

America

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A Great New American Museum

LEO J. O'DONOVAN



Bipartisan Blues
THOMAS R. MURPHY

OF MANY THINGS

Peace is what we seek—in the world, sure, but I would settle for a little more peace in the living room first. That's our latest goal at home. With four squabbling siblings, two exasperated adults and two canine child-distraction units running about, the Clarke household can be a loud and unruly place.

But it's not really the volume we are attempting to restrain; it's the negativity. A lot of the noise proceeds directly from angry shouting, verbal violence: sibling versus sibling, parent against child and, yes, sometimes even in direct spouse-to-spouse combat. My wife has instituted a new regime aimed at transforming the Clarks from loud and horrible to peaceful and lovely. After establishing a schedule of chores and corresponding payments, she has prominently displayed a "Peace" jar in the kitchen. Outbursts of unpleasantness, whether that be hitting or screaming at a sib, talking back to a parent and yes, even yelling in a most undignified manner at a child, will be penalized with a fine: \$1 for children; \$5 for adults. At the end of the month we'll do something fun with the money. At the rate we are going, that may mean a trip to Disneyland or a new Ferrari. (Who knew we could afford it?)

This is not the first such effort at household harmony, and it will probably not be the last. I've discovered that parenting is something like the job of a Star Trek Enterprise security officer confronting Borg intruders. As the mindlessly malevolent Borg adapt to each defensive action, one has to recalibrate phaser frequencies to remain effective.

Naturally the best way to teach children to be peaceful is to be peaceful oneself. Alas, I have frequently failed in this ambition, surrendering to my anger, even giving it full voice. There is no parental pang more painful than hearing one of your children speak angrily to another and recognizing the cadence, tone and, naturally, the words. Your words. Yes, it's your own awful-

ness. It's what you taught them.

I will not advise you to resist wallowing in self-loathing when such a moment arrives. Go ahead. Luxuriate in it. You've earned it. But don't lose heart; don't give in to despair. I don't know any perfect parents, but I know some who have given up. You will fail, sometimes spectacularly, but you have to get up the next morning, recalibrate your phaser and start over. Forget perfection, but find hope in progress and remain obstinately set on your goal: offspring who are slightly less damaged and less damaging than you are. Maybe instead of infant caricatures of my worst moments I will one day get to see the better parts of my nature likewise replicated by my children.

So, like my wife and the peace jar, I run through a number of techniques to keep anger at bay, to be the model of peace I want to be. I have stomped out of rooms and walked around the house; closed myself off in the bedroom for sanity breaks; but most often I reach for the prayer of St. Francis, repeated sometimes with rising urgency, "Lord, make me an instrument of your peace."

As part of our peace offensive, at a recent bedtime I attempt to teach my two oldest boys this little trick. El Segundo hoots derisively after I recite the prayer. "That makes no sense," he says, beaming diabolically. "Make me a what? A instrument?! What's 'instrument' got to do with it?" He's rolling on the bed now, cackling at the absurdity of it all.

"Well, it's a different kind of instrument," I begin, calmly, before El Primero interrupts.

"No, Aidan," he says, drawing out his brother's name in exasperation, "It's not like a violin. It's like if I go to a village and wipe it out with bombs and machine guns, I'm like an instrument of destruction."

See now. There's progress. He knows what *instrument* means.

KEVIN CLARKE

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CONTENTS



ARTICLES

- 13 **STATE OF DISUNION**
How do we cross our bipartisan divides?
Thomas R. Murphy

COLUMNS & DEPARTMENTS

- 4 **Current Comment**
- 5 **Editorial** Drone War Under Law
- 6 **Signs of the Times**
- 10 **Column** Sincerely Yours...
Thomas Massaro
- 17 **Faith in Focus** Interrupting Grace
T. B. Pasquale
- 27 **Letters**
- 29 **The Word** Christ Our Shepherd; Identity Crisis
Peter Feldmeier



BOOKS & CULTURE

- 20 **ARCHITECTURE** The Barnes Foundation's new campus
BOOKS *The Collapse of American Criminal Justice;*
No War for Oil; The Coming Revolution



ON THE WEB

Nancy Sylvester, I.H.M., right, reflects on the journey of women religious since Vatican II. Plus, John A. Coleman, S.J., surveys America's many **Shakespeare** festivals. All at americamagazine.org.



Health Care Benefits

President Obama's signature legislative achievement, the Patient Protection and Affordable Care Act, survived scrutiny by the U.S. Supreme Court with the unexpected support of Chief Justice John Roberts in an opinion that preserved health care reform and may help restore public faith in the highest court in the land. Health care reform in the United States can now move forward according to its pre-established timeline of expanded services and coverage.

Parts of the reform package already implemented allowed millions of people who had been denied health care because of pre-existing conditions to acquire health insurance. It has also extended coverage to more than three million young people under their parents' plans during a period after college when most went without the protection of health insurance. By eliminating lifetime limits on coverage, the Affordable Care Act has already protected families burdened by accident or disease from ruinous health care expenses. Now the law will extend Medicaid to millions more uninsured people and establish insurance plan exchanges, an essentially free-market fix.

Difficult issues remain. The reform creates the possibility that federal money may be used for abortion procedures. Reform has also occasioned an unwarranted intrusion into religious institutional identity. As the law takes effect, modifications are needed to address these concerns.

More Than PR

It has never been easy to publish a diocesan newspaper. Serving both the local church and the Catholic public often leads to moments of tension. Catholic editors must learn to work fruitfully with their diocesan bishop, then renegotiate that relationship every time a new bishop is named to lead the diocese. In too many cases, local Catholic papers have become mere public relations vehicles for their bishops, with the result that their readership has dwindled.

In June, two reputable diocesan newspapers received troubling news. The Archdiocese of Minneapolis withdrew recognition from the union that represented the journalists at the award-winning Catholic Spirit; a reduced staff will be moved to the communication office. In Philadelphia the archdiocese announced that The Catholic Standard and Times would be shuttered, after 117 years of publication, and replaced by a Web site. The closing was part of a diocese-wide budget reduction plan. Some Catholics may not mourn the decline of local papers, but they should. At their best, Catholic papers report news that Catholics

would not find anywhere else. They also serve as an essential catechetical tool and help connect Catholics with their fellow believers in the diocese and across the world.

It may be necessary for some print papers to cease publication, but dioceses should seek to provide responsible alternatives online. Too many Web sites that focus on the church are biased and uncharitable. The most respected Catholic newspapers follow standard journalistic practices. The same standards should apply online. As Archbishop Claudio Maria Celli, president of the Pontifical Council for Social Communications, told attendees at the Catholic Media Conference in June: "The Catholic press has to live up to the same professional and ethical standards as the press in general: the search for truth, fairness in reporting, respect for human dignity."

'Free-Market' Prisons

In prison for assaulting his girlfriend, David Goodell was transferred to a halfway house in Newark; but he soon walked out, found another girlfriend and killed her. Derek West Harris, a friendly barber guilty of \$700 in unpaid parking tickets, was sent to Newark's 900-bed Delaney Hall, a rehabilitation house for minor offenders. On his third day there three gang members killed him over three dollars.

These institutions in New Jersey are not state prisons but part of a national network of private prisons operating under the name Community Education Centers. According to a 10-month investigation by The New York Times, they are ungovernable failures in which drugs, murder and chaos rule. Their staffs, which include no corrections officers, are untrained and incompetent. At least 5,100 inmates have escaped since 2005—mostly by not returning from work-release. Eighty-five are still at large. Since Chris Christie became governor of New Jersey, at least 1,300 inmates have escaped in 29 months. In 2011 no one escaped from the state prisons.

Private-enterprise prisons are to the American penal system what Blackwater was to Iraq. The government passes off its solemn responsibilities for security and policing to companies that are responsible primarily to their stockholders. This is not free-market competition; it is living off government contracts in a system where state prisons rent empty beds in private prisons and transfer violent criminals into halfway-house dormitories. Politicians' real moral and legal obligation should be to keep the prisons in line. Instead, Governor Christie lobbied for Community Education in 2001 and put the son-in-law of the company's chief executive on his office staff in 2010.

Drone War Under Law

Drone warfare presents new challenges to the way the United States wages war. Under President Obama drone attacks have become the characteristic way this country fights terrorism. The United States now routinely employs drone attacks in Afghanistan, Pakistan, Somalia and Yemen. Recent revelations by the reporters David E. Sanger (in *The New York Times* and *Confront and Conceal*) and Daniel Klaidman (*Kill or Capture*) make it possible now to do informed ethical and legal analyses of the president's use of drones in counter-terrorist attacks on Al Qaeda and its confederates.

Drone strikes are now conducted out of the White House, with the president himself approving targets. The president's direct role in this process is problematic. The head of a democratic state should have distance from the application of force, both to avoid the risk of international prosecution for wrongful use of force and also to ensure that those professionally responsible for the control of force are accountable to a system of military justice and international humanitarian law. To that end, the Law of Armed Conflict needs to be updated to include issues of counter-terrorist drone warfare, and intelligence services routinely engaged in antiterrorist attacks should be made subject to it.

Another practice requiring closer attention is that of signature strikes, so-called because facts on the ground, particularly the presence of fighting-age men, are taken as a "signature" of terrorist activity and therefore of a legitimate target. Without further on-the-ground intelligence, however, it is hard to know whether such clusters are made up of convinced terrorists or mere bystanders. So the conventions of military ethics that make those who actively threaten the United States legitimate objects of direct attack are stretched in a way that will inevitably result in the deaths of nonthreatening civilians. Clearer restraints on signature attacks are necessary.

The targeting of alleged terrorists also raises questions of extrajudicial killing of suspects without due process. The experience of the selling of the Iraq War in 2003 by means of false and mistaken information should make the public dubious of intelligence as a warrant for execution from the air. Due process must mean more than careful deliberation by officials. The authority and conditions for killing suspected terrorists must be clarified in both U.S. and international law. U.S. antiterrorist law ought to reflect John Adams's proposition that ours must be a government of

laws, not of men.

The ability of drones to penetrate foreign air space has also played havoc with traditional principles of sovereignty and noninterference along with the prohibition in international humanitarian law against military strikes on neutral territory. In the past, these principles deterred attacks on foreign soil. The spread of global terrorism and the availability of smart weaponry, however, have eroded those diplomatic restraints; and President Obama has invoked the right to self-defense in ordering these attacks even when the local governments object.

Sovereignty and noninterference play important roles in reducing the occasions for armed conflict. No one exception harms the rules, but the cumulative effect of repeated violations is deleterious for the international system. As President Obama insists, the United States does have a duty to protect its citizens from attack, arguably even to striking on foreign soil when a second government cannot or will not police the terrorists on its own. But the more the United States invokes the self-defense justification in attacks on foreign soil, the more other countries have an incentive to do the same.

Already world public opinion has come to resent the freedom with which the United States employs drone strikes in its antiterrorist campaign. At the same time, more than 50 countries now possess drones. (In late June, Bolivian police destroyed 240 jungle drug labs detected by Brazilian surveillance drones.) How long will it be before one or more nations begin to employ these weapons for cross-border strikes? How long will it be before terrorists target drones against sites within the United States? The proliferation of drone technologies and the growing risk of their use by rogue regimes and terrorist groups point to the urgent need for an international convention to set standards for the use of drones in cross-border operations.

Absent an international convention, U.S. interest lies in upholding international standards for nonintervention even as diplomats work in the long term to adapt international law to the reality of combat with non-state actors, like Al Qaeda. Given the proliferation of drone technology, American exceptionalism in its application will be short-lived. The United States can better advance its long-term security with a global compact than without one.



SIGNS OF THE TIMES

ARAB SPRING

Christians, Secularists in Egypt Cautious After Islamist Victory

Many Christians in Egypt looked on uneasily as Mohamed Morsi was declared the nation's first democratically elected president on June 24. The election of Morsi, chairman of the Muslim Brotherhood's Freedom and Justice Party, has fed fears that Islamists will use their political mandate to impose Islam-inspired restrictions on dress and behavior. But the new president, in negotiations with the nation's ruling military council over what powers he will be allowed to wield, quickly pledged "to be a president for all Egyptians."

"We have to accept Morsi, and now we will see what he will do," said Michel Agram, a 45-year-old worshipper at the Melkite Catholic Church in Cairo's Heliopolis district on June 25. "Not all Egypt wants Morsi. You can see that from the results," Agram said. "I would hope [Morsi] knows this and will act accordingly." Morsi won a narrow victory over Ahmed Shafiq, the last prime minister under the ousted President Hosni Mubarak. Shafiq had been viewed as the candidate most likely to protect the interests of Egyptian secularists and Christians. He left Egypt soon after Morsi's victory was confirmed.

A statement to Morsi from the Coptic Catholic Church on June 25 praised his apparent "willingness...to work with skilled people of all groups and sectors of society to achieve the common good." It continued: "We pray that the Lord gives you success...in developing the institutions necessary for the realization of a modern democratic civil state—a state that respects the rights and freedoms of everyone and guarantees security, peace and social justice."

The declaration of Morsi as the winner of the run-off vote on June 16 and 17 followed a week of uncertainty, during which Egypt's military ruling council introduced constitutional amendments that stripped the presidency of most of its powers and disbanded Parliament, giving the generals legislative authority and oversight in the drafting of the constitution.

As a candidate Morsi promised a "civil, democratic, constitutional and modern state." He has said his administration will include women, secularists and members of Egypt's Coptic

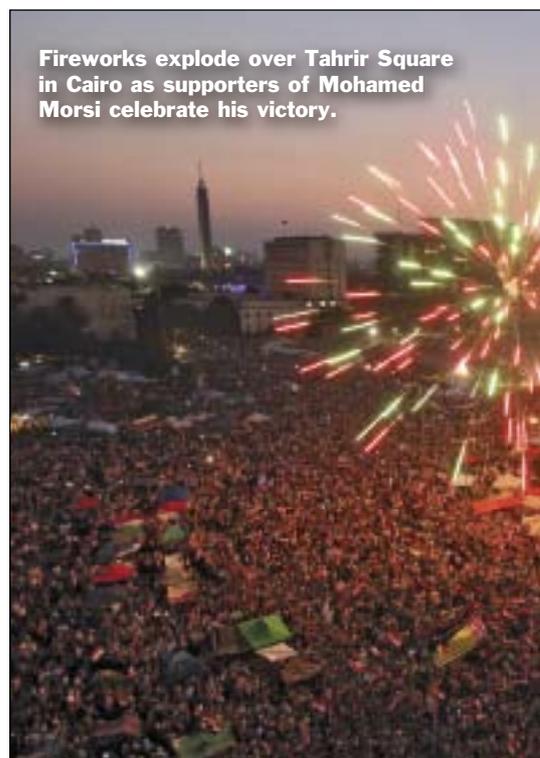
minority in key positions, pledges met with skepticism by many Christians.

"It's our tough luck to have Morsi for four years to come," said Amgad Wahby, 35, standing outside the Catholic basilica in Cairo. "[The Muslim Brotherhood] have to change their priorities in order to survive. They need to try to be lenient at the beginning, but in the future they will probably try to return to their old, autocratic style," he said.

The Rev. Rafic Grieche, spokesperson for the Egyptian Catholic bishops' conference, noted that Egypt's Christians had lived under Islamic regimes for 1,400 years. "We hope Morsi will be a just ruler," said Father Grieche. "Mubarak's time was not fair, and I do not think Morsi could be worse."

"At the same time," Father Grieche said, "the people of Islamic tendencies will be working to Islamicize the society. You don't need laws to do this. It

Fireworks explode over Tahrir Square in Cairo as supporters of Mohamed Morsi celebrate his victory.



can happen in day-to-day life," when for example, an employer might opt to hire a woman wearing a veil rather than one who does not.

"I'm disappointed, but I am not afraid," Farah, 17, another worshiper at the Melkite Catholic Mass, said. "God is there to protect us; life will go on. If the worst happens and they try to make changes, then we will object. We will start another revolution. We won't just give up."

HEALTH CARE REFORM

Bishops Urge Congress to 'Fix' Reform's Flaws

The U.S. Supreme Court's decision to uphold health care reform, the Patient Protection and Affordable Care Act, makes it even more urgent for Congress to act



to fix the law's "fundamental flaws" on abortion funding, conscience protection and immigrants' access to health care, the U.S. bishops said. The court ruled on June 28 that the commerce clause of the Constitution did not offer cover for the extension of federal authority required to enforce the individual mandate included in the Affordable Care Act. But in a decision that overturned the expectations of many court watchers, Chief Justice John Roberts argued that the law still passed Constitutional muster as an exercise of Congress' powers to tax.

"The Affordable Care Act's requirement that certain individuals pay a financial penalty for not obtaining health insurance may reasonably be characterized as a tax," Chief Justice Roberts wrote in the majority opinion. "Because the Constitution permits such a tax, it is not our role to forbid it, or to pass upon its wisdom or fairness." In a 65-page opinion announced by Chief

Justice Roberts, five members of the court essentially let the Affordable Care Act stand in full, rejecting only the act's threat to punish states that resist its expansion of Medicaid by withholding all federal Medicaid funding.

Commenting on the decision shortly after it was announced, the U.S. Conference of Catholic Bishops said it "neither diminishes the moral imperative to ensure decent health care for all, nor eliminates the need to correct fundamental flaws" in the law

The Pro-Life Office statement added that the conference "has not joined in efforts to repeal the law in its entirety, and we do not do so today" before arguing that the A.C.A. is in need of repair. The bishops argue that the law "allows federal funds to pay for elective abortions," and they charge it "fails to include necessary language to provide essential conscience protection...illustrated in dramatic fashion by [the Department of Health and Human Services'] 'preventive services' mandate, which forces religious and other employers to cover sterilization and contraception." The bishops also argue that health care reform leaves immigrant workers and their families "worse off by not allowing them to purchase health coverage in the new exchanges created under the law, even if they use their own money."

Other Catholic voices were more enthusiastic about the decision. "We are elated," said Simone Campbell, of the Sisters of Social Service, the executive director of Network, a social justice lobby based in Washington, D.C. "We know that this pro-life decision will save many,

many lives," she said. "Knowing that people with pre-existing conditions cannot be denied coverage and that young people can continue to stay on their family healthcare policies is wonderful news for every family and individual."

Carol Keehan, a member of the Daughters of Charity who is president and chief executive officer of the Catholic Health Association, was pleased that the health care law "has been found constitutional and will remain in effect." The association had played a pivotal role in the A.C.A.'s passage in March 2010. "In the coming weeks and months, we will continue working closely with our members, Congress and the administration to implement the A.C.A. as fairly and effectively as possible," Sister Keehan added.

Court cases and conflict around A.C.A.'s new requirements for contraception services in health care packages were unaffected by the decision. The C.H.A. has joined U.S. bishops in urging the government to expand its definition of religious employers who are exempt from the new requirement.



Supporters of the administration's health care reform law demonstrate in front of the U.S. Supreme Court building in Washington on June 28.

Free AIDS Drugs

Cardinal Tarcisio Bertone, the Vatican secretary of state, called for free universal access to AIDS drugs and therapy and insisted this begin by giving antiretroviral drugs to H.I.V.-positive pregnant women. “We cannot continue to tolerate the deaths of so many mothers; we cannot think of thousands of babies as a lost generation,” said Cardinal Bertone on June 22, speaking at a conference in Rome on preventing mother-to-child transmission of H.I.V., sponsored by the lay Community of Sant’Egidio. The community runs Dream, a free AIDS prevention and treatment project operating in 10 African nations. Cardinal Bertone said the results of Dream and research by the World Health Organization “confirm that universal access to care is achievable, scientifically proven and economically feasible.” According to Sant’Egidio, 60 percent of those living with H.I.V.-AIDS in sub-Saharan Africa in 2010 were women, and AIDS was the leading cause of death in women of childbearing age.

Bus Stop

A big, colorful bus sponsored by Network, a Catholic social justice lobby based in Washington, D.C., stopped in Dubuque, Iowa, on June 19, the second day of a 15-day tour through nine states called “Nuns on the Bus: Nuns Drive for Faith, Family and Fairness.” The bus parked outside Maria House, which provides emergency transitional housing for women, to highlight the work of Catholic sisters and their collaborators, whose ministries serve the poor. “We come today to speak out, to complain that the House budget proposed by Congressman [Paul] Ryan is wrong, wrong, wrong,” said Simone Campbell,

NEWS BRIEFS

In Belfast on June 27, Queen Elizabeth of Britain shook hands with Deputy First Minister Martin McGuinness, a former Irish Republican Army commander, in a long-awaited encounter symbolizing progress on reconciliation in **Northern Ireland**. + Responding to criticism of poorly handled public relations, the Vatican hired Fox News correspondent **Greg Burke** on June 23 as its “senior communications adviser.” + The **Society of St. Pius X** rejected on June 25 as “clearly unacceptable” a Vatican doctrinal document that was supposed to lay the foundation for the group’s reconciliation with Rome. + On June 22 Msgr. **William J. Lynn** of Philadelphia became the first high-ranking U.S. Catholic clergyman to be convicted of a crime associated with the handling of priests accused of child sexual abuse. + Facing a \$17 million shortfall in 2012, Archbishop **Charles J. Chaput** of Philadelphia announced an administrative reorganization that will cut 40 jobs and close the 117-year-old diocesan newspaper, *The Catholic Standard and Times*. + Eight parish mergers, three elementary school closings and the creation of a consortium of five other elementary schools were among the proposals accepted by Omaha Archbishop **George J. Lucas** on June 19.



The handshake

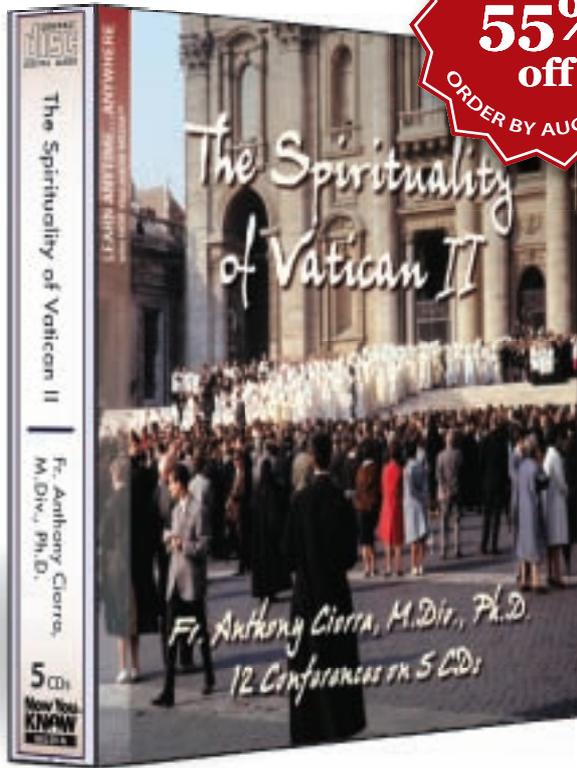
of the Sisters of Social Service, the executive director of Network. She said the country’s debt is not due to Social Security and Medicare benefits but resulted from starting two wars and not raising taxes to pay for them. “We need to be responsible; we need to pay for the programs we believe in, and we need to invest in the future,” said Sister Campbell. “That’s what a faithful budget would do.”

Humanitarian Studies

Earthquakes, oppression, floods and famine are just some of the targets of the Jesuit Universities Humanitarian Action Network, an initiative to educate undergraduates at Jesuit-run universities about the humanitarian crises such disasters cause and how best to

respond to them. The initiative was formed as a result of discussions among Jesuits about students’ enthusiasm for humanitarian efforts and the fact that such enthusiasm needs direction. “We felt that young people’s passion for helping people wasn’t being well-channeled. They would raise money to buy blankets or something and send them down to a crisis center, but it was an unsophisticated approach,” said Rick Ryscavage, S.J., director of Fairfield University’s Center for Faith and Public Life. The network intends to create an integrated curriculum in Jesuit schools worldwide to prepare undergraduates for careers in humanitarian work.

From CNS and other sources.



Celebrate the Year of Faith

50 years ago, over 2000 bishops, theologians, and lay participants from 116 countries gathered in St. Peter's Basilica. This assembly of minds was the twenty-first ecumenical council of the Church, the Second Vatican Council. Led by Popes John XXIII and Paul VI, what emerged was an intense examination of the voice and promptings of the Holy Spirit. The 16 council documents are as relevant today as ever—indeed, Pope Benedict XVI proclaimed 2012–2013 as the “Year of Faith” in honor of the anniversary of Vatican II.

Now, you can discover how the spirituality of Vatican II can ignite your faith today. In *The Spirituality of Vatican II*, you will explore the council documents with Fr. Anthony Ciorra, Ph.D., a leading expert on Catholic spirituality who was awarded the *Pro Ecclesia et Pontifice* honor by Pope John Paul II. Both timely and timeless, this course provides a model of personal growth that will help you encounter the issues and concerns faced by the Church in the twenty-first century.

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Sincerely Yours...

Is there anyone busier than a pope? Especially in these “interesting” times for our church and world, I imagine that the occupant of the Chair of Peter enjoys precious little time for actual lounging. The bewildering array of duties of the papal office would weigh heavily on any mortal being, no matter how young and vigorous. If I ever found myself within earshot of anyone faulting Pope Benedict for allowing some item of business to fall through the cracks, I would be the first to come to his defense on this score. There are just so many objects to juggle for the leader of the universal church.

Yet there is one agenda item I would hasten to recommend as a higher priority: the more frequent production of papal encyclicals than has been the case lately.

As a theologian, I have developed an especially acute enthusiasm for the publication of encyclical letters, the sort of momentous work that only a pope can initiate. As a recent visitor to my office commented while perusing the contents of my bookshelves, I collect texts of encyclicals the way some people collect baseball cards. I quickly replied that I track both the quantity and quality of these papal teaching documents and added that I am rarely disappointed when a new encyclical appears.

Perhaps I am experiencing a touch of withdrawal syndrome, as this month marks the third anniversary of the latest encyclical, “Charity in Truth”

(“Caritas in Veritate”), released on July 7, 2009. While it is probably an exaggeration to claim that the faithful throughout the world have been obsessively checking their inboxes for three years for another teaching letter in this highly authoritative genre, it is hard to deny that another is overdue.

We can review this pope’s encyclical publication record in a jiffy. Benedict’s first such letter, “God Is Love” (“Deus Caritas Est”), appeared during his first year in office. It was dated Christmas Day 2005, though it was not actually released until several weeks into 2006. (As term paper deadlines approach, my students often express envy of this papal prerogative of delivering a text well after the date indicated, like post-dating a check). As the title suggests, Benedict’s first encyclical treated the greatest of the three theological virtues. It did this in highly insightful ways, often employing quite beautiful prose, and drew numerous intriguing connections between Christian theology, human experience and secular thought.

Vatican watchers holding their fingers up to the wind anticipated subsequent teaching letters on the remaining theological virtues of faith and hope. They were rewarded in 2007 with the appearance of “In Hope We Are Saved” (“Spe Salvi”). We still await an encyclical on faith; and as a highly accomplished theologian, Benedict is extraordinarily well positioned to issue a doctrinal instruction of lasting value on this topic. Some

observers speculate that a future encyclical on faith in the contemporary world will treat the theme of the New Evangelization and may be timed for release during the upcoming Year of Renewal of Faith, which is to begin in the fall of 2012 and conclude on the Solemnity of Christ the King in 2013.

Despite sporting the word love in its title, Benedict’s third and latest encyclical is a departure from his program of treating the three theological virtues. “Charity in Truth” is a social encyclical that contains the pontiff’s response to the global financial crisis and also marks Benedict’s celebration of Paul VI’s “Populorum Progressio” (he missed the 40th anniversary of

I collect encyclicals the way some people collect baseball cards.

that teaching document on integral human development by two years, invoking that papal publication prerogative yet again). Despite its prodigious length (30,000 words) and perhaps overly ambitious agenda, I have come to admire the way Benedict accomplishes numerous goals so deftly in this encyclical. He champions environmental concern, embraces the cause of social justice in ways suited to our globalized economy and proposes a creative vision of a “civil economy,” borrowing principles for ethical business practices from the “Economy of Communion” school of thought and the Focolare movement.

Witnessing erudite and constructive papal encyclicals like this one, can anyone blame me for impatiently begging: More, please?

THOMAS MASSARO, S.J., is the dean of the Jesuit School of Theology of Santa Clara University, in Berkeley, Calif.

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Thomas Jefferson, 2nd from right, on the back of the U.S.\$2 bill





HOW DO WE CROSS OUR
BIPARTISAN DIVIDES?

State of Disunion

BY THOMAS R. MURPHY

When Americans seek reassurance about the health of their democracy, they often read the affirmations of Alexis de Tocqueville's classic *Democracy in America*. It is time also to read this same book's valuable analysis of some flaws in American democracy that vex us as much today as they did during de Tocqueville's visit in the 1830s. Three in particular provoke deep contemplation: corruption among public officials, high levels of bombast in public discourse and, above all else, the threat that a rising plutocracy could seize control of the state.

The third flaw is often a cause of the first two and so merits special attention. Since the *Citizens United v. Federal Election Commission* ruling by the Supreme Court in 2010 declared that corporations have the same rights of free speech as individuals, an enormous amount of money has flowed into political discourse. Although sometimes unbidden by the candidates themselves, the resulting distorted advertisements show an unabashed intention to manipulate the electorate into choosing officials who will nurse the hands that have fed them financially. The process today is as close as it has ever been to fulfilling de Tocqueville's warning of a possible plutocratic takeover.

The ruling in *Citizens United* has legal antecedents. Since the case of *Santa Clara County v. Southern Pacific Railroad* in 1886, the Supreme Court has sympathized with the view that the right to property expressed in the 14th Amendment extends to corporations. It is a small extension of that tradition to conclude that corporations have a right to

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PHOTO: SHUTTERSTOCK.COM/TREKANDSHOOT

freedom of speech as well. The Santa Clara case, however, helped ignite the Progressive movement at the turn of the 20th century, during which substantial efforts were undertaken to make government at all levels more responsive to the people. There is reason for hope today because historically each surge by the plutocracy provoked a reaction on behalf of the wider citizenry.

Jefferson's Rules

One early champion of the citizenry against plutocracy was President Thomas Jefferson. His Inaugural Address came at a moment when the political rules needed reform. For the first time in the history of the republic, one political party was replacing another in power. No one was sure whether the defeated Federalist Party would accept the election results peacefully. The campaign, moreover, had been exceptionally bitter; it culminated with the outgoing Federalist majority in the House of Representatives facing the repugnant task of breaking an electoral college tie between two despised Republicans, Jefferson and Aaron Burr. (The original constitutional method of seating the runner up in the electoral college vote as the vice president was still in effect. President John Adams, a Federalist, had placed third in his bid for re-election. It took much pleading by Alexander Hamilton for the good of the nation and 36 ballots before the Federalists swallowed their aversion to Jefferson, their archnemesis, and rejected the opportunistic Burr. It was even rumored that violence might take place on Inauguration Day in key American cities.)

The political genius Jefferson applied in his Inaugural Address, however, was to pretend that he could take for granted the acquiescence of the entire electorate in his presidency. "During the contest of opinion through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and write what they think," he said, making believe that what had really been the animosity of the campaign had been the vigor of free speech.

By so pretending, Jefferson brought about acquiescence in the result. He also set a blueprint for the limits of partisanship that has been followed ever since. He said, "This being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the rule of law, and unite in common efforts for the common good." He then introduced what he called "this sacred principle": that while the political majority must prevail, its will must be discharged rea-

sonably. The political minority retained its rights, and their violation would be oppression. It is good for us today to ask whether Citizens United leaves the political minority resulting from any contest with its rights intact.

Jefferson continued: "Let us then, fellow citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions."

**'Every difference of opinion is
not a difference of principle.'**

—Thomas Jefferson

Jefferson's warning that the hyperpartisanship of the young republic might come to resemble the religious warfare of Reformation Europe clearly indicates that the hyperpartisanship of the early 21st century would

both concern him and be familiar to him. His Inaugural Address is worth a fresh look because the man who expressed this anxiety was our first truly partisan president. Jefferson abandoned the aversion to party shown by his two predecessors. In fact, the coalition formed by Jefferson and James Madison in the early 1790s to oppose the policies of the Washington administration was the first real American political party (the Democratic-Republican Party). As chief executive, Jefferson would pursue his belief that a president is most effective when he governs from the head of a political party. In his Inaugural Address, however, Jefferson shows that he knew when to turn off his partisanship. We need more like him if today's United States is to be politically healthy again.

Partisanship has deep American roots, and it has always been controversial. George Washington deplored factionalism in his Farewell Address. By contrast, James Madison in "Federalist No. 10" saw the potential benefits to a large republic when many small factions must coalesce and trade off with one another if anyone is ever to reach a political majority. Madison was more prophetic about how the republic would actually work than Washington was. And while the longing for Washington's nonpartisan ideal lingers, we come closest to it when we follow the counsel of the Jefferson inaugural.

Leaning on Handlers

Beyond the threat of plutocracy, there are other problems. First, politics has become too much a full-time occupation, and professional public officeholders have become too

dependent on professional political handlers. We have lost much of our sense of citizen participation in public life. Founders like John Adams, Benjamin Franklin and Jefferson had varied interests and multiple careers. By contrast, Dwight D. Eisenhower, our last president who did not spend the majority of his career in politics, stated that he was wary about Lyndon B. Johnson as a prospective successor because L.B.J. had no hobbies or interests outside politics. This kind of narrowness remains a worry.

Second, political handlers, in particular, seem to measure their success by whether they can manage to destroy the reputation of their clients' opponents. Candidates generally go along with this. Even winners of elections often emerge from the process with their moral standing seriously damaged. This makes it much harder to persuade good people to seek public office and limits their effectiveness if they are elected.

Third, fewer media outlets these days strive for well-rounded reporting. Instead, they often champion particular points of view only. Cable channels, blogs and Internet sites are often unabashed in their preferences. The problem with this change is not so much what these outlets say as what their watchers and listeners do with the information. It has become too easy for people to separate themselves from perspectives they might disagree with. One thinks of the voter in a heavily one-sided neighborhood who expressed surprise when a member of the other party was elected to office by a

landslide. It could not be, she said, because none of her neighbors had voted for that candidate.

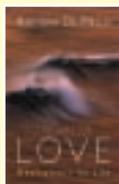
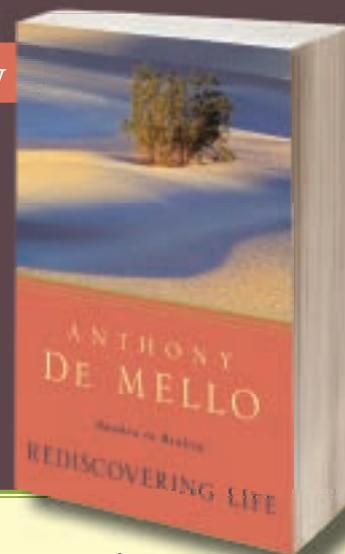
Fourth, political professionals often act as if they can obtain the electoral results they seek only if they scare voters. I frequently receive e-mails that push some candidate or issue. Almost always they predict the apocalypse if someone is not elected, some bill fails or a court ruling goes a certain way. Gone is the perspective of John Quincy Adams, who said of his defeat for re-election to the presidency: "The sun of my political life sets in deepest gloom, but that of my country shines unclouded." Ironically, his sense that the country could survive without him probably accounted for the quick revival of Adams's political career and his election to Congress just two years after losing the White House. Another saying that deserves recollection is by Hubert Humphrey, who commented that anyone can get through a concession speech gracefully by considering it as the first speech of his next campaign rather than the last of the unsuccessful one.

American politicians have also lost their sense of self-deprecating humor. The wit and irony of a Robert Dole for the Republicans or a John F. Kennedy for the Democrats are not much emulated today. A bit of Irish-American political doggerel might be particularly useful for the professionals to revive now—the adage "Don't get mad, just get even." It has been said that this proverb prevented Boston politicians of

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the immigrant era from descending into total hatred.

The Cane on a Tombstone

Perhaps the greatest passage in Jefferson's Inaugural Address was his identification of the underlying values that the two main parties of his era shared: "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same political principle. We are all Republicans, we are all Federalists." What he meant by this was that his contemporaries presumably agreed that we should have both federal government (the Federalist preference) and state government (the Republican preference) in this country. The only quarrel was how to balance power between these two areas of the system. Jefferson thus marked parameters of the debate that calmed it considerably.

Of course, storms continued to break out. A couple of years ago I visited the tomb of Senator Charles Sumner of Massachusetts and was surprised to find that a wag had placed a cane upon it. This was a reminder that in 1856 Sumner survived a caning on the Senate floor from a member of the other house after an extremely partisan speech. Earlier, in 1798, Congressmen Matthew Lyons of Vermont and Roger Griswold of Connecticut fought each other with tongs and a cane on the House floor.

When I walk down the street in Seattle, however, I see people treating each other respectfully for the most part. Outside the professional political class, there is much civility and mutual toleration. We need to look to ordinary citizens to spot the national consensus, our common principles. I am confident that today we can identify a unity of principles, just as Jefferson did.

One last point: The comparison in Jefferson's admonition that we not allow our political arguments to become like the religious wars of early modern Europe was not coincidental. If there is proof that U.S. citizens are capable of tolerating difference, it lies in the way we have learned to practice religious toleration. Even before independence, the settlers recognized that the way to survive together in the wilderness was to stop persecuting each other over religious difference. Jefferson led us to do the same in politics.

At the laying of the cornerstone of the National Cathedral in Washington in 1907, Theodore Roosevelt suggested that the only proper competition among religious denominations should be a friendly contest to see which of them could perform the most acts of charity among the American people. Other observers of the religious scene in the United States have also mentioned the desirability that these denominations think in terms of service to others ahead of any sense of empowerment over others. Why not propose similar thinking for our political parties?

In this spirit, we need to celebrate examples of partisans who reached out to one another. History records several famous examples of pairs of presidents who began as friends, became estranged over politics and then reconciled. The first pair was John Adams and Jefferson, partners in the war of independence but so estranged on the day of Jefferson's inauguration that Adams left the capital without greeting his successor. But eventually Adams initiated a correspondence with Jefferson that became the glory of their old age.

A more recent example is that of Harry S. Truman and Dwight D. Eisenhower, partners during World War II and the subsequent reconstruction of Europe, but then torn apart by the bitter political campaign of 1952. Over a decade later, when the assassination of President Kennedy presented to the nation a lethal expression of political extremism, Eisenhower invited Truman to share a limousine to the funeral. By the end of that day, they shared a drink and agreed that their differences had been exaggerated.

Over the long-term, Americans have tolerated difference well. It is up to us to bring the same tolerance and goodwill back into politics. De Tocqueville included civic spirit on his list of America's democratic virtues; we can hope that this trait will trump the danger of plutocracy. **A**

ON THE WEB

E. J. Dionne Jr. talks about his book
Our Divided Political Heart.
americamagazine.org/podcast

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Interrupting Grace

A contemplative learns to let go.

BY T. B. PASQUALE

Five minutes into my centering prayer practice—though it felt like 30—with a dedicated Thursday prayer group at the Sisters of the Cenacle, I sat fidgeting in a stackable chair with coarse fabric and a pin-straight metal back. The sound of the fan whooshed overhead adding a distracting rhythm to silence: *whoosh, pause, thump, whoosh, pause, thump.*

The woman next to me coughed, then the chair to the left of me, a rocker like the one my grandmother sat in to watch “Judge Judy,” began to creak. The symphony in my brain began to whirl: *whoosh, pause, thump, creak, creak, cough, creak.*

I could almost feel the seconds ticking by on my watch, a slow-motion judgment of my inability to sit, be still and wait for God to do the heavy lifting. Its rhythm joined the sounds counting down to my failure to find bliss, peace and union: *Tick, tick, tick, whoosh, pause, thump, creak, creak, cough, creak.*

If only I could find a sacred image or word. But the search became a game of free association as my brain clamored for an anchor: God? No. Jesus? No. Joy? No. Peace? No. Fan? Um, really no.

“O.K.” I told myself, “We’re going to try *peace*.” That seemed like a reasonably sacred aspiration. Slowing my breath—inhale deeply, exhale completely—I used physical breathing to command my mental hyperactivity to

calm down. *Peace, peace, peace.* The word called to my soul to lean forward through the psychological noise.

Then, rushing ahead of the word, a figure came into view—soft hair, bright eyes, gentle—the childhood image of Jesus I had always carried with me, like a postcard from another life. A scene unfolded, as in a guided meditation. “This is something I could use in teaching contemplative prayer next week,” I thought, trying to nudge this distraction from my head so I could contemplate my sacred word. *Peace, peace, peace. Breath in, exhale.*

Then, like an impatient customer on line at the grocery store, another image pushed forward, this time of a figure sitting knee to knee before me, each of us on a chair staring lovingly into each other’s eyes. I see my mother and feel a wave of unconditional love. I see the closeness between us grow in the shape of warm, white light radiating from her chest and mine.

“This will be a great meditation,” I thought. “Now come on, brain, get back to silent prayer. Why can’t I focus?” *Peace, peace, peace. Breath in, exhale.*

Again, the visualization rushed back, crisper than before: My mother and me, facing each other, knees almost touching, bright warm light moving together from the center of our chests into one larger light that encompasses us. The light grows with every breath, moving through us, then growing past us, around each side of us into the dark space beyond our chairs. With each breath the light grows, the warmth pulses, our bodies radiate with light and compassion.

“O.K.,” I began again, frustrated with my lack of concentration. “Everyone around me is probably



ensconced in a sacred word or image, and here I am struggling to stay focused, planning this visualization for my own contemplative prayer students. I’m an awful contemplative.” I sighed a deep sigh of self-inflicted judgment.

The visual came back fiercer than before, and I gave up trying to control it. “I guess this will just be a ‘working’ contemplation,” I thought, giving in to it—the warmth of light, the love. Then as I gazed into my mother’s eyes, her face became that of Jesus, like the postcard image, but more alive. I felt her loving me with the vividness of my

T. B. PASQUALE is a writer, trauma therapist and educator on the contemplative dimension of faith.



Our priests are messengers of hope

A friendship waits to be born between a family in Illinois and a little girl living in poverty in Honduras. Before long a teenage boy in the Philippines and a parish youth group in Connecticut are going to become acquainted through the exchange of encouraging letters. In Idaho a woman with grandchildren of her own will soon enter into a blessed relationship with an elderly woman in need of help in Kenya.

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mother, and I saw her eyes in Christ's gaze and her face in his.

This was not my mind intruding on my contemplation, I realized. This was God, trying to get some quality time in a prayer meant to be God-centered. I smiled and let the warmth of the light wash over me, finally being quiet long enough to let God get a word in edgewise.

As a teacher of contemplation, I travel on daily pilgrimages of faith with others, acting as a roadmap or a tour guide, serving in whatever way God blesses me to be useful. Perpetually I am learning lessons in deeper and more humbling ways, trying to make my failings useful to other pilgrims.

I am surprised by the grace that regularly, softly shrouds the life I lead and the mistakes I make and by the God who helps me find the way when I stop interrupting. God calls us all to listen: "Be still and know that I am God." I am haltingly trying to learn that lesson. **A**

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'By offering me an education, Catholic Relief Services has empowered me for life.'

THOMAS AWIAPO

Before he was 10 years old, Thomas was orphaned and left to survive and struggle on his own in Ghana. School was certainly the last thing he dreamed of. Today, he has a master's degree from California State University-Hayward. How did Thomas get a fresh start at life?

It happened through contributions to Catholic Relief Services' humanitarian work in Africa. Thomas was motivated by food provided by CRS to the children in his village who went to school. He was hungry for food, not an education. Eventually, though, Thomas developed a strong personal interest in school. His new life, deep abiding faith in God and spiritual determination propelled him to a renewed dignity, hope and academic achievements.

Thomas told CRS representatives in Ghana, "By offering me an education, Catholic Relief Services empowered me

for life. Believe me, there are millions of people like me in Africa who are doing better today because of the help provided by CRS through the generosity of people in the United States."

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Thomas Awiaipo with his wife, Felicia, and their children Loretta, Kelvin and Melvin in Bolgatanga in northern Ghana.

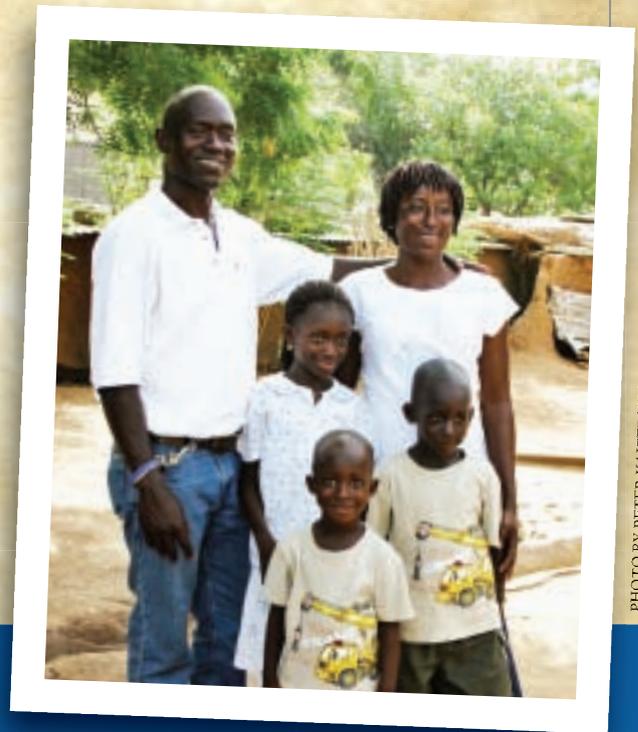


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THE ART OF BEING SEEN

The Barnes Foundation's new Philadelphia campus

The battle is over and everyone has won: Dr. Albert C. Barnes, whose storied art collection has found a glorious new home despite his strictures against changing it in any way, much less moving it; the citizens of the Philadelphia suburb of Merion, who will no longer have to contend with busloads of tourists on their narrow streets but will still be able to enjoy the arboretum that the Barnes Foundation will maintain there; art lovers in Philadelphia, and soon from all over the world, who will find access to the collection immensely easier. Above all, the art itself is the winner. It has never looked as beautiful, often sublime, as it does now with

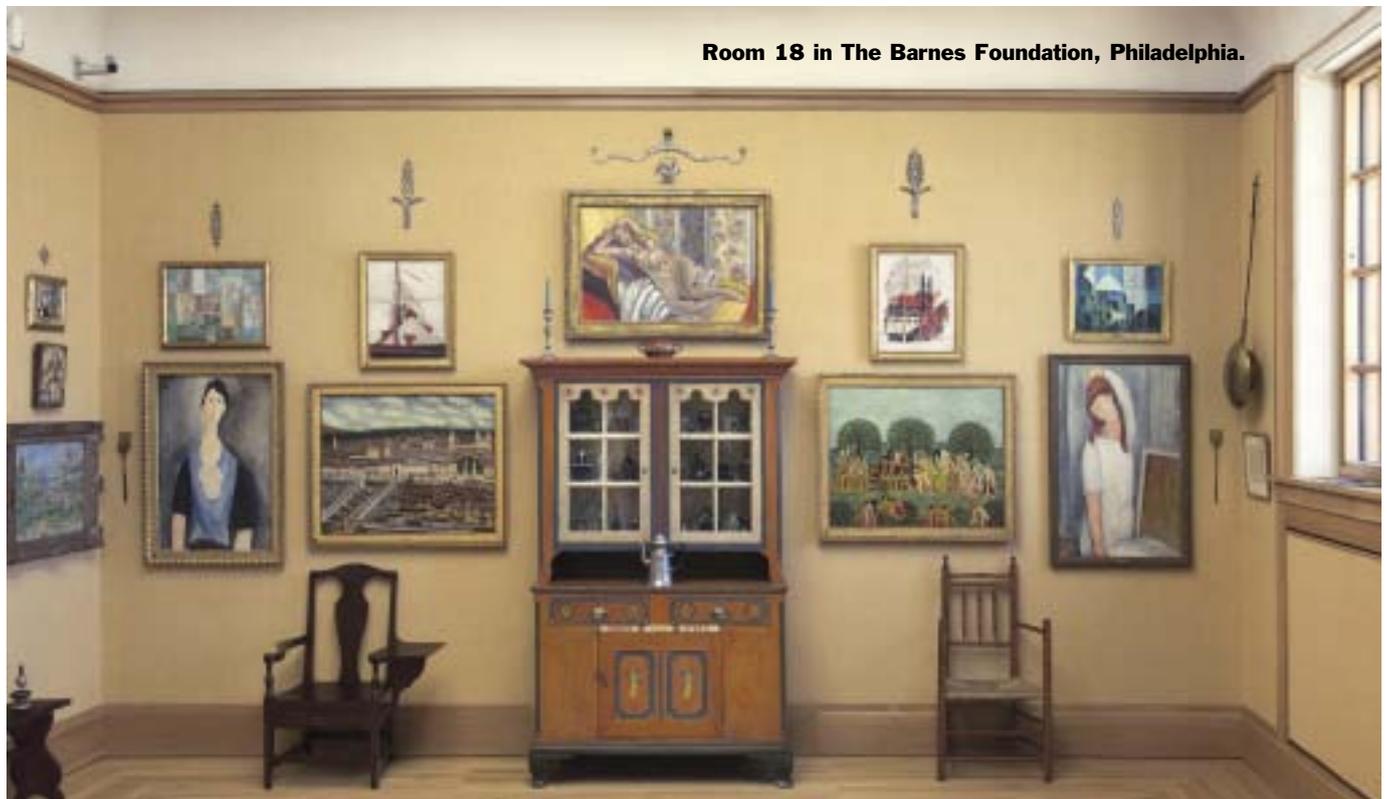
modern lighting.

Barnes, who was born in Philadelphia in 1872 to a working-class family, graduated at 20 from the University of Pennsylvania School of Medicine. Pursuing his research interests in Germany, he met the scientist Hermann Hille, who returned with him to Philadelphia. Together they invented the silver-based antiseptic Argyrol, which brought them great wealth. Barnes married and moved to Merion, Pa. In 1907 he bought out his business partner and established the A. C. Barnes Company, which he ran until 1929.

In high school Barnes had known William J. Glackens, who later became

an artist of the Ashcan School. In 1912 Barnes gave Glackens \$20,000 to buy him some "modern paintings" in Paris. Delighted with the results, Barnes began collecting on his own. Ten years later, he established the Barnes Foundation and in 1925 opened its Paul Philippe Cret-designed building in Merion.

Barnes was committed to educating the public to appreciate art. Drawing on lifelong conversations with a friend, the philosopher John Dewey, he devised an approach based not on chronology, nationality, style or genre, but on the formal relationships of light, line, color and space. Barnes hung his collection in "ensembles," matching paintings with similar formal qualities, on burlap-covered walls studded with iron hinges, hasps and latches and surrounded by Native American and African pieces, colonial



Pennsylvania chests and curious desks and chairs. He tinkered with the arrangements until his death in 1951.

The Move From Merion

In 2004, after more than a decade of legal disputes embroiling the Barnes Foundation, a judge ruled that there was an overriding public interest in accepting the support being offered by Philadelphia foundations and philanthropists to move the collection to a new, central-city site where the institution's primary mission could be better served. The judge stipulated, however, that the art be hung in the same way and in rooms of the same proportions as in the Merion Gallery. Many in the art world thought the project impossible—or indefensible. Some architects refused to compete for the commission, which was won by Tod Williams and Billie Tsien, a New York-based couple known for their warmly detailed minimalism.

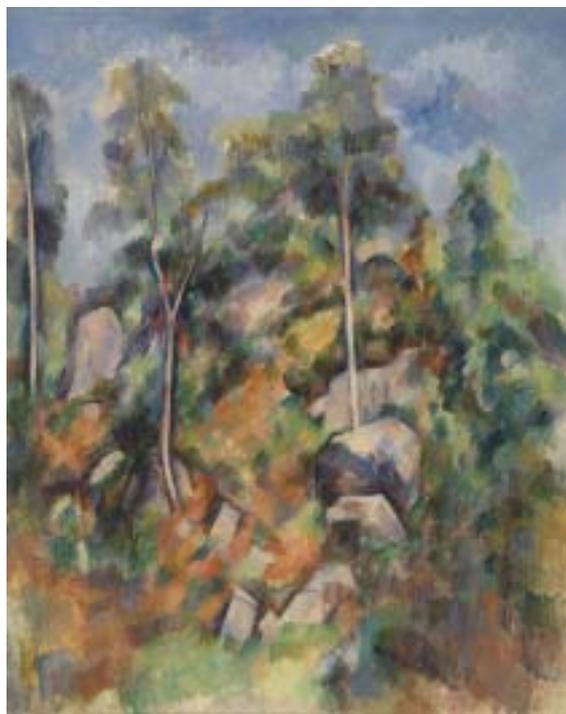
Their building—a gallery in a garden, and a garden in a gallery—opened in May. And it is magical. In a park-like setting, with a quiet entrance bordered by a shallow pool, Williams and Tsien have placed in parallel three long rectangular wings: an entrance pavilion (with a garden restaurant on the first floor and a spacious lounge, auditorium, gift shop and coffee bar on the lower level); a large court topped by a translucent light box that cascades reflected light throughout the building; and the collection gallery. (There is also a 4,300-square-foot gallery for temporary exhibitions.) The complex is clad in textured grey-and-gold Negev limestone, set in panels on a stainless steel skin, evoking African kente cloth.

As in Merion, the first room of the gallery faces south and is flooded with light through three high French doors. One is dazzled by the profusion of



The Barnes Foundation, Philadelphia

Renoirs in this room (24 of the foundation's 181) and Cézannes (16 of 69), along with works by Seurat, Corot, Daumier, Tintoretto, Rousseau and Glackens. But it is the quality of the



"Rocks and Trees (Rochers et Arbres)," by Paul Cézanne (c. 1904), is at the new Barnes campus.

paintings that most astonishes. Cézanne's "Boy in a Red Vest" hangs near the haunting "Madame Cézanne With a Green Hat." One of his largest "Bathers" soars above Renoir's group portrait of his family. Best of all is the largest and arguably finest of Cézanne's "Card Players," celebrating the company of working men. Directly above it, in Seurat's "Models," three slender women in various stages of *déshabille* stand

before "Sunday Afternoon on the Island of Grande Jatte."

To the sides of this main room are 12 other rooms, some quite small, and on the floor above another 10. Illuminated cove ceilings and clerestories add light and make the rooms seem larger. To relax the tight procession of the rooms, the architects have introduced a glass-enclosed three-story garden on one side.

Matisse's Fauve masterwork, "The Joy of Life," finally has been rescued. In Merion it was hung on a staircase landing (something to do with turning on the stairs and the turns of the languid bodies in the painting). Now it has an alcove of its own, opposite a balcony from which the visitor can look down to the main room and see Matisse's "Dance."

In addition to paintings by Matisse (59) and Picasso (46), you will find Van Gogh, Henri Rousseau, Chaim Soutine and Amedeo Modigliani.

Quibbles

The ensembles may not always persuade: hanging "Models" above "Cardplayers" is less interesting for the triangular pattern in each than it is for the effect of seeing next to each other two great paintings made only a few years apart. Cézanne's "Rocks and Trees" does not need candlesticks below it to draw your attention to the three resolute trees reaching into the sky. And

if you find some of the second-floor rooms as crowded as an attic, look for the eight drawings by Paul Klee.

And just when you've gone bleary-eyed before yet another second-rate Renoir filling out the pattern, there appears his "Leaving the Conservatory."

On my first visit to the new Barnes, the cab driver did not know where it

was (2025 Benjamin Franklin Parkway); that will soon change. The United States has a great new museum. Its idiosyncratic genius will become a

beacon as beckoning as the light box that crowns it.

ON THE WEB

John A. Coleman, S.J., on America's many Shakespeare festivals.
americamagazine.org/culture

LEO J. O'DONOVAN, S.J., is president emeritus of Georgetown University.

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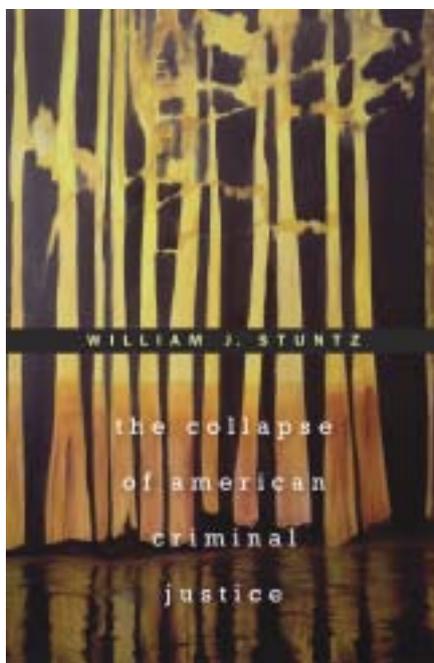
PUNITIVE AND INHUMANE

THE COLLAPSE OF AMERICAN CRIMINAL JUSTICE

William J. Stuntz
Belknap Press of Harvard University
Press. 432p \$35

As one of the nation's leading criminal law scholars, who taught for over three decades at Virginia and later Harvard Law School, William Stuntz devoted his career to writing, critiquing and teaching about our criminal justice system. Sadly, Stuntz died from illness last year at the age of 53. Fortunately, however, he has bequeathed to us his culminating presentation of his scholarship, *The Collapse of American Criminal Justice*, to which, had he wished, he could well have added the subtitle "and How It All Fell on the Heads of the Urban Poor."

Stuntz points to powerful evidence that the criminal justice system "unraveled" in the latter half of the 20th century. We hold in our prison cells a larger percentage of our population than any other Western country does in theirs. Our sentences are excessively harsh. Ninety-five percent of the time, convictions result from quick plea bargains between lawyers rather than the "trial by jury" proudly enshrined in the Sixth Amendment. African-Americans are incarcerated in gross



disproportion to their number in society. But despite "the state's seemingly insatiable desire to punish young black men," crime continues to be a serious problem, particularly in the poor and black urban areas. "Evidently, the criminal justice system is doing none of its jobs well: producing justice, avoiding discrimination, protecting those who most need the law's protection, keeping crime in check while maintaining reasonable limits on punishment."

Stuntz's first project is to explain how our system of criminal justice

became the most punitive and inhumane the United States has ever had, with its destructive effects disproportionately striking inner-city zones.

Part of the explanation he finds in the unequal application of the criminal law. We have vested police and prosecutors with overly broad discretionary powers. This creates a system that often works very differently in poor urban neighborhoods than in wealthy areas. The equal protection clause, as presently interpreted, is a mirage. When it comes to preventing discriminatory policing or prosecution, Supreme Court decisions have rendered the clause meaningless by requiring proof of discriminatory motive, while effectively blocking access to the proof needed. Consequently, official authorities have "unfettered discretion to choose when to enforce the law and when to ignore it."

The structure of recent criminal statutes significantly contributes to today's severely punitive system. Largely in response to public fears of increasing crime in the later 1970s and '80s, legislators became "tough on crime," enacting draconian maximum prison sentences, mandatory minimum sentences and a profusion of statutes with finely tuned elements that make it is easy to prove almost any defendant guilty, at least of some degree of violation. As a result, prosecutors can easily extract guilty pleas from defendants who would rather accept some prison sentence than risk a conviction at trial with a still more punitive outcome. Predictably, the prison population swells.

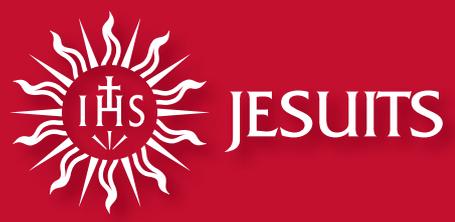
The proliferation of harsh legislation, arbitrarily enforced by police and prosecutors making virtually unreviewable discretionary decisions, raises deeper questions for Stuntz. Why were legislators not checked in their passing of laws so destructive to inner-city communities? Why were official authorities not stopped from using their discretionary powers so punitive-

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ly? Because, says Stuntz, the people most affected by criminal laws, whether those persons are defendants or victims or whole neighborhoods, are not the people who make the laws.

A decision about how much one of their sons or daughters or neighbors should be charged, found guilty or punished is no longer mediated through members of the local community, either as voters or jurors. They have no real voice in the making or the application of the laws. Those who do have a voice are not likely to be affected by the laws they make. Because of the growth of large cities and suburbs and legislative district-drawing, prosecutors are often elected by persons whose lives are untouched by the decisions the prosecutors make. The penalties of harsher legislation are visited upon the heads of others.

"It was not always so." To know when and why the system was better, one must follow Stuntz deep into the history of criminal justice since the founding of the nation. His view is panoptic. He scrutinizes punishment theories, immigration trends, policing styles, prison populations, rising and falling crime rates, lynch law, acquittal and conviction rates, many constitutional decisions, the cost of operating the system and plenty of political dynamics. Stuntz concludes that "for much of the nation's past the system worked reasonably well, at least by comparison with the different kind of democracy that reigns over that system today." When the democracy was local, it could modulate and moderate outcomes.

Given Stuntz's sharp sensitivity to any kind of unfairness in the justice system, it is surprising to read his singular, if not odd, view of the Warren court's development of procedural protections for accused persons. The court's decisions, he believes, "seemed designed to protect the guiltiest suspects and defendants." He blames the court's articulation of defendants' rights (or is it the rights themselves?) for perversely caus-

ing a political backlash that introduced harsher anti-crime measures and impeded reform. One wishes, at least, that he had written more to explain his views on this matter.

Stuntz believes we have a chance, though only a slim one, of eliminating the discrimination, excess and injustice that characterize our broken system. We might succeed if we reintroduce local democratic control over the whole system. The making of laws, the judging of guilt and the severity of punishment must be put back into the hands of the local communities that the criminal law directly affects. Prosecutors and police must be governed locally. The Supreme Court

must breathe new life into the dormant equal protection clause so that it can fulfill its potential for ridding the system of racial discrimination.

Stuntz's book makes an eloquent, deeply reflective and historically well-rooted plea for a return to humane, fair and effective criminal justice. Every legislator, politician, judge, attorney, law student and lay citizen interested in understanding and improving our system should study this book. It will very deservedly be a centerpiece for any future discussion of criminal justice reform.

FRANK R. HERRMANN, S.J., is a professor of law at Boston College Law School.

JIM GUNSHINAN

ENERGY FUTURES

NO WAR FOR OIL U.S. Dependency And the Middle East

By Ivan Eland

Independent Institute. 224p \$24.95

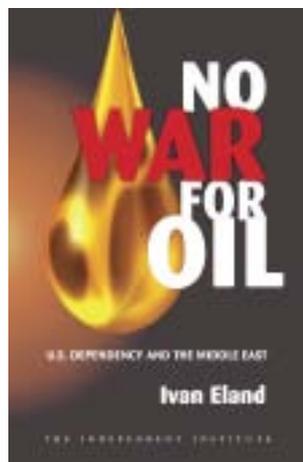
In *No War for Oil*, Ivan Eland, senior fellow and director of the Center on Peace and Liberty at The Independent Institute, makes a strong case against going to war over oil or any other commodity. His argument that a worldwide market for oil free of government interference would negate the need for wars is not very convincing.

Imagine an intricate system of interconnected pipes, pumps, valves, reservoirs and spigots; each juncture in the system is independently operated. Then imagine that the system of pipes carries a product that billions of people depend on to maintain their ways of life. That would

come close to how Ivan Eland describes, in much finer detail, the world oil market and a history of the United States government's attempts to manipulate the market to its advantage and to the disadvantage of its enemies, through wars, embargoes and agreements between allied nations.

Eland begins his book with 11 myths he wants to refute, including the myths that we have reached peak oil supply worldwide; that OPEC controls oil prices; that becoming independent of foreign sources of oil is a viable and even desirable goal; and that the United States must support dictatorial and terrorist-supporting Saudi Arabia in order to protect U.S. oil supplies and therefore U.S. national security. Eland makes a strong argument in each case, but

I kept coming up with valid counterarguments, especially in regard to peak oil. Oil is already becoming harder to get



out of the ground, from under oceans and from tar sands. At some point the energy used to get the oil will equal the energy we get from the oil.

The author continues with a review of the tangled history of oil and those who produce it, transport it, refine it and buy it, from the late 19th century, when the British switched fuels on their navy ships from coal to oil, through two world wars, several Arab-Israeli conflicts, the first and second Persian Gulf wars and the ongoing war in Afghanistan. There were game changing events along the way, including the promulgation of the Carter Doctrine, named after its creator, President Jimmy Carter. The doctrine holds that a threat to oil resources in the Middle East will be considered a threat to a U.S. vital interest and that the United States will use force, even military force, to protect that vital interest.

Eland suggests that the United States remove its troops from the Middle East, stop subsidizing the U.S. fossil fuel industry and discontinue special relationships with certain oil producing nations. I agree with his overall conclusion that fighting wars in order to secure our supply of oil has led and will continue to lead to unnecessary death, suffering, economic losses and even higher gasoline prices—the outcome the wars are supposed to eliminate. But I do not agree that a truly free market for oil will bring about an end to conflict over the resource.

The words *market*, *merchant* and *mercy* all have the same linguistic roots. In a sense, the fair exchange of goods and services is the most basic form of love. Unlike the highest forms of love exemplified by Jesus Christ—a self-sacrificing love—commerce, on its face, increases the good of all parties involved. But there are all kinds of relationships in the world, both equitable and forced. Why would a market primarily controlled by the law of supply and demand work better than one regulated by governments? Paraphrasing

St. Paul, we have laws because of sin. No sin—no laws and no wars. Markets are just as vulnerable to manipulation by market players as are governments. At least with democratic governments, the intention is to look after the good of the whole governed nation. And there is a very vigorous market for the weapons of war. What about that market? Will it cease to exist?

Nonetheless, I agree with Eland in one sense. Through exchange we will optimize the chance of a durable peace

and cooperation among nations—but an exchange not only of goods and services but of culture and experience as well. In general, we need more and varied kinds of relationships among peoples and cultures and not more restrictions. But as long as human beings are involved, we need some commonly understood and accepted rules for the road.

JIM GUNSHINAN is editor of *Home Energy Magazine*.

MICHAEL SEAN WINTERS

END TIMES AND ELECTIONS

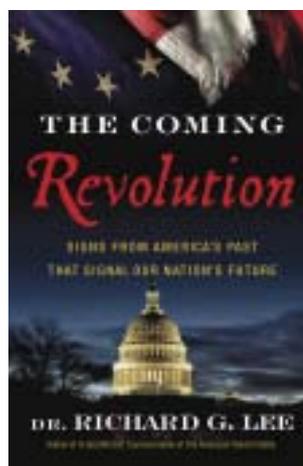
THE COMING REVOLUTION Signs from America's Past That Signal Our Nation's Future

By Richard G. Lee
Thomas Nelson. 256p \$24.99

This is a dangerous book. More important, and more frightening, it is an illustrative book, neatly combining a host of ideas about the nature of American exceptionalism that are far from uncommon in Tea Party circles. The book is a window into the mind of the evangelical wing of today's Republican Party, and it is scary to look through that window.

The central historical premise of *The Coming Revolution* is that the Great Awakening was the key to the American Revolution, that the religious fervor of the Black Robe Regiment is the hermeneutical key for understanding the founders, that the United States was from its inception nothing but a Christian nation. The historiography of the American

Revolution is extensive, and the scholars who have best tilled the historical soil of late colonial and revolutionary America are well known: Bernard Bailyn, Gordon Wood, Pauline Maier, Edmund Morgan. None of them and none of their ideas figure into Richard Lee's opus.



It is true that some historians have underestimated the influence of religion and religious ideas during the Revolutionary period, and Lee takes them to task. Fair enough. But his simplistic account of the role of religion lacks seriousness. He correctly notes that the stated desire to introduce an Anglican bishop caused great consternation in

colonial America, but he does not explain how that consternation fits with his characterization of Americans as profoundly committed to religious liberty. He calls the 1774 Quebec Act “a direct assault on the Protestant churches” without explaining how the British Parliament's decision to grant limited civil rights to

Catholics in Canada was an affront to Protestants in Britain's more southerly colonies. (The First Continental Congress did not do a very good job explaining that either.) Lee's attempts to baptize Thomas Paine and Benjamin Franklin are laughable. Those interested in reading a serious accounting of the role of religion, and specifically of anti-Catholic prejudice, in shaping the worldview of the Revolutionary generation should consult Patricia Bonomi's magisterial *Under the Cope of Heaven: Religion, Society and Politics in Colonial America*. This is a book with which Lee seems unfamiliar.

Lee's tome is vicious because he cannot bring himself to assume anything but the darkest motives about those whose politics he deplors. In a concluding section, he heaps opprobrium upon President Obama who, he charges, "disguised his true ideology with a vague promise of hope and change during the campaign; then



immediately became the most ideological and divisive president in history after the election." A few pages later, he urges his readers to action: "If we have the courage of our convictions, we are able to take this country back from those who are doing their best to destroy it from within."

One expects this kind of rubbish from those trained in the art of the politics of personal destruction, the acolytes of Karl Rove and, before him, Lee Atwater. But should we not expect from a minister of the Gospel the presumption that President Obama is trying to further the nation's interest, albeit in ways with which one is free to disagree, and not trying to "destroy it from within."

Throughout the book, Lee cites Glenn Beck as one of his heroes. He writes approvingly of Beck's "Restoring Honor" rally on the National Mall on Aug. 28, 2010, which happened to be the anniversary of Dr. Martin Luther King's "I Have a Dream" speech delivered from the same steps of the Lincoln Memorial that Beck used as a backdrop. The comparison is an unflattering one for Beck; but it says all one needs to know about the crimped vision of the Rev. Dr. Lee that he fails even to mention King's rather different vision of American greatness.

Books like this are dangerous not only because the vision of America presented is so narrow as to be exclusionary of many fellow Americans. Nor is the principal danger in the book's distorted reading of history, although that is very dangerous. No, the principal danger here is that by investing politics with evangelical zeal, Lee risks simultaneously inflaming politics with doctrinaire notions for which our political institutions are ill-suited and demeaning Christianity by reducing it to a prop for Americanism. Jesus the Christ did not die to make America great, but you could be forgiven for thinking as much if you

adopted Lee's arguments and perspectives. Lee's God does not transcend history; he votes Republican. Eschatology and election results are the same thing.

Unfortunately, this sort of thing has been going on inside certain evangelical churches for decades. Before the Rev. Jerry Falwell, who was a friend of Lee, formed the Moral Majority in 1979, he held a series of "I Love America" rallies at all 50 state capitols, preaching the gospel of a Christian America. The effects of Falwell's Moral Majority on the nation's political life have long been obvious, but here in Dr. Lee's book we see the effects that gospel has had on the church. The reduction of religion to ethics, and political ethics at that, is now complete. The conflation of Christian Church with the Christian nation rivals anything known in Byzantium.

The United States is not Byzantium, and Pastor Lee's views are in the minority. But it is a noisy minority, and most Americans know it today as the Tea Party. It has taken mainstream commentators a long time to recognize that the Tea Party is not a "new" emerging faction on the American right. It is the evangelical church discussing the federal budget. The tropes and the worldview are the same today as they were when Lee and Falwell were galvanizing evangelical support for Ronald Reagan. What they have now in Lee's tome, but did not have before, is a well-articulated narrative of American history almost exclusively rooted in evangelical religion, which leads, through various demonstrations of American exceptionalism and Manifest, albeit Protestant, Destiny, in our own day to Glenn Beck's television show. It is frightening.

MICHAEL SEAN WINTERS, author of a book on Jerry Falwell, entitled *God's Right Hand* (HarperOne, 2012), writes the blog *Distinctly Catholic* for *The National Catholic Reporter*.

LETTERS

Quote Bias

I agree with the editorial "Gender Bias" (6/18). As a Catholic woman, however, I do find it interesting that Pope Paul VI is quoted, followed by the sentence: "It is difficult to convince some societies of the value of an unborn girl, if the society does not see the inherent worth of a woman." What better example of why women are not valued than a quote from the late head of a church that steadfastly refuses to accept that women are equal to men?

KATHLEEN HEALY
Chicago, Ill.

Let the Christians Do It

Re "What Ryan Missed," by Gerald J. Beyer (Web only, 6/4): How is a national government policy that creates an underclass of dependency beneficial to those who are the targets of

such programs? How is forced taxation to pay for such harmful programs "Christian"? Paul Ryan has it exactly right—federal programs, by and large, are abysmal failures because they are incapable of dealing with local differences. Moreover, they encourage waste, treat the poor like case files and take resources away from the private sector that could be better spent creating wealth.

For all of their good intentions, the bureaucrats in Washington will never be able to eradicate "poverty." That is because their central planning cannot anticipate all the differences among the 330 million citizens and thousands of towns, villages, cities and neighborhoods it tries to control. Christ left it to his followers to make a difference individually and to form communities that would care for the poor; He did not say, let the government do it.

PAUL LOUISELL
Grosse Pointe, Mich.

Rebuke for What?

I am confused by your editorial "Christian Correction" (6/4). You note that Emily Herx was fired from her Catholic school for receiving in vitro fertilization and that Christa Dias was fired from her Catholic school for using artificial insemination. Your objection seems to be limited to the fact that "the shock of public rebuke was not avoided."

My question is: Rebuke for what? What can possibly be immoral about what these women did? There was no sexual intercourse between them and men not their husbands. There was no adultery. These women wanted to have children, something the church has always praised.

CHARLES J. STEELE
Washington, D.C.

Editorial Correction

Your editorial on Christian correction brought to light an important example

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of the incivility that seems to characterize much of our intra-ecclesial dialogue today. The power relationships between the ordained clergy and members of the laity that are involved make it twice as important to engage with one another in a loving and Christ-like fashion. While I am in complete agreement with the editors' assessment of the situation, as well as with the solutions offered, I am concerned that publishing those solutions in an **America** editorial may be perceived as hypocritical.

While couched in very pastoral language, and well supported scripturally, the editorial is itself offered as a "correction" to the behavior of those church officials whose actions appear to privilege hierarchical discipline over loving relationship. Further, this correction is made in the most public of forums—a national Catholic magazine.

ADAM KRUECKEBERG
Melrose, Mass.

Autism Acceptance

Concerning "Study Suggests More Services Needed for Young Adults" (Signs of the Times, 6/4), I wish to thank **America** for raising awareness of this important topic. I am the father of a 13-year-old girl with autism and wonder what the future holds for my daughter and her peers. These children pose a particular challenge to all of us as they enter adulthood.

The church can be a powerful agent for spiritual growth and acceptance for people with disabilities like autism and can provide support and guidance to parents trying to forge some meaning out of their situation. Understanding is the key. Your discussion helps bring all of us in the Catholic faith community together.

DAVID RIZZO
Marlton, N.J.

Rephrase That

I would like to provide a gentle correction to your Signs of the Times piece on

the autism crisis. "Mental retardation" is no longer an acceptable phrase, because of its hurtful connotations. The correct term is either "intellectual disability" or "intellectual impairment."

I am a physician specializing in the transition to adulthood for young people with autism and other chronic diseases or disabilities. It is true that there is a tidal wave of young adults needing transition services in order to lead independent, successful lives. According to a recent national survey, only about 40 percent of youth with special needs receive all the transition services they need. The church would do well to support the others and their families.

KITTY O'HARE, M.D.
Jamaica Plain, Mass.

Ethical Sensitivity

As a professor of business ethics, I can well appreciate the points made by Ray Schroth, S.J., in his excellent piece, "The Plagiarism Plague" (5/14). The students who disregard academic honesty policies rarely see themselves as sinners or code breakers, since they view plagiarism as a "victimless offense."

It seems that we are dealing with a problem of ethical numbness—young minds too shallow in this area, like having underdeveloped math or writing skills. A sense of hope appears in Father Schroth's observation that "the 19- to 25-year-old conscience is still being formed." My intention is to keep telling students, over and over, that ethical behavior matters and why, giving examples of good and bad behavior by companies and executives and hopefully having the fortitude to hold them accountable when they fall below acceptable standards of academic honesty.

DANIEL P. CUNNINGHAM
North Canton, Ohio

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Christ Our Shepherd

SIXTEENTH SUNDAY IN ORDINARY TIME (B), JULY 22, 2012

Readings: Jer 23:1-6; Ps 23:1-6; Eph 2:13-18; Mk 6:30-34

I will raise up a righteous shoot to David (Jer 23:5)

In narratives there are transitions and then there are transitions. Some are subtle shifts that merely serve to get us to the next dramatic event. Other transitions are far more substantive, far more powerful. Today's Gospel reading is an instance of the latter. The Twelve had been preaching the kingdom and performing healings and exorcisms by Jesus' authority. The next event in Jesus' ministry will be the feeding of the five thousand. In the Gospel today we find the disciples returning and Jesus taking them to a deserted place to rest. But the crowd finds him. It is the presence of this large crowd in such a deserted place that occasions the feeding.

Here is what makes the transition powerful: "When he disembarked and saw the vast crowd, his heart was moved with pity for them, for they were like sheep without a shepherd; and he began to teach them many things." This single sentence expresses a great deal. The Old Testament is replete with the metaphorical identification of Israel with a flock of sheep in need of a shepherd's guidance and care. Today's first reading is a perfect example. Jeremiah speaks words of challenge to Judah's current and former kings: "Woe to you shepherds who mislead and scatter the flock of my pasture." Then he speaks words of comfort and hope to the people: "I myself will bring them back to their

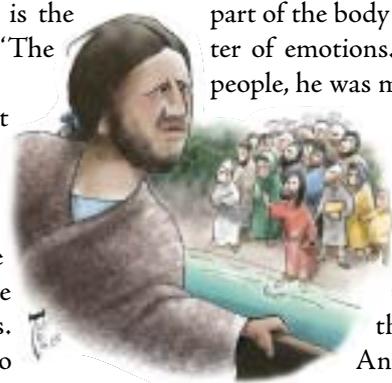
meadow; there they shall increase and multiply... I will raise up a righteous shoot to David... This is the name they give him: 'The Lord our justice.'"

This prophecy is not unique but part of a broad expectation and hope for a messiah who would reconstitute David's throne in justice and righteousness. Those prophets who were inspired to envision this included Isaiah, Ezekiel, Zechariah and Micah, which is quite an authoritative group. Given such prophetic fuel, one can imagine why interpretations of Jesus could blaze passionately. Jesus indeed fulfilled these prophecies, though not always in ways the people (and perhaps the Old Testament prophets) imagined. David's political reign was of no interest to Jesus—"My kingdom does not belong to this world" (Jn 18:36)—and obviously even today his rule of justice and righteousness is still waiting to be fully realized.

Jesus turned out to be a different kind of Son of David. Instead of reconstituting a temporal rule, his interest was in an eternal one. And though he called, and continues to call, for justice that is present and concrete, the fullness of that justice and righteousness will come only at the end. We are a pilgrim people, the church teaches, ever on a path of penance and renewal, ever taking on the appearance of this passing world ("Dogmatic

Constitution on the Church," Nos. 8, 48).

Who is our shepherd during this pilgrimage? How does he guide us? Mark tells us that when Jesus saw the crowd, "his heart was moved with pity." "Pity" would be better translated as "compassion," which gives us a sense of suffering with another (*com*, "with"; *passion*, "suffering"). The Greek literally means "moved from the guts," the part of the body thought of as the center of emotions. When Jesus saw the people, he was moved to the core.



Jesus then started to teach them and subsequently feed them. In doing so, he attended to both their spiritual and their physical needs. And his care radiated

PRAYING WITH SCRIPTURE

- When is your heart deeply moved with compassion?
- Ask the Lord how you can bring Christ's presence to this situation.

ART: TAD DUNNE

from a place of deep compassion. This is the true shepherd.

Our second reading is part of a continuing meditation on unity, the great theme of Ephesians. What kept the Gentiles far from God and at odds with Jews has been destroyed by Christ. Christ "broke down the dividing wall of enmity through his flesh...that he might create in himself one new person in place of two, thus establishing peace...through the cross, putting that enmity to death by it." How far will the compassion of our shepherd go? There is no end, for he has given his life to ensure his good shepherd's care.

PETER FELDMEIERS is the Murray/Bacik Professor of Catholic Studies at the University of Toledo.

Identity Crisis

SEVENTEENTH SUNDAY IN ORDINARY TIME (B), JULY 29, 2012

Readings: 2 Kgs 4:42-44; Ps 145:10-18; Eph 4:1-6; Jn 6:1-15

One Lord, one faith, one baptism; one God and Father of all (Eph 4:6)

Be what you is, 'cause if you be what you ain't, you ain't what you is." This downhome saying has been widely repeated and variously attributed. It is often cited, I think, because it is so very wise. It also turns out to refer to the road less traveled. One of the ways consumer culture works is by telling us that happiness comes in being, looking or having something different. Without Product X, we are told, you will not have adequate value, respect or lovability (and forget about sexual prowess). But with Product X you can "be what you ain't."

A good Ignatian practice, when one's soul is aligned with God, is to look deeply at one's most profound desires, for they are expressions of one's deepest truth. God's will is that we live our core truth. Ignatius encouraged us to trust that truth, but he also expected us to follow through on it. Living our truth is our own personal contribution to the kingdom as well as a daunting responsibility. It is a question of being "who you is." To fail to live one's truth is to be something of an impostor, living a life of chronic dissatisfaction in which "you ain't what you is."

These considerations are right in line with Paul's way of thinking. His

exhortations to holiness are often premised on the fact that we already are holy. We must live lives worthy of the kingdom that is already ours (1 Thes 2:12). And it is because we are "God's chosen ones, holy and beloved," that we are to embrace the virtues corresponding to that truth (Col 3:12ff). The ought is grounded in the is. "Be who you is."

In today's second reading, Paul applies this principle to the church at large: "I...urge you to live in a manner worthy of the call you have received." Paul then implores the Christian community to humility, gentleness, loving forbearance and, above all, unity. This represents the ought, the challenge to strive for something. Then Paul reminds us that we are "one body and one Spirit...called to the one hope...one Lord, one faith, one baptism, one God and Father of all, who is over all and through all and in all." Over the course of Ephesians, Paul reiterates on five separate occasions, to drive home the point, that we are one body of Christ

For the church, embracing the imperative to unity is a key aspect to realizing our own truth. Unity becomes both a gift and a task. And what a task it is! The church has never been without conflicts and

threats to unity. And it has failed often, sometimes in small ways and other times more tragically. We should not be surprised, since disharmony reflects the messiness of the human condition.

Here are three strategies for realizing Paul's hope. The first is to regard the church as a family. We may not like everyone in our family, but they are family. Typically, we never stop loving even those who make us pull our hair out. Second, let's try to stay in the game. Checking out, emotionally or otherwise, is a self-defeating step. I personally pray daily for my parish priest and local bishop. I have also sometimes voiced public criticism toward our leadership. Both for me are acts of fidelity.

Third, we must rely on God's grace. While we bring our will and energy to

PRAYING WITH SCRIPTURE

- Consider volunteering to support your parish's ministries.
- Pray daily that the local and global church will be healed.

all endeavors, the transformation is really God's, "who is able to accomplish far more than all we ask or imagine, by the power at work within us" (Eph 3:20). The Gospel reading recounts the multiplication of the loaves and the fish, a great image of what we bring to the kingdom, which is far too little. And it is a great image of what God's grace does with these offerings, which is to feed a multitude.

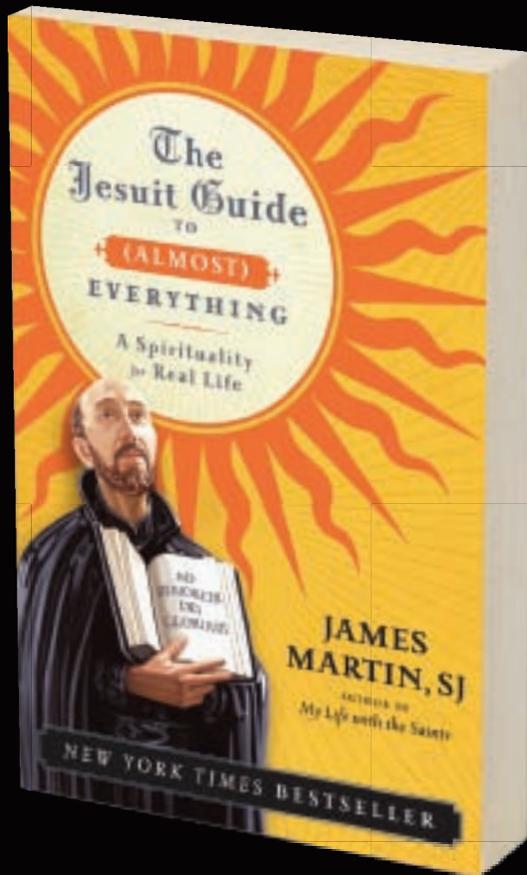
The church is divided, and it is suffering. We simply must strive for deeper unity, for this is at the core of who we are. And if "you be what you ain't, you ain't what you is."

PETER FELDMIEIER



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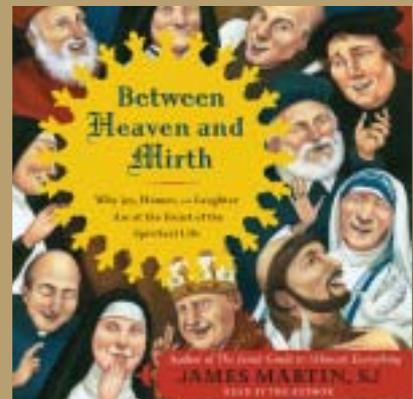
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