

The Battle for Kenya's Constitution

By Tewodros Melesse

The Great Controversy: A Story of Abortion, the Church and Constitution-Making in Kenya

Dr. Joachim Osur

(Majestic Printing Works, 2011, 181 pp)

9966742247, \$32.00

IN *THE GREAT CONTROVERSY: A Story of Abortion, the Church and Constitution-Making in Kenya*, Dr. Joachim Osur narrates the debates, intrigues and battles around abortion in Kenya during the constitutional referendum that took place from 2009 through 2010. Having lived and worked in Kenya for nine years until 2011, I recognize his description of the forces that fought for women's right to safe and affordable abortion services in this country where more than 40 percent of births are unplanned; where each year an estimated 316,560 abortions—both spontaneous and induced—occur; and where one in 39 Kenyan women dies from pregnancy-related causes. Dr. Osur does a good job of depicting and analyzing the tendency to denial or hiding behind “moral” and “religious” standpoints that contributes to these stark statistics.

The book usefully demonstrates how a constitutional debate, originally intended to address the broad democratic and standard-of-living deficits in Kenya, turned into a debate on abortion and sexual and reproductive health and rights (SRHR). In the process, those who pretended to

uphold democracy and human rights then denied these fundamental principles by obstructing women's access to comprehensive sexual and reproductive health information and services—with the consequent suffering that can arise from

pregnancy and related complications. Maybe, as Njoki S. Ndungu suggests in the book's foreword, it is because “a man can walk away from a pregnancy and from the financial, social and educational, professional, physical and emotional responsibility of childbearing and child raising.” It is no surprise, therefore, that most of the religious leaders and other defenders of this point of view are men.

Dr. Osur depicts the constitutional debate as a trial: a trial of his faith as a Christian, of his professional ethics as a medical doctor and of his values as a democrat and humanitarian. He feared for his own life after being threatened by fanatics, and he feared the security of his employment because those opposed to him were in powerful positions. The doctor even feared for his children's access to schools, as many educational institutions are operated by religious groups.

Osur underwent this trauma because he was at the forefront of the battle to ensure that women's rights were respected during the creation of this critical legal framework for Kenya. He worked to ensure that, at a minimum, the phrase “life begins at conception” did

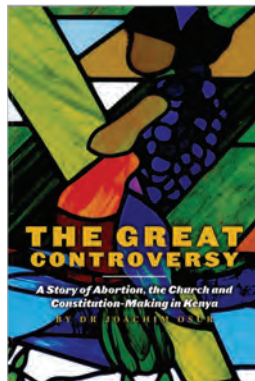
not become part of the fundamental law of Kenya, as demanded by some religious groups. Osur's fight led him to confrontations and alliances with societies of medical professionals, women's lawyers groups, members of parliament, civil society groups, NGOs and well-known personalities in Kenya.

The author also does a good job of documenting the reality of SRHR in the Kenyan context, especially the state of women's reproductive health with respect to childbearing and parenting, as well as the inadequacy of that health-care system's accessibility and delivery mechanism. Osur places these circumstances within a wider view that encompasses politicians, church leaders and their varying motivations to help or hinder SRHR in the elections. The international dimension of the debate is also an important part of this picture—US fundamentalists and evangelists providing financial and political support to Kenyan religious bodies.

Dr. Osur provides evidence of how the US Congressman Chris Smith and his group have tried to gain increased support for their views on abortion by inserting themselves in the Kenyan constitutional debate with allegations that the US government was using public funds to promote abortion in that country. This exportation of American abortion politics is a clear demonstration of how women's rights have an international dimension, and how foreign interests and funding are used to pressure developing countries into not exercising their own democratic rights.

Whereas the Kenyan constitutional debate needed to focus on critical issues related to land, decentralization, democracy and accountability, it was instead diverted to a moralistic debate about abortion. This shifted the argument to one of principles and faith, areas traditionally controlled by religious leaders. This strategy served to divert attention from the crucial economic and democratic debates at that time.

During this period politicians were—all too often—afraid of facing the brokers



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who influence their voters. Religious groups in Kenya have a powerful hold on communities through the churches, schools and medical facilities they operate, as well as through their land holdings. This gives them a hold on the electorate and thus leverage to pressure the politicians.

It is also to be noted that external forces, predominantly US evangelists, maintain a disproportionate level of influence in Kenya, beyond the debate on abortion. Ample political and financial resources allowed US fundamentalists and anti-reproductive rights groups to establish offices in Kenya and recruit local staff. This presence might yet prove to be a springboard for more aggressive action in other parts of Africa. The activities of these outside religious groups should be closely watched, as they are placed to continue advancing their agenda to deny access to sexual and reproductive health services needed by many.

The main message to take away from *The Great Controversy* is that determined individuals, groups and personalities can fight in extremely difficult situations against powerful opposition. Determination, coalition building and tactical approaches are critical. The battle is not yet won and it will continue. We must prepare ourselves for this long fight.

There are several other critical lessons to be learned from Dr. Osun's book. Those of us engaged with the SRHR movement must work to ensure broad-based support from communities at the grassroots level. We tend to focus on advocacy efforts aimed at policymakers and politicians. However, these groups are very much influenced by the electorate—the community. If we ensure the involvement and support of the community, it is likely that the politicians will listen to their constituents and support our cause. This analysis is regrettably not given adequate coverage by the author.

The opposition to SRHR uses simple and down-to-earth communication and mobilization messages and strategies. We must learn from their moves, as our messaging is often too sophisticated and

Beautiful Souls: Saying No, Breaking Ranks and Heeding the Voice of Conscience in Dark Times

Eyal Press (Farrar, Straus and Giroux, 2012, 196 pp)

Unlike Hannah Arendt's classic *Eichmann in Jerusalem*, which investigated the situation that turned an ordinary person into a Nazi war criminal, *Beautiful Souls* is meant to explore the opposite—what makes ordinary people overcome the pressure of their situations and instead follow their conscience for the common good? Case studies are woven together to reveal commonalities and differences between diverse subjects such as a Swiss border guard who refused to expel Jewish refugees, an Israeli soldier who does not want to serve in occupied territories, a whistleblower from the financial world and a Serb who saved the lives of Croats.

Press asks more questions than he answers, but the sources he evokes are solid, like the classic experiment by Yale psychologist Stanley Milgram that suggested that people will do anything they are told, including causing harm to someone else. Even as the author discounts circumstances as a determining force, he skillfully depicts the setting in which each case study takes place, not unlike Arendt's study. The book leaves room for a bit of mystery about conscience in general, but succeeds at telling several compelling tales about the individual conscience at work.

Of Homunculus Born: A Short History of Invisible Women

Barbara Bonnekessen (University Press of America, Inc., 2012, 135 pp)

Those who might not ordinarily be drawn to anthropology may be pleasantly surprised by this compact book that takes on Western culture's marginalization of women. *Of Homunculus Born* moves from the modern age's beginnings in Aristotle to future-facing questions about post-patriarchal possibilities scarcely allowed for in our time.

The author sees all of this through one very small lens: the homunculus, or the "little man" that Nicholas Hartsoeker, one of the innovators of the microscope, claimed to have seen in his studies of spermatozoa. Rather than a now-discredited scientific theory, Bonnekessen sees the homunculus as an ongoing tragedy that elevates the male contribution to reproduction while at the same time limiting women to this one function. She traces the many ways that men are put into the foreground of society and women forced into the background, discovering in this one image a pervasive mythology that our society tells about conception, childbearing, gender roles and sexuality.

By taking seriously the apparently innocent, pseudo-scientific tales told about the male-female binary, the book reveals some of the most fundamental disagreements between reactionary and progressive views about gender.

Homunculus helps isolate why some people are so exercised about abortion and LGBT rights, two of the issues that represent "a major wrench ... thrown into the not-so-smoothly turning gears of de/prescribing the proper household." Most of all the book shows that the myths about who we are, how our bodies work, how we love—or how someone else thinks we should do all these things—are worth paying attention to.

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analytical to appeal to the average person. Communication strategies that can resonate with people at a basic level are critical to gain support.

I encourage people in our movement to read this book for its emotional insight into a compelling period of Kenyan history. We can learn a lot from this case that can help shape our advocacy and

communication battles to ensure that every woman and man, of any age, all over the world, is able to live free of coercion, intimidation and denial of their rights. There will not be democracy, freedom and peace without fundamental sexual and reproductive health and rights being in place. Respect for life starts with respect for rights. ■

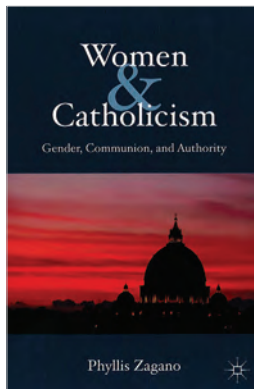
Forces They Cannot Control: The Hierarchy's Battle with Women

By Rosemary Radford Ruether

**Women and Catholicism:
Gender, Communion and Authority**
Phyllis Zagano
(Palgrave Macmillan, 2011, 203 pp)
978-0-230-11164-6, \$28.00

WOMEN AND CATHOLICISM: *Gender, Communion and Authority* focuses on three case studies, which show the complex interconnections between juridical authority, sacramental authority and gender in the recent history of the church. The author, Phyllis Zagano, a noted Catholic scholar who focuses on women in the church, is particularly known for advocating women's ordination to the diaconate. In this book she places a good deal of attention on the male hierarchy because she is filling in the backdrop against which the struggle for church reform of all kinds must be played out.

The first study focuses on Bishop Fabian Bruskewitz, bishop of the diocese of Lincoln, Nebraska, since 1992. Bruskewitz came into a diocese where Catholic reform groups were anxious for a fuller implementation of Vatican II reforms,



such as integrating laypeople into greater participation in the local church. At first, these reform groups hoped he would be more open to their concerns than the previous conservative bishop, but they soon realized that they were

dealing with an even more rigidly traditional figure dead set against laypeople's, particularly women's, participation in parish liturgy as lectors, Eucharistic ministers and altar servers.

Bruskewitz entertained a highly autocratic view of the power of his office. For him, each bishop was the supreme leader of his diocese, reporting directly to Rome. He rejected Vatican II's encouragement of collegiality between bishops, expressed through the institution of the United States Conference of Catholic Bishops (USCCB). His exercise of power in his diocese, combined with a refusal to consult with the USCCB on his policies, resulted in intense confrontations with Catholic reform movements.

Bruskewitz' friction with lay reformers began when he refused the overtures of the CALL movement (Catholics for Active Liturgical Life), which called for women lectors and Eucharistic ministers. The conflict soon turned into

an all-out war with Call to Action, a liberal Catholic reform organization, which CALL members soon joined. Bruskewitz became convinced that the views advocated by Call to Action (both locally and nationally) were completely contrary to Catholic teaching. In 1996 Bruskewitz issued formal guidelines excommunicating any Catholic in his diocese who belonged to Call to Action, lumping it with various other groups such as the Masons, Planned Parenthood, the Society of Pius X, Catholics for Choice and the Hemlock Society, all seen as "forbidden societies" by the ultra-orthodox. Most of these societies were not relevant to the Lincoln situation, so this list was a way of making Call to Action appear to be more radical than it really was.

In taking this line with Call to Action, Bruskewitz ignored the policies of the USCCB, which had already defined a position of tolerance toward this movement. Bruskewitz also ignored the guidelines the national bishops' conference was developing on preventing sexual abuse of children by priests, insisting on dealing with this question by himself and in secrecy. Zagano sees Bishop Bruskewitz as a major example of a prelate who claimed his juridical authority in direct relation to the Vatican in a way that refused to concede the new developments of collegiality that had emerged in Vatican II reform movements.

Zagano's second case study has to do with Emanuel Milingo, the first African Archbishop of Lusaka, Zambia. Milingo aroused the nervousness of local church authorities, and eventually the Vatican, by his cultivation of African traditions related to the healing of evil spirits and his outspoken criticism of injustice to the poor. White missionaries objected to Milingo's embracing the very African traditions from which they saw themselves as liberating Africans by Christianizing them, while the Zambian government did not care for his social justice message.

Milingo was encouraged to stop his healing ministry, which he did for a

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while, and then took it up again. Ordered to retire to Rome, he developed a similar healing ministry in Italy. He then suddenly broke away from the Catholic church and married in a blessing ceremony of the Unification Church. Ordered to separate from his wife, Milingo submitted to Rome, but again broke away and established a new ministry, starting in the United States, to ordain married men to the priesthood. Opposition to celibacy and the reclaiming of married former priests for the priesthood became a global crusade for Milingo against what he saw as a sexual tradition that was responsible for many kinds of abuse.

have never been ordained and so the church has no authority from Christ to do so now.

The prospect of Catholic ecumenical reconciliation with Anglicanism was challenged when the Church of England moved to ordain women as priests and then as bishops. There was also the case of the Czech underground church that ordained both married men and women. These challenges came to a head when some radical bishops claiming apostolic authority ordained seven women priests on the Danube River in 2002. Some of these women priests were then ordained bishops. They, in turn, began to build a movement of ordained Roman Catholic women in Europe, Canada and the US.

even the “attempt” to ordain a woman to be a “grave crime.”

Yet this movement shows no signs of slowing down, and the Vatican’s attacks look increasingly impotent and divorced from reality. Zagano examines this case in terms of the conflict of juridical with sacramental authority. The claims of valid sacramental power through their founding bishops continue to put in question the Vatican claim that ordination of women “cannot happen.”

Zagano’s style of writing is based on a detailed examination of the legal and sacramental traditions of Catholic authority and how these traditions can fall into conflict with each other. She carefully avoids taking a position on

Increasingly, churches whose ministries Catholicism accepts as valid began to ordain women.... This tradition of the female diaconate conflicts with the Catholic insistence that women have never been ordained....

Despite his radical conflict with Vatican authority, Milingo remains an archbishop and so retains the sacramental power to ordain. The author views this case as a conflict between the juridical power of the Vatican’s enforcement of celibacy and the sacramental power exercised by ordained bishops.

Zagano’s third example has to do with women’s ordination and the movement of Roman Catholic Women-priests, which has defied the Vatican insistence that ordained women cannot be allowed in Roman Catholicism. The movement to ordain women has been building in Christian churches since the 19th century. Most Protestant churches moved to ordain women as ministers and bishops in the mid-20th century. Increasingly, churches whose ministries Catholicism accepts as valid began to ordain women. Eastern Orthodoxy restored the female diaconate, as did the Old Catholic Churches. This tradition of the female diaconate conflicts with the Catholic insistence that women

The Vatican rolled out its full power of retaliation against those in this movement, declaring that they incurred *latae sententiae* excommunication, that is, excommunication without investigation or trial, but merely by the fact of their actions. In July 2010, the Congregation for the Doctrine of the Faith declared

these conflicts, although it is evident that she favors women’s ordination to the diaconate. Her three cases make clear that when sacramental authority and juridical authority collide, the Vatican and bishops’ conferences are sometimes left shouting at forces they cannot control. ■

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From the Front Lines: Dr. Peter Piot and the AIDS Epidemic

By Paul Zeitz

No Time to Lose: A Life in Pursuit of Deadly Viruses

Peter Piot

(W.W. Norton & Company, 2012, 304 pp)

978-0393063165, \$28.95

DR. PETER PIOT, FOUNDING Executive Director of UNAIDS, the UN Special Programme on HIV/AIDS, and current dean of the London School of Tropical Medicine and Hygiene, presents a surprisingly candid and enlightening mid-life memoir in *No Time to Lose*. Piot's experience as a leading global health pioneer represents a critically important and poignant crossroads in the global AIDS movement.

Stories from Piot's early life reveal his unique personality—a hard-nosed scientist who sought the truth with the most rigorous of scientific and epidemiological methods available, and a man who felt a deep compassion for the human experience of those living in squalor and poverty in sub-Saharan Africa. Piot's passion for the investigation into infectious diseases began when, as a young father with a comfortable research life at the Institute of Tropical Medicine in Antwerp, Belgium, he leaped into the depths of the first recog-

nized Ebola outbreak investigation in the late 1970s. The passages about his first experiences working in Sub-Saharan Africa recall the extremely primitive state of infectious disease epidemiology and laboratory investigation, illustrating how rapidly modern biomedical technology is changing our ability to prevent and respond to infectious diseases and other global crises.

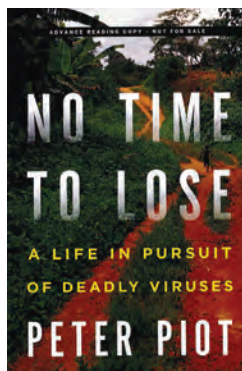
If Piot comes across as the Indiana Jones of the deadly viruses who easily surmounted any challenge, the reader also grasps how much luck was involved in his survival of these pathbreaking field experiences. The author was one among many who carelessly handled life-threatening Ebola-infected blood products, despite the awareness of a likely fatal outcome to all those exposed. The advent of "universal precautions" seems even more prudent in light of these anecdotes from a very recent past when lab workers and investigators of infectious disease worked without these safeguards. The author shares the gruesome story of avoiding a dangerous helicopter journey with an intoxicated pilot—only to have to deal with retrieving the corpse in the crash aftermath and the reactions of

locals blaming witchcraft for his uncanny survival.

In addition to physical hazards, Piot was also confronted with the cross-cultural politics of global health. This required the Belgian-born doctor to overcome the painful colonial legacy of his country's impact on the people of Zaire while navigating the Mobutu regime and the competitive dynamics of modern day global scientific institutions and personalities. Though unprepared for these conflicts by his medical training, Piot emerged as a skillful broker between his interests and those of others—including Americans, other Europeans and his host country leaders, to name a few. With all these competing agendas, it is impressive that Piot maintained a focus on protecting the needs of individuals—especially those who were disadvantaged—over the ego-driven needs of institutions and scientists.

UPON HEARING THE FIRST reports of Gay-Related Immune Disease (GRID) over 30 years ago, Dr. Piot quickly identified a similar ailment in heterosexual Africans and men who had sex with men living in Belgium and launched the first pioneering investigations of related ailments through his networks in sub-Saharan Africa. Piot also helped counter the political resistance to the evidence of the heterosexual transmission of HIV, and convinced leaders that the pandemic would cross all social and geographical boundaries to become a worldwide threat.

No Time to Lose also chronicles the author's efforts to catalyze a global coalition to respond to a worsening global HIV/AIDS pandemic from the formative years of UNAIDS in the mid-1990s until today. As I am keen observer of and participant in the global AIDS movement—one of the "angry" activists that held Peter accountable while he served as head of UNAIDS—I found this section simultaneously infuriating, informative and revealing, and definitely worth the read.



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While the author acknowledges that the book is a memoir that does not try to document a full account of this era, the many critical lessons from this phase of global health history do merit an in-depth historical review. And the driving question behind *No Time to Lose*—whether this one doctor did everything that he could to save as many lives as possible—is the question all of us should ask ourselves today.

Likewise, Piot's struggle with the Catholic hierarchy's opposition to condoms begs the question of whether we are doing all we can do save lives, while revealing a few important blind spots. He relates the stories of Catholic health-care workers in Africa who were distributing condoms while he stayed silent in the face of Pope John Paul II's public opposition to the use of condoms to prevent HIV transmission, even for discordant couples—despite his frustration with the policy. In 2003, however, the doctor drew a line in the sand and was willing to take on Cardinal Alfonso Lopez Trujillo, head of the Pontifical Council of the Family, when the cardinal stated publicly that condoms do not prevent HIV because the virus is so small that it can penetrate through the pores of a condom. Piot's willingness to stand up to the hierarchy and hold it accountable for spreading such misinformation led to high-level negotiations in which church leaders promised to avoid making these kind of statements.

TO THIS DAY, I CANNOT UNDERSTAND why Piot and other UN leaders remain silent in the face of Catholic leaders who, as representatives of the Holy See, distort science for their own purposes, especially when, in the case of HIV/AIDS, this compliance leads to unnecessary infections, disease and death. If global health leaders would use their voices as advocates for public accountability to call for a robust adherence to evidence-based policy, then perhaps many more HIV infections could have been prevented and more lives saved. Even today, these flawed

Pluralism and Freedom: Faith-Based Organizations in a Democratic Society

Stephen V. Monsma (Roman & Littlefield, 2012, 227 pp)

What exceptions can religiously based institutions like charities and hospitals rightfully claim? This question has been hotly debated in the US, but the recent tone of the rhetoric is so inflamed that it is difficult to have a reasoned conversation about it. *Pluralism and Freedom* comes very close to achieving this. The book provides resources such as Supreme Court decisions and information on constitutional interpretations of religious freedom that will be useful for readers of any political background. Monsma's assumptions are so unobtrusive, in fact, that the reader may be surprised to read a calmly worded religious justification for discrimination against LGBT individuals. In general, the book tends to award many more exceptions for faith-based institutions than those who focus on individual conscience rights would feel comfortable with. Though the author ends up in certain conclusions that may not sit well with some people, he begins in the right place, and the assembly of primary sources will be useful for readers from all parts of the political spectrum.

Sex, Celibacy & Priesthood: A Bishop's Provocative Inquisition

Lou A. Bordisso, OSJV (iUniverse, 2011, 91 pp)

Sex, Celibacy & Priesthood was written by Lou A. Bordisso, a therapist who has treated ordained clergy and lay ministers who is a Bishop Emeritus within the American Catholic Church in the United States (ACCUS). Though the ACCUS is not in communion with Rome—it allows women's ordination and openly gay clergy—the priests interviewed in the book are all ordained in the Roman Catholic church. As such, they are subject to Canon 277 of that church's law, which says that "clerics are obliged to observe perfect and perpetual continence." What does this mean in human terms?

This book is a cross-section of the struggles of priests trying to live within the mandate of priestly celibacy, including some who have chosen to reject it. These intimate narratives reveal the process by which individual priests come to different conclusions about how their sexuality relates to their vocation. Interestingly, many participants refer to the loneliness that comes from not being allowed to talk about their sexuality—often not with peers and certainly not with superiors—or from disagreeing with some of the hierarchy's political positions on issues like homosexuality or priestly celibacy.

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policies are being translated into ill-conceived programs on the ground in Africa.

Piot's book reveals that UN leaders actually have the ability to choose when and how to draw the line against anti-science crusaders. Thus, his willingness to confront gross distortions of scientific data, while at the same time justifying years of passive silence with respect to papal opposition to condoms was, in my view, a tragic contradiction.

Surprisingly, the book barely mentions the author's scathing battles with President George W. Bush's administration on their ideologically driven prevention policies requiring abstinence-only programming, forcing African groups to sign anti-prostitution loyalty oaths and preventing family planning services from being effectively integrated into AIDS treatment services. While some US activists were vocally opposed, UNAIDS remained silent as