

Testimony

A Pamphlet from Pax Christi San Antonio

Anticipating October 1, 2017

Pax Christi San Antonio does not solicit donations; however, anyone wishing to join should make a donation to Pax Christi U.S.A. and notify Maria Tobin, matob@aol.com, to receive email messages sent to members. Pax Christi International was founded in 1945 with the encouragement of Bishop Pierre Marie Théas of Montauban, France, by Marthe Dortel Claudot, as a Christian lay organization dedicated to preventing a repetition of the savagery of the twentieth century's world wars. Send comments on the newsletter to J6anthonyblasi@yahoo.com.

Editorial

After the calendar, the *Third Reading* commentary is based on the gospel reading for the twenty-sixth Sunday in ordinary time. Tom Keene's poem is *Borders*. See <http://www.tomkeeneandthemuse.com/index.php> for more of Tom's poems. Following the poem is my brief essay, "What is Law?" written after the announced discontinuation of DACA, the federal program of prosecutorial discretion that had been suspending the deportations of undocumented immigrants who had been brought by their families to the U.S. as children.

Current and retired educators are invited to join the AFT participation in this fall's Cops-Metro activities. See October 16 in the calendar below.

Sunday September 24, Milam Park, San Antonio—school age children with their high-pitched voices maintain a piercing chant: "We want Justice, we want peace!" Young parents--a few of the women among them wearing veils—scramble to keep pre-schoolers in tow. An older child here and there holds a sign high and another an American flag. It is a demonstration called by Sarwat Hussain of the Council of American-Islamic Relations to raise awareness of the genocide that is being perpetrated by the Myanmar (Burmese) military against the Rohingya Muslims. Sarwat tells me that prominent speakers who agreed to come had not shown up yet. Most, it turned out, never would. I spied one she mentioned and directed him to check in with her; it was judicial candidate Milton Fagin. Later San Antonio City Councilman John Courage and his wife Theda showed up, and I suggested he offer to speak in the program; he did. An eloquent Imam whom I recognized and a few Rohingya men joined Sarwat, Milton, and John on the stage. Sarwat had advised many media organizations, but their response was minimal. When the speeches began, I thought of the Armenian genocide. Sarwat mentioned the Rwandan genocide in her remarks, another speaker the Bosnians being "ethnically cleansed," and Milton the Jewish people under the Nazi persecution. When will humanity, organized into entities called governments, care?

Calendar

Sunday September 24, "around 7:30pm. Feel free to come early at 7:00pm." **In Austin.** Film: *A Strike and an Uprising (in Texas)*, about the 1938 San Antonio pecan shellers'

strike, the 1987 organizing campaign of Black workers at Stephen F. Austin University in Nacogdoches, and the removal of the Jefferson Davis statue at UT Austin. Q & A with filmmaker Anne Lewis follows. \$7.00 donation suggested. Seating is limited—early arrival recommended. 2610 Manor Road, Austin, 78722.

Tuesday September 26, 11:00am-12:30pm, film: *Stolen Education*. In 1956 eight Mexican American elementary students and their families sued the Driscoll, Texas, School District because of discrimination. Palo Alto College Student Center Annex, 1400 W. Villaret.

Wednesday September 27, 2:00pm-4:00pm, film: *Education, Inc.*, on the privatization of public education. Mabee Library, Room 221, University of the Incarnate Word, 6301 Broadway.

Wednesday September 27, 6:30pm-7:30pm, Reflection on the murder of Sr. Patricia Ann Kelley: Standing against the Death Penalty. Chapel of the Incarnate Word, 4503 Broadway. Contact: Sr. Martha Ann Kirk, kirk@uiwtx.edu.

Wednesday September 27, 6:30pm-8:30pm, Third Convening of In The City for Good, the city's faith-based initiative. See <https://www.sanantonio.gov/humanservices/FaithBased>. Registration free: <https://www.eventbrite.com/e/faith-based-initiative-fall-2017-convening-tickets-37469185342>. University of the Incarnate Word Osteopathic Campus, Brooks City Base, 7615 Kennedy Hill, Building 2, San Antonio 78235.

Wednesday September 27, 7:00pm, Abdullah Ahmed An-Na'im, "Religious Freedom and the Universality of Human Rights: A Modernist Islamic Perspective." Saint Mary's University, One Camino Santa Maria, University Center, Conference Room A. Parking in Lots D and H.

Thursday September 28, 7:00pm, Robert George, "Constitutional Structures, Civic Virtue, and Political v. Culture." Saint Mary's University, One Camino Santa Maria, University Center, Conference Room A. Parking in Lots D and H.

Saturday September 30, 11:00am-6:00pm, A Thousand Poets for Change. El Centro de Artes, 115 Plaza de Armas, Suite 102.

Monday October 2, 3:30pm, film: *Thomas Berry: The Great Story*. "At the heart of the film is Berry's experience of the universe as a cosmic liturgy." Christus Heritage Hall, The Village at Incarnate Word, 4707 Broadway.

Saturday October 14: Assemble 1:00pm-3:30pm, March 3:30pm, Program 5:30pm-7:00pm, Indigenous Dignity Day Human Rights march. Assemble at Columbus Park (W. martin and San Saba). March to Main Plaza. Program is at Main Plaza. Themes: Human rights, deportations, immigration reform, private prisons. Sponsored by the Texas Indigenous Council: Antonio Diaz, 210-542-9271.

Monday October 16, 5:00pm: Educators are invited to a house party in connection with COPS-Metro to develop issues for future action, including participation in a November 16 COPS-Metro Action Assembly. 1810 Oakline Drive, 78232 (US 281 or Henderson Pass to Brook Hollow, going southeast; right onto Oakline Drive going southwest). RSVP Bob Comeaux: bobtheunionguy@aol.com or 210-326-2655.

Tuesday October 17, 7:00pm-9:00pm, St. Mary's University History Department, Latino Catholicism: San Antonio and the Transformation of the U.S. Church. Conference Room A, University Center, St. Mary's University, One Camino Santa Maria.

Thursday October 19, 6:00pm-7:30pm: Cory Dolgon, Ph.D., "Kill It to Save It: An Autopsy of Capitalism's Triumph over Democracy" (Dr. Dolgon argues that the public accepts the destruction of the public sector and accepts arguments that "feel right" without regard for facts). University of Texas at San Antonio, downtown campus, Buena Vista Street Bulding, Aula Canaria (BV 1.328).

Friday October 21, 4:30pm-7:00pm; **Saturday October 22**, 9:00am-4:45pm, Iran in the World. Presentations by experts on the historic 2015 nuclear agreement between Iran and the U.S., china, Russia, France, Germany, U.K., and European Union. Chapman Auditorium, Trinity University, One Trinity Place. Park at Alamo Stadium.

Thursday October 26, 5:00pm-6:00pm, **in Austin**, Thomas P. Rausch, S.J., "Pope Francis: reclaiming the vision of Vatican II." Jones Global Events Center, Ragsdale Center building, Saint Edward's University, 3001 S. Congress Ave., Austin, 78704.

Tuesday November 7, 6:00pm-8:30pm, Community Conversation with San Antonio Mayor Ron Nirenberg. Foyer and Conference Room A, University Center, Saint Mary's University, One Camino Santa Maria.

Friday November 10, 7:30pm-9:30pm, **in Seguin**, film, *(Re)Formation*. A group of artists renovate a transition home for discarded youth and explore the meaning of church, holy ground, and Jesus' mission. Studio Theatre at Weston Center, Texas Lutheran University, 1000 West Court St., Seguin.

Third Reading (Matthew 21: 28-32.

"From where comes the baptism of John? From heaven or from humans?" (Mathew 21:25) This question, which Jesus posed to the Judean religious authorities who had challenged him in the Temple enclosure, sets the stage for today's reading. Jesus had come to Jerusalem, at great risk to his life. He proceeded to cause an incident in the Temple, interfering with the exchange of commercial currency for ritual currency and upsetting the selling of ritual sacrificial animals so as to put a stop to the religious routines. Then he had the gumption to come back the next day.

“By what authority are you doing these things?” asked the high priests and elders. He answers with a question of his own: “From where comes the baptism of John?” If he were merely countering a question with a question, it would have been a facile rhetorical ploy. In fact, however, his question is the same as theirs: Does (or does not) authentic religion require authorization?

This is the context for the continuation of the back-and-forth between Jesus and the authorities that today’s reading presents. “What do you think?” Jesus asks. “A man had two sons. And approaching the first he said, Son, go, work today in the vineyard.” The son replies he would not, but then repents and goes to work. The second son does the reverse, saying he would but not actually doing so. The contrast is between actuality and pretense.

“Amen I say to you, the tax farmers and prostitutes are preceding you into the kingdom of God. For John came to you in the way of justice, and you did not trust him; and the tax farmers and prostitutes trusted him....” Temple, high priests, elders—all the trappings of religion, but no faith or trust in John the Baptizer, the desert preacher who came in the way of justice. Tax farmers were from the wrong political establishment, but they were open to someone who came in the way of justice. Prostitutes—in antiquity divorcees who had been abandoned by their husbands and engaged in their trade out of desperation—were from an unaccepted element of society, but they too were open to someone who came in the way of justice.

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Poem

Borders

Does the universe see borders?
Do we from spacecraft
or even the moon?

Borders are lines imagined
by powers that be,
that stonewall
any status quo
that serves them,
who tell us how walls
for keeping out
and keeping in
are good for everyone,
that the life of one soldier
on our side
is worth more
than any child-woman-man
on the other.

But over walls
music flies.
Under fences
poems slither.

Could not crowds who grasp
how the whole world belongs
to all of us,
who sing it together,
put us in a space called love,
love that leads to exploration,
exploring that erases borders?

Tom Keene
January 21, 2008

What is Law? Anthony J. Blasi

At a rally in Austin against Texas Senate Bill 4, a law that would make it illegal for a city and its officials to offer sanctuary to undocumented immigrants, someone handed me a sign that reads, “No human is illegal.” Fundamentally I agree; I have long thought that it is unreasonable for governments, which humans set up, to pick and choose among people. The creature of humans, government, would be acting back on its creators, analogous to a robot getting out of control and driving out the people who engineered it. Declaring people illegal perverts Abraham Lincoln’s “Gettysburg Address”—peoplehood of the government, for the government, and by the government, rather than government of the people, for the people, and by the people.

Is reasonability a criterion of law? I once took a course at the Pontifical Institute of Medieval Studies in Toronto, in which I and the other students were expected to prepare statements on the meaning of various sections of the *Prima Secundae* of the *Summa Theologiae* of Thomas Aquinas, and then debate the differing understandings of that text. As interpretations varied, so too did the ramifications. Aquinas took up the question of law, proposing a method for ethics in the *Prima Secundae* (first section of the second part) and proposing a content for ethics in a volume concerning virtues, the *Secunda Secundae* (second section of the second part). I translate:

As Augustine says in *On Free Choice* I, “what would not be just does not seem to be law.” Thus insofar as it holds from justice, to that extent it holds from the strength of law. But in human matters something is said to be just from that which is right according to the rule of reason. For the law of nature is the first rule of reason, as appears from the foregoing (I-II 91, a. 2, ad 2). Thus to the extent any humanly posited law holds from the

rationale of the law, it is derived from a law of nature. If it is in discord with natural law in something, it will now not be a law, but a corruption of law.

(Thomas Aquinas, *Summa Theologiae* I-II, 95, Articulus II)

One can see why course work was needed to get at the meaning. The text of the *Summa Theologiae* was not really a book of prose but at worst student notes and at best Thomas's lecture notes.

Some background can be helpful. The law of God was the ultimate guide for Thomas, and it could be known, albeit imperfectly, in various ways. One way of knowing eternal law, as he phrased it, was reading scripture, especially the Ten Commandments. However, applying such commands might not be straightforward when dilemmas arise. The divine will, fortunately, could also be seen in nature, for creations reflect the minds of those who create them. By closely observing nature, the human mind can in its thinking reflect the divine reasonability. Hence we have logic and useful intellectuality in general. Thomas called this "natural law." Natural law can be exercised in problem-solving, or "practical reason" as he called it. It can also be exercised in custom or tradition, wherein thousands upon thousands of human minds arrive at a common conclusion about something. If some legislative act is unreasonable, it is no law at all; right reason and well-founded custom can in effect repeal an unreasonable law.

In the modern era, some ethicists have given natural law a bad reputation by emphasizing the "law" part of the expression and failing to recognize that the "natural" part refers to the use of native or innate reason. Thus the expression becomes natural *LAW* rather than *NATURAL* law. Thomas's approach to law was controversial in his own day precisely because the second form of the expression, emphasizing the native or innate reason part, was revolutionary.

There is another very important aspect of law that pertains to the criterion of reasonability. Following Aristotle, Thomas recognizes *epikeia*, or equity, as a virtue (Thomas Aquinas, *Summa Theologiae*, *Secunda Secundae* 120, Articulus 1; Aristotle, *Nicomachean Ethics*, 5, 10). *Epikeia* is justice, though it is not "legal justice" but a rectification of legal justice. Laws are by necessity general statements that apply only to most cases.

When therefore the law lays down a general rule, and thereafter a case arises which is an exception to the rule, it is then right, where the lawgiver's pronouncement because of its absoluteness is defective and erroneous, to rectify the defect by deciding as the lawgiver would himself decide if he were present on the occasion, and would have enacted if he had been cognizant of the case in question. (Aristotle, *Nicomachean Ethics* V, x, 5).

Thomas's comment on this is that to observe the letter of the law where it is not appropriate to do so is corrupt (*vitiosum*). Aquinas and Aristotle differ insofar as Aquinas holds God, the source of reason and reasonability, to be the source of law in the final analysis, while Aristotle has an ideal human legislator in mind.

In applying the principle of *epikeia*, or equity, it can be said that enforcing the letter of a piece of legislation when doing so works an injustice is a corruption of law; justice demands that the law be set aside in such cases. That is why prosecutorial discretion exists. When the federal Department of Justice developed the "DACA"

program, under which it deferred action on “illegal” immigrants who were brought to the United States as children, it was formulating a policy for prosecutorial discretion. Using prosecutorial discretion for the purpose of refraining from working injustices was not a failure to faithfully execute the law, as some partisan political rhetoric would have it, but precisely a faithful execution of law according to traditional principles.

At the present time, the federal immigration laws are so impracticable that as general statements they do not seem to apply in a large number of cases. There are kinds of refugees that do not correspond to the refugees typical of the era of the Cold War, and these appear as undocumented migrants within our borders. There are impracticably low quotas. There are complex regulations that are applied to people who have little or no legal representation. There are some officials who exhibit prejudices against the races and ethnic groups of many contemporary immigrants. The imposition of such laws and regulations makes innocent people (yes, innocent, because civil, not criminal law, is at issue) “illegal,” and that is unreasonable in the extreme. Sanctuary cities are simply refuges from statutes that are corrupt in the sense meant by Aquinas, and officials who use their prosecutorial discretion not to impose unreasonable statutes on people are faithfully doing what a just people would have them do.

Links

Pax Christi International
<http://www.paxchristi.net/>

Pax Christi U.S.A.
<http://www.paxchristiusa.org>

Pax Christi Texas
<http://www.paxchristitexas.org>

Pax Christi San Antonio
<http://www.paxchristisa.org>

COPS / Metro Alliance
www.copsmetro.com/

Marianist Social Justice Collaborative
www.msjc.net

Sisters of Charity of the Incarnate Word, International JPIC Committee
<http://saccvi.blogspot.com/>

San Antonio Peace Center
<http://www.sanantoniopeace.center>

Interfaith Radio, (*Interfaith Voices*)

<http://www.interfaithradio.org/>

Texas Catholic Campaign to End the Death Penalty

www.txccedp.org