied in other countries.) The second is a plan now being studied by the pope's C9 advisory body that would create a new dicastery dedicated to coordinating the Vatican's anti-abuse efforts. According to Cardinal Oswald Gracias, who is one of the C9 advisors, this too would make it easier to hold bishops accountable.

Fr. Zollner also announced new "task forces" of experts that will parachute into resource-starved or remote dioceses to boost local safeguarding capacities. There will also be changes to the law. The definition of a minor in Vatican City State laws governing child pornography will be raised from fourteen to eighteen, as part of the introduction of laws to protect minors that will align the Vatican with best practices of the church worldwide. These laws would cover, for example, Holy See diplomats. (There have been two cases in recent years of nunciature staff downloading child pornography.)

One reform that looks certain concerns the so-called "pontifical secret" governing trials of abusive priests. The CDF's adjunct secretary, Archbishop Charles Scicluna, said that whatever is not strictly necessary to protect the good name and privacy of accusers and the accused while trials are underway will be reviewed in the interests of accountability and transparency. This should make it easier to announce when priests have been tried and found guilty, so that victims can know justice has been done.

And it's not as if there isn't more to come. The pope gave the bishops and religious leaders twenty-one recommendations culled from pre-summit submissions that included the screening of candidates, the reporting of allegations, and so on. The small groups discussed these and added at least as many new ones, which organizers said would be studied immediately with the heads of Vatican dicasteries, who also attended the summit.

All of this sounded pretty concrete to me. The victims' groups, however, were generally scornful. They had come seeking "zero tolerance" and had found only fine-sounding words. What especially annoyed and disappointed many of them was Francis's speech at the summit's conclusion, which Anne Barrett Doyle, a co-founder of BishopAccountability.org, the Boston-based advocacy organization, called a "stunning letdown."

**I**n the speech, Francis laid down eight principles—culled from World Health Authority documents, and his own anti-abuse experts—to guide the church's efforts to combat a worldwide evil that has struck at the heart of Catholicism's credibility.

Francis presented a broad picture of the abuse of minors, a form of cruelty as old as humanity yet revealed as never before in our own time. Acts of sexual violence against children in homes, neighborhoods, schools, and various other institutions

## IN THE WINDY ROOM

Curtains buckle and fly. The sky is  
marbled, ragged scraps of debris

tumble for the sea. God has gone off  
somewhere—it's too much this—

the current of your breath  
ebbs, everyone's in bed with you.

Beyond the glass, a host  
of warblers in swaying trees, a rest

before departure: sotto voce, the novices  
at the Dominican priory. The call

of voices singing aisle to aisle.  
They asked us to carry the gifts

that Christmas. Here in the windy room  
a minister is speaking about light—

choosing light, no talk of Christ.  
Already the cold waves bloom

and fall, there, where sea longs  
to blur with sky, a sharp and beautiful blue.

You're still here, steadfast, trying,  
borne like a leaf on the flood of our song.

—Catherine Staples

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have created millions of silent victims, while the spread of internet pornography and the rise of sexual tourism has led to numbing levels of suffering. (In 2017 alone, the pope said, three million people traveled to have sexual relations with a minor.) Francis was implicitly addressing church leaders from Africa who had complained at the start of the summit that clerical sex abuse wasn't their issue, and that what they had to tackle were other forms of child exploitation. Francis insisted that clerical sex abuse represents the same demonic abuse of power that lurks behind "other forms of abuse affecting almost 85,000,000 children, forgotten by everyone." These include "child soldiers, child prostitutes, starving children, children kidnapped and often victimized by the horrid commerce of human organs or enslaved, child victims of war, refugee children, aborted children and so many others."

In other words, these are all dimensions of the same evil that the church everywhere has to confront as part of its core mission. You cannot care about child soldiers without caring about the sexual abuse of children, starting with the abuse committed by priests. Yet rather than seeing the pope's references as a way of dismantling the African church's denial mechanism, victims' groups see it as a PR exercise designed to diminish the church's responsibility. Barret Doyle believes Francis was "rationalizing"—minimizing the church's crimes by pointing out that abuse happens in all sectors of society.

In reality, there was nothing the bishops and the pope could have said that would have satisfied the victims' groups. Their response to the issue is one that Francis has explicitly rejected: one-size-fits-all retribution. As Archbishop Scicluna pointed out, when the church administers sanctions or penalties, it is for the reform of the sinner and reparation of scandal, not simply punishment.

That doesn't mean it is lenient. In a post-summit article that seeks to capture the clash of viewpoints, Rachel Donadio describes canon law as taking "a more pastoral approach, one that leans toward forgiveness." Yet when it comes to the abuse of minors, church law offers no second chances: abuser priests will no longer be able to act as priests, and bishops who cover up for them will be removed. The point is that canon law takes a "common-good" approach, not a punitive one. "Removing from exercise of ministry should not be seen as a punishment but rather as the duty to protect the flock," Archbishop Scicluna told journalists.

But if your view of laws is essentially retributive, canon law *does* look lax. This in turn feeds the suspicion of victims' organizations and some right-wing Catholics, who believe that if only the church were fiercer, or more punitive—if only it were less "merciful" and more draconian—this issue could be resolved very quickly.

The summit organizers didn't believe this. They say that laws and regulations, though necessary, are incapable of attacking the issue at its roots. They say this is a problem that

can be solved only by conversion, not coercion. Whether one calls it clericalism, institutional idolatry, or corruption, the mindset that has governed too many bishops for too long makes them deaf to victims and protective of perpetrators. The pope calls it the spirit of evil, which cannot be defeated by practical means alone, but by spiritual means of "humiliation, self-accusation, prayer, and penance." Hence the penitential liturgy on Saturday, when a Chilean victim spoke slowly and piercingly of the effect of abuse of him—"there is no dream without the memory of what happened. No day without memories, no day without flashbacks." Hence, too, the examination of conscience, the collective confession, and an appeal for "the grace to overcome injustice and to practice justice for the people entrusted to our care."

"The pope is a supreme monarch: Can't he just order everyone to do this?" asked an exasperated BBC interviewer when I tried to explain why the pope had brought together church leaders for a four-day summit. The Archbishop of Luxembourg, Jean-Claude Hollerich, gave to *La Croix* the answer I should have given. *Le pape est très sage*, he said. "He knows very well that you can't change the church by just giving orders from above. You have to change people's hearts." Hollerich, moderator of the French-speaking group, said he could see this happening in his group: "there is a development in their consciences, in the bishops' thinking in the course of these few days," he said. "The bishops are changing."

The primary purpose of the summit was never to devise severe new legislation, for which a global meeting of church leaders would hardly be necessary. The purpose was what the pope called "personal and collective conversion, the humility of learning, listening, assisting and protecting the most vulnerable." On the way to that conversion, there were two forms of resistance to God's grace identified by the pope: defensiveness (the kind of attitude that says, "this isn't our issue") and juridicism (believing you can change everything by laws and regulations alone).

Of course, if you do not believe in the power of grace to transform consciousness, this will all sound like evasive palaver. If you believe bishops are essentially corrupt and self-serving and will only act against abuser priests when they see each other locked up in jail, you will hardly see the point of the pope's analysis.

So we're left with a kind of paradox. Real change can happen only through the involvement of survivors, whose testimonies are key to the church's conversion on this issue. Yet too often survivors' organizations do not recognize conversion as amounting to any kind of solution. Their anger is fully justified—and it has sometimes forced the issue when bishops would have preferred to see it remain buried—but it has left many of them blind to the significance of what just happened at the Vatican. ■

**Austen Ivereigh** is the pope's biographer. His new book *Wounded Shepherd: Pope Francis and the Struggle to Reform the Catholic Church* will be published next fall by Henry Holt.



*Paul Moses*

# The Ones Ignored

## UNDERSTANDING THE NEW YORK STATE ABORTION LAW

**I**n the midst of the battle over a new abortion law in New York State, Cardinal Timothy Dolan suggested that a true progressive would be on his side of the debate. He cited Governor Al Smith's aim to "always defend the ones ignored," and asked, "Is it not the case that today the one most without a voice, the one hidden and ignored...is the baby in the womb? Is it not legitimate to ask why the protection of the civil rights of the preborn baby is not part of the dominant progressive agenda?"

He was reacting to New York's Reproductive Health Act, which, as *Time* described it, "has catapulted late term abortion back into the political spotlight." President Donald Trump assailed the law in his State of the Union address, saying it "would allow a baby to be ripped from the mother's womb moments before birth." Governor Andrew Cuomo fought back in a *New York Times* op-ed, reminding readers that Trump once called himself "very pro-choice" and

maintaining that the New York law "merely codifies existing federal law and firmly established practices."

Like a lot of people, I didn't know what to believe about this law. What I found is complicated—that the new law does codify the essentials of *Roe v. Wade*, but that there's also much more to it. There is a reason that supporters of the bill are celebrating so loudly—Cuomo went so far as to have the World Trade Center lit up pink after the law was enacted on the forty-sixth anniversary of *Roe*—and that many others, and not just prolife activists, are saddened. As much as possible, the new statute disregards fetal life. In spirit, if not in the essential details, it goes well beyond *Roe*. For some, that's cause for rejoicing; for others, not.

The New York law is already being touted as a template for progressive Democrats; Virginia was recently engulfed in controversy over a legislator's attempt to ease restrictions on abortions late in pregnancy. Against that background,

the notion of a progressive, civil-rights-based approach to limiting abortion may seem far-fetched. But there was a time when it would have seemed far-fetched to imagine that conservative Republicans could be a force against mass incarceration. The liberal case against abortion has been made by such figures as Father Daniel Berrigan and the writer and civil-liberties advocate Nat Hentoff, among others; it exists.

**W**hen New York's previous abortion law was passed in 1970, it had both bipartisan support and bipartisan opposition. Democrats provided a majority of the votes, but it was signed by a Republican governor, Nelson Rockefeller, and passed in a Republican-controlled legislature. In fact, the Republicans insisted that one of their number sponsor the bill.

The liberalized 1970 law made abortion legal within the first twenty-four weeks of pregnancy, replacing an 1830 statute that outlawed abortion except when necessary to save the mother's life. Pregnancies beyond twenty-four weeks still couldn't be terminated except as a lifesaving measure, and criminal penalties remained in effect. Three years later, *Roe v. Wade* changed that, permitting abortions after twenty-four weeks if the life or health of the mother was threatened. A companion ruling on the same day, *Doe v. Bolton*, defined "health" broadly. The two dissenting justices complained that as a result of the *Doe* ruling, "any woman is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake the procedure."

On the surface, the Reproductive Health Act of 2019 brings New York law to par with these Supreme Court rulings, as Cuomo argued. Absent the new statute, New York would have reverted to its 1970 law if *Roe* were overturned.

But there are some significant differences. In practical terms, it appears that the new law will resolve legal concerns some hospital staffs have had about whether the old state law prevented them from doing late-term abortions—concerns serious enough that the state attorney general issued a legal opinion on the matter in 2016. Without the 1970 law in the background, it will be easier to do abortions late in pregnancy in New York State.

The new law strikes out a section of state law regarding what a doctor must do in the event of a "live birth that is the result of the abortion." Previously, the law specified, "such a child shall be accorded immediate legal protection under the laws of the state of New York." It directed doctors to maintain records of "all life-sustaining efforts put forth for such a live aborted birth." In the new law, this is simply explained as "Section 4164 of the public health law is REPEALED." This comes as U.S. Senate Democrats defeated a bill on February 25 that would have guaranteed these protections.

What happens now?

Deborah Glick, the Assembly sponsor of the Reproductive Health Act, said during a short debate before the bill's passage that "if a fetus is somehow delivered and is alive, then it becomes a person under New York State law and is

granted all of the rights of a person, if it is alive."

But the repealed section of the law, which dates to 1974, had included language exhorting doctors to take lifesaving action after the birth and to document what they did afterward. The new legislation includes no such requirements. When asked why, Glick responded, "The purpose of the bill is to ensure that we provide medical judgment and respect the medical judgment of those involved."

Supporters of the legislation say that these tragic cases don't happen. But federal data for infant mortality says otherwise: at least 143 infants were recorded to have lived and died following an induced termination of pregnancy between 2003 and 2014. The data does not include those who survived.

**R**hetorically, there is a world of difference between the New York law and *Roe*. While the Supreme Court ruling discusses the "potentiality of human life" in the woman's womb, the New York statute avoids any expression of interest in fetal life. Although *Roe* barred states from interfering with a woman's decision to have an abortion during the first trimester of pregnancy, it showed a degree of deference to fetal life in the second and third trimesters. The majority opinion stated, "For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." The majority said that state law protecting "fetal life after viability...has both logical and biological justifications."

On the other hand, the New York law declares in its policy statement, "Every individual who becomes pregnant has the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion, pursuant to this article." It says there is a fundamental right to privacy in reproductive health care.

*Roe*, however, recognizes limits on the right to privacy. "The privacy right involved...cannot be said to be absolute," the majority opinion says. "In fact, it is not clear to us that the claim asserted by some *amici* that one has an unlimited right to do with one's body as one pleases bears a close relationship to the right of privacy previously articulated in the Court's decisions."

That absolute claim returns as the spirit of New York's abortion law. The faces one sees nowadays in 3-D ultrasound images of a baby-to-be in the later stages—pictures so startlingly vivid that it's possible to debate if she looks more like the mother or the father—these are "the ones ignored." ■

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# Bringing the Workers on Board

## *The Catholic Roots of Codetermination*

Matt Mazewski

Judging by the suite of bills Elizabeth Warren has introduced in the U.S. Senate over the past year, many of which have already been woven into the issue statements on her campaign website, the senior senator from Massachusetts is set to have one of the most creative and ambitious policy platforms of any contender for the Democratic presidential nomination in 2020. This is not necessarily saying much, since a good number of the eventual candidates are likely not to have any platform whatsoever beyond anti-Trump rhetoric. In Warren's case, however, her legislative portfolio is in fact genuinely audacious.

Perhaps the most audacious item in that portfolio is the ACA: this time not the Affordable Care Act, but the "Accountable Capitalism Act," which seeks to radically overhaul corporate governance in the United States and reorient big business away from its single-minded focus on maximizing returns for shareholders even when doing so comes at society's expense. The audacity of the ACA lies not only in the magnitude of the legal and economic transformation it would bring about, but in what it says about Warren's views on the ideological debates currently roiling the Democratic Party.

At a time when a resurgent socialist left is slowly but steadily gaining influence in American politics, Warren has gone out



Elizabeth Warren makes a campaign stop for her 2020 presidential bid at the Springs Preserve in Las Vegas on February 17, 2019.

of her way to define her legislative goals and political identity in opposition to that movement. This despite the fact that she has advanced policy ideas, like the public manufacture of generic prescription drugs, that go just as far or farther than what many democratic socialists have called for. She made this explicit in front of one audience last year when she declared that "I'm a capitalist to my bones." (Happily, she has refrained from trying to substantiate that claim with biopsy results.)

In reality, what the ACA seeks to do is not really "capitalist" or "socialist." To understand why neither term quite captures the radicalism of Warren's proposal, it helps to understand both what it would actually accomplish as well as its intellectual genealogy.

The core of the ACA is its stipulation that all domestic corporations with annual revenues of over \$1 billion obtain

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a federal charter. These so-called “United States Corporations” would then be subject to a variety of requirements, including a legal duty to take account of the impact that their decisions have not only on shareholder value, but also on workers, local communities, and the environment. They would also be compelled to follow a rule that any corporate expenditures on political advertising be approved by a three-fourths supermajority of a board of directors.

Federal chartering of corporations would represent a significant departure from the status quo, under which incorporation is a matter left to the states. What Warren aims to do is disrupt the “race to the bottom” dynamic that has made it difficult for any one state to make incorporation conditional on an enforceable promise to meet standards of good corporate citizenship. As it is now, the state of Delaware’s relatively lenient incorporation statutes are a magnet for business: despite being the smallest state by area, more than half of all publicly traded companies are legally headquartered there.

Enactment of such reforms would certainly be a significant achievement, but none of them would be truly unprecedented. A number of states already allow for the creation of so-called *benefit corporations*, or “B-corps,” that permit firms to take into account the interests of a broader array of stakeholders than just their own investors. In theory, this allows managers to pursue objectives like environmental sustainability without having to worry about legal action from investors miffed that profits would have been higher if management hadn’t been such a bunch of tree-huggers. Regulation of corporate spending on “electioneering communications” is nothing new either: federal law explicitly restricted such spending prior to the Supreme Court’s notorious 2010 ruling in *Citizens United*, which claimed that these restraints violated the First Amendment.

The provision of the ACA that *would* be truly revolutionary is its mandate that 40 percent of the membership of a United States Corporation’s board of directors be elected representatives of the corporation’s own employees. At present, virtually all directors are elected by shareholders in mostly noncompetitive elections, with the candidates nominated by the incumbent board. These are less elections than *de facto* coronations.

Such a policy of requiring worker representation on corporate boards is known as “codetermination” because it creates a structure under which decisions are jointly hashed out by representatives of labor and capital. It is most often associated with Germany, which has some of the most extensive codetermination laws in the industrialized world, though similar policies are in effect across Europe and elsewhere. German law requires that corporations with more than two thousand workers have half of the members of their “supervisory boards” (the analogue of our boards of directors) elected by their employees, while those with between five hundred and two thousand workers have a third of their board members chosen by the same. In addition, German

workers may also elect members of “works councils” to lobby employers about issues that arise in the workplace. (Trade unions in Germany tend to operate at the sectoral level rather than at the level of the individual company, as in the United States.)

Warren’s framing of codetermination as essentially capitalist has aroused ire on both the Right and Left. *National Review*’s Kevin D. Williamson painted the bill’s pro-capitalist packaging as subterfuge and hysterically warned that it represents a “batty plan to nationalize everything” and would “constitute the largest seizure of private property in human history.” Meanwhile, *Jacobin* editor Seth Ackerman panned the ACA as cynical, a “feint to the left” that “outbids even Bernie Sanders” while still allowing Warren to “present herself as a credible champion of traditional Democratic Party capitalist values” and “a bulwark against the party’s recent, inexplicable outbreak of ‘socialist’ madness.” “The irony is complete,” he writes, since “to position herself as the savior of capitalism, Warren has floated a measure that, in real life, has only ever been championed by socialists.”

The attempt to precisely situate codetermination within a capitalism-socialism binary is a mostly pointless exercise. If one defines capitalism as “private ownership of the means of production” and socialism as “social ownership of the means of production,” then it ought to be clear that codetermination is not quite either of those things. The problem is that ownership has multiple dimensions: it can entail *control rights*, or the power to make decisions about how to use or dispose of property, as well as *residual claimancy rights*, or the entitlement to the stream of profits generated by productive assets. Codetermination confers some measure of control rights on workers without necessarily making them residual claimants; it gives them voice in the workplace but need not guarantee them a cut of the profits.

In this sense, codetermination can be thought of as the inverse of profit-sharing plans or employee stock-ownership plans, which grant limited or no control rights but do provide some compensation that is tied to the firm’s performance. It can also be understood as a less complete form of worker ownership than that seen in worker cooperatives—businesses that are wholly owned and managed by the workers. And it should also be contrasted with labor unions, which confer *no* ownership rights but do let workers bargain collectively with their employers for higher compensation and better conditions of employment.

Williamson’s bleating about nationalization and state seizure of property is self-evidently absurd, but Ackerman’s more nuanced take also suffers from having been shoehorned into a reductive framework. In particular, his account of codetermination’s genesis as the work of socialists alone is at best incomplete and at worst misleading, since a number of its key early proponents drew their inspiration not from Marxism, but from the emerging tradition of Catholic social teaching.

Legal scholar Ewan McGaughey, citing the work of co-determination expert Hans Jürgen Teuteberg, identifies the German social philosopher and Catholic theologian Franz von Baader as “the first to affirm a legal claim for worker participation” as far back as the 1830s. The law would not vindicate such a claim until 1891, when the German government passed the first legislation granting workers the right to form “factory councils” that could offer (non-binding) input on decisions affecting the workplace. (Incidentally, that was also the year that Pope Leo XIII issued his seminal social encyclical *Rerum novarum*.) A young priest named Fr. Franz Hitze, who served as the first Professor of Christian Social Teaching at the University of Münster and who had written on the subject of capital and labor, was tasked by Kaiser Wilhelm II with assisting in the drafting of the law.

Hitze was again instrumental in the passage of a more ambitious 1920 law that mandated works councils in all businesses with more than twenty employees, as was another priest, the Labor and Social Minister Heinrich Brauns. Both saw the proto-codetermination embodied in their approach as a bulwark against the bolder demands of the Marxist Left. Theologian and social ethicist Manfred Spieker writes that it “was due to [Hitze and Brauns’s] influence that the radical socialist concept of the soviets did not come to bear on the Work Councils Law.” Spieker also points out that Pope Pius XI’s 1931 encyclical *Quadragesimo anno* cites Brauns, albeit not by name, as an exemplar of Catholic involvement in politics.

The basic contours of Germany’s modern codetermination regime came into being shortly after the Second World War. According to the American diplomat Herbert Spiro, it emerged as a pragmatic response to the monumental task that the Allied occupation faced in rebuilding the devastated German coal and steel industries. While socialists at the time demanded full-scale nationalization, the Allied command was reluctant to impose such a system without a democratic mandate, and many trade unionists were leery of effectively returning to the *status quo ante*. Because there was a critical need for technical expertise to guide the rebuilding effort, and because many of the former industrial managers and factory owners were exiled or in prison camps as a result of “denazification,” the only people left to turn to for expert advice were the leaders of the reconstituted labor unions, which had been largely suppressed under the Third Reich.

The principles of  
codetermination have  
been consistently  
alluded to and  
affirmed in papal  
encyclicals since at  
least *Quadragesimo  
anno*.

One steel manager who had never joined the Nazis and was therefore available to be consulted by the Allies was the Catholic Heinrich Dinkelbach, who ended up developing a plan for oversight of the revived industrial sector that involved 50-percent representation for the trade unions. Ewan McGaughey reports that Dinkelbach was later made a papal count for his efforts, suggesting that the Vatican thought highly of the results.

In 1951 Germany enacted additional legislation on codetermination that required half of the supervisory boards of coal, steel, and mining concerns to consist of elected representatives of the workers. Herbert Spiro claims that “it is doubtful whether Chancellor [Konrad] Adenauer would or could have gotten the then predominantly Catholic CDU [Christian Democratic Union] to vote for the special codetermination

bill in 1951, if [a] doctrinal rationale had not previously been provided.” The unique historical circumstances that obtained in Germany after the war provided rich soil in which codetermination could take root, but it would never have fully blossomed without the fertilizing influence of Catholic social teaching. Pace Ackerman, socialists were not its only champions—and in many cases were not its champions at all.

The principles of codetermination have been consistently alluded to and affirmed in papal encyclicals since at least *Quadragesimo anno*, as Marymount University theologian Matthew Shadle shows in an August 2018 essay for

*Political Theology*. Shadle explains how Pius XI developed Leo XIII’s simultaneous defense of both labor unions and private ownership of the means of production in *Rerum novarum* by insisting that workers ought to become “sharers in ownership or management or participate in some fashion in the profits received.” He also calls attention to how John XXIII’s discussion of the topic in *Mater et magistra* (1961) constitutes even further development, since it moves beyond Pius’s appraisal of worker ownership as a means of ensuring a “just distribution of goods” and toward an appreciation of the intrinsic value of a participatory workplace—one that becomes a “true human community, concerned about the needs, the activities and the standing of each of its members.” In economic terms, we might say that Pope John shifts the emphasis from residual claimancy to control rights.

This theme of participation is also taken up by John Paul II in *Laborem exercens* (1981), which speaks of “joint owner-

ship of the means of work, sharing by the workers in the management and/or profits of businesses, [and] so-called shareholding by labor.” And when Benedict XVI writes in *Caritas in veritate* (2009) that “business management cannot concern itself only with the interests of the proprietors, but must also assume responsibility for all the other stakeholders who contribute to the life of the business,” he sounds an awful lot like a spokesman for Warren’s ACA.

**G**iven the support for some form of codetermination or worker ownership evident in the past century of papal writings, it is striking that the topic is hardly ever mentioned by Catholic labor activists or by the bishops—including the current Bishop of Rome. Most discussions of the church’s views on labor and the rights of workers begin and end with unions. A search of the website for the Catholic Labor Network, which strives to advance workers’ rights and to spread awareness about Catholic teaching on the issue, returns nearly two hundred mentions of the word “union” but not a single instance of “codetermination” or “worker ownership.”

Pope Francis, who has professed that “the union is an expression of the prophetic profile of society” and that “there is no good society without a good union,” does not appear to have ever made any public statement about codetermination or worker ownership as pope, notwithstanding a brief mention of ecologically minded cooperatives in the encyclical *Laudato si’*. Nor does the USCCB say anything about it on the page of its website dedicated to labor and employment. Its “Primer on Labor in Catholic Social Thought” quotes from the encyclicals and various pastoral letters of the U.S. bishops, highlighting in bold nearly a dozen mentions of trade unions. One could reasonably conclude from all this that the entirety of the church’s teaching on labor is its defense of collective bargaining.

One possible explanation for this strange silence is that explicit advocacy of codetermination by church leaders has been chilled ever since Pope Pius XII condemned a statement issued by the German Social Congress in Bochum in 1949 asserting that codetermination is a natural right. The pontiff rejected this claim as contrary to the argument of

*Rerum novarum*, since it contradicted Pope Leo’s position that private ownership of the means of production is not inherently immoral. This might explain why subsequent pontiffs have been content to talk in broad generalities about “participation,” but have been hesitant to speak in specific terms about something resembling the German model.

But as Fr. Gérard Dion, SJ, explains in a commentary on Pius’s remarks, the pope’s intent was not to condemn codetermination as such, only to insist that “the contract of wages” (i.e. any employment relationship not involving worker ownership) was not intrinsically wrong, provided that a just wage was paid and the worker was not treated

as an economic object. Nor is there any evidence that theologians interpreted Pius’s statement as a ban on discussion of the topic: the prominent German Jesuit Oswald von Nell-Breuning, a ghostwriter of *Quadragesimo anno*, published a book in 1950 that was actually titled *Mitbestimmung* (“Codetermination”).

The much more likely explanation is just that codetermination is relatively uncommon, with forms of worker ownership like cooperatives rarer still. The hierarchy is generally reluctant to ratify specific economic policies, preferring instead to offer generic moral criteria that such policies must satisfy; it is *especially* reluctant to comment on policies and

structures that are otherwise little known. (Ironically, the largest federation of worker cooperatives in the world, the Mondragon Corporation in the Basque region of Spain, was founded in 1955 by a Catholic priest named Fr. José María Arizmendiarieta, who was directly inspired by Catholic social teaching.) Consequently, activists may not even be aware that the tradition has much to say about the relationship between labor and capital beyond its support for unions. As the *Compendium of the Social Doctrine of the Church* puts it, “the Church does not intervene in technical questions... nor does she propose or establish systems or models of social organization. This is not part of the mission entrusted to her by Christ.”

**B**ut why is codetermination so uncommon, and why has it never been adopted at any meaningful scale in the United States? Neoclassical economists would insist that it must be because it is less efficient than

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traditional capitalist management, so that any firms that would voluntarily choose it would be put at a competitive disadvantage and quickly fail. From this perspective, the lack of codetermination in the United States is a reflection of the state of nature, while its widespread use in Germany is an artificial creation of law.

Yet there is no such thing as a “state of nature” in the economic realm. Any corporate governance regime or system of labor relations is necessarily a creature of the state (as are corporations themselves, as Warren’s push for federal chartering should remind us). Moreover, the claim that codetermination causes firms to be less productive appears to be false as an empirical matter. It certainly has not turned Germany into an economic backwater.

Instead, we should consider the possibility that we do not see more firms with codetermination because: (1) capitalists don’t want it, and have the power to stop it from being implemented; and (2) the legal regime we have developed in the United States has locked us into an inherently adversarial conception of the relationship between labor and capital, one based on bargaining between employers and unions.

In a study of German codetermination, economists Gary Gorton and Frank Schmid find that it does, in fact, alter the behavior of firms: those that make use of it seem to place relatively more weight on the interests of workers and relatively less on those of shareholders (by undergoing disruptive restructurings or mass layoffs less frequently, for example). In other words, the fact that firms almost never voluntarily adopt codetermination can be seen as evidence not that it is “inefficient,” but that it does meaningfully tilt the balance of power within the corporation toward labor, and *this* is why it is resisted by the owners of capital.

Another problem is that U.S. labor law, which has been defined since the 1930s by the National Labor Relations Act (NLRA), makes it difficult to “bring class struggle inside the firm,” as Gorton and Schmid put it. The NLRA explicitly forbids “company unions,” or labor organizations that have close ties to management, on the grounds that employers can use them to undermine the collective power of their workers. Some scholars have warned that this provision may create legal difficulties for any businesses that would try to adopt German-style codetermination. Warren’s ACA is silent on this issue. If it were ever enacted, it is possible that its opponents could use an existing law designed to protect workers’ rights in order to undermine a new one.

**O**ne should not exaggerate the potential of codetermination, which has not put an end to all of Germany’s economic woes and will not put an end to all of ours. At a time when jobs that used to be handled in-house are now farmed out to independent contractors, codetermination may do little to help precarious workers who are technically not employed by the company for which they actually work.

Besides, under Warren’s plan it is only corporations with

more than \$1 billion in annual revenues that would be required to put employee representatives on their boards, so many workers would not even be covered. What will ultimately guarantee both a just distribution of goods and a just distribution of power in the workplace will be a mix of tools: greater cooperative ownership of small firms, strong unions negotiating employee stock ownership in mid-sized companies, outright public ownership of behemoths like Amazon. Unions in particular will continue to be key. As Seth Ackerman points out, a plan as bold as Warren’s ACA will never get anywhere without the backing of a revitalized labor movement. If there is a weakness in how the Catholic tradition has approached this subject, it is the unrealistic expectation that we can get from here to there through moral exhortation alone.

In the words of Fr. Gérard Dion:

Catholic social moralists all over the world are in agreement to favor various formulas, not to do away completely with the wage contract, but to modify it according to circumstances by elements borrowed from the partnership contract. They do not consider that this is a complete answer to all the social problems, a single cure, a panacea, but that it is a method which should be taken, along with many others, to reform our society.

In any case codetermination should not be assessed only in economic terms, but also in moral ones. The philosopher Elizabeth Anderson has decried the fact that many modern employers have effectively become “private governments,” exerting a level of control over the daily lives of their employees that would likely trigger outright revolution if even attempted by the actual government. We take for granted that political decisions ought to be arrived at democratically but that in offices and factories the boss is king.

To the extent that employer abuses like denying workers bathroom breaks or firing them for what they share on social media become issues of political concern, they are invariably treated as problems that can be dealt with only from without (through legislation, regulation, or unionization) rather than from within (by replacing capitalist management with worker control). The best we can hope for, it seems, is to *contain* the threat posed by concentrated economic power; we can hardly imagine it might be possible to redistribute that power from the inside. John XXIII’s talk of businesses becoming “true human communities” sounds downright ludicrous to late-capitalist ears.

But why should it? In many societies throughout human history, the notion that the average person could take part in deciding the future of his or her city or country has been considered equally absurd. Maybe if codetermination became a part of the corporate landscape in United States it would shift our conception of just how far democracy might extend. Bringing workers on board with the idea that democratic principles can govern not only their political communities but also their workplaces will not be easy, but putting them *on boards* would certainly be a good place to start. ■

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# A Steady Hand

## *Angela Merkel's Legacy*

William Collins Donahue

**D**eidre Berger, the former NPR correspondent in Berlin, once reflected on the challenge of bringing foreign news to an American audience. If you don't make a story align with homegrown, familiar realities, she said, Americans won't care about it and perhaps won't even recognize it; but if you move it *too* close to domestic news, you risk losing precisely what's new or different. That, I think, is the problem we face in trying to understand Angela Merkel's Germany. Seeing the dangers of anti-immigrant populism here in the United States—and elsewhere in Europe—we project that danger onto Germany, and thus end up with a half-truth, at best.

When we turn our gaze to Europe, we tend to focus on an oft-reiterated troika of political troubles: the immigration crisis; an enervated EU; and right-wing populism. News outlets attend to Orbán's suppression of free speech in Hungary, to May's desperate attempt to sell a Brexit deal, and to Italy's flirtation with populism—with an occasional glance to Poland's slide toward authoritarianism, or to an "improbable" immigration crisis in one of the Scandinavian countries. So where does Germany fit in? The truth is that while each of these three issues touches real wounds and sensitive nerves in many places across Europe, none constitutes a true crisis for Europe's most secure democracy. At least not yet.

Still, the news we consume about Germany is processed through the filter I've just described. So when pundits try to understand the recent dramatic losses suffered by the two great postwar centrist parties in Germany—the Christian Democratic Union (the CDU, led by Merkel) and the Social Democratic Party (SPD)—they go for the usual culprit, which is immigration and, by extension, Merkel herself. The losses recorded in Bavaria several months ago, and in Hesse more recently, are frequently laid at her feet; German voters are said to be punishing her for the too-permissive immigration policy of 2015, when Merkel controversially

refused to limit the number of refugees granted entry into Germany during the height of the Syrian crisis.

But this is not the whole story. The populist movement in Germany, represented principally by the far-right party *Alternative für Deutschland*, or AfD, has not in fact benefited unambiguously from Germany's "immigration crisis." In Bavaria, the votes lost by centrists were divided between the AfD and the Green Party, which supports immigration and strongly repudiates the AfD's xenophobia. In Hesse, where elections were held about a month later, the results were strikingly similar. Though Merkel announced shortly after the Hesse vote that she would not run again as leader of the CDU, the two recent state elections are by no means a clear repudiation of her immigration policy. What we in fact see is a modest endorsement of her core values.

The general consensus remains that Merkel's days are numbered. But it would be misguided to see this as part of a general "wave of populism" washing across Europe. Exit interviews in Hesse revealed that many voters meant to voice their disapproval not only of "Mutti" (or Mama)—the simultaneously affectionate and condescending nickname Germans have for Merkel—but of her coalition partners as well. The main culprit was Horst Seehofer, her rival from the conservative Bavarian CDU sister party, the CSU, who (with our own president lending a hand) tried to topple Merkel last summer in a showdown over immigration on Germany's southern border. That drama clogged the news cycles all summer long, and German voters were tired of it. That partly explains the general disgust with the Grand Coalition (consisting of the CDU/CSU and the SPD) and the failure of leaders in *both* centrist parties to address the problem rather than make political hay out of it. Another part of the explanation has to do with the nature of rival parties governing in coalition, which tends to produce an indistinct amalgam that offers voters few options. This sense of stasis, especially at a time when voters were hungry for alternatives, helps explain increased support for non-traditional parties.

Still, even if Merkel was not the only, or even the principal, target, she nevertheless heads this dysfunctional group, and the message seems clear: Mama's got to go. But what Americans should hold onto, I would argue, is this: that amid the

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apparent weakening and even splintering of Germany's major political parties, and the corresponding uncertainty about its future leadership, what one sees is an astonishingly stable democracy. The elections did not just document turmoil and dissatisfaction. They also revealed a firm majority of centrist parties—and voters—committed to democracy and the rule of law. The center in Germany may be occupied by more parties, but it is still quite strong. Yes, we can expect challenges in building and maintaining coalitions, but we needn't fear another Weimar Republic.



Angela Merkel at a CDU party convention in Reutlingen, Germany, September 9, 2017

It is not just our penchant to generalize Europe, or to reason from our own situation, that causes us to misread Germany. In the United States today it has become a liberal reflex to respond vehemently to the first sign of authoritarianism, to the first trace of bigotry or racism. In an op-ed piece for *Commonweal* after the 2017 German federal elections, which resulted in the first representation ever of a far-right party in the Bundestag, I cautioned patience. Liberal friends objected that I was soft-pedaling the AfD and utterly failing to realize the imminent threat. They may eventually turn out to be right, but I prefer to scream that the sky is falling only when it really is. To me, vigilance about neo-Nazism should take the form of practical political action, not alarmist rhetoric. By overstating the successes of the AfD, we are not only being inaccurate; we're running the risk of inadvertently helping to bring about what we most abhor.

To say that immigration is not, at present, a government-toppling crisis in Germany is not to deny that it is a hot-button issue. Of course it is. Yet refugee numbers are significantly down, and there is a consensus in the country that any future influx will have to be carefully regulated, preferably in concert with an overall EU strategy. While defending her 2015 decision, Merkel herself refers to it as a one-time policy meant to address an overwhelming humanitarian crisis. It is also true that Merkel has suffered a loss of support over immigration. There was frankly a lot of great press to be had in 2015 with images of good Germans welcoming the disadvantaged and dispossessed of the Middle East; for Germany, as I've argued previously in these pages, this was the real end of the postwar era, because it supplanted the image of Germany as Holocaust perpetrator with that of Germany as safe haven for refugees.

But the euphoria of Germany redefining itself in this

manner gradually gave way to a chorus of criticism. It was fascinating to watch this erosion of support, so often accompanied by remarks that suggested critics wanted it both ways. They acknowledged Merkel may have been right *in principle*, while criticizing the execution of the policy. Immigration itself is acceptable—perhaps even a very good thing—as long as it is done gradually and the right way. Merkel's *implementation* was flawed, they said. She didn't consult the Bundestag. Or she underestimated the difficulties of absorbing so many newcomers. Or there simply weren't enough beds, or teachers, or shelters. Or the bureaucracy set up to handle the flow of refugees—the BAMF (Bundesamt für Migration und Flüchtlinge)—was ineffective and naïve. And, worst of all, she failed to predict how all of this would fuel the rise of far-right parties.

To these criticisms I would respond: yes, yes, and yes. But at some point the criticism seems too easy, resembling the way Trump treated Hillary Clinton during the 2016 presidential debates, holding her responsible for every failure within the federal government. Is Mutti really to blame for *all* these things? I recall one popular talk show where a former BAMF employee “revealed” that some refugees, in attempting to gain legal status in Germany, had lied to authorities about their background. Horror of horrors! He was clearly shocked, and his enthusiasm for the entire program had waned as a result. But of course desperate people sometimes lie. And of course bureaucracies sometimes fail us. Mismanagement and a notorious bribe scandal have further tarnished BAMF's reputation. As a perhaps all-too-cynical American, I remain amused that Germans seem genuinely surprised when their institutions fail; I'm impressed that they function fairly well.

It's worth noting that mainstream support for immigration shrunk precisely at a time when the spigot has already



been turned almost off, reducing the flow to a trickle. As I read it, the sobering of the German public on this issue was almost inevitable, a reasonable response to largely fair-minded criticism of flawed implementation. It is not a panicked response, however; nor is there an ongoing threat of foreigners breaching German borders. Yet this sense of cultural invasion is exactly what the AfD exploits, and it has had undeniable success; the right-wing German party is now represented in all state legislatures as well as in the federal Bundestag. Such growth is a matter of serious concern. But the AfD controls less than 13 percent of the seats in the federal parliament, and its support in the Western states—the largest and most populous portion of Germany—is not strong: it reaches 25 percent only in the sparsely populated East. And its popularity there, far from being a simple matter of xenophobia, reflects deeper issues of structural unemployment and a gendered pattern of internal migration to the West. In a *New York Times* piece that should be required reading for anyone seeking to understand contemporary Germany, “One Legacy of Merkel? Angry East German Men Fueling the Far Right,” journalist Katrin Bennhold makes the case that the underlying issue is lingering underemployment among a disproportionately male population.

Bennhold draws on her own impressive reporting as well as a recent book by SPD representative Petra Köpping, the title of which—taken from an interview with one of Köpping’s Eastern male subjects—speaks volumes: “*Integriert doch erstmal uns!*” *Eine Streitschrift für den Osten*, or “*Why Don’t You Integrate Us First!*” *A Polemic for Eastern Germany*. Both Köpping and Bennhold show how after unification, younger women left the former East in disproportionately high numbers. “Communism,” Bennhold explains, “succeeded in creating a broad class of women who were independent, emancipated, often better educated and working in more adaptable service jobs than eastern men.” Following the fall of the wall, the East lost over 10 percent of its population—and two-thirds of that loss consisted of young women. As the highest-profile example of an Eastern woman who made it in the West, Merkel is a convenient target for the resentments of the men who have been left behind. It doesn’t help that the marriage market for men in the former Communist East is dismal. Or, as Bennhold notes, that the young male immigrants seeking asylum—

“dynamic, determined and driven” men who are present in Germany by the very fact of their having made a difficult journey—stand for everything these Eastern men are not.

Long downplayed in the West, this “Eastern Man” phenomenon has emerged as “a disruptive political force,” Bennhold asserts, that is “reshaping German politics.” Pundits who recite the familiar creed about immigrants “causing” the rise of the AfD need to spend some time with Bennhold’s more nuanced analysis. Indeed, the whole narrative of causality is far too slapdash when it comes to immigrants and the rise of right-wing populist parties. Too often, in a classic example of *post hoc, ergo propter hoc* thinking, commentators assume that the racism and xenophobia associated with the success of right-wing parties has been caused by the influx

of immigrants and asylum seekers—as if asylum seekers had somehow converted otherwise virtuous, upstanding citizens into xenophobic AfD supporters. The argument hardly differs from the old misogynistic saw that blames women for men’s sexual predation. If we acknowledge the prior wounds of long-term economic neglect, as well as the simmering misogyny in the wake of the flight of successful women from former Communist Germany, we can see that the hatred now surfacing has a crucial prehistory. It was not created *ex nihilo* by dark-skinned young men who venture into Germany, or by the woman-in-chief who let them in. Blaming the im-

migrants, and reproaching Merkel, is not a convincing diagnosis, but rather part of the bigotry itself—a part that, often enough, camouflages itself as respectable punditry.

Opinion writers mediating foreign news to Americans tend to rely on a sensational “hook” in order to gin up a salable sense of urgency. Oliver Nachtwey certainly understood this when he wrote his alarmist December 8 op-ed piece for the *New York Times*, titled “It Doesn’t Matter Who Replaces Merkel. Germany Is Broken.” Wrong and wrong. Merkel’s successor as leader of the CDU will be the person Merkel herself has carefully groomed, namely Annegret Kramp-Karrenbauer. And while the economic trends Nachtwey identifies in his piece are real, Germany is by no means broken. The far less racy fact is that a stable, well-functioning democracy is—like Merkel herself—easily dismissed as “boring,” and by definition less newsworthy than, for instance, a hate-

Judged more fairly, Merkel’s tenure as chancellor will be seen as a stabilizing force that elevated humanitarian values at a time when no other country—the United States included—was willing to respond creatively and generously to the Syrian-refugee calamity.



spewing president whose whims hijack the news cycle on a daily basis. Boring old Germany cannot—thank God!—compete with that.

To declare Merkel's legacy to be the rise of right-wing populism in Germany and throughout Europe, as some have done, is worse than premature; it betrays a journalistic bias that skews in favor of both the familiar and the sensational. Judged more fairly, Merkel's tenure as chancellor will, I wager, be seen as a profoundly stabilizing force that elevated humanitarian values at a time of crisis when no other country—the United States included—was willing to respond creatively and generously to the Syrian-refugee calamity. The destabilizing force Merkel has worked hard to contain is not immigration; in truth it is none other than President Trump himself, who interfered in German domestic politics last summer with this tweet: "The people in Germany are turning against their leadership as migration is rocking the already tenuous Berlin coalition. Crime in Germany is way up."

Crime in Germany is in fact way down, but that is, of course, beside the point. The point is that a U.S. president—for the first time in the history of the Federal Republic—intervened during a German election to destabilize the ruling government by spreading a lie. Trump's canard about crime rates and their alleged connection to immigration was the culmination of his assault on Europe at last summer's G7 and NATO summits, an ongoing harangue that takes Germany—and Merkel in particular—as its principal target. For Trump, Europe is almost always Germany, which he views not as an ally but as an economic rival who contributes too little to NATO coffers. Overturning decades of diplomatic protocol, Trump's new ambassador to Germany, Richard Grenell, has kept up the animus; indeed, one of his first official acts was to give an interview to Breitbart in which he described his role as a supporter of right-wing populism throughout Europe. Far from gaining a foothold in Germany with this kind of crude appeal, however, Trump seems actually to be galvanizing opposition: over 90 percent of Germans have an unfavorable view of the U.S. president, rejecting his baseless attacks on Germany and Merkel.

Contrary to Trump, Germany is not coextensive with Europe; and if xenophobic, right-wing populism does continue to gain a foothold across the continent, we should not attribute it to the chancellor who responded to a mass human emergency with compassion, and paid the political price for having done so. Angela Merkel, who inadvertently provoked Trump to a revealing confession of envy when she—rather than he—was named *Time's* 2015 Person of the Year, has been a shrewd career politician. Yet her real distinction is that she rose above politics at a crucial juncture. She is likely to go down in history as one of the few great politicians who used her political capital to lead in a time of crisis, and did so even though it did not serve her own political interests. Merkel may well receive the Nobel Prize for having done so. I think she deserves it. ■

## SHIPWRECKED, DREAMING

I've stood in the room where he slept,  
windows facing the race to the sea. Thoreau  
would've taken the dimensions at a glance.  
But the gruff sound of the interior shutter

hauled across the window's frame,  
the heave of painted wood on wood  
and rattling glass. What happened to sound  
after that? What was the wind, what

was sea? The Atlantic gust and the rut  
of surf breaking in the hollow.  
Where was it they'd walked that day,  
the look of the heath, wind-blown, combed.

The rising pitch on the way to the sea  
shifting by night in their dreams.  
The wind raking tracks like a lion's paw,  
churning loose a divot of sand, a devil's

whirligig spinning on the spine of Newcomb's  
bluff. Ships intimate with the dark—  
riding crest to trough. Somewhere a sailor  
staring at his compass, another in the rigging

watching the pulse of light from Highland's  
beam while inside the small room, Thoreau  
and Channing slept with waves and wind—  
those wreckers of men—rattling the windows,

making bones out of ships and timbers from whales.

—Catherine Staples

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Rand Richards Cooper

# Meaning & Mirage

'NEVER LOOK AWAY'

It would be hard to imagine a more auspicious directorial debut than *The Lives of Others*, Florian Henckel von Donnersmarck's 2006 study of life in the German Democratic Republic, the Communist state that ceased to exist after German reunification. Donnersmarck never lived in the GDR, was never a Communist—his full name, Florian Maria Georg Christian Graf Henckel von Donnersmarck, betrays his roots in Germany's aristocracy—and was just sixteen when the Berlin Wall fell in 1989. Yet somehow he managed a meticulous reconstruction not only of daily life in the GDR, but also of the complex psychology of an authoritarian surveillance state, where varying kinds and degrees of complicity, silent protest, corruption, victimization, and inner exile shaped the fates of citizens.

*The Lives of Others* follows a Stasi operative who becomes fascinated by the playwright-and-actress couple he's assigned to spy on. Envious of their passion for the arts and for each other, he bit-by-bit undermines his own mission, fastening on the couple and inserting himself into their lives as part savior, part vampire. The movie's drab settings

harmonized with the bleak emotional landscape it surveyed, and the deftly orchestrated plot drew out a taut suspense that was both political and existential. Presenting a near-perfect fitting of cinematic matter to manner, the movie won an Oscar for Best Foreign Language Film.

After following this triumph with 2010's *The Tourist*, a flimsy and much-derided Angelina Jolie-Johnny Depp vehicle, Donnersmarck has returned to familiar territory with *Never Look Away*, another foray into the dark recesses of modern German history. The story charts three decades in the life of a character based on the celebrated artist Gerhard Richter. Now eighty-six, Richter made his name as a painter of photorealistic portraits whose surfaces he blurred, creating a tantalizing kind of mirage that puts images in front of us and then complicates our access to their meanings. Richter himself has been famously reluctant to comment on those meanings, resorting to such gnomic utterances as "My paintings know more than I do." Though the artist has disavowed the film, he granted Donnersmarck extensive interviews,

and the biographical parallels could hardly be clearer. Like Richter, Donnersmarck's Kurt Barnert is born in Dresden in 1932, lives through both Nazi and Communist regimes, and defects in the 1960s to the West, where he emerges as a leading figure in the art scene. Also like Richter, Barnert in childhood has a young aunt who receives a diagnosis of schizophrenia, and subsequently disappears into the monstrous maw of the Nazis' eugenic medical system.

The relationship between sensitive lad and still more sensitive aunt is the takeoff point of the film. In a gallery in 1937 Dresden, five-year-old Kurt (Cai Cohrs plays him as a child, Tom Schilling as an adult) and his aunt Elisabeth (Saskia Rosendahl) tour the notorious art exhibition *Entartete Kunst*—"Degenerate Art"—in which the Nazis showcased what they considered the decadent cosmopolitanism of modern (and often Jewish) artists. The two take in Kirchner and Mondrian, Otto Dix's World War I paintings, and George Grosz's grotesque caricatures of members of the German ruling class, as a uniformed Nazi guide smugly lays out the creators' alleged aesthetic depravity. As Kurt and Elisabeth linger in front of a Kandinsky, she leans over and whispers, "Don't tell anyone, but I like it."

Passionate, prone to spasms of artistic ecstasy, Elisabeth instinctively loathes Fascism, and on the day she is chosen as part of a youth-group parade to hand a bouquet to the visiting Hitler, she suffers a breakdown. That afternoon, Kurt discovers her sitting naked at the piano in the family living room; announcing her intention to "play a concert for the Führer," she rises and smites herself on the head with an ashtray, drawing blood. Soon the boy sees his aunt hauled away to an institution for the mentally ill, never to return. Elisabeth's fate com-



biner several strands of Nazi atrocity: the abuse of psychiatric diagnoses and facilities; mass forced sterilizations; and finally the outright murder of so-called *unwertes Leben*, or “lives without value.”

Donnersmarck propels the story forward in leaps, pausing to chronicle the firebombing of Dresden, then picking up the narrative in its postwar ruins, where we see the stout women known as *Trümmerfrauen*—the “rubble women”—laboring to rebuild the city brick by brick. Teenaged Kurt struggles to make his way as an artist. Beginning as a sign-painter, he eventually makes it to art school, where he encounters aesthetic judgments dreadfully similar to those that prevailed before the war—his teacher urging socialist realism while castigating Western art for its “obscene formalism” and neglect of the working classes.

Kurt has now also fallen in love with a spirited young woman named Ellie (Paula Beer). Little does he know that she’s the daughter of a former Nazi doctor and SS member, Karl Seeband (Sebastian Koch), a gynecologist who ran the very same sterilization program into which Kurt’s aunt disappeared. A prisoner in Russian hands after the war, Seeband saves himself by medically intervening to rescue the Soviet commandant’s pregnant daughter during a perilous delivery; freed by the grateful Russian, he soon insinuates himself into the ranks of the new Communist state, becoming just as ruthless a functionary as before. Pushing dramatic irony to the max, Donnersmarck puts these two unknowing antagonists—the struggling artist and the future father-in-law who victimized his beloved aunt—squarely in each other’s paths. Who will discover what, and how, and with what consequence? (This is presumably what Gerhard Richter meant when he complained that Donnersmarck had turned his life story into a “thriller.”)

For years I have admired the flexible and nuanced power of Sebastian Koch. He’s one of those actors who plays heroes and villains with equal ease: first the handsome and sympathetic playwright in *The Lives of Oth-*

*ers*, and now, in *Never Look Away*, the brutal SS man. (Through his career he has played a range of Nazis, from the vicious to the suave, including Albert Speer.) Koch’s good looks, highly focused intelligence, and glamorous charm made him the perfect object of envy for the faceless and loveless spy in the earlier film, but now those same good looks become wholly sinister; late in the movie, Donnersmarck channels a disturbing childhood memory of Ellie’s, in which she spies her father—who believes himself alone—preening vainly in his SS uniform before the mirror. All of six seconds, the scene evokes a monstrosity that makes one shudder.

With its epic scope and sprawling digressions, *Never Look Away* seems like an act of penance for the tight control Donnersmarck displayed in *The Lives of Others*. Where the latter succeeded through severity and pinpoint scrutiny, the former deploys extravagant colors and music, sweeping panoramas, and wild plot coincidences. Donnersmarck abandons the moral, ethical, psychological, and political ambiguity of the first film’s matrix of compromised human beings to offer a stark contrast of authoritarian brutality and the indomitable artistic spirit.

Such summaries suggest how dangerously close to cliché and sentimentality the film veers. Frequently Donnersmarck’s script falls back on profundities like, “Everything that is true is beautiful.” His portrayal of the 1960s art scene in West Germany approaches caricature; the young would-be subversives wantonly slashing canvases or painting their own naked bodies seem lifted from a Tom Wolfe-like takedown of artistic pretentiousness. Yet he does much better with Barnert’s struggle to find his own particular idiom. One affecting scene involves the head lecturer at the Dusseldorf art academy where Barnert has landed, a brusquely eccentric figure who works exclusively in grease and felt and is the object of bafflement among the art students. Sensing Barnert’s potential, the

professor opens up to him, providing an account of the wartime tribulations that led him to work in the oddball materials he has chosen, and delivering a quietly urgent command for Barnert to stop chasing random novelty and seek instead to work within precisely those perilous zones of his life that move him, and hurt him, the most. The monologue carries an authentic strangeness and pain.

The portrayal of Barnert’s artistic breakthrough includes an added dimension—namely, the fact that some of the photos he’s reworking portray Nazis. (The paintings were done by Andreas Schön, a former assistant of Richter’s.) In a press conference at a gallery, Barnert disavows any political purpose, and the disavowal rings true. Yet the materials of his life, his particular intersection with dreadful history, include an awareness of evil—political evil—that comes out, however obliquely, through his work. In this sense Donnersmarck uses his portrait of the artist both as an example of, and metaphor for, the postwar project of *Vergangenheitsbewältigung*, or coming to terms with the past, that dominated German public discourse from the 1960s onward. This attaching of a colossal civic task to the private explorations of one artist significantly deepens both the meaning and the impact of *Never Look Away*.

In portraying an enigmatic and laconic artist repeatedly at odds with authoritarian regimes across the ideological spectrum, Donnersmarck makes the point that the authoritarian state is inherently philistine, that it relentlessly subjugates artistic creativity to its own political and social imperatives. Did we need to be reminded of that? Whatever is alive in this film does not reside in its lectures. Earnest, melodramatic, and sentimental, it’s also intermittently moving, with a visual sumptuousness created by six-time Oscar cinematography nominee Caleb Deschanel. Some films have a checklist of flaws yet move you anyway, and *Never Look Away* is one. Donnersmarck has pulled off quite a feat, making a film that is by turns obvious and elusive—much like the works of art that lie at its core. ■



Frank Pasquale

# How Antitrust Law Lost Its Bite

## The Curse of Bigness Antitrust in the New Gilded Age

Tim Wu

Columbia Global Reports, \$14.99, 154 pp.

Tim Wu's *The Curse of Bigness* is a short and readable book with a compelling message. American antitrust policymakers and judges have let large firms stifle competition. They have done so on the basis of simplistic theories first proposed by right-wing ideologues and then gradually normalized by an intellectually moribund establishment. They have neglected the lessons of history, which teaches that monopolizing firms end up immiserating workers and controlling the politicians and agencies that should be controlling them. The sooner the rel-

evant agencies, such as the Department of Justice and the Federal Trade Commission, restore stronger antitrust law, the faster we can exit our new gilded age and broker a fairer future.

Wu joins a rising tide of public intellectuals now trying to rescue U.S. antitrust from the brink of obsolescence. The field, at present, is locked in a death spiral. Leading antitrust legislation is old and notoriously vague. Once interpreted broadly, antitrust became a victim of its own success once firms began demanding to know *exactly* when they risked being broken up by regulators.

By the 1960s, University of Chicago academics began providing a simple answer: in most cases, antitrust authorities should intervene only if they can demonstrate a business arrangement would raise prices, reducing "consumer

welfare." If a massive firm raises prices or reduces output, its defenders often argue that, since markets are in theory contestable, things will eventually sort themselves out and consumer welfare will rise. Another defense, common in "innovation markets," is that high prices and profits are necessary to spur research. In other words: heads, the monopolist wins; tails, its challenger loses. There is always a rationale for *laissez-faire*.

This opportunistic framing helped legions of lawyers convince courts and agencies to raise the standard of proof necessary for government intervention to an almost impossibly high level. Firms now employ a cottage industry of economists to sing the praises of planned mergers and acquisitions (for big paychecks), even as empirical researchers continually document the failure of past corporate tie-ups to reduce prices.

In many industries, the Chicago School revolution in antitrust has been an abject failure on its own terms. For example, consumers have paid more for internet access in the United States than in many other countries with a more competitive—or better regulated—telecommunication landscape. But the real victory for advocates of big business has been setting the terms of the debate. Courts judging antitrust cases fixate on the bottom line, but bigness in business has negative consequences beyond price. Once banks get too large, they are "too big to fail," and act accordingly, recklessly piling on risk because their counterparties count on a bailout. Concentrated airlines have made flying a miserable experience. And just as nineteenth-century cartoonists marveled at the power of the Copper Trust and the Oil Trust, we have only begun to





reckon with the consequences of the Social Trust (Facebook/WhatsApp/Instagram—all controlled by Mark Zuckerberg) and the Search Trust (Google).

**L**ike Wu's previous book *The Master Switch, The Curse of Bigness* takes history seriously, to good effect. It reminds us of how contingent the American antitrust tradition is. Teddy Roosevelt, widely credited as a "trustbuster" extraordinaire, came to power only after the assassination of William McKinley—a far more business-friendly Republican. Had McKinley's surgeon found the bullet that caused the gangrene that ultimately took his life, the United States may never have come to grips with the trusts then strangling its economy. The same goes for the modern decline of antitrust. Had Democrats of the 1970s and 1990s listened a bit more to union leaders and less to the beneficiaries of Chicago-style antitrust, America might have developed a more robust immunity to corporate giantism. Instead, the Democratic Party by and large chose to ride that tiger, taking advice (and campaign contributions) from neoliberal progressives in finance and technology firms.

Wu sets out clear and compelling proposals for a better approach. Government lawyers need the courage to take on big fish rather than small fry. Like Jesse Eisinger's *The Chickenshit Club* (that's what James Comey called government lawyers who take on only small and easily winnable cases), *The Curse of Bigness* promotes a government unafraid to match wits with the leading firms of our age. Wu promotes the breakup of the Social Trust, urging the Federal Trade Commission to get serious about both privacy and competition law by dividing up Facebook, Instagram, and WhatsApp.

Like current Federal Trade Commissioner Rohit Chopra (perhaps the sharpest and most energetic holder of that post in fifty years), Wu promotes rules over the vague standards that now mire antitrust cases in years of litigation and battles of experts. For example,

rather than hearing out endless expert opinions on the likely consequences of a major acquisition for an industry, authorities might consider a "per se ban on mergers that reduce the number of major firms to less than four." An earlier book by Walter Adams and James W. Brock, *The Bigness Complex*, suggested that more firms may be necessary in key industries, so the details are up for debate. But the key challenge is to get policymakers to take the problem seriously and act to disperse increasingly concentrated economic power.

Wu gives us a clear sense of the scale of the problem, which he describes as a "threat to the Constitutional order." He offers an agenda for reform that is both bold and realistic—easily achievable if there is political will in the Democratic Party, and if it regains the type of power it held in 2009 and 2010. But those are two big ifs. The question now is whether we can still recover from the errors of past antitrust (non)enforcers, or whether those errors have set in motion a self-reinforcing cycle of cozy business-government relationships. On this front, Wu offers little guidance, but his book suggests two challenges for an emerging "Neo-Brandeisian" movement, which aims to bring the Jeffersonian vision of former Supreme Court Justice Louis D. Brandeis to the business landscape of the present.

The first challenge is to make antitrust a political issue—that is, to connect the personal problems of individuals to corporate giantism. Almost everyone has a cable horror story to share, but few connect the cable companies' utter indifference to customer service to their monopoly or near-monopoly status. Nor are workers now likely to blame stagnant wages on increasingly monopsonistic labor markets. The right has weaponized catchphrases like "right to work" and "death tax" in hundreds of focus groups. Antitrust revivalists must do the same, engaging in the types of messaging, activism, and meme warfare that have empowered big businesses' political patrons.

The second and more immediate challenge is to support the politi-

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cians whose staffs actually listen to neo-Brandeisians. Given the vortex of attention sucked up by the Trump Show, antitrust will likely be a second- or third-tier issue in the next few elections. Politicians will signal that they care about it, if at all, by tapping advisors who have done innovative work in the area. The antitrust policy of a candidate who elevates someone like Lina Khan (a rising star already profiled in the *New York Times* and the *Washington Post*) will be far more enlightened than one who listens to the acolytes of Herbert Hovenkamp (a fixture of the antitrust establishment who has lamented that Khan's approach would impose "hysterical costs" on the economy, and who chose to publish an attack on "progressive antitrust" right after progressives had been routed in the 2016 elections). Wu, no stranger to politics, will certainly have ideas along these lines as well. His work should inform both the Federal Trade Commission and Department of Justice once they decide to undo the damage wrought by the bold conservative academics who shaped so much policy at both agencies under Reagan, the Bushes, and Trump.

I once gave a talk on the power of big technology companies at a meeting of conservatives. While the hosts were welcoming and friendly, the audience question session turned hostile almost immediately. A person in the back of the room declaimed, "There's only one thing worse than government deciding how big businesses ought to get, and that's *academics* doing it." But conservatives let Chicago School professors do exactly that. If antitrust is to have a future, we must empower a new generation of experts. Thoughtful academics and activists like Wu and Khan translate the personal suffering of those harmed by monopolies into durable policies that will prevent further abuses. *The Curse of Bigness* shows with clarity and precision what such an agenda would look like. ■

**Frank Pasquale**, author of *The Black Box Society* (Harvard University Press), is currently editing a book on the policy implications of *Laudato si'*.

Mary McDonough

## Do No Harm

### Hippocrates' Oath and Asclepius' Snake

*The Birth of the Medical Profession*

T. A. Cavanaugh

Oxford University Press, \$29.95, 192 pp.

**I**n October 1789, a physician submitted a proposal to the French government for a new method of capital punishment: a decapitating machine. He thought this device would be more humane than other methods of execution, such as hanging. Nothing came of his proposal until December, when

Dr. Joseph-Ignace Guillotin was able to present his idea in a speech before the National Assembly. In a moment of enthusiasm, he told his audience: "Now with my machine I take off your head in the twinkling of an eye, and you never feel it." His words were met with mockery; his critics said it was ludicrous for a doctor of all people to endorse a mechanism for chopping off heads. A popular French journal even published a song ridiculing Guillotin. Within a decade, though, the guillotine had been used to execute the king and queen of France, revolutionary leaders, and common criminals. In

lending his medical authority (and his name) to a method of execution—to a way of taking life rather than saving it—Guillotin was in some sense ahead of his time. The nineteenth and twentieth centuries would furnish more examples of doctors as agents of death.

In his new book titled *Hippocrates' Oath and Asclepius' Snake: The Birth of the Medical Profession*, philosophy professor T. A. Cavanaugh argues that the medical profession has its own unique set of ethics founded on the Hippocratic Oath, which prohibits a doctor from deliberately inflicting harm. But today, the author argues, many physicians





have strayed from their original professional ethics by participating in assisted suicide, capital punishment, and abortion. In order to maintain the integrity of the profession, medicine should reconnect with the principles that served as its ethical foundation for centuries.

At the beginning of his book, Cavanaugh states that the Hippocratic Oath “establishes boundaries within which ethical medicine takes place.” Relying on his knowledge of ancient Greek mythology and culture, Cavanaugh makes an intricate argument to show that medicine’s most important characteristic is that it is a profession “devoted wholly to therapy, explicitly excluding deliberate wounding.” Physicians, therefore, should never intentionally take a life under any circumstances.

To make his point, Cavanaugh delves deeply into the oath and its relationship between healing and wounding. He begins by discussing snakes and their association with medicine. Snakes appear on ambulances and pharmacy doors, and in the insignia of the American Medical Association and the World Health Organization. Why does medicine, a profession associated with healing, use a creature most people find terrifying as its symbol? The answer might surprise you. While some snakes have the ability to kill with their venom, they also undergo an amazing type of molting called ecdysis, whereby they regularly shed their entire outer skin in one piece. This made the snake a symbol of rejuvenation—and, by extension, of healing.

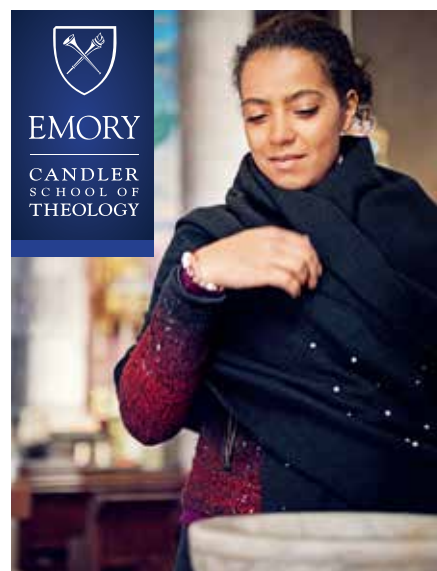
This is why doctors have used Asclepius’s rod, entwined with a snake, as a symbol of their profession. Asclepius, the Greek demigod of medicine, is portrayed in Homer’s *Iliad* as the “blameless physician” who uses a staff, or walking stick, as he travels from town to town to treat patients. The snake wrapped around his staff reminds us that doctors are powerful—they have enough knowledge of human anatomy, biology, and drugs to heal us, or to kill us. It is for this very reason, Cavanaugh argues, that the Hippocratic Oath came into existence. (Whether or not the historical Hippocrates actually wrote the oath

that bears his name is open for debate. Cavanaugh makes the case that he did.)

Because of a doctor’s ability to kill or to heal, one of the oath’s original purposes was “to eradicate deliberate wounding from the healer’s role” by means of a public promise. In his detailed examination of the Hippocratic Oath in its original Greek, Cavanaugh explains that the physician promises several things, among them that the oath-taker will act to benefit the sick and protect them from “harm and injustice.” At the end of the Oath, certain acts are specifically singled out as examples of what is harmful and unjust. These include the administration or recommendation of a deadly drug or an abortive pessary to a patient.

Cavanaugh’s claim that medicine is solely a therapeutic profession is fundamental to his argument that a doctor should never, under any circumstance, assist in the killing of a patient. “Medicine’s essential activity,” he writes, “does not concern ending sickness, but, caring for patients who labor under disease. Simply put, one cannot care for another by destroying that other, even at his request.... therapy, caring for a subject, requires that subject to exist so that he may receive one’s care.” Killing can never be therapeutic because it not only destroys the sick but undermines the trust needed between the doctor and the vulnerable patient. Assisting in a patient’s death also promotes the dangerous misconception that “killing solves human trials and tribulations.”

**W**hy write a book about an ancient oath that is rarely used today? Because, Cavanaugh argues, oaths matter, even in our contemporary world. The practice of making public promises is an essential tradition that continues to mark our most serious commitments. Marriages, ordinations, judicial and political inductions—all these ceremonies include a public promise. These public declarations are important, Cavanaugh explains, because certain commitments involve unique ethical issues: in the case of marriage, fidelity; in that of elected



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office, serving the public good. Public promises expressly set boundaries limiting the promise-maker's behavior. They also help hold people accountable for their actions.

In the medical profession, the author explains, an oath is critical for several reasons. Without a declaration doctors lose their ability to define their own profession and decide what is allowed and what is forbidden. A public promise also allows physicians to protect their profession from being manipulated for extrinsic purposes at odds with its essential activity, caring for the sick.

Yet today, the Hippocratic Oath is largely ignored in medical schools. In fact, there is no single pledge, no universal promise to protect patients from "harm and injustice." Rather, medical students take a diverse variety of oaths. Some schools even allow students to write their own. This is problematic, Cavanaugh contends, because it shows that medicine no longer has a consensus about its own boundaries. "Absent such a declaration," he writes, "physicians jeopardize their ability to determine what is and what is not medicine, and thereby, what they will and will not do."

This is not a book for everyone. Cavanaugh's detailed references to Greek mythology and classical Greek philosophy will be appreciated most by readers who have a keen interest in the history of medicine as well as an enthusiasm for ancient Greek history and culture. Still, there are some treasures here. Cavanaugh has recovered the root of medical ethics—the ancient recognition that medical skills can be used either to heal or to harm. Whether or not medicine's unique ethical origins can be incorporated into today's medical profession, as Cavanaugh hopes, is questionable. With increasing demand by patients to manage their own health care—and even their own deaths—the lines between what physicians should and should not do are increasingly blurry. ■

**Mary McDonough**, a former legal services health-care attorney and state legislator, is a bioethicist. She is the author of *Can a Health Care Market Be Moral?*

*Robert K. Vischer*

## A Moynihan of the Right?

### **Them Why We Hate Each Other —and How to Heal**

*Ben Sasse*

St. Martin's Press, \$28.99, 288 pp.

**O**ur red state–blue state narrative and Trump-dominated news cycles fuel an impression that Americans' lives are defined by one of two partisan loyalties. Conventional wisdom holds that our identities have become so wrapped up in our politics that compromise is nearly impossible. But this view of the nation as composed of two warring camps is simplistic. A recent large-scale national survey by the More in Common initiative, for example, found seven different categories of Americans along the left-right ideological spectrum, with only 8 percent of adults identifying with beliefs associated with "progressive activists" and 6 percent with beliefs associated with "devoted conservatives." The overwhelming majority of Americans fall between these extremes and affirm the importance of compromise. This doesn't mean that the fraying of our social fabric isn't a danger,

but rather that political disagreements are not the primary cause of this fraying.

Because of our fixation with national politics, a U.S. senator is well positioned to deliver a more nuanced message about our widely lamented national divide. Sen. Ben Sasse has already established himself as one of the more intriguing politicians in America today. He openly criticizes President Trump while serving as a Republican from a deep-red state, Nebraska. He brings academic expertise to policy issues—he has a PhD from Yale and is a former college president—at a time when a majority of his party believes that colleges and universities have a negative impact on the country. He specializes in self-deprecating humor on Twitter while party stalwarts on both sides of the aisle use the platform to fire up the base. In his academic background and output, along with his willingness to offend members of his own party by attending to social ills that do not have obviously liberal sources, he serves a function similar to what Sen. Daniel Patrick Moynihan did for Democrats forty years ago. (Sasse himself seems to aspire to that role: he requested Moynihan's desk in the Senate.)



Sen. Ben Sasse



That Sasse's new book, *Them: Why We Hate Each Other—and How to Heal*, is as refreshing as it is shows how rare it has become to find intellectual leadership among our elected leaders. Sasse diagnoses our nation's polarization as being about a loneliness whose various sources have little to do with the results of any particular election. While readers may quibble with Sasse's ultimate prescriptions, he should be commended for leading with ideas, rather than tribal signaling, and for doing the work required to situate his own ideas in a coherent worldview that transcends current hot-button political debates.

He begins by observing that, for the first time in decades and despite significant medical advances, the average lifespan of an American has declined for three years in a row due to "three culprits: Alzheimer's, suicides, and unintentional injuries—a category that includes drug and alcohol-related deaths." While technology "has liberated us from so much inconvenience and drudgery," it "has also unmoored us from the things that anchor our identities." He explores the "collapse of the local tribes that give us true, meaningful identity—family, workplace, and neighborhood...the reservoir of relationships that help us navigate the world."

Sasse devotes chapters to the impact of family-structure breakdown on working-class Americans; the trend toward shorter jobs that are "less connected to tangible communities"; and social media, which is "shifting our focus away from...local spheres of actual influence and toward faraway spheres where we're more likely to be passive." He mines social-science research for insights, but also relies on stories from his upbringing in a small town where his dad was a high-school teacher and coach. He encourages "new practices of neighborliness" to nourish "rooted, purposeful lives." He recalls a childhood when "people walked away from political conversations without thinking ill of each other, because that kind of talk happened in the context of actual relationships centered around local things that were a lot more important." As the

old forms of belonging vanish, human beings "turn to more troubling forms," and Sasse's candor shines through as he calls out the influence of media figures—most notably Sean Hannity—who provide their viewers with "dopamine, adrenaline, and oxytocin all at once" by appealing to their fears and resentments. Realizing that "enemies help give life coherence," Hannity and his ilk drive division by exploiting the fact that "people work hard to confirm

their biases, not to challenge them." As passive consumers of stories that validate what we want to believe, we are prone "to conceive of ourselves as victims of distant, malevolent actors."

Against this background, Sasse lays out three paths forward—none particularly easy—by which to cultivate the habits necessary to recapture a sense of rootedness and "restore a republic characterized by empathy and self-restraint." First, Americans must

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“reject anti-identities” and be skeptical of politicians “whose statements frame our primary struggle in terms of one group of Americans versus another.” He reminds us that “most Americans have no interest in ‘conservatives’ who boo naturalization ceremonies or ‘liberals’ who cheer Antifa thugs.” Second, we should put politics “in its proper place” and work with our neighbors on our many “common interests and goals that are more important than just about any question of federal policy.” Third, we should “live local,” committing to our various overlapping communities. In this regard, we do not feel divided as a country “because we belong to too many different groups but because we prioritize them wrongly.”

Readers on the left will likely find Sasse’s proposed solutions to be unhelpfully geared toward self-reliance and insufficiently attentive to systemic inequities that can make meaningful self-reliance difficult. For example, he looks to towns of the Wild West and cities of

the Industrial Revolution as places where community suffered, with high rates of alcoholism and loneliness, before “both places were made hospitable, sustainable, even beautiful” as “[w]e found new ways to build community that could accommodate a new economic order.” Government action does not create community by itself, to be sure, but a pro-community conservative like Sasse might have acknowledged the importance of early twentieth-century government intervention in child labor, workplace safety, public education, sanitation, and zoning, for example. Sasse would not deny that we need the government to support the conditions under which communities can flourish. But he doesn’t have much to say about what new government interventions might be needed to help restore community in the face of today’s forces of dislocation and alienation.

Still, readers who might question Sasse’s silence on this question should not be too quick to dismiss his book. It is noteworthy that a promi-

nent conservative politician is willing to call out demagogues on the right and praise those on the other side of the aisle when they get it right. (He approvingly quotes Chuck Schumer and Bill Clinton on the importance of work to a person’s identity.) He’s identifying and articulating challenges we face as a society in ways that should resonate across the political spectrum, precisely because he does not pretend that politics will provide all the answers. Importantly, he is not seeking to win adherents by leveraging fear. He is trying to marshal support for a bipartisan recognition of social problems that our pundits and politicians rarely talk about. That may not take us where we ultimately need to go, but in an age of political identities constructed to maximize mutual distrust, it’s a good place to start. ■

**Robert K. Vischer** is the dean and Men-  
gler Chair in Law at the University of St.  
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B. D. McClay

# Narrative Loop

WHICH DECISIONS REALLY MATTER?

**R**ussian Doll, a Netflix series released last month, follows a woman as she lives and dies over and over. Every time she dies, she comes back to life in the middle of her own birthday party. The life she comes back to is the same in certain respects but not in others. Without giving too much away, the fracture point is eventually revealed to be a moment when she missed the opportunity to help somebody else—an omission that led to her death and to the death of another person. She will keep on living through this time loop until she finds a way to set it right.

Narratives of living and reliving your life resonate for many reasons—the genuine wish to be able to do something over, the fun of getting to try out different things to say without any real consequences. But there's also the way certain past events, particularly though not exclusively traumatic ones, can create a kind of constant present for us, a break in our experiences that mean we no longer feel time in the same way. (Back in 2015, when *Black Mirror* was the streaming-on-Netflix show to talk about, I thought its most successful episodes were also the ones dealing with time.)

And, finally, there's a real sense of vulnerability that comes when you see a person clearly, or at least think you can see a person clearly, as she passes through, again and again, a particular stage in her life, as if intervening at this one, fraught moment could clear something out of the way for her. A time-loop scenario cuts the trapped person off from others, but also allows her to get to know them in a different way. And even though there isn't really a way to get life right—though there are, of course, many ways of getting it wrong—the time loop sort of does imply that there

was a critical moment, that everything went wrong then, that setting it right is all that is needed.

In her book *Transformative Experience*, L. A. Paul argues that certain experiences simply cannot be judged in advance, like marriage and parenthood. She analogizes such experiences to becoming a vampire. Your friends have become vampires and, while they acknowledge the tradeoffs, wouldn't become human again. "Life has meaning and a sense of purpose now that it never had when I was human," they tell you. But consulting your friends isn't really as helpful as you think, Paul continues:

For, after all, you cannot know what it is like to be a vampire until you are one. And if you can't know what it's like to be a vampire without becoming one, you can't compare the character of the lived experience of what it is like to be you, right now, a mere human,

to the character of the lived experience of what it would be like to be a vampire. This means that, if you want to make this choice by considering what you want your lived experience to be like in the future, you can't do it rationally. At least, you can't do it by weighing the competing options concerning what it would be like and choosing on this basis. And it seems awfully suspect to rely solely on the testimony of your vampire friends to make your choice, because, after all, they aren't human any more, so their preferences are the ones vampires have, not the ones humans have.

Accepting that some choices really are transformative requires a shift from viewing yourself in the third-person to looking at yourself in the first; understanding that parenthood might mean discovering you have become a person you did not want to be, but who you now enjoy being. The language of choice—being ready to have a child,



Natasha Lyonne in the Netflix series Russian Doll





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and so on—slots parenthood into a type of “personal fulfillment and self-realization.” Similarly, marriage involves a promise about the future that has to accept we have little control over the people we will be in the future, separately or together, and that the promise made is made against, even in defiance of, this knowledge. (And in *Russian Doll*, the people most directly affected by the time loop are people poised on transformative thresholds: the birthday in which you become older than your dead mother ever was, a marriage proposal, the encounter that could have but did not save your life.)

One can imagine a version of *Russian Doll* in which the reset was not a series of birthdays but rather first dates, each ending badly in its own way, each resetting to see if it could be done correctly this time, the opening line at dinner going a little differently, the outfit switched up. A looping narrative is really about choices—which ones matter, which ones don’t—but only the looping person gets to exercise the choices that will affect everybody else and cause them to act differently. First dates are fun (for some) because they do not yet contain any clear consequences, only endless potential; a wedding is an occasion in which all our potential choices collapse into one decision. This future, whatever it means, is the one that we choose.

Weddings are on my mind because I recently went to one, and because there is something heroically stupid about marriage that appeals to me, whether or not it is a state I imagine I will occupy any time soon, or indeed ever. Clerical celibacy is often pointed to as a sign of contradiction, but marriage strikes me as one too, in its own way—an assertion that we really should be able to make promises and keep them (whether or not we actually do), that the ways in which people fall away from each other are not good, are not how things are meant to be. We look toward a future in which we dwell in eternity but also in undiminished love and desire. Like life, love is not supposed to end.

Traveling back from the wedding, I found myself sitting next to some women on my flight who were probably close to my age, but whom I kept on thinking of as very young. They dissected their mutual friends, their shortcomings and secrets and self-deceptions. The assurance of a shared and stable reality that this friendship required—you and I, we understand—was clear. I found myself becoming sad because sooner or later that assurance would go away, even if the friendship didn’t; something would split this insular “we,” this shared understanding. At some point they just wouldn’t be able to take for granted that the other person saw the world the same way. And eventually, after listening to them long enough, I thought about saying, you don’t know as much as you think—don’t be so sure. I would be a mysterious voice from the future. Wise. To be looked up to.

But I, exhausted from traveling, had spilled coffee on myself; I noticed my coat had become worn down, the lining was coming out, half the buttons were gone, and mysteriously, paint was on it; my glasses were beginning to come apart, too; I hadn’t showered. I have no idea how I will pay my taxes; my dog was making life miserable for the dogsitter back home. Really I did not know anything, and in absorbing myself in their conversation I was playing at the same game they had been: identify what the people around you are doing wrong, judge accordingly. But those women weren’t my past or my present; they were muddling through like I was.

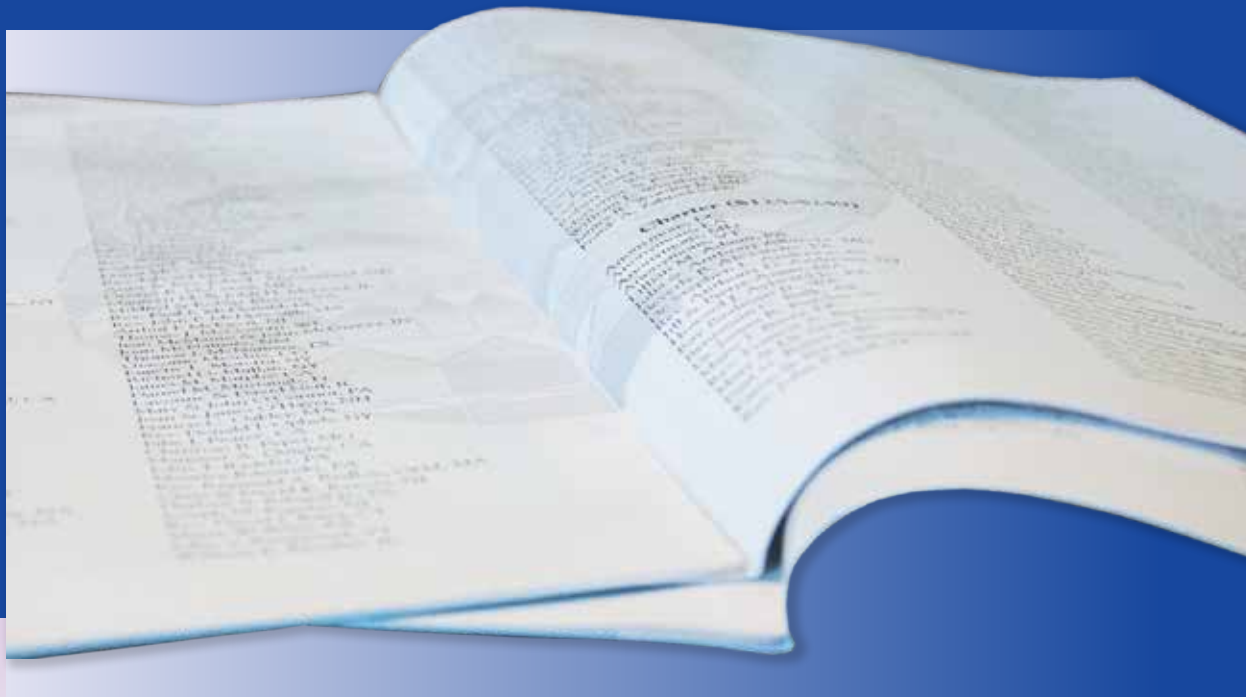
After getting off the plane, we turned in different directions and I lost sight of them in an airport full of hurrying strangers. How strange and how beautiful to share a space, even briefly, with so many people, each walking through, each with somewhere to go, every pair of shoes carefully selected, every hope guarded, every future wide open. ■

**B. D. McClay** is senior editor of the Hedgehog Review, and a contributing writer at Commonweal. She lives in New York.





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# I Thought I Knew Him

David J. Unger

**W**e were still very new to the faith when my then-fiancée, Rachel, bought Magnificat's 2018 calendar and proposed we hang it on our kitchen wall. Neither she nor I had been raised in the church, and our largely secular upbringings had left us skeptical if not disdainful of Catholicism. The Catholic funeral of Rachel's grandfather, just ten months prior, had begun to change that. We started attending Mass. Rachel signed up for RCIA, and I reluctantly followed suit. Eventually, we grew so bold as to kneel in humility and pray together to the Lord.

The Magnificat calendar would be the first religious item to grace the walls of our illicit premarital home. This caused me some consternation. It was one thing to take a shine to the Gospel. It was something else entirely to proclaim it above the dishwasher. Finding yourself can feel eerily similar to losing yourself, and both inspire tremendous amounts of fear. I felt that fear as we nailed the Magnificat calendar to our kitchen wall.

My own path to belief would not come from a single epiphany, but instead grew out of little openings into extrasensory understanding. The start of February delivered one of these micro-revelations to me, as Rachel flipped the Magnificat calendar from January's *Christ and John the Baptist as Children* by Bartolomé Esteban Murillo to February's *The Temptation in the Wilderness* by Briton Rivière.

In that painting the Son of Man slumps alone on a rock in the empty desert. He steadies himself with his palms placed at either side. His downward gaze masks his face. The sun sets behind him, and a single star shines just above his sunken head. The whole painting seems to tremble and glow.

To see Christ like that for the first time was, for me, disarming; the painting robbed me of the tools I had used to ignore or dismiss him. Foremost among them was a conviction that I already knew Christ, and that he offered nothing for me. I thought I knew him because I had seen my grandparents' crucifixes. I had toured great European cathedrals. I had laughed at television's enlightened caricatures. I thought I knew Christ, but all I really knew was a cliché.

Rivière's painting contained none of the usual baggage, and thus contained all of Christ for me. Stripped of everything I knew about him, I could finally set about knowing him. I could see the creator of the universe take on human form and experience his creation as we experience it.

When the Word took on flesh, he took on consciousness, too. In Rivière's painting, Christ grapples with both the fact of a human body and the presence of a human mind. He's all alone there, as Thomas Merton put it, in a "sterile paradise of emptiness and rage" lorded over by the devil. He spent forty days there, staving



Briton Rivière, *The Temptation in the Wilderness*, 1898

off temptation, discerning his way toward a tortured end. The cross is as psychic as it is physical.

That resonated with me. I have never been spat upon or flogged. Nobody has pounded wrought-iron fasteners through my flesh. It has been easy for me to intellectualize away Christ's bodily passion. But I have known psychic pain—torment more spiritual than physical. So it was comforting for me, especially in the trying winter of my first Lent, to understand God as intimately familiar with the human mind, with how it can fold in upon itself in doubt, confusion, and fear. I may never fully understand why a benevolent God permits suffering, but I am steadied by his firsthand experience of it.

Months passed. Magnificat curated more beautiful paintings above our dishwasher. Previously, they would have stimulated only my academic sensibility. Now I find in them something raw. Christ, for me, is no longer a cliché held at arm's length, but someone real, someone with whom to cultivate a relationship. My conversion has been an exercise in reduction—as much about dislodging default assumptions as it is about embracing a revealed truth. To encounter Christ today, I have to cross a desert of my own ironic detachment.

Rachel and I were received into the church at Easter and Pentecost respectively. We were graced with yet another sacrament at our nuptial Mass on the Feast of St. Clare. It was indeed a year full of grace, and we are settling into a happy new life together. But on bad days, when things do not go my way, whenever I ask why God has forsaken me, it steadies me to know that He wondered the same thing, too. ■

**David J. Unger** is a writer based in Oak Park, Illinois. His work has appeared in the *Christian Science Monitor*, *The Point*, the *Atlantic*, and elsewhere.



# **NOSTRA AETATE** ***Drawn to Fellowship:***

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Proposals for concurrent sessions are due May 1, 2019. Papers for consideration for the *Journal of Catholic Social Thought* are due March 1, 2020. Send to editor [barbara.wall@villanova.edu](mailto:barbara.wall@villanova.edu). For more information, visit [mission.villanova.edu](http://mission.villanova.edu).



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