America

1909 America's CENTURY 2009

Dec. 1, 2008 THE NATIONAL CATHOLIC WEEKLY $2.75

The Declaration of Human Rights at 60

Maryann Cusimano Love • David Hollenbach
Thomas Quigley • Barbara Crossette • Robert A. Senser

James J. DiGiacomo
begins our Advent series

Peggy Rosenthal
on the poetry of Kate Daniels

Of Many Things

ONE OF THE MOST MEMORABLE photos in White House history shows Yitzhak Rabin and Yasir Arafat shaking hands, with the open-armed encouragement of Bill Clinton, on the White House lawn in September, 1993, for the signing of the Oslo Accords between Israel and the Palestinians. The following summer, once again on the White House lawn, Clinton, Rabin and King Hussein of Jordan signed a non-belligerency agreement between Israel and Jordan. The following October it became a formal peace treaty.

While the Clinton administration deserved some credit for nurturing the Israeli-Jordanian agreement (King Hussein conducted private talks with the Israelis for years), it deserved much less for the Israeli-Palestinian agreement, quite properly known as the Oslo Accords, because they had been crafted in back channel negotiations over many months with support of the Norwegian government and the peace researcher Terje Rød-Larsen. In the single most important Middle East peace agreement since the 1979 Camp David Accords, the American role was essentially to provide a blessing for the agreement and then to supply resources for its implementation.

As the Obama administration prepares to take office, the Oslo Accords provide an important lesson in Mideast peacemaking: The parties themselves and third-party facilitators can accomplish much of the work without U.S. involvement. Outgoing Israeli premier Ehud Olmert and Palestinian president Mahmoud Abbas have already come to a virtual agreement on the terms of peace. Olmert, once a Likud hardliner, has admitted that peace will require giving up control of the West Bank and—what is politically even more remarkable—of East Jerusalem. Shimon Peres, Israel's president, has also been holding face-to-face meetings with Arab leaders. After a session with Saudi Arabia's King Abdullah, Peres endorsed the four-year-old Beirut Plan for a comprehensive (regional) Arab-Israeli peace. All this is the result of direct talks.

Meanwhile Turkey has been providing good offices for contact between Syria and Israel, and Egypt has been facilitating talks between Hamas and the Palestine Liberation Organization. U.S. engagement may be necessary to conclude an agreement, and it will be enormously useful in implementing one. But U.S. leadership is not needed to bring the sides together or for them to see what needs to be done. Experience had taught them that, and the design of an agreement can already be found in the unofficial Geneva Accords of 2003.

It would be a mistake for the Obama administration to scratch the Mideast off its list of top priorities, but it may be equally mistaken to allow preening about "American leadership" on this issue. Such self-gratifying rhetoric is a relic of the cold war and its aftermath. Given the unresolved conflicts in Iraq and Afghanistan, the poor standing of the United States in world opinion and the downward spiral of the economic crisis, the United States is no longer "the world's only remaining superpower." It is simply a great power, perhaps *prima inter pares*, but no longer the hegemon of a virtual empire. In the waning months of the Bush administration, others have stepped forward, and the principals themselves have engaged with one another. These developments presage a new age in international affairs.

If this winter Israelis and Palestinians elect new governments committed to peace, then, like a priest at a wedding, the United States need only serve as the official witness, as President Clinton did in 1993. The determination of the two peoples, not U.S. leadership, is the sine qua non to seal a permanent peace agreement. A reduced U.S. role fits our reduced standing in the world. The capacity of the United States to influence events is diminished both by the growing power of "the emerging nations" and by the catastrophic errors of the Bush administration.

Wisdom in foreign policy today recommends that the United States be committed to working together with other nations. The limits to power also counsel that the United States permit others to take initiatives to resolve problems with minimal help from us, especially when we cannot offer the nation's full attention to the task. The only obstacle to peace in the Middle East greater than intransigent opposition among the two peoples themselves will be domestic U.S. politics masquerading as indispensable U.S. leadership.

Drew Christiansen, S.J.

America

Published by Jesuits of the United States

Editor in Chief
Drew Christiansen, S.J.

EDITORIAL DEPARTMENT

Managing Editor
Robert C. Collins, S.J.

Editorial Director
Karen Sue Smith

Online Editor
Maurice Timothy Reidy

Associate Editors
Joseph A. O'Hare, S.J.
George M. Anderson, S.J.
Dennis M. Linehan, S.J.
James Martin, S.J.
James P. McDermott, S.J.
Matt Malone, S.J.
James T. Keane, S.J.
Peter Schineller, S.J.

Literary Editor
Patricia A. Kossmann

Poetry Editor
James S. Torrens, S.J.

Assistant Editor
Francis W. Turnbull, S.J.

Design and Production
Stephanie Ratcliffe

BUSINESS DEPARTMENT

Publisher
Jan Attridge

Chief Financial Officer
Lisa Pope

Marketing
Eryk Krysztofiak

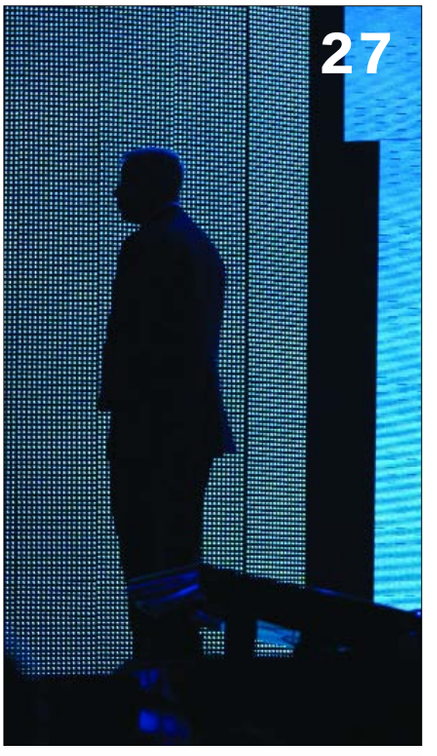
Advertising
Julia Sosa

106 West 56th Street
New York, NY 10019-3803
Ph: 212-581-4640; Fax: 212-399-3596.
E-mail: america@americamagazine.org;
letters@americamagazine.org.
Web site: www.americamagazine.org.
Customer Service: 1-800-627-9533.

Cover photo Eleanor Roosevelt holds a copy of the Universal Declaration of Human Rights. The U.N. General Assembly adopted the declaration on Dec. 10, 1948. (CNS photo courtesy United Nations/DPI)

www.americamagazine.org Vol. 199 No. 18, Whole No. 4837 December 1, 2008

Articles



This week @ America Connects

John Dear, S.J., talks about the life of a peace activist on our podcast, and Karen Sue Smith reviews Marc Chagall's biblical art. Plus, from 1948, the editors on the U.N. Declaration of Human Rights. All at americamagazine.org.

No Common Ground?

"This is not a matter of political compromise or a matter of finding some way of common ground," said Bishop Daniel Conlon of Steubenville, Ohio. "It's a matter of absolutes." His comments came during a discussion on abortion at the U.S. Conference of Catholic Bishops, which led to a statement addressed to President-elect Barack Obama, released on Nov. 12. "Abortion kills not only unborn children; it destroys constitutional order and the common good, which is assured only when the life of every human being is legally protected," the conference wrote. Some bishops expressed frustration with the election's outcome. Despite statements from some bishops, Catholics favored Senator Obama over Senator John McCain. There is no evidence, however, that the bishops failed in their effort to form consciences in advance of the election. To draw that conclusion, one must conflate church teaching with a partisan political victory.

In response to the election outcome, the U.S.C.C.B. decided to focus its efforts to an even greater extent than before the election. But a one-issue approach may be risky, and putting abortion at the center of the dialogue may leave the church with less sway in the new administration. Abortion is the pre-eminent life issue, but it is not the only one on which the bishops hope to have a voice. And that voice must be one that people, including the new administration, can hear. Without a search for some small piece of common ground, the bishops may find that they have ceded the ground to less informed parties, or find themselves with no ground left on which to stand.

The bishops might also take the president-elect at his word. In April 2008, during a forum in Pennsylvania, Senator Obama spoke about the divide between pro-choice and pro-life forces: "We can certainly agree on the fact that we should be doing everything we can to avoid unwanted pregnancies that might even lead somebody to consider having an abortion." Surely this points to common ground and the possibility of working together. As the bishops wrote in their document *Forming Consciences for Faithful Citizenship*, when morally flawed laws already exist, "the process of framing legislation to protect life is subject to prudential judgment and 'the art of the possible.'"

A Forgotten Battle

Senator Barack Obama will be the first American president in a generation who has not faced some controversy over his military service or lack of same. George W. Bush served in the National Guard (well, more or less), while both his opponents in the general election, John Kerry and Al Gore, served in Vietnam, the latter as a reporter. Bill Clinton's infamous draft deferment during his student days was the subject of much derision by his two presidential opponents. In this campaign Obama's opponent, John McCain, was a decorated veteran widely praised for his heroism; yet Obama's lack of military experience did not become a major issue in the presidential race. Could it be that Americans are sick of games of patriotic one-upmanship?

Or is the issue simply one of age? In fact, Barack Obama was too young to have been drafted. He was 12 when the draft was suspended and barely into his teens when the last U.S. marines left Saigon in April 1975. Has time done what our politicians and pundits could not—has it made military service irrelevant as an indicator of a candidate's suitability for office? Only momentarily, perhaps. We may have ended the draft, but we have not ended our wars.

In All Things (Really)

Milwaukee was abuzz last month with news that the Milwaukee Public Museum's exotic titan arum bulb was blossoming for the first time since it was planted six years ago. Native to Sumatra, the titan arum is a very unusual plant. It requires sustained humidity and heat of at least 80 degrees for a number of years; then it suddenly sprouts and grows rapidly to a height of as much as 10 feet before blossoming for just 48 hours.

Along with the blossom comes a stench so nasty that the titan arum is commonly referred to as the "corpse flower," or "Get that thing outta here!" The odor draws certain bees, as well as beetles and flies that mistake it for a dead animal. The plant traps the insects in its leaves until they are covered in its pollen, then releases them to find another corpse plant (and take a long shower).

Considered from a distance, an enormous flower that smells like rotting flesh sounds less attractive than a pooper-scooper. Yet in the course of eight days over 6,500 people came to see it. Uninformed coastal types might wonder, what else is there to do in Milwaukee? (They know not the glories of Kopp's Custard, the Milwaukee Art Museum and fresh air.)

No, the attention given to this most strange and noisome of life forms would seem to point instead to that fundamental intuition of our faith—somehow all of God's creations are wondrous and good. In the kingdom of God, even the fetid get feted.

Editorial

Ban the Bomblets

"A WORLD AWASH IN WEAPONS" is the phrase Auxiliary Bishop Gabino Zavala of Los Angeles recently used to describe the international scene on the 25th anniversary of the U.S. bishops' peace pastoral, *The Challenge of Peace: God's Promise and Our Response*. Among these weapons are cluster munitions, canisters that contain submunitions, also called bomblets. Dispersed from airplanes, missiles or artillery shells over a wide area, most of these bomblets explode when they hit the ground. Some, however, do not, and become in effect small landmines that explode later when touched, causing maiming or death. The United Nations has estimated that over a million of these unexploded bomblets remained on the ground after the conflict between Israel and the Hezbollah militia in southern Lebanon in 2006. During the six months after a cease-fire was declared, over 200 civilians were maimed or killed by these mini-bombs. According to the Friends Committee on National Legislation, Israel bought the majority of its cluster bombs from the United States.

Most recently used during the Russian-Georgian conflict over the breakaway province of South Ossetia last August, cluster munitions landed in populated areas of that province. The sight of an unexploded bomblet arouses children's curiosity, and they are among those who have suffered most. It is estimated that a quarter of all casualties are children; in some regions the number reaches 50 percent. One victim among those wounded during the attacks on South Ossetia was a 13-year-old boy who went to a friend's house to say goodbye before his family fled the violence in the town of Variani. He lost part of his skull, and shrapnel still remains inside his head. Farmers also come unaware upon unexploded bomblets in the course of their work and face injury and death from the "duds" lying hidden amid crops and foliage.

Cluster munitions have been in use for over four decades. The United States and the United Kingdom, along with Russia, Israel, France and Germany, are among the countries that have used them. Almost 80 countries have stockpiled billions of these weapons. The United States last used cluster bombs during the invasion of Iraq in 2003. For the present, at least, the United States has stopped exporting them.

Hope for the eventual abolition of cluster bombs has now emerged through an international treaty that bans their use. The treaty was spearheaded by Norway and adopted in Dublin in late May. Called the Convention on Cluster Munitions, it is to be signed in Oslo on Dec. 3 in the presence of U.N. Secretary General Ban Ki-moon. It will go into effect after 30 nations have signed and ratified it. The treaty requires signatories not only to stop manufacturing and using cluster bombs, but also to destroy stockpiles within eight years.

The United States will not be represented at the signing. It strongly opposed the Dublin agreement on the ban and pressed allies to work against it, including the United Kingdom. Eventually, though, the United Kingdom agreed to support the treaty and become a signatory. A Pentagon spokesperson has contended that cluster munitions are militarily useful and that their elimination from U.S. stockpiles would place at risk the lives of U.S. soldiers and those of coalition partners. As might be expected, other nonsignatories include Israel, Russia and China. Largely through pressure from countries like these and the United States, the convention has a loophole in its Article 21, whereby signatories could legally cooperate militarily with nonsignatory nations, like the United States, that make use of cluster munitions.

GIVEN THE WIDESPREAD SUFFERING that results from cluster bombs, the signing of the Oslo Convention should mark the beginning of the end of their use (especially in view of a dispersal pattern that makes civilian casualties inevitable). In addition, supporters of the ban believe that the convention may bring to bear a moral force similar to that of the 1997 Ottawa Treaty. That agreement—another the United States did not sign—banned the use of anti-personnel landmines, a move that has reduced their overall use worldwide. As a world leader, the United States should become a signatory to the Oslo Convention and demonstrate a more serious commitment to world peace than it has yet shown. Bishop Zavala, who is the bishop president of Pax Christi USA, underscored in his reflection on the anniversary of the 1983 peace pastoral the relationship between a weapons-ridden world and the deepening of global poverty. He also quoted Pope John Paul II's famous phrase, "War is always a defeat for humanity." President-elect Barack Obama should press the country he will soon lead to become a signatory to the convention.

Congolese Bishops Denounce International Silence on Genocide

A woman displaced by fighting sits in a shelter at Kibati, north of Goma, in eastern Congo on Nov. 12.

A group of Congolese bishops has denounced the international community's tolerance of increasing violence in eastern Congo, which they called a "silent genocide" against the civilian population there. "We are calling on the international community to work sincerely to ensure respect for international law," said the Congolese bishops' committee Nov. 13 in a statement on the war. Decrying the alleged inaction of the U.N. peacekeeping mission, which the bishops accused of standing by and watching the violence, the bishops said it is "crucial that a peace and stabilization force be sent to re-establish order in our country."

Large-scale massacres of civilians, the targeted murders of young people and systematic rapes now occur daily in the area north of Goma, the capital of North Kivu Province, they said. "It is obvious that the natural resources of...Congo are fueling the greed of certain powers, and these natural resources are not unrelated to the violence now being inflicted on the population," they said.

'Distorted Values' Cause of Financial Crisis?

The head of the commission representing Catholic bishops from the European Union has demanded tighter rules for the world economy to correct a "distorted hierarchy of values" highlighted by the global financial crisis. "The current crisis has revealed that the pursuit of profit ultimately demolishes everything in its wake," said Bishop Adrianus Van Luyn, S.D.B., of Rotterdam, Netherlands, president of the Commission of the Bishops' Conferences of the European Community. People who think the financial crisis has been caused by a lack of accountability are "perhaps overlooking the fact that it is far more our societal model that is being called into question," the bishop told the meeting of the bishops' commission on Nov. 12 to 14. "An economic model based on the continued and unlimited consumption of limited resources can only end in tears." Bishop Van Luyn said the crisis in world markets had "badly shaken" public trust in the economic and social order and would have "economic, social and political consequences" that could only be guessed at.

60th Anniversary of Human Rights Declaration

Sixty years after the adoption of the Universal Declaration of Human Rights, the landmark U.N. document still is not respected fully around the world, said a top Vatican official. "Unfortunately nowhere in the world, even among [countries] that have embraced, promoted and highlighted this declaration," are all its articles observed, said Cardinal Renato Martino, head of the Pontifical Council for Justice and Peace. He said the world's prisons display some of the worst violations of human rights and dignity: "When I visit these penal institutes...it is as if the declaration never even existed."

Some prisons in northern and central Italy are so overcrowded that prisoners must spend the day lying in their bunk beds because six people are living in a cell built for two and there is no place to stand, he said. The cardinal spoke on Nov. 13 at a Vatican press conference describing events the Vatican will sponsor on Dec. 10 to commemorate the anniversary of the U.N. General Assembly's adoption of the declaration in 1948.

Two Christians Murdered in Mosul

Two Christian women were shot and killed in their home in the city of Mosul in northern Iraq, where the most recent wave of anti-Christian violence has left more than 15 dead and forced approximately 15,000 people to flee. Lamia'a Sabih Saloha and her sister, Wala'a, were killed when several men stormed their home on Nov. 12, a source told Catholic News Service. "Their mother is severely injured, as the terrorists stabbed her," the

source said in an e-mail dated Nov. 12. "In addition, the house was exploded completely." AsiaNews, a Rome-based missionary news agency, reported the attack was carried out by a gang of 16- to 18-year-olds backed by a criminal organization. A police officer said another bomb near the house exploded when police came. Three police officers were injured. The incident occurred as more than 200 Christian families displaced from Mosul started to return home after more troops were deployed in the city.

U.S. Returns Baghdad Property

The U.S. Army has returned the Pontifical Babel College for Philosophy and Theology in Baghdad to the Chaldean Catholic Church, promising to repair or replace anything damaged while U.S. soldiers occupied the buildings, Vatican Radio reported. The seminarians, students and staff left the complex in January 2007, temporarily moving the college programs to northern Iraq because the students and staff were not safe in the college's neighborhood in Baghdad. Three months later, the U.S. Army occupied the buildings as a "combat outpost." The college was occupied first by the Fourth Cavalry Squadron of the First Mechanized Infantry Division, and then by the Second Squadron of the Second Stryker Cavalry Regiment. In a report on Nov. 14, Vatican Radio quoted Chaldean Auxiliary Bishop Jacques Ishaq of Baghdad, rector of the college, as saying the army transferred the property back to the church on Nov. 6.

Little Rock Bishop Defends Immigrant Rights

Five months after being ordained bishop of the Diocese of Little Rock, Bishop Anthony B. Taylor issued his first pastoral letter in hopes of teaching his flock about the human rights of undocumented immigrants. The letter, titled *I Was a Stranger and You Welcomed Me: A Pastoral Letter on the Human Rights of Immigrants*, was introduced to the priests of the state Nov. 5 during a study day. Diocesan employees gathered for a similar event on Nov. 7. Bishop Taylor said he believes Catholics are not properly informed about the human rights of immigrants. "I hope that people will open their hearts to the call of Jesus in our time," he said in an interview with The Arkansas Catholic, the diocesan newspaper. "More than that, I hope it goes down from their head to their heart and [they] see what the Lord is asking of us.... It is the biggest area where the teaching of the church is not well known." Bishop Taylor, who is fluent in Spanish and has worked in Hispanic ministry for 28 years, said he believes being able to migrate to another country is an "intrinsic human right."

From CNS and other sources. CNS photos.

Supporters of Aging Religious Honored

Support Our Aging Religious, a national organization working to help U.S. religious congregations finance the retirement of their elderly and infirm members, honored four people and was itself honored at two fundraising dinners in October. Kathy DiFiore, founder of Several Sources Shelters in New Jersey, and Mary Berchmans Hannan, a member of the Sisters of the Visitation, received the St. Elizabeth Ann Seton Award, SOAR's highest honor, at separate dinners in New York and Washington. Also honored at the dinner in New York's Tavern on the Green were Dorothy Burns, O.P., and Jeanne Burns, O.P., who received the Father Victor Yanitelli, S.J., Award for their years of service to people in need in New York City. The two Dominican sisters are not related. At the event in Washington's Renaissance Mayflower hotel, John Butler, vice president for advancement of Mount St. Mary's University in Emmitsburg, Md., presented Patricia Sullivan, a member of the Sisters of Mercy who is president of SOAR, with the university's Bicentennial Medal "for ensuring resources to support the elderly and frail members of Catholic religious congregations in the United States."

Bishops Cite Abortion Deregulation Fears

Fears about laws and changes in regulations on abortion that might advance under a new, Democratically controlled Congress and White House are the central focus of a statement approved by the U.S. Conference of Catholic Bishops Nov. 12 during their annual fall meeting in Baltimore. The majority of the 830-word, untitled statement focuses on concerns about the possible passage of the Freedom of Choice Act, calling it "an evil law that would further divide our country" and adding that the church "should be intent on opposing evil." It warns against interpreting the outcome of the Nov. 4 elections as "a referendum on abortion" and says "aggressively pro-abortion policies, legislation and executive orders will permanently alienate tens of millions of Americans." The statement was written during the bishops' meeting and involved a total of nearly three hours of discussion on the topic during executive and public sessions Nov. 11. Under U.S.C.C.B. policies, statements drafted outside the usual committee approval process may be issued by the conference president on behalf of the bishops.

Bishop George V. Murry, S.J., of Youngstown, Ohio, addresses the annual fall meeting of the U.S. Conference of Catholic Bishops in Baltimore Nov. 11. In an unusual turn of events, Bishop Murry was elected to succeed himself as secretary of the conference, a post he has held since last November.

A Happier Tomorrow

‘I’m inspired by the astonishing optimism of other Americans.’

TALK ABOUT the audacity of hope: A recent survey of American popular opinion taken after the election showed that more than 70 percent of respondents believed the nation would be better off in four years. This sentiment would seem at odds with the predictions of experts who insist that our economic problems will take years to resolve. Perhaps those optimistic Americans were not thinking simply in terms of dollars and cents.

A generation ago, we placed our faith in a false deity called the market, and now we are faced with the consequences of our actions. But if polls are to be believed, many of us believe today’s suffering will lead to a happier tomorrow. Surely the election of a new president, regardless of his historic importance, cannot be solely responsible for this surprisingly sanguine outlook.

Could it be that a new cohort of Americans—Generation Obama—can envision a nation that is happier and healthier despite harder times? Are we about to enter an era in which personal happiness and the global marketplace are not inextricably linked, when satisfaction is no longer seen as the sum total of our possessions? The nation’s inexplicable optimism would seem to suggest that such a time is coming.

We have heard this before, of course. Politicians like Jerry Brown and Jimmy Carter in the 1970s encouraged us to redefine our expectations as resources diminished and American power faded. Ronald Reagan insisted that Americans need not settle for less, that the American narrative was and would continue to be about more. That, he argued, was how we measured progress: more income, more bread on the table, more discretionary income, more spending, more jobs. Only the market, he said, could produce more.

And so, a generation ago, the market was accorded all kinds of mystical powers over the affairs of mere mortals. It quickly rewarded our faith with well-deserved riches; it punished those who worshiped the golden calf of regulation. Americans willingly gave up collective rights in pursuit of individual affluence. Rather than rely on government-managed Social Security, we grasped the opportunity to play money manager with our 401(k) accounts.

And oh, the lessons we taught our young! They came to believe that they were endowed by the market with certain inalienable rights, including designer clothes, personal electronics and the pursuit of brand-name degrees and lucrative careers. The scriptures of consumption—teen magazines, movies, television commercials—offered instruction in the rituals of shallow desire, with results plainly evident during any visit to any shopping mall anywhere in the nation.

Now, however, more is out of fashion. The market has been exposed as a fraud, not so much a deity as an old-fashioned hustler.

You would think we have entered into an age of despair and disillusion, with the betrayed faithful looking for scapegoats and explanations. Instead, the nation sees deliverance on the horizon.

How to explain? Perhaps, with the historic election of our first African-American president, we are enthralled with possibilities rather than depressed by realities. Perhaps this moment in history, imperfect though it may be, has inspired Americans to think beyond the next purchase, the next deal, the next dividend.

Of course, that would not be hard to do, considering that there is not enough money around to make the next purchase, facilitate the next deal or make the next dividend. Still, the optimism of my fellow Americans has me both confused and inspired.

The confusion is easy to explain. Perhaps it’s my age, but I have a hard time piercing the clouds of today to see the sunshine of tomorrow. Each day brings new reminders of the folly of our recent past, and as I watch my modest savings—for retirement and college tuition—dwindle, I take grim solace in the knowledge that had I saved more, and sacrificed more, I would have only lost more. How’s that for optimism?

But despite the latest bulletins from Wall Street and Detroit and the markets overseas, I am inspired by the astonishing optimism of other Americans, many of whom, no doubt, have suffered worse blows than I have sustained. I find it hard to believe that these sanguine Americans envision a return to mindless consumption unregulated competition and scandalous misuse of resources. I find it hard to believe that those who think 2012 will be better than 2008 are thinking of the Dow Jones industrial average.

Perhaps they envision an America that is celebrated for its goodness rather than feared for its power, that is focused on life instead of death, that is generous to its immigrants and its poor, that is intent on providing decent medical care to all who need it. Perhaps the America they envision is one that no longer believes in consumption for its own sake, that is even more accepting of difference than it is today, that has made political hate speech not a crime but a sin against civility.

If that is the America they see in four years, if they believe the nation can move in such a direction over so short a period, no wonder they have not given in to fear and anxiety. No wonder the headlines of today do not discourage them.

I hope they are right about the next four years, and beyond. I look forward to watching it all unfold.

Watching? That’s not good enough anymore. It is time some of us got off the sidelines, don’t you think?

Terry Golway

TERRY GOLWAY is the curator of the John Kean Center for American History at Kean University in Union, N.J.

PHOTO: REUTERS/HANDOUT VIA REUTERS TV (CUBA)

Can the United States recommit itself to legal interrogation techniques?

An End to Torture

– BY MARYANN CUSIMANO LOVE –

SIXTY YEARS AGO, Eleanor Roosevelt and the U.S. government worked doggedly to create the Universal Declaration of Human Rights. Mrs. Roosevelt knew many successes in her long years of public service, yet she regarded the writing and passage of the Universal Declaration of Human Rights as her greatest accomplishment. She envisioned it as an international Magna Carta and Bill of Rights for people everywhere. She worked so hard (and drove others hard as well) that one delegate charged that the length of the drafting committee meetings violated his own human rights.

MARYANN CUSIMANO LOVE is an adviser to the U.S. Conference of Catholic Bishops' International Policy Committee.

Like all other human organizations, the United States has a less than pure record on human rights. The same U.S. founding documents that set some souls soaring with language of universal rights also enslaved other human beings and defined them as property, while also excluding the female majority of the population entirely. We the people have spent the last 232 years working to live up to the best and undo the worst of those founding documents.

Whatever one thinks of Barack Obama, Sarah Palin or Hillary Clinton, the 2008 presidential election campaign was a historic move to open up our political life and leadership to all. Eleanor Roosevelt was no starry-eyed idealist. As a woman, an advocate for the poor and the wife of a man with a disability, she knew that U.S. rhetoric on human rights often did not match reality. Lest she forget it, the Soviet and other Communist delegates to the United Nations continually reminded her. As she recounted it, they would point out some failure of human rights in the United States and ask, "'Is that what you consider democracy, Mrs. Roosevelt?' And I am sorry to say that quite often I have to say, 'No, that isn't what I consider democracy. That's a failure of democracy, but there is one thing in my country: we can know about our failures and those of us who care can work to improve our democracy!'" Mrs. Roosevelt placed her faith in the transparency of our society and in the ready supply of everyday prophets who would challenge and overcome injustices.

Protecting human rights and prohibiting torture is practical and advances U.S. interests, especially security interests. By contrast, using torture undermines security.

What Would Eleanor Do?

What would Mrs. Roosevelt make of the current U.S. debate over the use of torture in the war on terrorism? Article 5 of the Universal Declaration of Human Rights prohibits torture, unequivocally stating, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." So serious was this basic human right that the drafters placed it at the very beginning of the document, right after the articles stating that all human beings are free and equal and enjoy "the right to life, liberty and security of person." Articles 6 to 11 guaranteed a person's legal rights, including freedom from arbitrary arrest or detention, a right to an impartial trial and a presumption of innocence; these were the "easy" articles from the U.S. perspective. The harder rights for the United States, with its laissez-faire, capitalist economic system, were the social and economic rights tucked in at the end of the document, particularly Articles 23 and 25, which guarantee the right to a job, adequate compensation and an adequate standard of living, "including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." Throughout the cold war, the United States repeatedly criticized violations by Soviet and Communist countries of the legal and political rights enumerated in the declaration. These countries returned fire by noting their "iron rice bowl," a state-supported social safety net that they charged was lacking in the United States and other capitalist states.

The current torture debate has turned this history on its head. After the terrorist attacks of Sept. 11, 2001, the Bush administration retreated from the traditional U.S. stance against torture and argued instead for an American exception. Lawyers like John Yoo argued that a "new kind of war" against an enemy that has no regard for human rights excused the United States of its responsibilities as outlined in the Universal Declaration of Human Rights and in the Geneva Conventions. While never admitting to practicing torture, the Bush administration allowed and undertook what it characterized as "aggressive interrogation techniques," including waterboarding, sexual humiliation, attacks by dogs, sleep deprivation and so on. While some of the practices were later decried, particularly those atrocities captured on photos at the Abu Ghraib prison in Iraq, many others were doggedly defended (particularly by Vice President Dick Cheney) as necessary and helpful in the war on terror.

Not all members of the government defense and security communities were so convinced. Then-Secretary of State Colin Powell and State Department lawyers, as well as military JAG lawyers, fought the administration's interpretations. They believed such interrogation techniques were illegal and counterproductive, undermining military morale and discipline, exposing U.S. troops and citizens to the risk of same or similar treatment, and undermining the standing of the United States around the world. So concerned were C.I.A.

Photo, previous page: Omar Khadr, a Canadian citizen who was 16 years old at the time, appears in multiple video screen grabs during a February 2003 interview in the Guantánamo Bay prison. His attorney and some human rights groups allege that Khadr was tortured.

employees that they purchased insurance policies and urged Congressional action to protect them from lawsuits and legal liability should the political winds change and the actions they were being ordered to undertake be declared illegal.

Congress and the public largely acquiesced. Polls showed that pluralities of Americans (and among them, Catholics) believed torture to be permissible. Congressional action to rein in the administration was tepid. In order to avoid a presidential veto, Congress watered down more vigorous anti-torture legislation, never declared waterboarding and other administration-approved methods to be torture, and granted legal protections to government agents who used these aggressive techniques.

President Obama's administration will have to take up the torture debate. Most of the debate centered on whether particular "aggressive interrogation techniques" constituted torture, and whether particular actions taken by agents of the U.S. government (Defense Intelligence Agency, Central Intelligence Agency, military interrogators and government contractors) were legal, including foreign renditions to countries suspected of torture. Religious leaders like the U.S. Conference of Catholic Bishops and the National Religious Campaign Against Torture addressed the morality of torture by emphasizing the fundamental dignity of all human life, as expressed in the Universal Declaration, over the utilitarian view (that the ends of protecting the United States from acts of terror justified the means of violating the rights of suspected terrorists). Torture is a particularly problematic form of violence because it is inflicted by the very state that is supposed to be the protector and guarantor of human rights.

Points Missing in the Public Debate

First, torture is ineffective. Philosophers and television shows erroneously propagate the scenario of the "bomb in a baby carriage": government agents apprehend a terrorist who knows when and where the next attack will take place; agents must stop the imminent attack; so they use torture to extract information quickly from the attacker. This model is wrong in almost all respects. Such "exquisite" intelligence as is depicted in prime time never exists in the real world. Instead, government agents never know exactly whom they have caught and what such persons know. Torture does not work because individuals respond in different ways to pain. Aggressive interrogation techniques can yield false information made up to satisfy interrogators and stop the pain. Instead of actionable intelligence that could stop the next attack, such false information wastes scarce government resources on wild goose chases. Even when government agents catch real terrorists, the application of coercive techniques may play into their apocalyptic visions of martyrdom, rather than "loosening lips."

Second, torture is immoral, even in a utilitarian calculus. Others besides suspected terrorists are harmed by torture. Arriving at the conclusion that "the end" of saving innocents from terrorist attack justifies the means of torture grossly underestimates the costs of torture to society, to our nation's military and legal institutions and to our role in the world. Those we ask to do the torturing are also harmed, sometimes irreparably. Our legal and political systems are harmed, as professionalism in the military and in law enforcement suffers. For this reason, military lawyers are among the strongest critics of torture. As Shannon E. French, formerly of the U.S. Naval Academy, notes in her book *The Code of the Warrior*, military professionals need ethical codes to work effectively and to differentiate themselves from barbarians and murderers. The United States has the strongest military on earth, and others come from far and wide to study and emulate U.S. military professionalism and codes of conduct. The ethical frameworks of the Universal Declaration of Human Rights, the military code of conduct and the Geneva Conventions protect not only innocent civilians but military personnel themselves. Violating those norms puts Americans at risk for similar treatment. According to his killers, the journalist Daniel Pearl was beheaded in retaliation for torture at Abu Ghraib.

Third, torture is impractical. Protecting human rights and prohibiting torture is practical and advances U.S. interests, especially U.S. security interests. By contrast, using torture undermines U.S. security. The National Religious Campaign Against Torture acknowledges this in its call for the new president to issue an executive order banning torture (www.nrcat.org). The war against terror is primarily a battle of ideas. Al Qaeda fights for the idea of the bankruptcy of modern and secular Islamic states allied with the West, while the United States fights for the idea that the tactic of terrorism, of intentionally killing civilians, is impermissible. The United States cannot effectively fight for a global norm while ignoring normative constraints. The United States cannot champion human rights abroad while ignoring them at Guantánamo. The United States certainly cannot do this with the world watching.

Military force is not the source of American power in the world today. The strength and attractiveness of U.S. ideals are at the basis of U.S. "soft power," and torture undermines those. The debate is not between realists keen on protecting U.S. citizens and idealists who place human rights ahead of security concerns. As Eleanor Roosevelt knew 60 years ago, and a new administration must rediscover now, advancing human rights also advances U.S. interests and security. A

John Dear, S.J., talks about the life of a peace activist, at americamagazine.org/podcast.

An Advocate for All

How the Catholic Church promotes human dignity

BY DAVID HOLLENBACH

THE CATHOLIC CHURCH'S STANCE toward human rights has changed dramatically during the 60 years since the U.N. General Assembly proclaimed the Universal Declaration of Human Rights on Dec. 10, 1948. In the late 19th century Catholic officials rejected modern human rights standards like freedom of religion. They feared that such freedoms would relegate religious belief to the margins of society, and that the rights of individuals would undermine a commitment to the common good.

A century later, however, the bishops at the Second Vatican Council proclaimed that "the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed word of God and by reason itself" ("Declaration on Religious Freedom," No. 2). The council linked the full gamut of human rights with the very core of Christian faith and transformed the church into one of the world's leading advocates for human rights and democracy.

Why Church Thinking Developed

The church's shift from opposition to support for human rights developed from the same historical experiences that led to the drafting of the Universal Declaration. The bloody wars of the 20th century led secular society and the church to a crucial new awareness that peace depends on respect for the dignity and rights of all. Disastrous conflicts like the two world wars follow when people identify themselves with "us" versus "them," groups based on nationality, religion or ethnicity. Such divisions lay at the root of the Nazi genocide of the Jews. The drafters of the Universal Declaration feared that such divisions could leave colonized peoples no alternative to violent revolt in their resistance to the nations and racial groups oppressing them.

To counteract such bloody outcomes, the walls dividing people into those who count and those who do not count had to be torn down. Affirmation of human rights means that the inherent dignity of all members of the human family becomes the organizing basis of global social life. The Declaration of Human Rights is universal precisely because it affirms the equal rights of every human being. No white rule over non-white, no Aryan over Jew, no European colonist over non-European colonized, no male superiority over female. The experience of the consequences of us-versus-them divisions led to the creation of the Universal Declaration.

The same experience led to development in church teaching on human rights. Pope Pius XII began the process with initially hesitant support for human rights and democracy. John XXIII's 1963 encyclical, *Peace on Earth*, unambiguously supported human rights based on the dignity of the person created in the image of God. Pope John XXIII supported the full range of human rights proclaimed by the Universal Declaration, both the civil-political rights like those of free speech and self-governance and the social-economic rights like the rights to food and health care. All these rights are necessary preconditions for the world peace John XXIII sought to promote during the cold war that the Cuban missile crisis nearly turned hot just months before he issued *Peace on Earth*.

Equally important was the Second Vatican Council's late but unequivocal affirmation in 1965 of the right to religious freedom. Before the council, the church feared that the universalist claim that all persons should be treated equally in civil society without regard to their religious belief could lead to a religious relativism that could undercut the truth of belief in Jesus Christ. The "Declaration on Religious Freedom," however, appealed to both the Gospel and the universal requirements of human reason to affirm that all persons must be guaranteed civil freedom to exercise their religious belief, even those who have failed "to live up to their obligation of seeking the truth and adhering to it" (No. 2). In this way the council rejected exclusivist distinctions in civic life based on membership or non-membership in the church.

The council set the church free to affirm the full range of human rights as due to all persons. In enabling the church to argue that religious convictions must never be used to deny human rights in the name of God, the council also positioned the church to challenge closed nationalism and all tendencies to grant political privilege based on eth-

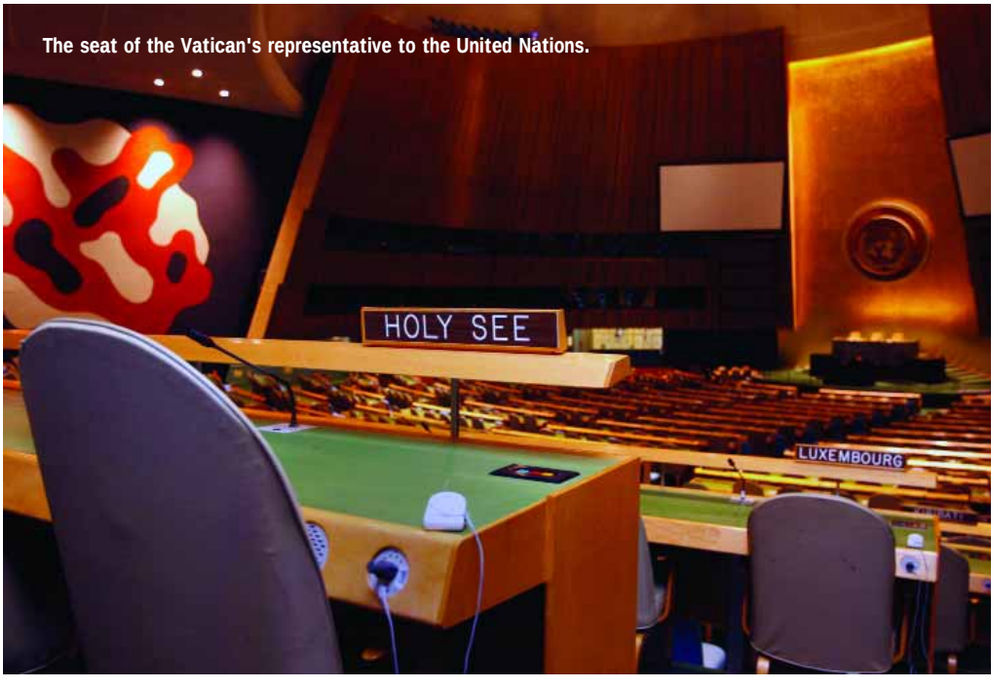
DAVID HOLLENBACH, S.J., holds the University Chair in Human Rights and International Justice and directs the Center for Human Rights and International Justice at Boston College.

nic identity. The council opened the way for a robust church commitment to human rights.

Church Action for Human Rights

Since the council, the church has exercised leadership in defense of human rights, often at considerable risk. In the mid-1970s, for example, the Chilean church established the Vicaria de la Solidaridad, an organization firmly opposed to the torture and disappearances carried out under the dictatorship of Gen. Augusto Pinochet. The objections to torture in the Vicaria had been anticipated in the Vatican II declaration that "physical and mental torture...are criminal: they poison civilization; and they debase the perpetrators more than the victims and militate against the honor of the creator" ("Pastoral Constitution on the Church in the Modern World," No. 27).

The church's rejection of torture has been reaffirmed recently in the context of U.S. responses to terrorism. Speaking on behalf of the U.S. bishops' international policy committee, Bishop Thomas G. Wenski reminded U.S. legislators that "prisoner mistreatment compromises human dignity. A respect for the dignity of every person, ally or enemy, must serve as the foundation of security, justice and peace. There can be no compromise on the moral imperative to protect the basic human rights of any individual incarcerated for any reason."



The seat of the Vatican's representative to the United Nations.

PHOTO: CNS/BOB ROLLER

Similarly, in 1986 the bishops in the Philippines firmly opposed Ferdinand Marcos's effort to steal a presidential election. They declared the election fraudulent and his efforts to remain in power morally illegitimate. The bishops' defense of the right to self-government aligned them with the "people power" movement that ultimately brought Corazón Aquino to the presidency. Similar church support for democracy has occurred in South Korea, Lithuania, Poland, Brazil and Peru.

The church's engagement in the struggle for human rights has not been entirely consistent, however. In Argentina during the "dirty war" of the late 70s and early 80s, church leadership remained closely linked with the repressive regime. And in the horrific killings in Rwanda of 1994, the most Catholic country in Africa descended into the ultimate form of human rights violation: genocide. Some Rwandan clerics actually supported the murders; others failed to resist them. While the Catholic Church's active support for human rights has been uneven, it is also true that leaders and members have helped make the church a major global force for the promotion of human rights. This year, on the 60th anniversary of the Universal Declaration, the Catholic community should reflect carefully on how it can improve and advance the positive achievements it has made.

The Catholic contribution to human rights in the immediate future may be most effective if it builds on the experience that led it to support human rights at Vatican II, which is the rejection of in-group/out-group divisions and support for the unity of the human family. Economic inequalities are among the most important threats to human rights today; the disparities deeply divide the world into the haves and the have-nots. Such divisions threaten the lives and dignity of the "bottom billion" people on earth and deny the basic economic rights proclaimed in both the Universal Declaration and church teachings. Overcoming such divisions will require what Pope John Paul II called the "globalization of solidarity." The church's rationale for affirming such global responsibility is based on faith, reason and experience. Its transnational experience of working across the borders of peoples and states gives the church practical insight into where the needs are deepest and which economic approaches are most effective.

Human rights continue to be threatened by conflicts based on ethnic or religious identity, especially when mixed

with the forces of nationalism. One thinks of the racial/ethnic conflicts between "Arab" and "African" in Darfur, interreligious strife between Hindu and Christian in India, and the ongoing Israeli-Palestinian struggle. The church has learned that its commitment to Jesus Christ should not lead to an identity defined over against non-Christians. Rather, Christianity sees all human beings as created in God's image and worthy of universal human rights. Helping other communities learn how they can be themselves while also acting as brothers and sisters to the whole human community can be one of the church's key contributions to the advancement of human rights today.

In his 1995 address on the 50th anniversary of the United Nations, John Paul II stressed that people's national or ethnic identity must be fused with their support for the universal dignity of all persons. The church can help advance his message, which is even more critical today. In a context of dialogue with Muslims, for example, Catholics could explain how the church moved from rejection to vigorous support for the right to religious freedom while remaining true to its faith in Christ. Perhaps this could help Muslims travel a similar path.

As the church finds ways to move away from the causes of war, it can also address the consequences of violent conflict. Forced displacement caused by war and persecution is a major occasion of human rights violation. Today there are over 45 million refugees and internally displaced persons in the world, people denied the basic right to live in their own homes. Often displaced persons are persecuted because of their race, religion, ethnicity or national origin. When confined to refugee camps, they lose access to adequate medical care, education and jobs. In the northern hemisphere, refugees fleeing persecution find it increasingly difficult to find asylum; many who seek asylum are detained for long periods.

Pope Benedict XVI's speech to the United Nations earlier this year addressed some of the causes and consequences of displacement. Following the horrors of Bosnia and Rwanda in the 1990s, there was much discussion of how to prevent ethnic cleansing and genocide in the future. It led to an approach known as "the responsibility to protect." This view holds that the responsibility to protect people from grave violations of their human rights, such as those that occur in ethnic cleansing or genocide, falls first on the people's own state. But if a government fails to protect its own people or, even worse, launches grave attacks on their rights, the responsibility to protect moves to the international community. The universal human rights of all persons set limits to national sovereignty. This is in deep continuity with the notion of human rights affirmed by the Universal Declaration. The doctrine of the responsibility to protect, however, focuses committed nations sharply on the need to take effective international steps to prevent truly grave human rights violations. The World Summit of the U.N. General Assembly adopted this doctrine in 2005, and Benedict XVI strongly endorsed it this year.

The U.N. High Commissioner for Refugees, António Guterres, has suggested that implementing the responsibility to protect will require defending people from human rights violations less severe than genocide but nonetheless grave, actions like being forced from home and confined to camps for long periods. Guterres sees the doctrine as calling for a "new humanitarian-protection compact." I think Pope Benedict's intervention at the U.N. points in the same direction.

An excellent way to celebrate the anniversary of the Universal Declaration would be to launch a sustained discussion about how to protect the fundamental human rights of the 45 million people displaced from their homes today. The growth and development in the church's stance on human rights could enable it to make a modest but serious contribution to the discussion and to the action required. A

From the archives, the editors on the creation of the U.N. Declaration of Human Rights, at americamagazine.org/pages.

A Blood-Soaked Road

Human rights came slowly to Latin America.

BY THOMAS QUIGLEY

WHEN WE THINK of human rights violations today, Latin America is not the first region of the world that comes to mind. We might think first of Burma and North Korea, Sudan, Congo and Zimbabwe, but not the countries to our south. In the first half of the 20th century, however, Latin America bristled with human rights abuses.

Long-lasting dictatorships had taken hold in several countries: the Somozas in Nicaragua, the Duvaliers in Haiti, Alfredo Stroessner in Paraguay, Rojas Pinilla in Colombia, Batista in Cuba, Perón in Argentina, Rafael Trujillo in the Dominican Republic, and Pérez Jiménez in Venezuela. Democracy was still an alien concept in some of these countries, and dissidents were treated harshly. But these were not yet identified as "torture states," and at that time the church did not routinely invoke the evolving tradition of human rights or the social encyclicals to protest the actions of the reigning *caudillos*. Several bishops, however, did issue harsh pastoral letters that hastened the downfall of Perón, Pérez Jiménez and Rojas Pinilla.

More recently, Latin dictatorships have taken the form of the "authoritarian" military regimes once favored by Jeane Kirkpatrick, as opposed to the "totalitarian" model. The authoritarian model began with the overthrow of Jacobo Arbenz in Guatemala in 1954, a left-leaning but democratically elected president overthrown by the combined forces of the United Fruit Company and the C.I.A. His was the first of a series of repressive regimes that culminated decades later in the genocidal rule of Gen. Efraín Ríos Montt (1982-83). In 1954, however, the Guatemalan church was minimally engaged in the nation's political struggle.

Three events were to change all that: the Cuban revolution (1959), the Second Vatican Council (1962-65) and the Medellín Conference of Latin American bishops (1968). Castro embodied the new challenge; Vatican II and Medellín called on the church to respond to that challenge by defending the dignity and rights of the human person.

Brazil

The first South American dictatorship to gain popular notoriety was in Brazil in the late 1960s and early 1970s. It had become a classic "national security state," in José Comblin's phrase, a country prepared to use all means necessary to eliminate its perceived enemies, even when these were its own citizens. The enemy within was presumed to be tied to the enemy without: since January 1959, Communist Cuba and its Soviet puppeteer.

The contemporary human rights tradition can trace its origins to the violent overthrow of President Salvador Allende in Chile on Sept. 11, 1973, and the extraordinary response of the Chilean church to that crisis, but these events were presaged by the state's indiscriminate violence and the church's courageous response in neighboring Brazil. In 1973, before the Chile coup, bishops in at least three regions in Brazil issued powerful pastoral letters denouncing the oppression and torture that had become the norm in that country. The year 1973 was also the 25th anniversary of the Universal Declaration of Human Rights, a date whose symbolism was not lost on leaders in the Latin American churches.

State censorship in Brazil at that time was as stringent as anywhere else in the hemisphere. Newspapers routinely appeared with huge sections of white space where offending articles had been excised. The Archbishop of Recife, Dom Hélder Câmara, was declared a non-person and could not be mentioned in the press. His pastoral letters could not be published and had to be passed about from hand to hand. The church then decided to observe the declaration's anniversary by printing a broadsheet with the entire text. After each of the 30 articles in the declaration, the bishops added quotations from Scripture and citations of Catholic and Protestant statements. The text was then posted on church bulletin boards all over the country, a silent cry of protest against the world's worst "torture state" and a clearly subversive act that the military censors found difficult to suppress.

Chile

After the 1973 coup in Chile, the churches there responded by forming an ecumenical Committee of Cooperation for Peace in Chile (Copachi). The committee, under the leadership of the Archbishop of Santiago, Raúl Silva Henríquez, S.D.B., and headed initially by Fernando Salas, S.J., devoted itself first to providing sanctuary for the hundreds of

THOMAS QUIGLEY, formerly associated with the U.S. Conference of Catholic Bishops, is a longtime observer of the church in Latin America.

political dissidents who had fled their native Brazil, Uruguay or Argentina for the safety of Chile under Allende. The committee helped many to find asylum elsewhere. It set up "common pots," neighborhood kitchens that offered food to the many families whose breadwinners had been summarily fired, imprisoned or "disappeared." In the words of the Chilean Truth Commission's *Rettig Report* of 1991, Copachi was "the only institution carrying out the important function of aiding the victims, with the risks and limitations deriving from the situation at that time." The *Rettig Report* noted that from the beginning, "the only significant reaction to this pattern of human rights violations came from the churches, since they had the means and the willingness to act."

By the end of 1975, however, Copachi had become too active for the government to ignore. Several highly respected Chilean Jesuits and Holy Cross fathers were arrested, some of whom were expelled; and Sheila Cassidy, M.D., was held incommunicado and brutally tortured, leading the British government to sever relations with Chile. This was too much for General Pinochet, who demanded that Cardinal Silva shut down this obstreperous church agency.

The Vicariate of Solidarity

But what Cardinal Silva did in response was more extraordinary than is commonly recognized. On Dec. 31, 1975, he dissolved the Peace Committee, and on Jan. 1, 1976, he created, not another human rights organization under the auspices of the archdiocese, but a church vicariate called Vicaría de la Solidaridad. It was a Roman Catholic vicariate headed by the Rev. Cristián Precht. While this might be seen as an attempt to give ecclesial standing and protection to a human rights agency in a traditionally Catholic country, the Vicariate of Solidarity will ever stand as a powerful witness to the defense of human rights as integral to the preaching of the Gospel. Defense of human rights, in other words, was recognized with the establishment of the vicariate as an essential dimension of the church's mission in the world. Among the many publications it issued before it was converted in 1992 to the archdiocesan *Pastoral Social*, was the Spanish translation of the Brazilian 1973 broadsheet of the Universal Declaration, which found its way onto those parish bulletin boards throughout Brazil.

Along with the historic statement that defending human rights was an inherent dimension of the church's mission, the vicariate's most lasting contribution to the human rights movement worldwide was its systematic recording in great detail of all data dealing with arrests, killings and disappearances. Its bulging files contain sworn testimony of witnesses, photographs and other forensic information that provided the basis for reports later published by both the United Nations and the Organization of American States human rights commissions and the later Truth Commission. It was, someone said, the collective memory of the fragmented history of a nation.

The church in Brazil and even more in Chile provided the inspiration and template for the promotion of human rights elsewhere in the hemisphere. Diocesan vicariates of solidarity sprang up in Peru and Panama. Paraguay established a Committee for Emergency Aid, Bolivia a Permanent Assembly for Human Rights and Argentina an Ecumenical Committee for Human Rights. No fewer than

PHOTO: REUTERS CATHERINE BREMER

Belky Hernández stands near T-shirts with portraits of Marxist guerrilla leader Che Guevara and other revolutionaries, in Suchitoto, El Salvador, on Nov. 1, 2008. Hernández was three days old when U.S.-backed government troops shot dead her mother, a Marxist guerrilla, in a forest in war-ravaged El Salvador. Her father, also a rebel, was already dead. Seventeen years later, she runs a stall selling civil war memorabilia and mementos of cold war revolutionaries Fidel Castro and Che Guevara. Alongside them, she now sells campaign T-shirts for Mauricio Funes, the man she hopes will heal old wounds by bringing a party of softened former rebels to power for the first time in presidential elections in March.

five human rights groups with ties to dioceses or religious orders can still be found in Mexico.

El Salvador

After Brazil and Chile, the two most important and best-known church human rights agencies in Latin America in the 1970s and 1980s were those in El Salvador and Guatemala. Each had distinctly unique origins. El Salvador's Socorro Jurídico (Legal Aid) was initially begun by a group of lawyers under the auspices of the Jesuits in 1975. After Oscar Romero was installed as archbishop in 1977, he made the group an official archdiocesan entity, with the dynamic young lawyer Roberto Cuéllar as director.

After Archbishop Romero's assassination in March 1980, the office came under increasing attack from the Salvadoran government and the U.S. State Department. Human rights lawyers insist that governments can commit human rights violations, as well as insurgents or guerrilla groups. Cuéllar maintained that Romero's mandate for the group was to report on violations committed by government entities, and to be the voice of those who had no voice, the poor and persecuted peasants. It was not his function to record the killings attributed to the F.M.L.N. insurgency.

Not only was the Salvadoran government unhappy with Socorro; the State Department under President Reagan mounted attacks against it, accusing it of biased reporting. So in 1982, the acting archbishop, Arturo Rivera Damas, sensitive to his unique role in pressing for a negotiated settlement to the conflict, decided to reorganize the social ministries of the archdiocese, creating a new human rights office. Led by another close collaborator of Romero, María Julia Hernández, Tutela Legal was charged with reporting abuses on both sides. Hernández performed heroically in this role until her death in March 2007, despite continuing hostility from the U.S. State Department. Beto Cuéllar renamed the group he had headed for seven years as Socorro Jurídico Cristiano and affiliated it once more with the Jesuits.

Guatemala

Neighboring Guatemala suffered even more ruthless devastation than El Salvador. A series of military governments had fought what they perceived as the scourge of world Communism since the C.I.A.-led overthrow of President Arbenz in 1954, and they did so with a brutality unmatched elsewhere. There was civil war almost continuously from 1960 to 1996. Bishop Juan Gerardi of Santa Cruz del Quiché was forced to close down his diocese in 1980 after repeated attempts on his life and that of his clergy and religious. Thousands of Mayans were slaughtered during the rule of Efraín Ríos Montt (1982-83), which earned the country its reputation as a genocidal state.

With the installation in 1983 of Próspero Penados del Barrio as archbishop of Guatemala, the church began to denounce the violence forcefully. The Guatemalan church had an undeserved reputation for being timid and conservative. The reality was quite different, as numerous strong pastoral letters from the country's bishops, without the signature of the cardinal archbishop, testify. While there was no Romero, the hierarchy as a whole was far more progressive than the Salvadorans next door.

Archbishop Penados at least twice publicly announced plans to form a church human rights office, but its opening never took place. When asked why, he noted sadly that any persons he would name to the task would be in very grave personal danger, and he could not ask that of young lawyers with families. With the 1985 election of the Christian Democrat Vinicio Cerezo as the first civilian president since 1970, the situation seemed more favorable for the church to set up a human rights office. At the time, I asked Bishop Gerardi, who had finally been let back into the country and was now auxiliary to Archbishop Penados, if the time had come to establish such an office.

> The church in Brazil and in Chile provided the inspiration and template for promoting human rights elsewhere in the hemisphere.

The problem, Gerardi replied, was that the new president estimated that his control over the government was very limited, not even 25 percent. Since a church human rights agency would chronicle the violations committed by the government, this could only further weaken President Cerezo's tenuous hand. By 1991 Cerezo was able to hand off the presidency to another elected civilian, Jorge Serrano Elías, who was an evangelical Christian but not a fanatic, committed to the peace process. In 1993 he shut down Congress and the Supreme Court, and the resulting furor led him to flee the country. He was succeeded by civilian presidents.

The following year Bishop Gerardi and Ronalth Ochaeta co-founded the Archdiocesan Human Rights Office. They conceived of a project such as had never been attempted in any of the other countries experiencing years of brutal repression. They would compile a tally of as many of the specific crimes and violations of human rights as possible, drawn from the testimony of thousands of survivors and witnesses. The project, Recovery of Historical

Memory, called Rehmi, began in 1995, and produced in 1998 a four-volume report, *Nunca Mas*, that provided information on some 50,000 Guatemalans killed outright and another 50,000 "disappeared," with 93 percent of the cases attributed to government forces. Just days after he presented *Nunca Mas* on April 24, 1998, Bishop Gerardi was bludgeoned to death, the final martyr of Guatemala's genocidal chapter.

The Declaration: A Final Word

As we observe the 60th anniversary of the Universal Declaration of Human Rights on Dec. 10, a word should be said about the contribution of Latin America to the declaration. At the 1945 signing of the U.N. Charter, some 20 Latin American countries were members of the United Nations. Their combined numbers made them the largest regional bloc, and the decisive influence exercised by the delegations of Chile, Cuba, Argentina and Panama made them the leaders in pressing for a human rights charter. But numbers aside, real power lay with the Big Three—the United States, the United Kingdom and the Soviet Union. The United States was decidedly cool to the idea, and the Soviet Union opposed it.

After some 80 fruitless meetings of the Commission on Human Rights seeking consensus for a proposed "international bill of rights," the Haitian rapporteur to the Commission proposed that the declaration recently adopted by a Latin American conference held in Bogotá be considered the basis for a U.N. statement. Finally this was accepted. Thus the American (meaning Latin American) Declaration of the Rights and Duties of Man became the basis for the Universal Declaration of Human Rights. While Eleanor Roosevelt and René Cassin are often cited as the main architects, in fact, no one may have been more important than the Cuban Catholic Guy Pérez-Cisneros and his Latin American colleagues. A

A Disappointing Record

Will the new Human Rights Council take its mandate seriously?

BY BARBARA CROSSETTE

When leaders of governments from around the world met in the fall of 2005 at a summit marking the 60th anniversary of the founding of the United Nations, they agreed to a move that had seemed all but impossible in the contentious process of institutional reform: they abolished the discredited U.N. Commission on Human Rights and called for a fresh start with the formation of a new body to be called the Human Rights Council.

That was step one. By mid-March 2006, the General Assembly had taken step two: it established the Human Rights Council after barely six months of negotiating. This achievement was due largely to the sharply focused effort of the General Assembly president, Jan Eliasson, a former Swedish foreign minister and ambassador to the United States, who was determined not to let the usual U.N. drift carry this bold proposal into oblivion.

The General Assembly resolution declared flatly "that all members of the council shall uphold the highest standards in the promotion and protection of human rights." The old 54-member commission had become a refuge of scoundrel governments that sought seats more to defend themselves from international criticism than to support human rights anywhere. It was a bundle of entrenched biases, with an agenda pockmarked by glaring omissions.

Eliasson had the strong backing of Secretary General Kofi Annan, who had called for the abolition of the old commission in a milestone report titled *In Larger Freedom.* Annan also had spoken in plain language about how the commission had lost its credibility, was threatening to tarnish the United Nations itself, and why its sins should not be repeated by a new body.

Need for a New Beginning

"We are now witnessing a new beginning for the promotion and protection of human rights," Eliasson said when the job was done. Quoting from the General Assembly resolution that created the council, he added, "The work of the council will be guided by the principles of universality, impartiality, objectivity, non-selectivity and constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights."

The Human Rights Council, which assembled formally for the first time in June 2006, now has more than two-and-a-half years of work by which its record can be judged. For

PHOTO: REUTERS/DENIS BALIBOUSE

Myanmar's ambassador to the United Nations, Nyunt Maung Shein (left), shakes hands with an unidentified delegate before the special session on Myanmar of the Human Rights Council at the United Nations European headquarters in Geneva on Oct. 2, 2007.

BARBARA CROSSETTE, a former foreign correspondent for The New York Times, writes about foreign policy and international affairs.

many who care about the universality and impartiality of human rights in both government and nongovernmental organizations, watching the council's progress has been a deeply disappointing experience.

Skimming over the violent collapse of civil rights in Zimbabwe, and barely touching on the culpability of Sudan's government for the nearly 300,000 deaths in Darfur, the council focused more than half of its seven special sessions since 2006 on the Israeli occupation of Arab territories. True, Burma (now called Myanmar by its military rulers) did receive attention, with calls to expand the political space. There was also a special session on global food prices and shortages. But the council chose not to consider Tibet, for example, or the mounting toll of official violence against minorities in India. Both China and India are council members.

For many who care about human rights, watching the council's progress has been a deeply disappointing experience.

On the council's agenda for September 2008, only one country was named in advance for special attention: Israel. Moreover, the council is now dealing with the explosive issue of what topics will dominate a conference on racism, xenophobia and other forms of intolerance to be held in Durban, South Africa, next year.

Boycott Threat

Several nations are threatening to boycott the Durban meeting. They fear a sustained assault on the industrialized, ex-colonial "global North" and another on Israel, as well as demands for reparations and special programs for people of African descent, whether or not they were affected by the Atlantic slave trade. By contrast, they fear no demands will be made on behalf of those caught up in widespread slavery and bonded labor in Asia or Africa, which continues.

Next year's meeting in Durban was planned to review actions taken since the first U.N. international conference was held there in 2001 on issues of racism and intolerance. That gathering erupted into acrimonious exchanges when participants decided to revive the "Zionism is racism" language that had been rooted out of the United Nations a decade earlier. The United States walked out of that first Durban conference, as did Israel.

The next Durban conference will be a trial by fire for the new U.N. High Commissioner for Human Rights, Navanethem Pillay, a South African who, coincidentally, began her distinguished legal career in Durban as an advocate for political prisoners under apartheid. Her office will oversee the Durban meeting, scheduled for April 2009. Although the Human Rights Council and the office of the high commissioner, both based in Geneva, are expected to work in tandem, they are separate entities; and already there has been friction. A Nigerian, Martin Ihoeghian Uhomoibhi, is now president of the Human Rights Council.

Both the promise and the potential of the Human Rights Council are linked to its composition and working methods, as is the disappointing record it is rapidly accumulating. In creating the new body, it was imperative to ensure that the structural flaws of the commission not reemerge in the council during the give-and-take of intergovernmental negotiations.

For greater efficiency and coherence, the governments committed to genuine change wanted the new Human Rights Council to be smaller than the old 54-member commission. They argued that countries should have to demonstrate a reasonable human rights reputation to be elected, as its mandate demands, and should be open to continuing scrutiny as council members. Voting for members should be taken out of the horse-trading arena of the Economic and Social Council. There governments lobby for support in elections to such bodies or to U.N. agency boards, whether or not they have the qualifications to hold whatever seat is being contested. In the past, countries had pressed their perceived right to have a turn at membership on the 60-year-old Commission on Human Rights, and regions saw nothing wrong with awarding known offenders the commission's chairmanship when they had the chance.

Negotiations on the shape of the Human Rights Council were intense. When they concluded in spring 2006, there were losses and gains. The new council, which holds longer and more frequent sessions than the commission, has 47 members—not much smaller than its predecessor. But members were to be elected competitively by winning an absolute majority in secret balloting in the General Assembly, not by backroom deals within geographical regions. Africa was given 13 seats, Asia (which includes the Middle East) also 13, Eastern Europe (including Russia) 6, Latin America and the Caribbean 8, and Western Europe and "other" (sweeping in North America, New Zealand and Australia) 7.

The United States and the Council

The United States, whose delegation in negotiations was led by John Bolton, the ambassador to the United Nations in 2005-6 and a severe critic of both the organization and its

principles, played a sorry role in these crucial talks. In keeping with his spoiler record at the United Nations, where he nearly sabotaged the 2005 summit agreement on a range of topics, Bolton raised numerous objections to Human Rights Council blueprints and forced compromises, only to walk away at the last minute, voting against the council and saying that Washington would not seek a seat.

While Americans have continued to be observers, the United States lost all rights and opportunities to shape the new body from inside. Friends of the United States are urging a new American leadership with a clean, or empty, slate on human rights, to reverse the Bolton decision and run for a council seat in 2009. Except for one hiatus in almost six decades, the United States had always been a member of the Commission on Human Rights.

Democratic Nations' Failure to Avert Trouble

Louise Arbour, a Canadian judge who was high commissioner for human rights from 2004 to 2008, reflected in an interview earlier this year on what caused familiar problems to resurface in the Human Rights Council, and on how democratic nations failed to avert trouble before it became entrenched. She said that as high commissioner she had urged the new council in 2006 to move beyond the rigid emphasis on regional solidarity that in the past had blocked criticisms of offending governments and allowed them to serve on the commission. She advocated a much more universal or thematic approach, dealing with human rights violations in any given category wherever they occur.

Arbour also said that she had asked international blocs of like-minded countries—coalitions of democracies, the French-speaking countries and others—to promote global themes. Yet the only group that followed her advice, however inadvertently, was the Organization of the Islamic Conference. Their fixation on Israel, she said, has become the council's most consistent motivating theme. It did not have to be that way, she added.

The Challenge of Regionalism

Regionalism dies hard. It continues to affect voting for council members. In the June 2008 elections, for example, Africa nominated only four nations for four available African places on the council, a third of whose members are elected each year to prevent a total turnover. While the countries nominated still needed to win a majority of General Assembly votes, there was effectively no slate of Africans to choose from. Latin America also put forth only three nominees for three available seats. Other regions had more nominees than allotted seats. In the case of Africa, a consortium of human rights organizations that pooled existing international surveys of human and civil rights and freedom of expression categorized two of the four nations nominated (and ultimately elected) as "unqualified," one "questionable" and only one, Ghana, "qualified" to take a council seat.

For European, North American and other democracies as diverse as Japan, Botswana, Ghana, Brazil or Mexico, the council should provide an opportunity to demonstrate that there is a universal ethos in human rights that can transcend cultures, perhaps with a few adjustments. It should be imperative that governments seek to join an international conversation not blinkered by regional loyalties, and that thoughtful, even philosophical, minds are assigned to national delegations. Hisashi Owada, a legendary Japanese diplomat who is now a judge on the International Court of Justice in The Hague, spoke with great eloquence about universal values when he was Japanese ambassador to the United Nations in the 1990s. Nelson Mandela's influence as a defender of rights and a conciliator of seemingly implacable foes was felt worldwide. Such people should set the standard.

Rights and Survival

In the process of bridging cultural gaps, Western human rights advocates may have to rethink some of their absolute insistence since the founding of the United Nations on the primacy of civil and political rights, Arbour said. Much of the developing world—the vast majority of humanity—wants to concentrate first or equally on survival. Persistent demands are made for more attention in U.N. human rights bodies for rights to food, shelter and other immediate needs. A functioning Human Rights Council would be the place for serious examination of how to balance the two approaches.

Among 29 "special raporteurs" the council oversees are those who issue tough, even accusatory or incendiary, reports on the rights to education or food, the rights of migrants, the roots of poverty and other issues that might seem more social than political. They document the importance of such issues and tend to find the rich nations culpable of letting down the rest. But it is also true that numerous governments in the developing world have avoided ensuring greater human rights and civil liberties by deflecting the discussion toward social and economic rights.

In some cases both civil and economic rights have been degraded. In Zimbabwe, for example, a high standard of living in the breadbasket of southern Africa was destroyed by Robert Mugabe, a dictator with the blood of political opponents on his hands. Amartya Sen, the Nobel Prize-winning economist, has argued that famines do not occur, or rarely occur, in democracies where public opinion matters to governments. Kofi Annan has said that human rights and development are intimately linked. Where do political rights and social rights begin and end, or intersect? The Human Rights Council is the place for that debate.

A productive global discussion is also long overdue on

the rights of women, an issue that bridges the political-social divide and has been given priority by the new human rights commissioner, Navanethem Pillay. As the United Nations moves toward the 2015 finish line of its ambitious Millennium Development Goals, it becomes clearer each year that without women's participation in decision-making, economic activity and political influence, most of the goals will not be achieved. Yet in many nations women suffer low social status and enjoy scant protection, even when appropriate laws are in place. Making decisions about matters as basic as family size are often denied them, which contributes to severe poverty from the home to the national level.

The greatest achievement of an effective Human Rights Council would be the education and isolation of violators, including those with tarnished reputations who shamelessly seek council seats. Much hope is riding on a new system called universal periodic review, which will be used to examine the records of all 192 U.N. member countries in rotation, at the rate of 16 a year, whether or not they aspire to council membership. (The United States is not due for review until 2010.) Judge Arbour said the system should put all nations on an equal footing, if international panels of reviewers can be impartial. Naming and shaming does not always result in better behavior by governments. But it may be the only weapon the council will have at its disposal, and it must be used credibly.

The world mirrored in the Human Rights Council is a 21st-century reality that is not going to change. The developing nations have an unbeatable majority globally as well as in the United Nations, and richer industrial countries will have to work harder at engaging the "global South" in every international forum. Nothing good can come from confrontation, least of all in the Human Rights Council. A

Big Business and the U.N.

Toward a new framework for corporate responsibility

BY ROBERT A. SENSER

SHOULD THE UNITED NATIONS become much more active in trying to embed human rights in the policies and practices of multinational corporations? That question has long vexed the U.N. Human Rights Council. A decade ago, when he was secretary general, Kofi Annan answered it. At the January 1999 World Economic Forum, held in Davos, Switzerland, he proposed that "you the business leaders gathered in Davos, and we, the United Nations, initiate a global compact of shared values and principles, which will give a human face to the global market." Eighteen months later at U.N. headquarters in New York, top executives of Unilever, Nike, DaimlerChrysler and 50 other multinationals signed the U.N. Global Compact, with its set of nine general principles on labor standards, the environment and human rights.

Meanwhile, however, a Geneva-based subcommission of the Human Rights Council was working on a different project linking business and human rights. Its human rights specialists spent nearly five years developing their own set of standards for corporations, culled from 36 United Nations treaties and conventions, titled *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.* Once the subcommission formally adopted their document in August 2003, a "battle of the norms" broke out.

"Doomed from the outset," said a note from the U.S. Embassy in Geneva, siding with the U.S. Council for International Business, which branded the norms "unfeasible, unnecessary, and counter-productive." Amnesty USA took the opposite view and publicly called on Secretary of State Condoleeza Rice to stop "undermining the U.N. Norms for Business." With human rights groups hailing the norms on one side and organized business denouncing them on the other, the Human Rights Council turned to Annan for help. In mid-2005 he appointed John Ruggie, professor of international affairs at the John F. Kennedy School of Government at Harvard University, as special representative of the general secretary on human rights and business.

Chairman of the Board Rob Walton is silhouetted against a video backdrop at the Wal-Mart shareholders meeting in Fayetteville, Ark., on June 6, 2008.

PHOTO: REUTERS/JESSICA RINALDI

When Ruggie arrived in Geneva, he received this welcoming message from a developing country diplomat: "We've had a train wreck. Please get the train back on track." Now, three years later, the train is not only back on track but moving forward. In June, the Human Rights Council settled any lingering question about U.N. involvement. It unanimously approved his strategic policy plan and issued a new three-year mandate for him to develop it further. Ruggie described the plan in detail in his 2008 report, titled *Protect, Respect, and Remedy: A Framework for Business and Human Rights.* Its framework, hammered out with various business groups, amounts to a human rights paradigm for corporations in the globalized 21st century. As such it

ROBERT A. SENSER, formerly a staff member of the Catholic Council on Working Life in Chicago and labor attaché in the U.S. Foreign Service, currently blogs about worker rights and globalization at humanrightsforworkers.blogspot.com.

adds another dimension to the celebration of the 60th anniversary of the Universal Declaration of Human Rights.

A New Framework

Ruggie's four years (1997-2001) as U.N. assistant secretary general under Annan helped prepare him for the current task. As one of the top architects of the Global Compact, Ruggie honed his skills at navigating the international ideological and political terrain. When he took office in Geneva, it seemed clear that he was not there to save the treaty-based norms. A self-described "principled pragmatist," he took a different approach. Ruggie built a conceptual framework that, unlike the norms, distinguishes the role of the state in human rights from the role of business. It is based on three core principles: (1) the government duty to protect against human rights abuses by third parties, including corporations; (2) the corporate responsibility to respect human rights; and (3) the obligation of both (and others) to develop better access to remedies for human rights abuses. Ideally, as Ruggie put it "the three principles form a complementary whole in which each supports the others in achieving sustainable progress."

> Relatively few companies have systems in place to support claims that they respect human rights.

Although the norms as such have been sidelined, the debate about what to do and what not to do, and about the dividing line between roles continues, though not in the highly charged environment that helped doom the norms. The current mood, quieter and more positive, stems from what Ruggie thinks is a widespread realization among people on all sides that it is urgent to leaven globalization with human rights.

Ruggie and his team advanced that understanding through diligence and transparency. They held 14 multi-stakeholder consultations on three continents, conducted a survey of Fortune Global 500 corporations and more than two dozen other research projects, and generated more than 1,000 pages of documentation as the factual and conceptual foundation for their three reports to the council. Ruggie also delivered dozens of speeches and distributed the texts widely. Further, he arranged to have these activities documented and open to the public, in the U.N.'s archives and on the user-friendly Web site of the London-based Business and Human Rights Resource Centre, whose staff covers human rights developments daily.

Ruggie also engaged in extensive exchanges of opinion with leaders of the top international business organizations that deal with the United Nations and the International Labor Organization on matters affecting multinational corporations, which now number 78,000 with 780,000 subsidiaries. At the Paris headquarters of the International Chamber of Commerce in April 2007, he explained in detail the contents and purpose of his second report, *Mapping International Standards and Responsibility for Corporate Acts.* His proposed framework eventually won the approval of the I.C.C., the International Organization of Employers and the Business and Industry Advisory Committee to the Organization for Economic Cooperation and Development.

Does the top-level endorsement mean that corporations will get behind the U.N.-led initiative? Obviously, they will not all do so immediately. Perhaps a better question is whether Ruggie's continuing efforts will have a cumulative impact on corporate culture over time. That remains uncertain. But he has salted his reports, speeches and interviews with many reasons why corporations should strengthen their commitment to human rights.

Ruggie has gone to great lengths to analyze the environment in which multinational corporations operate today, particularly what he calls "governance gaps" or "weak governance zones"—areas where few of the underpinnings of law and order exist. "This authority vacuum, or governance gap, often leads responsible companies to stumble when faced with some of the most difficult choices imaginable, or to try and perform de facto governmental roles in local communities for which they are ill equipped. Less responsible firms take advantage of the asymmetry of power they enjoy to do as they will," Ruggie told the 2006 World Mines Ministries Forum in Toronto. There he emphasized that "our fundamental challenge" is to narrow and ultimately to bridge this governance gap "by efforts from all sides if companies are to sustain their social license to operate, and if the people of the countries involved are to benefit from the enormous potential contributions that [global industry] can make to economic and social development." He encouraged efforts from all sides so that "thinking and action can build in a cumulative way."

In spelling out the separate roles of government and business, Ruggie was mindful of business's loud complaint that the norms would saddle it with obligations properly belonging to government. So he has been unambiguous about the state's duty to protect human rights. "The human rights regime rests upon the bedrock role of states," he asserted in explaining how his first core principle is enshrined in domestic and international law. That may not turn out to be quite the concession to business that it might seem, however.

By listing specifics on how governments fall short in fulfilling their basic duty, Ruggie has in effect written a set of action programs waiting to be incorporated into campaigns. Here is an example: "They [governments] need to consider human rights impacts when they sign trade agreements and investment treaties, and when they provide export credit and investment guarantees for overseas projects, especially in contexts where the risk of human rights challenges is known to be high."

The second principle—the corporate responsibility to respect human rights—is founded on "the basic expectation society has of business," which he restates as "do no harm," but with a positive accent. For example, to do no harm, a workplace anti-discrimination policy "may require the company to adopt specific recruitment and training programs." In a special study of more than 300 reports of alleged corporate-related abuses, Ruggie found that the "do no harm" principle applies to a surprising range of corporate behavior. The empirical study identified violations of 12 labor rights and 17 non-labor rights. He concluded, "there are few if any internationally recognized rights [that] business cannot impact—or be perceived to impact—in some manner." Ruggie found that there are no limits to the rights that companies "should take into account," whereas the norms contain only "a limited set of rights for which [a corporation] may bear responsibility."

Consequently, Ruggie lays a potentially heavy human rights burden on corporations. It can be met, he says, by exercising the moral and legal requirement of "due diligence." He lists the elements of due diligence: written policies, integration of those policies throughout a company, impact assessments (before new activities are launched) and tracking performance. Due diligence can help a company rebut a charge of "complicity"—meaning a company's indirect involvement in human rights abuses, where the actual harm is done by another party, including governments and non-state actors. He warns that a truthful defense "that a company was following orders, fulfilling contractual obligations, or even complying with national law will not, alone, guarantee it legal protection." He also found that "relatively few companies have systems in place to support claims that they respect human rights."

Building Consensus

The international law firm Wachtell, Lipton, Rosen & Katz objected to the Ruggie plan because it would "impose on corporations the obligation to compensate for the political, civil, economic, social, or other deficiencies of the countries in which they conduct business." But in rebuttal another international law firm, Weil, Gotshal & Manges argued that the best U.S. companies already monitor human rights as part of their fiduciary duties and that for all companies Ruggie's rules simply restate existing legal requirements. Which legal opinion is right? Both, in a sense.

The Ruggie plan does not introduce new legal requirements, but carefully spells out existing ones, thereby adding pressure on corporate boards and their lawyers to strengthen their human rights policies. For that reason, a coalition of socially responsible investors announced last June that they support the Ruggie plan. Still, some influential human rights organizations insist Ruggie should do more. Last May they went public with their view that a follow-up mandate for Ruggie should "include an explicit capacity to examine [specific] situations of abuse…to give greater visibility and voice to those whose rights are negatively affected by business activity." But the business representatives argued it would distract Ruggie from his mandate to "operationalize" the framework.

Professor Ruggie will not likely assume the role of prosecuting attorney against a Nike or Walmart, but it will be hard for him to avoid studying how specific companies fail to address human rights abuses for which they are directly or indirectly responsible.

Under his new mandate, Ruggie must be careful not to neglect the third principle of his framework, the obligation to improve access to remedies for human rights violations. He has reported the mechanisms for redress already available in treaties, domestic law, industry agreements and various other arrangements, not so much to record progress but to inventory the opportunities waiting to be seized.

Overall, Ruggie's most difficult challenge centers on those "weak governance zones," where government is unable or unwilling to exercise its authority and where multinationals have expanded and prospered. Recognizing the urgency of filling this vacuum, he has put all options on the table, including home-state regulation of the multinational corporation's foreign operations. Traditionally, that option is seldom advanced. But after conducting extensive research of current legal opinion, Ruggie found an evolving consensus on this point. International law does not require home states to regulate the conduct of their multinationals abroad, but does not flatly prohibit it either. Some United Nations entities that interpret U.N. treaties are leaning toward requiring such regulation.

So where does the struggle for human rights stand? There is good reason for cautious optimism, thanks to the Human Rights Council's adoption of the Ruggie paradigm. As he has emphasized, "The international community is still in the early stages of adapting the international human rights regime to the challenges posed by globalization." The challenge for governments, corporations, human rights organizations, unions, investment firms and other "stakeholders" is to work together to exploit the vast potential that the new paradigm offers. A

We Should Have Seen It Coming

The first in a series for Advent and Christmas

BY JAMES J. DiGIACOMO

ADVENT IS THE START of a new church year, but it does not feel as if a new year is beginning. The calendar New Year is still a month away, and schools opened three months ago. But then we remember what Advent is all about: preparing to celebrate the coming of God among us in the person of Jesus Christ. In a few weeks we will celebrate the birth 2,000 years ago of our Savior.

In the Gospel reading for the First Sunday of Advent, what does Jesus say? "Be watchful! Be alert! You do not know when the time will come." It sounds painfully appropriate today during this frightening fiscal crisis, when the whole country from big-time executives to Main Street investors is looking back at the recent past, wondering why people were not more responsible and careful, why they did not see the meltdown coming. Two years after the terrorist attacks of Sept. 11, 2001, a Congressional committee described how we had failed to be alert and missed signals of impending doom. And like a committee of one, we look back on times in our own lives when we failed to heed a warning or missed an opportunity, and we say to ourselves, "I should have seen it coming."

I have said this to myself many times lately when I look back on a recent accident that would not have happened to me if I had simply been more careful in the way I moved about in my room. It turned out that the route between my easy chair and my phone, for all its apparently harmless, prosaic comfort, was actually fraught with danger. I ignored it and paid a heavy price—a broken hip and six weeks in a hospital and a wheelchair. It all comes back to me when I read this Gospel passage where Jesus says, "Be watchful! Be alert!"

Advent is not just a time for regret, however, for looking back on mistakes and missed opportunities. It is about the future. Jesus tells us to be alert because "you do not know when the lord of the house is coming." He is talking not just about preparing for the hour of our death, when we will have to give God an accounting of our lives. He is talking about the Lord's coming that can happen in many ways at any time. We are preparing to celebrate Christmas, when he came to us in a very special way. It is a good time to stand back and take a fresh look at ourselves. Is there something missing? Is there something that does not belong? Is there someone out there waiting for us to do the right thing at the right time, before time runs out?

In telling us to be watchful and alert, Jesus is not just warning us to avoid danger. He is urging us not to miss opportunities for goodness that may come our way. In the next few weeks before Christmas, our society will experience an extraordinary, temporary transformation. People of all faiths and no faith will be reaching out to one another, renewing friendships, bonding with family, sharing blessings and trying to help the poor and suffering. It is not all as good as it could be, and there will be frequent calls to get beyond frantic shopping sprees and "put Christ back in Christmas." Some of our most generous instincts will be exploited and debased by the tireless promoters of conspicuous consumption. Despite all those imperfections, many good things will be happening, and we can be part of it. But we have to be perceptive and alert.

God will try to come to each of us in many ways during the next few weeks. God may remind me of someone who used to be my friend until that ugly quarrel took place a few months or years ago. Would this be a good time to forgive, or at least bury the hatchet? As I run through my address book and decide to whom I will send Christmas cards or gifts, I come across a relative who lives in a nursing home and would welcome a visit much more than a card. Should I fit her into my schedule? A survey of my closet turns up several items of clothing that I never wear. Should I contribute them to a collection for the poor? And so on.

These are not earthshaking inspirations, but they are the stuff of goodness that comes through God's gentle nudging. If we are watchful and alert to grace, we will help to celebrate the coming of Christ not just as something wonderful that happened a long time ago, but as something that is going on here and now. A

ART BY JULIE LONNEMAN

JAMES J. DiGIACOMO, S.J., is the author of many books on religious education and youth ministry.

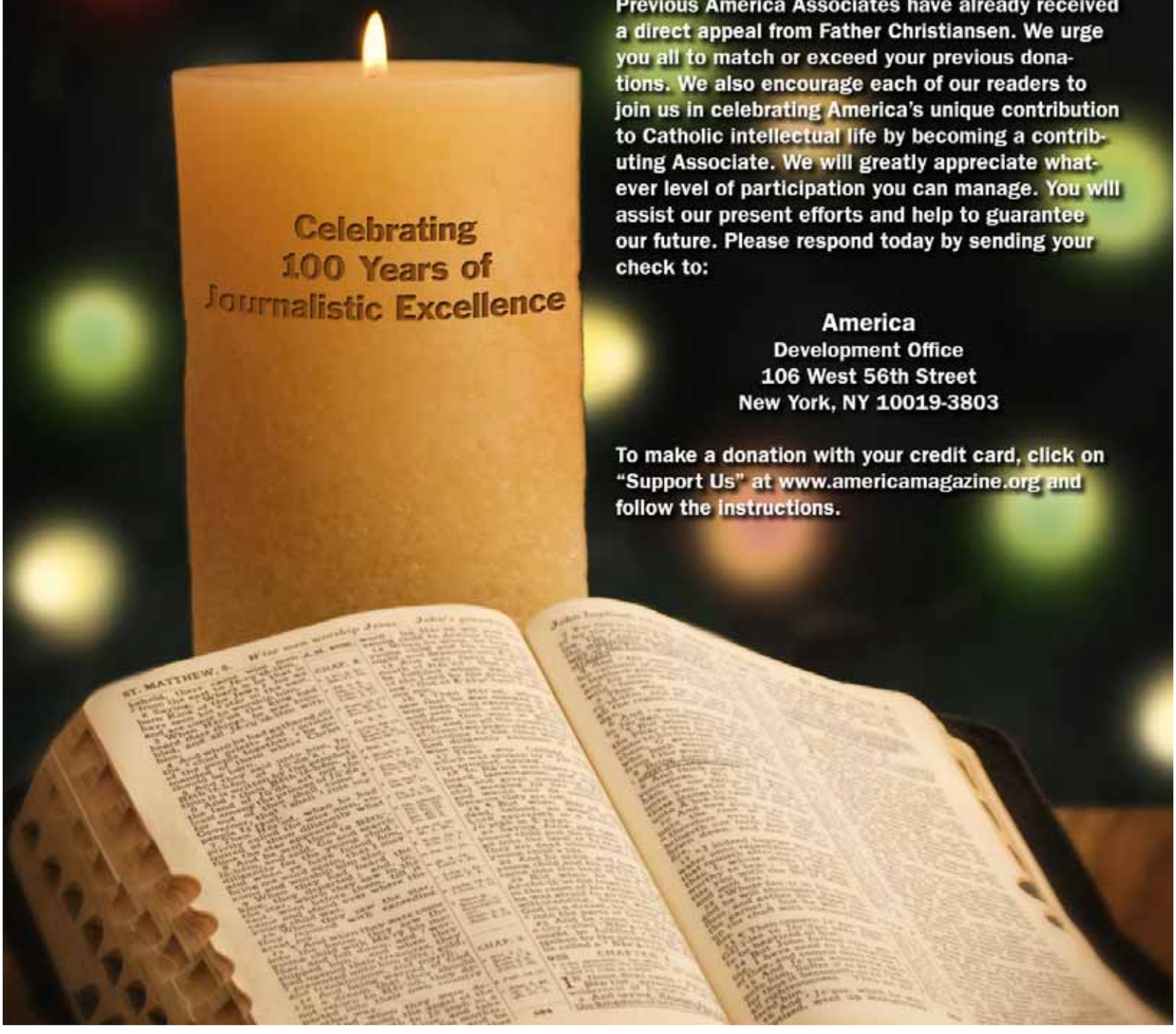
1909 America's CENTURY 2009

America

2008 Christmas Appeal

In past years, America's readers have been generous contributors to our annual Christmas Appeal. Without the support we receive from you each holiday season, we would not be able to sustain our strong commitment to journalistic excellence.

May we count on your generosity again this Christmas?
By responding to our direct appeal, you will help us remain a source of spiritual and intellectual nourishment for thinking Catholics.



Previous America Associates have already received a direct appeal from Father Christiansen. We urge you all to match or exceed your previous donations. We also encourage each of our readers to join us in celebrating America's unique contribution to Catholic intellectual life by becoming a contributing Associate. We will greatly appreciate whatever level of participation you can manage. You will assist our present efforts and help to guarantee our future. Please respond today by sending your check to:

America
Development Office
106 West 56th Street
New York, NY 10019-3803

To make a donation with your credit card, click on "Support Us" at www.americamagazine.org and follow the instructions.

Body of Poetry

Parsing 'Inscrutable'

BY PEGGY ROSENTHAL

NO MOMENTS OF life's span draw us to look for God's presence more than birth and death do. And poetry, one of our vehicles for stretching our gaze toward the divine, often focuses on these beginning and ending points of the human earthly journey. The example I write about here is Kate Daniels's poem "Inscrutable," which takes as its subject life's starting point, entering into a mother's experience of childbirth.

Kate Daniels is a poet, mother and literature professor at Vanderbilt University. Her volume of poems *Four Testimonies* testifies to God's often shocking ways of pulling us into his life. The book's presiding spirit is Simone Weil, the mid-20th-century French philosopher and mystic. Weil challenged the very notion of "searching" for God. It is God who searches for us, she insisted. All we can do is look *toward* God with the most intense longing, while abandoning the desire for anything except God's love. No "muscular effort" will get us to God, Weil writes in *Waiting for God* (1973), but "only waiting, attention, silence, immobility, constant through suffering and joy."

Four Testimonies gives us a range of characters who wait for God with the utmost attention, some through extremities of suffering that would seem beyond endurance. There are extremities of joy as well in these poems, particularly in the section called "Portrait of the Artist as Mother," from which "Inscrutable" is taken. But whether the people in Daniels's poems experience suffering or joy or a blend of both, they meet God as they consent to their situation. Just as Simone Weil is the theologian of radical acceptance, Kate Daniels is its poet.

Inscrutable

The face seen
for the first time
screwed up and wetted
with the juices of my body,
the hair swirled down
into flattened, greasy
curls, the mathematical
perfection of the four
extremities, the primitive
muscles of the mouth and jaw
already shaped around sucking,
and just the goddamn mystery
of it all—why there is
anything, anything at all
rather than nothing emerging
from the bloody hole
in my opened body, why
anything like this face, this
body that slithers from mine,
this call to claim it
undimmed after eons, irresistible
and thrilling as sexual
longing, why God leaning over
the paradise He made, why
splitting Himself to become
the first creature,
why in love with the world
for the rest of eternity,
alone no longer, inviolate
no more. Why God? Why love? Why
this infant sucking me and why
me—desperate and hemorrhaging
on the surgical table—why
weeping with gratitude
to be this way,
exactly this way, instead of some other?

Kate Daniels

From *Four Testimonies* (Louisiana State Univ. Press, 1998)

Could there be a poem with more *bodiliness* than this one? Look first at this poem just as a visual shape on the page. See how long and skinny it is? How it starts at the top with a thin bit of text, poking its way out like a newborn baby's head, then toward the bottom suddenly bursts its right margin into questions: "Why God? Why love? Why…?"

Questions, yes. But they are all one question: *why?* Ten times the poem wails out the primal question "why?" It is the question with which young children notoriously bombard their parents, isn't it? In fact, the poem looks on the page like the squirming squiggly body of a question.

But back to the beginning of this breathtaking, intensely gripping poem. It begins in utter concreteness: "The face seen." For 11 lines, Daniels scrutinizes the face of the baby just emerged from her womb, gobbling up with her language every detail of this wondrous new creature. And then suddenly the wonder itself overwhelms her: the minutely observed details burst open with a gasp at "just the goddamn mystery/ of it all."

And here is where the *whys* begin. At first they are *whys* about the mystery of this particular new human life: "why there is/ anything, anything at all/ rather than nothing emerging/ from the bloody hole/ in my opened body." Then in the very same breath, the same

PEGGY ROSENTHAL is the author of many books on the spirituality of poetry, including *The Poets' Jesus* (Oxford Univ. Press) and *Praying Through Poetry: Hope for Violent Times* (St. Anthony Messenger Press). She also blogs for Image magazine.

grammatical flow (for there has been no period in the poem yet), the mystery of this moment of her child's birth zooms out into the "eons" over which she and this very child seem to have been connected. The "call to claim it" then overflows, still in the same grammatical onrush, into the astonishing image of sexual longing, so that the sexual desire that led to the conception of this child enfolds the mother's relation to the child itself.

But the "longing" does not stop here. As the commas keep spiraling us onward and outward, we are tumbled from this sexual longing right into God: "…longing, why God leaning over…." To call this image startling is a euphemism. The link of the "*l*"-words makes of God a lover, leaning over his creation in—yes—sexual desire.

And now we must pause, even though the poem does not. Look at where the tumbling out of mystery upon mystery has taken us. From the just-born baby's face we have come to God "splitting Himself to become/ the first creature" (Adam? Jesus? both?) and remaining "in love with the world/ for the rest of eternity." The awesome mystery of childbirth and the awesome mystery of God's creation are merged. Both are the mystery of love.

But God in love? What might that mean? The poem surges onward in quest of a way to picture it. Where we land is with God "alone no longer, inviolate/ no more." Daniels's line-break clarifies her astounding theological vision. In that single line, a God who had been "alone" and "inviolate" is so no longer—because he has given himself over to love's desire. Like a woman in sexual embrace, he has opened himself to being "violated" by love.

No wonder the poem skips a beat after the word "inviolate." We need a breath to absorb the implications of this image of God's creative act. So the next line takes a deep gulp of space before coming out with the finality of "no more." And to stop the poem further in its tracks, here is its first and only period.

Not that the 29 preceding lines have formed a grammatically viable sentence. They have been a spiraling of subject clauses—first the noun clauses scrutinizing the newborn ("the face…, the hair…, the mathematical perfection…, the primitive muscles…"), then the "why" clauses scrutinizing the mystery of creation ("why there is anything…, why anything like this face…, why God leaning over…, why splitting Himself…, why in love with the world…")—but nary a verb to make the sentence complete. The effect is to leave us hanging with the unaccountable wonder of it all. The mystery of creation is not meant to be solved; the poem is clear about that. The mystery—as Kate Daniels's "Inscrutable" engages it—moves us to fragments of intense observation and to questions whose tone is an impassioned search.

But this is an impassioned search that embraces as well an acceptance of never arriving at the answer. The poem's final lines condense this experience of the whole. They are a concatenation of *whys*— "Why God? Why love? Why/ this infant sucking me and why/ me…"—that bring the poem back to the very concrete newborn baby, whose birth got the poem going, at the same time as they swirl out to embrace the mother/poet herself. Her absolute acceptance of the mind-bending wonder of her place at that moment in the mystery of creation is the poem's closing attitude. Yet her acceptance itself is a question, a *why*.

People often say of a baby's face that it is "inscrutable." They also say it of the divine, of God's "inscrutable" ways. Daniels takes this term for her title and plunges headlong into a probing of inscrutability itself. She probes by scrutinizing the inscrutable with the tireless interrogating force of poetic attention.

And where does this onrush of eager interrogation get her? To an equally inscrutable "weeping with gratitude" that she, her newborn and God himself are "exactly this way," though *why* they are will forever be left hanging.

As epigraph for the section of *Four Testimonies* in which "Inscrutable" appears, Daniels chose a passage from Simone Weil's essay "The Love of God and Affliction":

> When an apprentice gets hurt, or complains of being tired, the workmen and peasants have this fine expression: "It is the trade entering his body." Each time that we have some pain to go through, we can say to ourselves quite truly that it is the universe, the order and beauty of the world and the obedience of creation to God that are entering our body. After that how can we fail to bless with tenderest gratitude the Love that sends us this gift?

Meeting God's Love at the core of our bodily life: this is Weil's vision that Daniels (yes) *embodies* in her poem. A

ART: SHUTTERSTOCK/PETULKA

Book Reviews

A Decision of the Heart

Called Out of Darkness

A Spiritual Confession

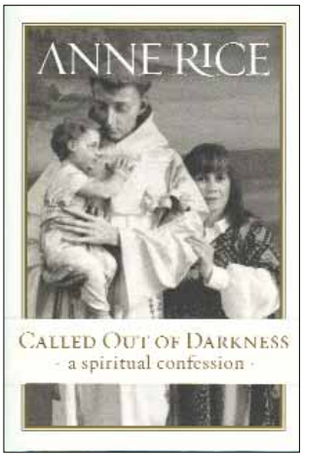
By Anne Rice

Knopf. 256p $24
ISBN 9780307268273

Over the last three decades, Anne Rice's artistry has given birth to an array of phenomenally successful novels (over 75 million sold). This icon of Goth culture describes her fictional world as a "savage garden" lush in delectable horrors, erotic artistry and earthly mysticism. Her "savage garden" has mothered a dynasty of seductive vampires, incestuous covens of witches and gothic fantasies of sado-masochistic self-giving. Rice hasn't repudiated or retracted her earlier work, but gently places it to one side as she now "consecrates" her writing to the supernatural presence that has broken into her dark world. *Called Out of Darkness* is a confession of her personal surrender to God.

The first half of the book is an extended meditation on Rice's childhood in the high-spirited and richly symbolic world of New Orleans Catholicism during the 1940s and '50s. She describes a world that now seems as remote as the ancient worlds of Egypt or Rome that Rice so loves. The story of these early years reveals the peculiar roots of Rice's intense experience of reality. It is a world in which spirituality is deeply enmeshed in the physical. Church, symbols and sacraments are seamlessly connected to the immense pulsating movement of life. This intermingling of the religious and the aesthetic allows Rice to experience the world as "entirely iconic," "so incredibly beautiful that it hurt." A baroque sense of the deep interconnectedness of reality has shaped all her fiction, both sacred and profane.

Her confession explores her 38 years in the wilderness of atheism. During those years, Rice's dark fiction plunged into the "Titanic glooms of chasmed fears" and dared to be a morally unrelenting "magnet for the damned." But Rice now sees that the deformed face of Christ "was breaking forth out of the shadows of every matrix of ideas or images that I examined." Her gothic madness, her defiant eroticism, her sacrilegious artistry, was "Christ haunted." This ghostly presence was pursuing her through "every plot, every character, every action, every syllable, and every jot of ink." On Dec. 6, 1998, Anne Rice finally turns upon her pursuer and abandons herself to this "deeply felt" attraction, this unknown presence, with the same determined and reckless surrender that marks so much of her life and her fiction.



There is a strange dialectic between the two major moments in this confession—the writer's childhood faith and her conversion. Despite the book's focus on the deeply religious texture of her childhood experiences, Rice confesses that she was "a failure as a child." From her earliest age, she utterly detested the weakness, the powerlessness and the vulnerability that constituted the "the purgatory of childhood." Not surprisingly, children rarely make an appearance in Rice's fiction; when they do, they are mere masks for a defiant adult spirit. Curiously, Rice's conversion is an encounter with childhood. She finds herself irresistibly drawn to the vulnerability, fragility and dependence of the child Jesus. This "powerful inversion of God," God become child, enthralls her. For Rice, the redemptive outreaching of God dwells in two moments of utter vulnerability: God surrendering into the arms of humanity as a child and God surrendering to humanity as the crucified one.

Rice concludes her spiritual memoir by addressing a set of challenging issues that have been at the heart of her fiction and at the center of cultural and religious debates, namely conflicts over gender and sexuality. She notes, "the world-transforming significance of the emancipation of women, and the liberation of gays," the profound sea changes in the domain of sexuality and the resulting culture wars that these changes have provoked. Rice attempts to ease through these conflicts by making a closing pitch for the need to liberalize and relativize the significance of sexual issues in the name of Christian love.

In sharp contrast, contemporary Catholic teaching has responded to these upheavals by intensifying its emphasis on the sacred significance of sexuality. Pope John Paul II's work on the "theology of the body" attempts to break through the current impasse by advancing a high vision of sexuality that he discovers hidden deep within sacred Scripture. Some respond with enthusiasm to this new theological vision, others find the elevated sweep of John Paul's sexual theology far removed from the fears and fantasies of ordinary sexual life. Rice pursues a very different path. She searches for illumination by delving into the dark lusts, the betrayals and the fragile ecstasies that constitute the swirling erotic universe in which we exist. She discloses that had she been aware of the lofty bench mark set by John Paul II's "theology of the body," it might have presented a serious obstacle to her journey to the Catholic faith.

The French feminist Luce Irigaray once stated that each epoch has one issue to think through, and only one. The issue of our age, she maintains, revolves around the significance of sexuality and sexual difference for human identity. Conflicts over these issues now penetrate every domain of life: personal, political, familial, religious and artistic. Working through these deep conflicts, Irigaray claims, may be "our salvation."

It would be difficult to imagine more contrasting approaches to the quandaries of postmodern sexuality than those advanced by John Paul II and Anne Rice. John Paul II mines the ancient sacred sources of the Christian tradition to unearth new wisdom. Anne Rice delves

The Reviewers

Daniel Cere is professor of religion, ethics and public policy at McGill University, Montreal, Quebec, Canada.

Jeffrey Gros, F.S.C., is Distinguished Professor of Ecumenism and Historical Theology at Memphis Theological Seminary.

into the shameless dark turbulence of contemporary eroticism to uncover elusive rays of hope and love. Perhaps the way forward involves a precarious dance between these seemingly irreconcilable adventures.

A few months ago I purchased a copy of Rice's first "consecrated" work of fiction, *Christ the Lord: Out of Egypt*. I had no idea who Anne Rice was—a testimony to my ignorance of popular culture. Over the last few months I worked through a considerable slice of her dark fiction. Rice's most successful works have always been confessional: the confessions of men and women struggling for elusive love, hope and meaning in bleak, but beautiful, worlds devoid of faith. Her consummate vampire, the rebellious Lestat, once described our postmodern plight as fearlessly sailing our little crafts over the surface of deep dark seas "towards a sun which will never rise." *Called Out of Darkness* signals that the light of faith has broken into the bleak turbulence of Rice's vampiric world, and she lives to tell her tale. ***Daniel Cere***

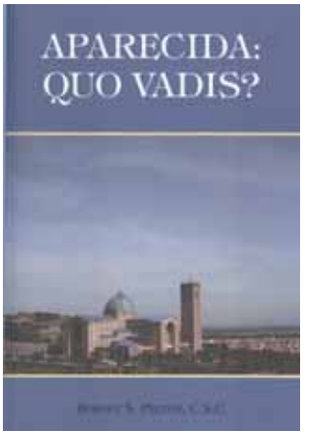
Mission: A Joyful Challenge

Aparecida: Quo Vadis?

By Robert S. Pelton, C.S.C.
University of Scranton Press. 229p $25
ISBN 9781589661431

The fifth general conference of the Latin American bishops (Celam) in 2007 was a significant event in the history of the church in the Western Hemisphere. Its report, *Disciples and Missionaries of Jesus Christ: That Our People May Have Life in Him*, may be among the most interesting missiological texts to appear in the first decade of the 21st century. This volume of essays is an important English-language commentary on the event, its texts and context. After reading it and the full text of the assembly, it is hard to imagine that some Catholic leaders 50 years ago felt it a mistake to consider Latin America a mission territory, because of 500 years of evangelism and hegemony. The pilgrimage of conversion is evident in every paragraph of the report of the bishops.

This interpretative volume is particularly significant because of the timeliness of the topic and the event, the quality of the essays, and the historic fact of U.S. bishops' formal involvement for the first time. The articles are written by interdisciplinary specialists in a variety of fields, studying the Latin American church. The opening essay traces the development of Celam's theology of mission from Medellín, Colombia (1968), and Puebla, Mexico (1979), through the 2007 meeting in Brazil, noting the return to the "observe, judge, and act" methodology: discerning the "signs of the times" of the earlier Latin American approaches to biblical reflection and action. The 1992 meeting in Santo Domingo was strongly influenced by the Roman Curial participants and put less emphasis on social analysis.



Subsequent essays, from a continental perspective and from that of U.S. Hispanics, treat the preferential option for the poor, Christian base communities, global markets and economics, the understanding of structural sin, indigenous and African-American dimensions of mission, the story of the marginalization of liberation theologians and their return to the table, ecumenism and Pentecostalism, and the vista of a pluralistic future for a once dominant Catholic sector of the world. The two essays on the economic analysis of the bishops are particularly important as we realize the global implications of financial transitions in the dominant capitalist sectors, like the United States. The initial address of Pope Benedict XVI, the final message and three appendices with selections from the final text enhance the usefulness and interest of the volume.

Celam's general conferences are no longer the affair of the Latin American church alone. Since the 1997 Synod of Bishops for America and John Paul II's post-synodal statement *Ecclesia in America* of 1999, the church looks at the Western Hemisphere as the "Church in America" in the singular. The inclusion of an article by Ricardo Ramírez, bishop of Las Cruces, N.M., a member of the planning committee for CELAM V, and the fact that the representative of the U.S.C.C.B. (its president, Bishop William Skylstad) was a full voting member underscore the historic character of the event as another step in building Catholic solidarity in the hemisphere.

There are those who lament the weakness of the ecumenical commitment, the lack of stronger support for women's roles in the church and the toning down of support for base communities. However, the ability of the bishops to continue their visionary commitment to continental leadership and their prophetic critique of society, especially in these changing times, holds out promise for new energy in the region.

We can only hope that *Aparecida* is but the first of many reflections to be published on this event and the state of mission in the Western Hemisphere today.
Jeffrey Gros

Classified

Education

OBLATE SCHOOL OF THEOLOGY offers an M.A. degree in spirituality. Regular semester and intersession courses. Visit www.ost.edu.

Interviews

ANNE RICE interviewed by the Rev. Joe Cocucci on YouTube. Visit www.youtube.com/AnneRiceDotCom.

Parish Missions

INSPIRING, DYNAMIC PREACHING: parish missions, retreats, days of recollection. www.sabbathretreats.org.

Positions

CHURCH HISTORY PROFESSOR, full time. Saint Charles Borromeo Seminary is a free-standing seminary with college, pre-theology and theology programs. We are currently seeking to hire a full-time church history instructor who has earned at least a licentiate from a pontifical university. For an application, interested parties should submit their C.V. to: Rev. David Diamond, Vice Rector, Saint Charles Borromeo Seminary, 100 East Wynnewood Road, Wynnewood, PA 19096; e-mail: vicerectorscs@adphila.org.

THE DIOCESE OF DES MOINES is accepting applications for a DIRECTOR OF WORSHIP. This position serves as a primary resource to the Bishop and diocese for liturgical life and formation of the church. Additional responsibilities include managing and directing diocesan worship activities; preparing diocesan liturgies; providing consultation, resources and workshops; and developing and administering programs of liturgical formation consistent with diocesan policies, goals and guidelines. Master's degree in liturgical studies or theology and four to five years' pastoral experience preferred. Practicing Catholic with extensive knowledge of Roman Catholic doctrine, church law and religious and liturgical programs and services that would be acquired through one to three years of related experience. To apply, please submit résumé and cover letter to: Human Resources, Diocese of Des Moines, 601 Grand Avenue, Des Moines, IA 50309-2501; e-mail: hr@dmdiocese.org.

DIRECTOR OF LIBRARY AND ACADEMIC INFORMATION SERVICES. Sacred Heart School of Theology seeks to hire a Director of Library and Academic Information Services, a newly created full-time position with faculty status to start in fall 2009. Sacred Heart, in metropolitan Milwaukee, is the largest Roman Catholic seminary specializing in priestly formation of men from 30 to 60 years of age.

A master's degree in library science is required, and an additional graduate degree in theology or related field is preferred. A successful candidate will have at least five years' management experience within a college or university library and familiarity with current and emerging trends and technologies in college libraries and the classroom. An ability to develop and implement effective strategic planning in concert with the institution's vision and mission, establish budget priorities and work effectively with diverse populations is a must. Sacred Heart has a strong commitment to establishing its library as the theological learning center in the greater Milwaukee area. The successful candidate will possess the desire and ability to carry out this vision.

Applicants should submit a letter of interest, curriculum vitae and three letters of reference to: Vice President for Academic Affairs at academicvp@shst.edu. Review of applications will begin Dec. 1, 2008, and will continue until the position is filled. Additional information regarding Sacred Heart is available at www.shst.edu.

LITURGY COORDINATOR / SACRISTAN, St. Philip the Apostle Catholic Church. Good liturgy takes hard work; great liturgy takes dedicated ministers with a vision for excellence. Large Vatican II parish with five weekend Masses looking for an energetic, engaging person to coordinate liturgical celebrations with style and reverence. Train and schedule ministers; plan weddings, funerals, sacramental rituals; responsible for all liturgical articles and vestments. Full time with weekends; competitive salary and benefits. Cover letter and résumé to: L.C. Search, St. Philip the Apostle Catholic Church, 1897 W. Main Street, Lewisville, TX 75067; e-mail: office@stphilipcc.org; fax: (972) 219-5429. No phone calls. View job description at www.stphilipcc.org/job_board.htm.

MORAL THEOLOGY PROFESSOR. Saint Charles Borromeo Seminary is a free-standing seminary with college, pre-theology and theology programs. We are currently seeking to hire a full-time moral theology professor who has a terminal degree in the discipline of moral theology. The following qualifications are offered to guide you in your decision to apply for the position: 1) Be a practicing Catholic, who engages in the intellectual enterprise with firm fidelity to Catholic teaching; 2) Have professional academic training in Catholic theology with an earned doctorate in moral theology. Applications will be accepted until Feb. 1, 2009. All qualified persons applying to begin teaching in the 2009-10 school year should send their C.V. to: Rev. David Diamond, Vice Rector, Saint Charles Borromeo Seminary, 100 East Wynnewood Road, Wynnewood, PA 19096; e-mail: vicerectorscs@adphila.org.

Religious Art

CONTEMPORARY RELIGIOUS ART in an iconic tradition available. Go to http://www.contemporaryreligiousart.com for a gallery visit of original works.

Services

COUNSELING: licensed, certified therapist with 30 years experience in family, couples and individual therapy. Secular Carmelite with M.A. in theology, particular interest in the problem of suffering. Near Annapolis, Md. Jane Lytle-Vieira, Ph: (410) 987-0775.

Translator

SPANISH TRANSLATOR, Luis Baudry, specialized in Catholic matters (Bible, spirituality, ministry, etc.). Books, articles and Web sites. Ph: (646) 257-4165, or luisbaudrysimon@gmail.com

Wills

Please remember **America** in your will. Our legal title is: America Press Inc., 106 West 56th Street, New York, NY 10019.

AMERICA CLASSIFIED. Classified advertisements are accepted for publication in either the print version of ***America*** *or on our Web site, www.americamagazine.org. Ten-word minimum. Rates are per word per issue. 1-5 times: $1.50; 6-11 times: $1.28; 12-23 times: $1.23; 24-41 times: $1.17; 42 times or more: $1.12. For an additional $30, your print ad will be posted on* ***America****'s Web site for one week. The flat rate for a Web-only classified ad is $150 for 30 days. Ads may be submitted by e-mail to: ads@americamagazine.org; by fax to (928) 222-2107; by postal mail to: Classified Department,* ***America****, 106 West 56th St., New York, NY 10019. To post a classified ad online, go to our home page and click on "Advertising" at the top of the page. We do not accept ad copy over the phone. MasterCard and Visa accepted. For more information call: (212) 515-0102.*

Letters

Clever, You

My Jesuit training from long ago leads me to love your magazine, although at times I do consider it, in matters financial, an addendum to *Das Kapital*. Imagine my surprise, nay, my amazement, then, to agree with your views on the current financial crisis ("Encourage Savings" and "Gekko and Aquinas," Current Comment, 11/3). A small, dark recess of my mind, however, is hollering, "Watch out! They're just softening you up!"

Fernando Palomeque, M.D.
Houma, La.

Toxic Waste

Your commentary on "Bishops and the Conference" (Current Comment, 11/10) gently made its point about the teaching authority of bishops' conferences, but it missed the larger point at issue: Does the U.S.C.C.B. pastoral letter *Forming Consciences for Faithful Citizenship* faithfully follow the Catholic tradition on conscience formation, on the virtue of prudence, on cooperation in evil and on the range of moral issues to which a well-formed Catholic conscience must attend?

In my reading of the document, the bishops' position on these issues is faithfully Catholic. That is ultimately why their teaching is relevant in the Diocese of Scranton.

But that raises a further question. Is Bishop Joseph F. Martino's rejection of the document also implicitly a rejection of the Catholic moral tradition on these issues? In pre-Vatican II theology, this would be called *proxima haeresi*, "bordering on heresy." If that is the case, then Bishop Martino's teaching on these issues is irrelevant, if not toxic, in his own diocese.

John Topel, S.J.
Port Townsend, Wash.

Hands off Revelation

In her article on St. Paul's teachings on women's roles in church and society ("Paul and Women," 11/10), Barbara E. Reid, O.P., suggests some sections of Paul's letters may be later additions. But when we do not understand a passage in the New Testament (or when we do not like it), an easy—and most unwise—way to deal with it is to deny its authenticity.

What then separates us from those who would deny Peter's authority by alleging that Jesus' conferral of authority upon him in Matthew's Gospel is a later addition? What makes us think that we can better determine what was an authentic writing than what the early councils determined to be truly inspired?

I admit I do not understand several of Paul's writings, but I would not dare to deny their divine inspiration. That would be manipulating God's revelation to fit my own opinions.

Eduardo Garza
Katy, Tex.

A Fond Farewell

It was with regret that I read the farewell by Daniel J. Harrington, S.J., in his final Word column ("The Last Judgment," 11/17). His scholarship was appreciated by those of us not so gifted as he, yet still responsible for preaching.

(Rev.) Dan Arnold
Erie, Pa.

Thanks for the Help

Thanks to Daniel J. Harrington, S.J. ("The Last Judgment," 11/17), for his three years of dedication in sharing with us his insights and scholarly understanding of the Sunday liturgical readings. His column was always the first bit of the magazine I read every week, and I have always found his writings and insights most helpful in sharing my insights about the readings with the people of God in my homilies.

I now look forward to his successor, Barbara E. Reid, O.P., another insightful Scripture scholar who will be sharing her theological expertise with us.

(Rev.) Joe Annese
Henderson, Nev.

Military Clout

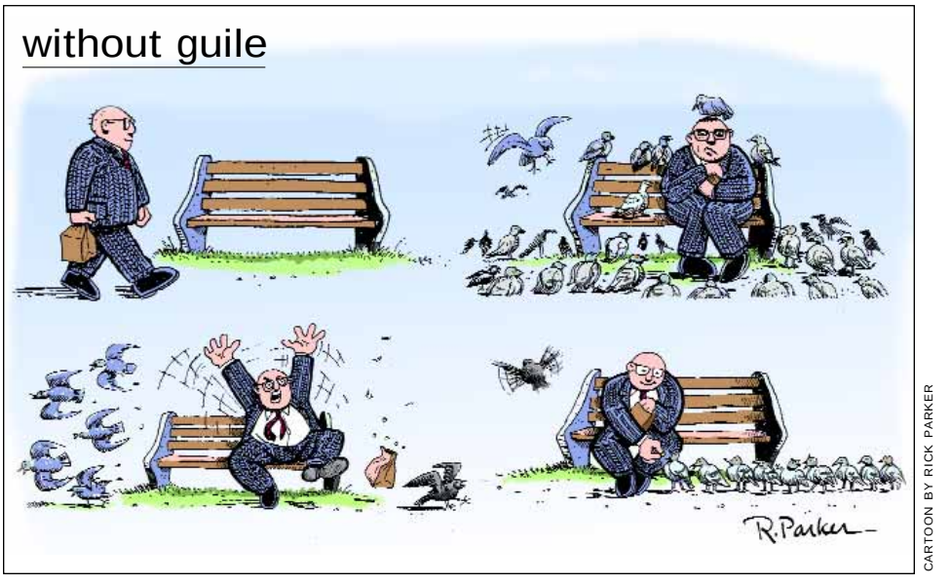
Tom Cornell suggests in "The Chaplain's Dilemma" (11/17) that the military chaplaincy should be disestablished so that chaplains do not "serve two masters." But chaplains must be commissioned officers in the military if they are to have the clout needed to do their jobs. Consider the account in the same issue by John J. McLain, S.J. ("Showing God's Face on the Battlefield," 11/17), of his experience accompanying a seriously wounded soldier to a hospital by helicopter. What chance would he have had to get on that helicopter if he had been a civilian chaplain?

A chaplain walks a fine line between being an officer and a priest to his enlisted congregation.

B. J. Skahill
Shelton, Wash.

The Editorial Wall

I found that the articles on military chaplaincy (11/17) outlined the positions around this issue in a thoughtful manner



CARTOON BY RICK PARKER

Letters

and fairly represented each side of the question. What seemed to be left out, however, was the role of **America** in carrying advertisements sponsored by the United States government to attract chaplain candidates.

It is without dispute that the men and women in our military should have religious and spiritual support available to them. However, does the prominence and content of these advertisements cross the line of maintaining editorial independence regarding these "wars of choice" being waged by our country?

Tom Cornell proposes that military chaplaincy be disestablished so that chaplains are not forced to serve two masters. But when your publication carries advertisements recruiting chaplains for the military in such a prominent manner, does the magazine not fall into the same category? Can you take advertising revenues from the military establishment on the one hand and claim literary independence from its political objectives and motivations on the other? To continue this policy brings your editorial credibility into question.

Frank McCaffrey
Weston, Vt.

Last Rites

Re "Showing God's Face on the Battlefield," by John J. McLain, S.J. (11/17): There once was a priest ministering to wounded and dying soldiers on the battlefield during World War I. He came to a dying soldier to offer help. The man said, "But Father, I don't belong to your religion." The priest answered, "No, but you belong to my God." It doesn't get any better than that!

Justin Nolan, O.S.B.
Latrobe, Pa.

A Generous Gift

Lyn Brignoli's winning submission to your essay contest ("Dragen, Here Is Your Letter," 10/27) gives new meaning to faith in a most profound way. We all benefit from her obvious humility and spiritual generosity. The essay also reveals in her thoughts and deeds the profound nature of conversion. It merits repeated readings by pastors and other spiritual mentors to capture its full significance.

Thank you for choosing and publishing this inspirational essay. Brignoli has deeply affected my own priorities.

William Huth
Fairfield, Conn.

Semper Reformanda

The excellent review by Michael V. Tueth, S.J., of the new production of Robert Bolt's "A Man for All Seasons" ("Today's Man," 11/17) glossed over one salient line delivered by Cardinal Wolsey in a scene with Thomas More: "There is much in the church that needs reformation, Thomas."

That idea is as pertinent today as it was in Tudor England. Has nothing changed in 500 years?

John Faust
St. Louis, Mo.

Divine Milieu

I feel that William Reiser, S.J., misses the point of *Ancestral Grace*, by Diarmuid O'Murchu, M.S.C., in his review ("'And the Word Became Primate'?" 11/10). Or better yet, he unwittingly seems to drive it home. While Reiser does pose some challenging questions, he summarily reduces this exploration of the evolving Catholic consciousness to silliness by asking whether the evangelist John would say, "And the Word became primate" or "And the Word became cyborg." This dismissal of O'Murchu's extensive effort to address today's crises in both the world and in religion is in itself an example of the patriarchy that suppresses and suffocates those who dare to think beyond the 2,000-year history of Christianity and find there a different reading of our human story.

While Reiser might not find this book "worth the effort" to explore in his course on systematic theology, it is certainly worth a read for those with an evolving Catholic consciousness, for whom Catholic teaching on incarnation, creation, redemption and the Eucharist has become too narrow and suffocating in a world in crisis.

I think that another Jesuit, Pierre Teilhard de Chardin, S.J., would feel somewhat vindicated by the way that O'Murchu has advanced his thought in order to bring hope to a fragmented world and to bring new meaning to what it is to be human.

Alice MacDonald
Santa Barbara, Calif.

Quality Control

It was a gift to read about the research on Catholic higher education being done by Melanie Morey and John J. Piderit, S.J. ("Identity Crisis," 10/13). Their scrutiny of the authentic Catholicity of Catholic colleges and universities is quite revealing.

Truth be told, the same criteria can be applied to high schools, even elementary schools. Why have we not ensured that lay teachers in all our educational institutions receive the advantages in faith education that religious teachers were given in the past? How do we deal with the numbers of Catholic students and teachers, uneducated in the faith, who enter our high schools, colleges and universities? Where is the quality control?

Plaudits to Morey and Piderit for bringing into public view a situation that desperately needs attention.

Mary Ann Foy, R.C.S.J.
Redwood City, Calif.

To send a letter to the editor we recommend using the link that appears below articles on **America**'s Web site, ww.americamagazine.org. This allows us to consider your letter for publication in both print and online versions of the magazine. Letters may also be sent to **America**'s editorial office (address on page 2) or by e-mail to: letters@americamagazine.org. They should be brief and include the writer's name, postal address and daytime phone number. Letters may be edited for length and clarity.

America (ISSN 0002-7049) is published weekly (except for 11 combined issues: Jan. 7-14, 21-28, March 31-April 7, May 26-June 2, June 9-16, 23-30, July 7-14, 21-28, Aug. 4-11, 18-25, Dec. 22-29) by America Press, Inc., 106 West 56th Street, New York, NY 10019. Periodicals postage is paid at New York, N.Y., and additional mailing offices. Business Manager: Lisa Pope; Circulation: Judith Palmer, (212) 581-4640. Subscriptions: United States, $48 per year; add U.S. $22 postage and GST (#131870719) for Canada; or add U.S. $32 per year for overseas surface postage. For overseas airmail delivery, please call for rates. Postmaster: Send address changes to: America, 106 West 56th St. New York, NY 10019. Printed in the U.S.A.

The Word

Begin Again

Second Sunday of Advent (B) Dec. 7, 2008

Readings: Is 40:1-5, 9-11; Ps 85:9-14; 2 Pt 3:8-14; Mk 1:1-8

"We await new heavens and a new earth" (2 Pt 3:13)

ART BY TAD DUNNE

A TIME OF CRISIS is a time of opportunity for change, for newness, for fresh beginnings. When all is well, there is little reason to want a change. When our world is shattered, however, we hearken to those who can help us find a way forward toward a new state of well-being. So it was with the exiles to whom Isaiah prophesied in today's first reading. Hope of a new beginning dawns as the prophet is instructed to "speak tenderly to Jerusalem"—literally, "speak to Jerusalem's heart." This is the language of lovers. The comforting news is that the time of enslavement to Babylon is at last ended. A way is forged through the desert back home to Jerusalem.

Some of the exiles considered their suffering to be a punishment for their sins. The prophet, however, speaks of the "strong arm" of the Holy One not as one that punishes, but as one that has strength to gather up all the lambs, to hold them close to God's breast, gently leading them home. This is the glad tidings: that God's power is that of a tender shepherd, holding close all those who feel broken and vulnerable, leading them out of their desert places and guiding them along God's "way."

The new beginning John the Baptist announces has everyone abuzz. The free gift of forgiveness awaits any who acknowledge their sins and let God's grace wash over them. This fresh start is brought to completion by the one coming after John, who will baptize with the Holy Spirit. The opening verse of the Gospel, "the beginning of the good news," reprises the first line of Genesis. Mark raises our expectations that God is doing something new with the coming of Jesus—a new creation that begins again in our own day, every time we turn to God and let our hearts be moved to follow the "straight way."

The second reading speaks of the newness for which we long in terms of "new heavens and a new earth." Other biblical authors speak of such a new creation (Is 65:17; 66:22; Rev 21:1; 2 Cor 5:17; Gal 6:15), but only in 2 Peter does the writer envision a fiery consummation and destruction of the whole of creation before the coming of the new. Such a notion originated in Persia, then spread to the Greco-Roman world. There are times when we too may find ourselves wishing that God would do something dramatic to start over again. The good news of the Gospel is that God has done something dramatic and continues to make dramatic transformations, not with fiery conflagration, but with every hardened heart that lets itself be held to God's bosom and washed in Jesus' purifying love. It is by such ordinary yet extraordinary means that Holy Wisdom incarnate transforms our world and our hearts.

For some, it can take a very long time to open up to God's love. For others it happens in a twinkling. It is not God's promise of newness that is delayed, but we who sometimes dawdle. Today's second reading assures us that God is patient and does not use the same timetables we do. In the divine reality "one day is like a thousand years and a thousand years like a day." The delay, says 2 Peter, is so that all have time to accept the transforming love of God that enables them to reshape their lives.

In today's readings there is a dual dynamic: it is God who brings about the new beginnings, but this cannot happen without human response. We must acknowledge and let go all that stands in the way of our openness to God's coming. The first and second readings invite us into the desert to do this. Desert space is always ambivalent: it is both a place of terror and emptiness and, at the same time, a hollowed-out space of grace. From the desert comes a voice of hope, bringing the good news that God's love never wavers; but when we fall short, with God's grace we can always begin again.

Two other important feasts this week celebrate God's extraordinary grace in the person of Mary, who is acclaimed as patroness of the Americas under two titles: the Immaculate Conception (Dec. 8) and Our Lady of Guadalupe (Dec. 12). The first was established as a universal feast of the church by Pope Sixtus IV in 1476. Then in 1854, Pope Pius IX defined as dogma that Mary was free from all sin from the moment of her conception. The second commemorates the appearances of Mary to Juan Diego on the hill of Tepeyac near Mexico City in 1531. There she took the form of an indigenous woman, pregnant with hope and the promise of God's special concern for the most downtrodden. God's maternal care for us is palpably present in these graced symbols.

Barbara E. Reid

Praying With Scripture

- What is God speaking to your heart in the hollowed-out spaces of these Advent days?
- What are the signs of a dawning "new creation" that you perceive?
- What obstacles need to be removed to make the way straight for the present coming of our God?

BARBARA E. REID, O.P., is a Dominican Sister of Grand Rapids, Mich. and professor of New Testament Studies at Catholic Theological Union in Chicago, Ill.