

Testimony

A Pamphlet from Pax Christi San Antonio

Anticipating October 7, 2018

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.

Please do not respond to this newsletter's address; but send comments on the newsletter to J6anthonyblasi@yahoo.com.

Editorial

After the Calendar, the commentaries on the Second and Third Readings are based on the liturgy for the Twenty-seventh Sunday in Ordinary Time. Tom Keene's poem is *No Mark for Cain* (see Genesis 4:15). For more of Tom's poems, see <http://www.tomkeeneandthemuse.com/index.php>. My reflection on the death penalty follows.

Last Wednesday I attended a news conference at which Diane D'Arrigo of the Nuclear Information & Resource Service (and member of a Pax Christi chapter), Tom Smith of Public Citizen (Austin), Meredith McGuire of the Sierra Club, and others warned of new efforts to store nuclear waste in West Texas and New Mexico, and transporting the materials through San Antonio among other places. The last time such proposals were made, the Nuclear Regulatory Commission rejected them after scientists and local leaders testified through a comments process. Subsequent legislation has lessened the comments period, thereby making it difficult to assemble expertise. Who controls Congress and state legislatures makes a difference. Incidentally, Bexar County Commissioner Tommy Calvert and San Antonio Mayor Ron Nirenberg provided the leadership for the county and city to formally oppose the proposal.

Calendar

In Austin

Wednesday October 10, 12:00pm-1:00pm, Peniel E. Joseph, Ph.D. (Barbara Jordan Chair in Ethics and Political Values, University of Texas, Austin). Heyer Lecture. McMillan 210, Austin Presbyterian Theological Seminary, 100 E. 27th St.

Thursday October 25, 5:00pm-6:30pm, Michael Lucas, "Low-Income Legal Assistance." Fleck Hall, St. Edward's University, 3001 S. Congress.

Thursday November 8—Saturday November 10, Blandy Lectures: Journalist Ray Suarez on the U.S. majority minority future, and faculty lectures on "Gender and Sexual

Orientation in the 21st Century.” Episcopal seminary of the Southwest, 501 E. 32nd St.: \$125 for the full program, free for the Ray Suarez lecture only (7:30pm Nov. 8, Knapp Auditorium; registration required). Information: gaylen.mahoney@ssw.edu or 512-474-4133, ext. 333.

In Dallas

Thursday October 4, 5:30pm-7:30pm, Douglas Holtz-Eakin, Tax Cuts and Jobs Act: Growth Policy or Giveaway?” Miller Events Center, Southern Methodist University. Free, but reservations required: tower@smu.edu or Bora Laci 214-768-4716.

Monday October 15, 12:00pm-1:30pm, Susan Hayward (U.S. Institute for Peace), “Women, Religion and Peacebuilding: Illuminating the Unseen.” Venue TBA at Southern Methodist University. Free, but reservations required: tower@smu.edu or Bora Laci 214-768-4716.

Monday October 15, 5:30pm-8:30pm, Harold Ricinos and Pamela Metzger, An Interdisciplinary Dialogue: The ABC’s of Theology and Criminal Justice Reform and How They Impact the Lives of School Children of Color. Elizabeth Perkins Prothro Hall, Perkins School of Theology, 5901 Bishop Blvd.

In Houston

Wednesday October 3, 7:00pm-8:30pm, panel discussion, “From Discrimination to Hate Crimes: A Conversation on What Americans of Minority Religions Are Facing Today.” Rabbi Steven Morgen, Congregation Beth Yeshurun; Christopher P. Scheitle, West Virginia University; Manpreet K. Singh, The Sikh Coalition. Rice University; for information contact Hayley Hemstreet, RPLP Program Manager, hjh2@rice.edu, 713-348-3974

Tuesday October 9, 7:00pm-9:00pm. Documentary film, *Waste Land*, follows artist Vik Muniz from Brooklyn to the world’s largest garbage dump outside Rio de Janeiro. Rice Media Center (close to campus entrance 8), Rice University, 6100 Main. [**Repeated October 24**]

Wednesday October 10, 6:00pm. Film, *Anita: Speaking Truth to Power*, about Anita Hill and her testimony at the nomination of Justice Clarence Thomas; followed by panel discussion (Shelli Collins, Sonia Cornales, Bridget Gorman, Ann Robison). Rice Media Center (close to campus entrance 8), 6100 Main.

Friday October 12, 4:00pm-5:00pm, Meg Urry (Yale University), Equity and Inclusion in STEM: What, Why, How. Keck Hall 100, Rice University, 6100 Main.

In San Antonio

Monday October 1, 3:30pm, film, *Monumental. David Brower’s Fight for Wild America* (about the noted environmentalist). Christus Heritage Hall, Village at Incarnate Word, 4707 Broadway.

Tuesday October 2, 9:00am-3:00pm, "From Circular Economy to Circular Society in San Antonio." Sustainability workshop, with European experts in conversation with San Antonians. Rooms 2030-2032, Student Engagement Center, University of the Incarnate Word, 4301 Broadway. <https://www.eventbrite.com/e/from-circular-economy-to-circular-society-in-san-antonio-tickets-49512237435>

Wednesday October 3, 1:30-3:00pm, Adam Farrell, Ireland Consul general, "20 Years of Peace in Northern Ireland." Northrup Hall 040, Trinity University, One Trinity Place.

Thursday October 4, 7:00pm-9:00pm, Edward B. Westermann, Ph.D. (Texas A & M San Antonio), "Propaganda: The Dangers of Dehumanization." SoL Center, University Presbyterian Church, 300 Bushnell (park off Shook). \$15; register by September 27 (\$20 after): 210-732-9927, or see <http://www.upcsa.org/classes/>

Saturday October 6, 10:00am, Pax Christi San Antonio meeting. Residence of Maria Tobin, 8715 Starcrest, #27. Contact matob@aol.com

Tuesday October 9, 7:00pm-9:00pm, Lisa Epstein (Moms Demand Action for Gun Sense in America), Gun Myths Busted. SoL Center, University Presbyterian Church, 300 Bushnell (park off Shook). \$15, register before October 2, \$20 after: 210-732-9927, or see <http://www.upcsa.org/classes/>

Sunday October 14, 3:00pm-6:00pm, Celebration and thanksgiving of the Canonization of Oscar Romero of El Salvador. Archbishop Gustavo García-Siller and Rev. Juan Carlos. Christ the King Catholic Church, 2610 Perez (outdoors, bring lawn chairs and if needed umbrella).

Wednesday October 24, 7:00pm, play, "The Line in the Sand: Stories from the US/Mexico Border about Immigration," followed by panel discussion. Concert Hall, University of the Incarnate Word, 4301 Broadway.

Thursday October 25, 7:30pm-9:00pm, Gretchen Daily, "A New Business Model for People and Nature" (Trinity University Distinguished Scientists Lecture). Laurie Auditorium, Trinity University, 1 Trinity Place.

Monday October 29, 6:30pm-8:30pm, Civility: A Community Conversation, sponsored by Compassion SA, Office of the Mayor, and SoL Center. Oblate Renewal Center, 5700 Blanco Rd. (Do not try to enter from Oblate Dr.)

Wednesday November 7, 7:00pm, John F. Haught, Ph.D. (Theology Dept., Georgetown University), "Evolution and Faith: What Is at Stake?" University Center, Conference Room A, St. Mary's University, One Camino Santa Maria.

Second Reading (Hebrews 2:9-11)

The author of *Hebrews* blends Hebrew traditions and riddle-like Greek prose that forces the reader to stop and ponder. In the excerpt for today, the author has Psalm 8 in mind, even quoting fragments of it:

When I look at thy heavens, the work of thy fingers,
The moon and the stars which thou hast established,
What is man that thou art mindful of him,

And the son of man that thou dost care for him? (Psalm 8:3-4 RSV)

Paralleling the psalm the author goes on to speak of all things being subjected to humanity. But now, says the text of *Hebrews*, we do not yet see all subjected, “but we see Jesus, who was made less than the messengers for a time, crowned with glory and honor through the agony of death...” “Messengers” could be either authors and interpreters of the Hebrew scriptures, or angels. The subjugation of all things to humanity is replaced by someone who was subjected by human powers, only to be revealed to be not subject at all, in a great reversal. By torturing and executing the savior, human power revealed itself to be all the more in need of the very person it killed. “For it was fitting to Him, by Whom all things and through Whom all things are, while leading many sons to glory, to make the initiator of their salvation perfect through sufferings.”

Speaking of the abused Jesus, the author says, “For both the one sanctifying and those sanctified are all from the same One; on that basis he is not ashamed to call them brothers and sisters...” There is none too lowly to be sanctified, no out-group or “other.”

Third Reading (Mark 10.2-16)

“Then what God has joined together, let a human not separate.” Law is too blunt an instrument for matters of intimacy. Consequently, Jesus was not satisfied with what the Law specified; it merely provided a procedure for divorce. Rather, he turned to the motive behind the divorce procedure: “...let a human not separate.” The third person imperative is rare in English; its use varies from stating wishes to giving orders, from “May the weather be good” to “The meeting will come to order.” The ambiguity is true of the Greek as well as the English translation. Ironically, some in history have sought to turn the internal motive into an external law and have governments prohibit divorce and remarriage.

The elite families of Rome and its Empire, who comprised the establishment in Mark’s day, made political alliances through marriage. As political alliances changed, divorces followed. Children were legally the property of their fathers; so when divorces occurred children were separated from their mothers and put into the care of their paternal aunts. The divorced woman returned to her father’s family. Among the non-elite, women were simply turned out after a divorce, without the children; frequently, prostitution was the fate awaiting them. It is understandable that Jesus would draw a person’s attention to the spouse rather than to the self: “Whoever puts his wife away and marries another, commits adultery against her, and if she putting away her husband should marry another, she commits adultery.” The tense structure of the verbs here is interesting; it is not *Whoever has put a spouse away and later marries another*, but

again a matter of motive. The motive for divorcing should not include both putting away and marrying another.

I once had a middle-aged woman in an upper division class. Let's call her Sylvia. After a divorce she was left with a truck but little else. She attended the university on scholarship; during the regular semesters she lived in the women's dormitory, but in the summers she lived in the truck, parking it at public camp sites. Her disposition was remarkably pleasant and upbeat, especially when she talked about her son, who was also attending the university. She simply exuded happiness, irrespective of what befell her. One day a routine memo from the department head reached my mail box. It had a check-off with the department members' names; we were to read the memo and pass it on to the next named professor. It asked us to recommend someone for a paid internship with housing, in an archaeological project at a Depression-era Civilian Conservation Corps site. I did not pass the memo on but took it the department head. He agreed, it would be perfect for Sylvia. She wouldn't have to live in the truck for most of the summer. Sylvia went to the CCC site with several students whom other departments recommended. She took over informal leadership of the students, and the work they all did was so impressive that the project director sent them to the Department of the Interior in Washington to give their report there. And, oh yes, she met a man at the CCC site. She said she was going to marry him. The last time I saw her, she was driving her truck, literally into the sunset.

Poem

No Mark for Cain

After we have
stoned the adulterers,
beheaded the rebels,
burned the heretics,
drowned the witches,
hanged the horse thieves,
put the killers to the needle,
we take time to thank our god.

We thank you, god
for being a god in our own image,
a god who is Number One,
a kick butt kind of god
of power and might.

We thank you for being not
some pitiful god of pity, absolution and peace.
Who could forgive a forgiving god?
Some bleeding-heart god,
creating out of love and loving creation?
Give us you: a destroyer god.

We hunger for a god like you,
a god who wants sacrifice, not mercy.
A god who *accepts* Abraham's offered son,
a Moloch who understands that we understand,
who knows we know what we are doing,
when we sacrifice the innocent and the guilty.

Make us, O god, instruments of your retribution.
Demand of us killing for killing,
murder for murder.
Give us a god we can fear,
that fear may secure us,
bind us together.

We want a god who underwrites
the righteous good in ourselves,
expels the expendables.
We long to serve a god of vengeance,
who puts no mark of forbearance on Cain
and the murdering sons of Cain.

Death to Cain.
Long live vengeance.
Long live our god.

Tom Keene

The Death Penalty

Anthony J. Blasi

In the two thousand years of Christian controversy over capital punishment, a distinction has often been made between the authority of the state to impose the death penalty and the prudence or lack of prudence in actually resorting to it. In order to argue that the state has the authority to execute wrongdoers, proponents of capital punishment cite the *Letter of Paul to the Romans* 13:1-4:

Let every soul be subject to the authorities in power. For there is no authority except from God, and those that there are have been appointed by God. Consequently one resisting an authority is opposing God's institution, and those opposing will bring judgment upon themselves. For rulers are not a fear when conduct is good but when it is evil. Now do you

wish not to fear the authority? Do what is good and you will have approval from it. For authority is a servant of God for your good. But if you should do evil, be afraid; for it does not wear the short sword for no purpose; it is God's servant, an avenger for the wrath against the one who does evil.

A cursory reading of the passage suggests that the proponents of capital punishment have a point on scriptural grounds. However, granting that the state has the authority to do something is not to say that it would be right or guiltless in actually doing it. In the very next verse Paul himself distinguishes between the state's wrath against a wrongdoer and a troubled or untroubled conscience.

⁵Therefore it is necessary to be subject, not only because of the wrath but also because of conscience.

One should not, of course, simply cite biblical words out of the social and historical context that helped give rise to them. The people in Palestine were soon to rise up in revolt against the Roman Empire; whether to respect Roman law was very much at issue in the world of the first century Jews and Christians. That is why Paul counsels against resisting authority.

The Hebrew scriptural tradition had already begun to question capital punishment well before Paul's time. The prophet Ezekiel, using death as a reference to eternal or ultimate condemnation, says this:

But if a wicked man turns away from all his sins which he has committed and keeps all my statutes and does what is lawful and right, he shall surely live; he shall not die. None of the transgressions which he has committed shall be remembered against him; for the righteousness which he has done he shall live. Have I any pleasure in the death of the wicked, says the Lord God, and not rather that he should turn from his way and live? (Ezekiel 18:21-23 RSV)

The implication is that doers of evil should be given the opportunity for moral conversions. This stands in contrast to other passages in the Hebrew scriptures that prescribe the death penalty (along with sanctuary cities) for a variety of offenses.

In the pre-Constantinian era, government was pagan. It undertook acts in its moral ignorance that would be sinful if perpetrated by Christians. One might draw a parallel between pre-Constantinian government and our contemporary economic market; both are powerful, likely to create both beneficial and harmful consequences, and lacking in conscience. Once Christians became part of the established powers in the post-Constantinian era, matters became quite different. The imperial government endured, working both good and evil without conscience, but the officials who staffed it were no longer uniformly pagan. The solution of the Christian thinkers was to distinguish between first class Christians—the clergy—and a second class of lay people. Lay people could do what the pagan governors once did, though motivated not by revenge but by a desire to protect society. The clergy were responsible for attempting to convert criminals and represent the mercy of God on their behalf.

But does the state have the right to execute people? It is one thing to recognize that in fact a government exercises the authority to execute, but it remains an open question whether it arrogated such authority to itself without justification. A government is able to grant numerous benefits—freedom, rations, holidays, licenses, office. But no government has given life. Even when Christians do not read *Genesis* as a historical

account, they still affirm that life is divinely given. The state cannot by right take away what it has not given, except what it must do under coercion when, for example, its police kill a terrorist or madman who is killing members of the public. What the police may do on such occasions, however, is no more than what anyone can do in a circumstance of genuine self-defense. But when someone has been accused of even the most horrendous crime has been arrested and is under the powers of the state, that person is no longer a threat. To step beyond holding the accused and subsequently the convicted in custody in no manner protects the public. If killing an accused cannot be a right prior to sentencing, it cannot become a right at the time of sentencing on the basis of protecting the public.

Examining the causes for which the death penalty might be imposed can be instructive. First there are crimes against the state. A foreign power or a domestic faction might attack the officials and citizens of the state, and the government is required to meet force with force—assuming, of course, that the state is not at fault and should grant concessions to the foreign power or the domestic faction. This is evidently what Thomas Aquinas had in mind in part of a famous passage in his *Summa Theologiae* (II-II, q 67, a 7), when he cites a judicial decree, “*vim vi repellere licet cum moderamine inculpatae tutelagae*”—it is licet to repel force with force under the guidance of blameless protection. He cautions, however, that the force employed must not exceed what is necessary to secure the protective effect. (He uses a weak analogy elsewhere to argue for judicial killing.) Similar to the killing of an imminent threat to the public such as the terrorist or madman threat cited above, this would not appear to apply to a prisoner brought before a court where a death penalty could be imposed. This extends to treason; once the accused is under restraint, it is not necessary to kill for purposes of defending the state.

Second, there are crimes against persons. In modern circumstances, the state intervenes rather than stand by while running feuds of blood vengeance occur between families or other groups. The very rationale for the state to provide uninvolved prosecutors, judges, and juries is to avoid the exercise of vengeance. Without such state intervention, repeat offenders would select the most non-vengeful and merciful people to victimize. In principle, a fairly-arrived at verdict should be followed by a sentence that fits the crime. “Fitting” can take into account restitution, deterrence, and rehabilitation. Restitution involves returning something to victims and society. Deterrence occurs when the likelihood of perpetrators being caught and penalized is high. Studies uniformly find that deterrence does not result from death sentences. Rehabilitation, of course, cannot occur after an execution.

Third, there are crimes of heresy. Such are rare today, especially in western societies, where theocracy is not the norm. Historically, however, heresy charges were important in leading authorities to impose the death penalty. Christian theocracy, while real in history, is inherently contradictory because the Christ took on the persona of a condemned person, not a condemner. Christian theology also calls for a conversion of the heart, not an acquiescence to the power of a state (“Therefore it is necessary to be subject, not only because of the wrath but also because of conscience”). The political disestablishment of religion that has come with modernity has given Christian tradition a gift whereby it can return to its original intent.

In the modern framework, the state should not enact laws, the violation of which could lead to capital punishment. There is no longer the burden of constructing prisons without benefit of modern machines for excavation and transportation of material. The ancients were not consistent insofar as they constructed huge tombs, castles, and cathedrals, but burdening society with the construction of sufficiently large and plentiful dungeons for all perpetrators deserving incarceration could be conceived of as grounds for alternative penalties—seizure of property, flogging, enslavement, and (some would argue) death. But modernity has no such excuse; it can handle imprisonment, education, and re-entry programs.

It is worthwhile to consider what the problem is with willful killing in the first place. Unlike other animals, humans are moved by more than instinctual urges; they have informed will. They imagine themselves in the standpoint of others and look back on themselves, and they make comparisons between other humans and themselves. Any annihilation of another human blocks an avenue toward oneself. Self and other are so intertwined that a decimation of the other makes a decimation of the self part of the act. One can be irritated with oneself and with another and not thereby be diminished, but one cannot eliminate without some lessening of worth. The perpetrator of death needs to realize this experientially in a rehabilitative process. This is the way the Creator created our sector of creation.

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 Dallas
<http://www.Paxchristidallastx.org>

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

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.sanantoniopace.center>

Interfaith Radio, (*Interfaith Voices*)

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

Texas Catholic Campaign to End the Death Penalty

www.txccedp.org

Dialogue Institute of San Antonio

www.thedialoginstitute.org/san-antonio/

Climate Change

www.creation-care.com