



THE MIDWAY REVIEW

A JOURNAL OF POLITICS AND CULTURE

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IF NOT PEACE, AT LEAST REFORM

Joshua Steinman

The elephant in the room can no longer be ignored. In late January, Hamas, an international terrorist organization headquartered in the Palestinian territories, won a majority of the seats in the first free and open Palestinian parliamentary elections in seven years, overtaking the late Yasir Arafat's Fatah party. Anti-Western hatred has political, democratic legs in the Middle East. Though both free and open, the Hamas victory has fueled worried rumblings among the American political cognoscenti. "The overwhelming sense [is] that... America's little chemistry experiment [has] blown up in its face," intoned James Glanz of the *New York Times*. Now that the dust is settling, is the Hamas windfall a true setback?

Hamas' victory is a step forward in the generational task of fostering liberal democracy in the Middle East. Though it presents a short-term problem, in fact three great benefits will come from the clarity it will bring to the task of democratization. First, it will implicitly illustrate the failings of Yasir Arafat's governance (or lack thereof) over the Palestinian people. Second, it will force Hamas to prioritize either its secular campaign pledges or its Islamist party foundations. Third, it will force the Muslim world to acknowledge that the policy of democratization isn't analogous to the Cold War-era practice of installing friendly dictators, and that the US in fact wants people to be able to determine their own political fates, even if that means opposition to the United States. At each level of analysis – the personal, the organizational, and the philosophical – clarity is the watchword.

The major source of obfuscation in the Arab-

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Israeli conflict was the political monopoly of Yasir Arafat. For nearly forty years, Arafat was a ringmaster of international deception and diplomatic double-talk.¹ He kept the Palestinian people floating in a mire of anger and subsistence through dubious, backward systems of penalty and coercion by tightly controlling the flow of international aid to his people. During that time, the progressive press minimized his deep connections to the various Palestinian terrorist organizations including Hamas, the Palestinian Islamic Jihad, and the Al-Aqsa Martyrs Brigade. Arafat's sugared tongue spun the plight of the Palestinian people to the world at large in speeches calling for freedom, liberty, and an end to "oppression" of the Palestinian people. The media gladly covered these positive speeches—they were in English—but not the vituperative and contradictory we-shall-drive-them-into-the-sea rants that he would deliver to Arabic-speaking audiences promising the death of the state of Israel. In 1994, he won the Nobel Peace Prize. His deceptions continued.

Arafat helped to perpetrate the myth that Palestinian antipathy towards Israel and Muslim hostility to the West were somehow separate and generally peaceful movements with a few bad apples that every once in a while randomly decided to strap some C4 onto their backs, walk onto an Israeli school bus and pull the trigger. The image of the Palestinian people was distinct from the cable reports of suicide bombings at nightclubs, elementary schools, community centers, etc. Similarly, the coverage of the Israeli response inevitably incited

¹ Much of my insight into the Arafat machine and its detrimental effect on the Palestinian people and national aspiration comes from the remarkably insightful painfully tragic essay by David Samuels, "In A Ruined Country: How Yasir Arafat destroyed Palestine."

poorly argued metaphors of David and Goliath: the big mean Israeli state beating up on the poor, peaceful Palestinians. Why, the press would ask, since it was only a few bad apples, and Arafat had no control over them, were the Israelis taking their gun-ship helicopters into the Palestinian neighborhoods? The metaphor might have held if David had sent his brother on a suicide attack to kill Goliath's wife and daughter hours earlier.

Long ago Arafat made the decision to create a movement and not a government. One need only look at the heartbreakingly elegant study, *Palestine – 2050*, by the RAND Corporation to understand the possibilities Arafat could have explored had he taken his role as a state-builder seriously. On the way to legend, Mr. Arafat neglected to create any kind of real state. It became readily apparent after his death that the billions of dollars the Palestinian Authority had received over the years had accomplished little, save buying opulent lifestyles for Arafat's cronies and his Paris-dwelling wife and daughter. There was no continuity of government because there was no real government. Hamas openly competed to provide essential social services to the Palestinian people because they were abandoned. Shepherding his people towards the Promised Land, Arafat, the old grandfather, created essentially a well-groomed, international cult of personality. With myriad competing security, intelligence, and commercial bureaus established by "the Old Man's" pocketbook,² what collapsed was essentially a dictatorial rule that lacked dictatorial results. Competing groups began jockeying for power, chief among them was Hamas.

In these latest elections, Hamas ran on a platform that was essentially anti-corruption, which is roughly analogous to being anti-Fatah. Their election seems as much about these promises as it is about Hamas' status as a terrorist organization. Now that it is in power, Hamas must chose between a secular

² Samuels illustrates Arafat's half-baked system of financial incentive distribution: ads taken out in newspapers begging for money, and aides carrying bundles of cash behind him as he entered settlements are two egregious examples of his prioritization of self over country.

campaign promise and a radical founding ideology.

For many years, the *de facto* policy of Western governments and press in analyzing the Middle Eastern political situation was akin to the scene in *The Wizard of Oz*: "Pay no attention to the man hind the curtain." The militancy of the people was ignored or marginalized in favor of a friendly, pro-western face. The appearances of peace, moderation, security, and control were pressed upon the world through the airwaves. Between this charade and the massive amounts of international aid siphoned off into expense accounts for exotic art, designer clothing, and opulent foreign accommodation, organizations like Hamas began to offer social services long neglected by self-involved governments. These schools, hospitals, and mosques, offered simple social services, while functioning as catheters of rabid anti-Western sentiments. The Hamas charter flatly states that the state of Israel was created by a "Zionist plot" as outlined in the *Protocols of the Elders of Zion*, a czarist forgery. Reacting to this blatant falsehood, Hamas's 1988 charter declares the organization's intent to create an Islamist, Taliban-style state "from the river to the sea." However, these radical founding principles may give way to a tyranny of responsibility.

Hamas may be forced to deal with the West. As the *Economist* points out, Hamas has three major problems to tackle: "corruption, lawlessness, and unemployment." Behind these aspirations one salient fact rises above the rest: while the GDP of the West Bank and the Gaza Strip is approximately \$2.6 billion, the amount of foreign aid is over \$1 billion. Hamas's refusal to acknowledge Israel and to renounce terrorism has left many international donors uneasy about opening their checkbooks. Scott MacMillan argued in *Slate* that Hamas's newfound status may sap it of its militant will, if it chooses to take governing seriously, because of the "pothole effect." With mouths to feed, hospitals to run, schools to open, police forces to train, and streets to pave—not to mention an honest government to build—Hamas might not have time to carry out attacks on Israel. And when they do, there will

be no curtain to hide behind. Any attack can and likely will be blamed on the Hamas government.

The elections were the chance to expose the real character of the Palestinian people. The question is now which character revealed itself. Was it an international terrorist organization dedicated to the destruction of Israel that dominated the elections, or a conservative, reformist party hoping to create a solid state out of a corrupt political pudding? With the Hamas flag now flying proudly over the Palestinian parliament, the retrograde desire to destroy Israel comes with clear consequences for the newly established government. Hamas's election will shortly force their hand, and reveal to the world their priorities.

For the Palestinians, Hamas presents a clear situation of intentions married to actions portending results. Given recent history, neither the United States nor Israel will have any problem with dealing unilaterally with Hamas. Without Arafat's forked tongue, the Palestinian people are now forced to contend with their self-appointed government. Arafat was deftly able to take anti-Western hatred and clothe it as *causus bellum* against the Israeli state, considering the divide between terrorist and political groups in the P.A. With a government that acknowledges violent "Jihad" (i.e. suicide bombings and the shelling of civilians) as an appropriate means to accomplishing their desired political end, any attacks on Israel must be directly acknowledged as, if not directly carried out by the government, effected with its implicit consent. The Palestinian people will be forced to acknowledge not only the result of Hamas's election, but also the legitimacy of an Israeli response. Perhaps after a few attack reprisals the Palestinian people will demand their government stop acting in a way that elicits the military ire of the Israeli state, and start demanding social services and an end to civil corruption.

Finally, Hamas's election has brought vivid clarity to the issue of democratization. Whether by trial in Iraq or by (possible) error in the Palestinian Authority, democracy and the responsibility that

comes with it are making headway in the Middle East. People are being given the chance to choose their own destiny and live with the consequences. The election of Sunni legislators to the Iraqi Parliament has given the native extremists cause for reflection in their campaign against coalition forces, and for good reason. Baathist and Sunni insurgents have limited political aims: preservation of power and security (previously provided by Saddam). They are not only negotiating, but they are also expelling al-Qaeda fighters from the "Sunni triangle," realizing that their and al-Qaeda's aims are distinct and in fact antithetical. Both the Sunnis and the Palestinians stand in the eyes of the world as stark examples of how "democracy" is no synonym for "imperialism." It is an important distinction because it illustrates the greater importance of why democratization must take place now.

For over two hundred years³, philosophers and policymakers have guessed at the power of democracy to create global harmony. We are now at a crossroads. In the coming years we must choose either to continue with this experiment, or to back down. China and India will soon be the world's preeminent economic, political, military, and academic super-powers. Very soon, our ability to change the world will pass into the mist. When that time is upon us, it would be a shame to allow minor setbacks to cast their despotic shadow out of context over this millennial project.

Allan Bloom ends his prescient *Closing of the American Mind* thus: "This is the American moment in world history, the one for which we shall forever be judged. Just as in politics the responsibility for the fate of freedom in the world has devolved upon our regime, so the fate of philosophy in the world has devolved upon our universities, and the two are related as they have never been before. The gravity of our given task is great, and it is very much in doubt

³ Immanuel Kant's essay *Perpetual Peace*, published 1795, in the wake of two democratizing revolutions, posited that republics were generally more peaceful, and that promoting representative government was one step among many in creating lasting global truce.

how the future will judge our stewardship.”

It is clarity that our project needs, not only to understand why we have undertaken it, but also to ascertain how to complete it. With the Hamas victory, it is clarity that we have received. Though the future contains grim uncertainty, we should not be dissuaded by the illusion of defeat.

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EXECUTION IS NOT THE SOLUTION

Yesha Sutaria

“An eye for an eye leaves the whole world blind.” This is precisely the crippling effect capital punishment has had on American society. Despite the fact that it is an unnecessary practice and that the system under which it operates is inherently flawed both in form and function, the majority of Americans support its implementation. This pro-death penalty stance baffles the mind, especially in the face of overwhelming evidence that demonstrates that the apparatus is hopelessly defunct and irrevocably destructive to society as a whole. The only possible explanations for this phenomenon are that the American people might truly be ignorant of the realities surrounding capital punishment or that they deliberately shield themselves from its apparent and repeated failures in order to cling to the misguided notion that state-sanctioned killing is just.

Perhaps the biggest misconception about the death penalty is that it serves as a deterrent. The notion that the possibility of being executed will stop someone from committing a crime is categorically false and is rejected by empirical evidence. A survey conducted by the *New York Times* in 2000 found that during the last 20 years, the homicide rate in states with the death penalty has been 48 to 101 percent higher than in states without the death penalty. FBI *Uniform Crime Rates Data* from 2003 shows that 10 of the 12 states without capital punishment have homicide rates below the national average. The South repeatedly has the highest murder rate in America—in 1999, it was the only region with a murder rate above the national average. The South accounts for 80 percent of executions, while the Northeast,

which accounts for less than 1 percent of executions, has the lowest murder rate. The fact of the matter is that most people who commit murders do not expect to be caught. As such, they fail to consider the death penalty as one of the possible consequences of their actions. Murders are often committed in moments of passion or by substance abusers. As the former Texas Attorney General Jim Mattox remarked, “It is my own experience that those executed in Texas were not deterred by the existence of the death penalty law. I think in most cases you’ll find that the murder was committed under severe drug and alcohol abuse.” This opinion, coming from an official from a state with the most executions, clearly illustrates that capital punishment does not result in viable deterrence.

One of the most unfortunate characteristics of the capital punishment system in America is that it is blatantly racist in nature. As Supreme Court Justice Blackmun wrote in his 1994 dissent in *Callins v. Collins*, “Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die.” A 2003 report released by Amnesty International corroborates his assertion. It finds that African Americans disproportionately populate death row, “While [African-Americans] make up 12 percent of the national population, they account for more than 40 percent of the country’s current death row inmates, and one in three of those executed since 1977.” The report further reveals a substantial racial disparity in the percentage of people executed for crimes involving white victims and the percentage of people executed for crimes involving black victims, “Of the 492,852 murders between 1976 and 1999, 51 percent were of whites and 47 percent were of blacks...Yet, 80 percent of the more than 840 people put to

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death in the USA since 1976 were convicted of crimes involving white victims, compared to the 13 percent who were convicted of killing blacks.” It continues, “Federal death row inmate Louis Jones became the 183rd African-American to be executed in the USA since 1977 for the murder of a white person (22 percent of all executions). In the same period, 12 whites were put to death for the murder of blacks (1.4 percent of executions).” Also disclosed by the report is the remarkably high incidence of African Americans being sentenced to death by conveniently all-white juries: “At least one in five of the African-Americans executed since 1977 had been convicted by all-white juries, in cases which displayed a pattern of prosecutors dismissing prospective black jurors during jury selection.” A 2000 review of the federal death penalty released by the United States Justice Department uncovered similar suspicious behavior on the part of prosecutors. The report showed that 80 percent of the cases submitted by federal prosecutors for death penalty review between 1995 and 2000 involved racial minorities as defendants—in more than half of those cases, the defendant was African-American. Attorney General Janet Reno had said she was “sorely troubled” by the results of the report and had ordered United States attorneys to help explain the racial and ethnic disparities in the system. Given these findings, one would be hard pressed to deny that race significantly influences the legal proceedings of a capital trial in America.

Another regrettable feature of the death penalty is that it disproportionately punishes the poor. In *Furman v. Georgia*, Supreme Court Justice William Douglas wrote, “One searches our chronicles in vain for the execution of any member of the affluent strata in this society.” The vast majority—the average cited by most studies is 95 percent—of defendants charged with capital crimes cannot afford adequate representation. These indigent citizens are consequently forced to depend on court-appointed lawyers to save their lives. Oftentimes, these public defenders are so underpaid that they have no incentive to put sufficient time and effort into fighting for their clients. Supreme Court Justice Ruth Bader Ginsburg

plainly asserted in a lecture in 2001, “I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial...People who are well represented at trial do not get the death penalty.” This should come as no surprise, since state public defender services lack the resources to hire investigators and expert witnesses that might help them build a strong case. A comprehensive study conducted by the Columbia University Law School found that the overall prejudicial error in capital cases was a whopping 68 percent of all cases (5,760) reviewed in this time period. In nearly 7 out of 10 capital cases, state and federal courts found errors sufficiently serious to require reversal or retrial. The study further determined that it takes an average of three judicial inspections to catch all of the mistakes made during the course of a capital trial. This statistic does not inspire much confidence that even then all of the mistakes are identified, and in fact, the study discovered that after state courts threw out 47 percent of death sentences due to serious flaws, a later federal review found “serious error” in 40 percent of the remaining sentences.

These high error rates among capital cases lead one to the obviously horrifying consideration that people may be wrongly sentenced to death. And indeed this is precisely what the Columbia study found. It reported that 82 percent of the people whose capital judgments were overturned by state post-conviction courts due to serious error were found to deserve a sentence less than death at retrial. More remarkably, the study uncovered that 7 percent of these defendants were found innocent. In fact, history speaks for itself in this regard. Since 1973, 122 people from 25 states have been released from death row with evidence of their innocence. This fact alone should be sufficient to justify the abolition of the death penalty, or at the very least, a national moratorium. Execution is irreversible, and the murder of an innocent person is an atrocity that can never be rectified. As Justice William Brennan aptly stated, “Perhaps the bleakest fact of all is that the death penalty is imposed not only in a freakish and discriminatory manner,

but also in some cases upon defendants who are actually innocent.” Justice Sandra Day O’Connor concurred with his assessment, saying, “If statistics are any indication, the system may well be allowing some innocent defendants to be executed. More often than we want to recognize, some innocent defendants have been convicted and sentenced to death.” Why take the risk, given all of the system’s predispositions to bias and error, of killing even one innocent person? This gamble with the lives of American citizens seems irrational, especially when a better and more economically efficient way to punish criminals exists: life without parole.

The death penalty is an unnecessary and incredibly expensive practice. Numerous studies have concluded that it costs more to execute a prisoner than to keep him in prison for life without parole. The significantly higher cost for capital cases can be attributed to the extra costs of appeals and the lengthy duration of the process from arrest to execution. Several states have estimated that the government cost of a single death penalty case ranges from \$1 million to \$3 million, while the average life imprisonment (including incarceration) costs around \$500,000. A 2004 report released by the Tennessee Comptroller of the Treasury found that death penalty trials cost an average of 48 percent more than the average cost of trials in which prosecutors seek life imprisonment. According to *The Palm Beach Post*, Florida would save \$51 million each year by punishing all first-degree murderers with life in prison without parole. A 2002 study by Indiana’s Criminal Law Study Commission determined that the total cost of Indiana’s death penalty is 38 percent greater than the total cost of life without parole sentences. The most comprehensive of these cost analysis studies was conducted by Duke University in 1993. This two-year review determined that North Carolina’s capital cases cost at least an extra \$2.16 million per execution, compared to what taxpayers would have spent if defendants were tried without the death penalty and sentenced to life in prison. Millions of dollars are wasted nationwide on a capital punishment system that is flawed and serves no purpose. This money could be used to improve education

and health care initiatives—instead, it is needlessly thrown away at a staggering cost to everyone.

Additionally, it can be argued that society misses an opportunity when it executes an inmate. Killing someone does not provide retribution to society—when a person is dead he can obviously make no contributions. If, however, a criminal were to spend his life behind bars working without compensation, he could try to repay his debt to the public. One of the most well known examples of criminals working for the betterment of society is the case of Leopold and Loeb. In 1924, 19 year-olds Leopold and Loeb kidnapped and murdered a fourteen year-old boy. They were both spared the death penalty and sentenced to life imprisonment. Their accomplishments included working at hospitals, teaching illiterate people to read, creating a correspondence school, making significant developments in the World War II Malaria Project, and writing a grammar book. Elinor Horwitz claims in her 1973 book *Capital Punishment U.S.A.*, “An inestimable amount of people were directly helped by Leopold and Loeb.” Of course, most criminals will not be inspired to reproduce achievements of the same caliber as Leopold and Loeb. However, it is apparent that people can do more alive than dead, and society receiving any positive development is certainly a better situation than it getting back nothing at all. As the former Governor of North Carolina James Hunt asserted, “Every able-bodied prisoner in North Carolina ought to be working and working hard.”

So long as the death penalty is maintained, the risk of executing the innocent can never be eliminated. Former Governor of Illinois George Ryan stated, “The system has proved itself to be wildly inaccurate, unjust, unable to separate the innocent men from the guilty and, at times, a very racist system.” If there’s one thing he can be proud to have accomplished during his term in office, it is the January 2000 declaration of a moratorium on executions in Illinois. His decision came as a response to the exoneration of the 13th death row prisoner found to have been wrongfully convicted in the state since 1977. George Ryan recognized

that there were grave failings in the capital punishment system, and he commendably acted to prevent this great injustice from continuing unabated. As a result of the investigations that followed the moratorium, in January of 2003, the former Governor pardoned four death row prisoners and commuted all 167 other death sentences in Illinois.

It is unequivocally clear that the death penalty is plagued with error and bias at every step of the process. What's more, capital punishment has not been proven to be a viable deterrent. This system that is inherently racist and punishes the poor serves absolutely no valuable function. It only drains tax dollars—at a tremendous opportunity cost to society—in an irrational attempt to settle the score. The death penalty purportedly enforces justice and makes things right. Of course, killing someone won't bring back a loved one, so all it really does is satisfy a base need for revenge that is a vestigial remnant of the days of Hammurabi. And even that supposed consolation is only possible if the person executed was actually guilty. Given the absurdly high incidence of serious error in capital cases, this guarantee cannot be ensured. In light of the overwhelming evidence that illustrates in no uncertain terms that the capital punishment system is an abomination that mercilessly tramples the fundamental rights of American citizens, it must be determined that execution is not the solution. This is exactly the conclusion Moses Harrison II, Chief Justice of the Illinois Supreme Court, reached on his last day on the bench—”My personal belief is that there's no hope for morality in the state of Illinois as long as we have the death penalty. It's morally wrong. Despite the courts' efforts to fashion a death penalty scheme that is just, fair and reliable, the system is not working. Innocent people are being sentenced to death...If this is the best our state can do, we have no business sending people to their deaths.”

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TOWARDS A CONTINUATION OF THE DEATH PENALTY

BRIAN HINKLE

The case of Stanley “Tookie” Williams has brought the debate on the death penalty to the foreground in national politics. Yet it is ironic that the opponents of the death penalty have chosen to attach their hopes—unsuccessfully, as it turned out—to a case which embodies so many terrible stereotypes about death row inmates.

Mr. Williams was utterly unrepentant of the crime he committed, convinced of his own innocence in opposition to all available evidence—evidence so overwhelming that no appeals court in the most liberal district in the US would consider a new trial. He chose to make a jail cell “conversion” that occurred suspiciously close to the end of his appeals court hopes, and refused to “snitch” on his Crips brethren even though he had forsworn all allegiance to the gang. Williams’ sole appeal for clemency was his authorship of a series of children’s books with almost undetectable sales and his creation of a “Tookie Protocol for Peace” between the Crips and the Bloods that has yet to end the deadly violence between the two gangs. Yet Mr. Williams had no shortage of supporters—in the news media, in the music industry, in academia—and the resulting swirl of media attention left his victims forgotten by all but the most tenacious reporters.

Herein lies the danger of unthinking activism against the death penalty: though criminal justice, and the death penalty in particular, is framed around the victim’s rights for retribution, death penalty jurisprudence often produces an unthinking exaltation of convicted inmates and a collective forgetfulness about the extent of their crimes.

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This reverential attitude towards thugs and felons is not based on appreciation of their personality. Rather, it considers them as symbols of organized oppression through the system of capital punishment. In this article, we will thus address some of the classic arguments against the death penalty in hopes of establishing the case for this punishment and of placing those who receive it in a more balanced light. We will conclude with a brief description of why the death penalty is necessary.

One of the first objections against the death penalty is the issue of deterrence. Opponents of capital punishment argue that states which allow the death penalty see no noticeable change in their homicide rate, while states that cap punishment at life-without-parole have lower homicide rates. A common feature of such studies is their origin in government (the FBI or the Department of Justice) or respected media outlets (the *New York Times*), which is meant to bestow instant credibility on them and to distract the unconvinced from one salient fact—these studies do not establish causation. While they do show, in no uncertain terms, that there is a *correlation* between states who have enacted the death penalty and higher homicide rates, but we can just as easily say that lack of industry and investment is correlated with the rates. In fact, for most of the primarily Southern states that have enacted the death penalty that fact is true.

Yet neither one of these statements has established enacting the death penalty has by itself increased or decreased the homicide rate. The sad fact is that the many causes renders us almost unable to find out whether the death penalty deters or does not deter crime. In the absence of such evidence we might consider the thoughts of John McAdams of Marquette University: “If we execute murder-

ers and there is in fact no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers, and doing so would in fact have deterred other murders, we have allowed the killing of a bunch of innocent victims. I would much rather risk the former. This, to me, is not a tough call.”

Another common argument against the death penalty is its expense. Those opposed to capital punishment claim that it is two to six times more expensive than the cost of a life sentence without possibility of parole. First we must say that there are two main moral justifications for paying significantly more for a death penalty prosecution up front. We can say that it is necessary to pay more for a death penalty case if the death penalty itself is necessary—this is tautological, but can be justified since anyone opposed to the death penalty would have an intransigent opposition to its cost. We can also say it is necessary to pay more because most of the extra cost comes from the dozens of layers of appellate review and court filings which ensure the justice of the system, and this cost is the natural result of supporting a morally just death penalty. But these two arguments pale in light of the biggest objection to rhetoric on expense—namely, that the cost of a life-without-parole punishment does not include the cost of the entire life sentence, only the cost of the conviction. *Time* has estimated a \$24,000-a-year cost for normal cells and a \$75,000-a-year cost for maximum-security cells. If we assume an 80/20 split between the two for a life-without-parole population, we end up with a \$34,200-a-year cost for life prisoners. Once we figure in a 2 percent annual increase in costs and a projected 30-to-40 year length of a life conviction, the total cost of the sentence alone becomes approximately \$2 million which does not include any costs for trial or appeals. When the total cost is added up, life-without-parole sentences actually cost significantly more than death penalty cases.

Deterrence and expense aside, one of the most common arguments against the death penalty is that it is institutionally racist. The evidence that anti-death-penalty activists present is that the percentage of African-American inmates on death row

is drastically higher than the percentage of African-American inmates in the general population, or that African-Americans who killed Caucasians were more likely to face the death penalty than those whose victims were of other races. Such statistical evidence seems damning until we examine its implications. First, is there a presumption that the pool of capital punishment convicts ought to represent the American population as a whole? This seems to be the suggestion of those horrified by high percentages of African-American death penalty inmates. The death row does not represent the American population, it represents the American *criminal population*. The majority of that population is male, African-American, and poor. Should we find the large numbers of African-Americans who commit capital crimes disturbing? Of course we should. But the proper place to solve that societal problem is not in the District Attorney’s office. It is solved through a widespread, multi-pronged program of public and private social work; otherwise, we will treat the symptom instead of the disease. Also, racism in the institution’s current situation is only suspected. If prosecutors began actually to use the race of the defendant either for against him, racism is *proven*—and justice becomes a matter of skin color rather than guilt.

One of the more poignant arguments against the capital punishment system is the percentage of inmates who cannot afford appropriate representation at trial—a number nearing 95 percent. Unlike one’s race, one’s socioeconomic status means a measurable difference in the quality of counsel. Yet we cannot allow this fact to sway our judgment for three major reasons. First, ineffective counsel constitutes grounds for appeal, and the appeals process for the death penalty happens to be more effective and extensive than for other types of crimes. For example, how many manslaughter or life-without-parole cases have received a writ of *certiorari*? The number of inmates released through appeals is not evidence of the system’s horror, but rather of its ability to account for the poor quality of an inmate’s representation at trial. If the system were truly cruel, it would not even grant an exception for ineffective counsel. Second,

even if the public defender or inmate is not capable of filing effective appeals, there exist considerable numbers of bright and talented law students, pro bono lawyers and nonprofit anti-death penalty groups who work to help inmates who were initially without access to competent counsel. Third, if neither of these options keeps an inmate in the appeals process for long, we must look at what is possible without destroying the judicial system. There is simply no way to provide expensive and experienced trial lawyers to every defendant in a capital case. This goes for death penalty cases, as well as for cases that result in life without parole. Now if we wish to save the inmate's years of waiting for appeals before they gain their freedom, and if we wish to accomplish that through better trial-level lawyering, the place to make those reforms is at the ballot box. By fully funding the public defender system, we are not consigning ineffectively-represented inmates to a life sentence in prison.

To many, the most effective criticism of the death penalty lies in its tendency towards error. In fact, critics of the penalty cite over one hundred cases of people "exonerated" by the appeals process for the death penalty. But we must consider several objections to this line of reasoning. First, the number of those "exonerated" does not correspond to the number of inmates who are factually innocent—after counting appeals court wins for technical errors versus factual errors, county prosecutor Steven Stewart places the number of factually innocent inmates at about 40. At 40 inmates out of 7,000 executed, this represents a sentence that is more than 99.5 percent correct. By far, the death penalty is the most consistently correct of any sentence once punishment is actually carried out. This leads to our second point – given that the judicial system is human, should we end a particular type of punishment because fewer than one-half of 1 percent of the convicted inmates turn out to have been innocent? Because humans are not blessed with omniscience, any sentence imposed upon our fellow humans will necessarily carry some possibility of error. When we compare the astonishingly low chance that a death-row inmate is actually innocent (and the 98% chance

that an inmate had a technically correct conviction, regardless of culpability), with the benefits – possible deterrence, justice for the victims, justice for society, decreased cost of imprisonment – is it quite as easy to denigrate the moral justification for the death penalty? For that matter, let us consider a sentence of life in prison without parole. This type of existence is hardly desirable, and it lacks the sort of rigorous scrutiny and supervisory mechanism associated with capital punishment. This implies that it should have a much higher rate of false convictions; yet death penalty opponents seem to spare no tears for those who are given life sentences without committing any crime.

Having considered many of the objections to the death penalty in depth, we ought to end with a restatement of why the death penalty exists in the first place. The justice system is designed to provide justice for two parties: the victims of the crime in particular, and society in general. In most crimes, someone who has suffered injury is able to see his assailant suffer in proportion to the crime, and society is able to establish a disincentive to commit crime. Yet in that most heinous of crimes—premeditated murder—prison is not sufficient to provide justice for either the victim or society. No amount of time spent in a detention cell—however undesirable that experience might be—will leave a murderer with injury equivalent to that which he caused his victim. Instead, in a perverse sort of way, prison will respect his life. It is for this reason that the death penalty was created by the Code of Hammurabi during the dawn of civilization, and it is for this reason that it has survived while many of the harsher Hammurabic punishments have lapsed. Society deserves justice when someone has taken advantage of its assistance and yet violated its foundation of laws. Victims deserve justice when someone has robbed them of their most fundamental right to live and breathe. The death penalty makes it possible for both parties to exact proportional punishment for the ultimate crime, and so—in absence of overriding objections and in presence of a system of oversight—it ought to be allowed to continue.

Those who oppose the death penalty have failed to establish a *prima facie* case why the injustices suffered by the criminal outweigh those suffered by the victim and by society. For that reason we must continue to support the system of capital punishment – a system which is more accurate, more fair to the defendant, and more sustainable for society than any other part of the criminal justice system.

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WITHOUT A PARTY

Mark Meador

When surveying the current landscape of American politics most Americans would likely identify a large conservative presence, but they would be mistaken. There is certainly a large Republican presence, but to say it is conservative would be disingenuous. Principled conservatism appears to have largely been over run by the collegiate Republican sorts: those who really only care about guns, low taxes, and executing criminals. Roots are next to irrelevant; it is power that matters. A Daily Show skit actually got it right when it made the point that Republicans, typically the party of smaller government, having nonetheless taken control of both houses of Congress and the White House, are now seeking to expand the power of the government and, with it, their own powers. They seem to be violating some of their own core principles, which is unsurprising when they are not aware of their own principles to begin with. It is safe to say that most of our senators and congressmen couldn't tell you what Edmund Burke, Benjamin Disraeli, Michael Oakeshott, or Ortega y Gasset thought, let alone who they were. In an effort to reawaken the idea of what it means to be a conservative and to give a gentle reminder to those who have forgotten, an attempt at a short summary is necessary. It should be noted, however, that such a project will necessarily be overly general. I do not propose to lay out a comprehensive philosophical system, but rather, a basic set of precepts. While fulfilling in breadth, will inherently leave the reader wanting in depth.

Though conservatives cite few real beginnings, the foundation of modern conservatism finds its roots in the political thought of Edmund Burke's

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Reflections on the Revolution in France, a letter lamenting the tossing off of the French government and its rich historical heritage following the French Revolution. However, much of this speaks more to the philosophy of conservatism than its politics. In fact, it is hard to define any sort of "politics" of conservatism. Conservatives, by nature, are not ideological; in fact, as H. Stuart Hughes noted, "Conservatism is the negation of ideology." It would be more accurate to describe conservatism as a disposition or temperament

With that firmly in mind, there are nonetheless several political aspects of the conservative disposition which bear some primacy. One of the foremost involves the rights of men. Burke famously wrote that "Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions." For Burke, like Plato, our civil ties are a result of man's neediness, his lack. And again like Plato, Burke identifies one of our needs to be a restraint on our passions. It is important to note the suggestion of restraints, though, and not force. Burke writes that "It is better to cherish virtue and humanity by leaving much to free will, even with some loss to the object, than to attempt to make men mere machines and instruments of a political benevolence."

More importantly though, with respect to rights, a conservative recognizes that inherent in every right is a duty. In *The Conservative Mind*, Russell Kirk observed that when these rights "are distorted into extravagant claims for a species of freedom and equality and worldly aggrandizement which human character cannot sustain, they degenerate

from rights to vices.” Man has no right to what is not to his benefit. When a civilization begins abstracting “rights” which resemble desires more than duties, it unbraids the social restraints necessary to maintain a civil, ordered society. As such, Kirk concludes, “Equality in the sight of God, equality before the law, security in what is one’s own, participation in the common activities and consolations of society – these are the true natural rights.”

Another crucial aspect is Burke’s description of our natural prejudices. We are not speaking of prejudice in the bigotry sense, but rather the unreasoned wisdom passed down from generation to generation. This is not to say that such prejudices are irrational or plebian; to the contrary, they are full of “latent wisdom.” In fact, Burke argues that those who undertake to grasp this wisdom in the end “think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice, and to leave nothing but the naked reason; because prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence.” Burke’s reliance on prejudice raises eyebrows, particularly in post-Enlightenment academia. Yet, a proper education in philosophy will bring one to the same skepticism of human reason. As Burke put it, “We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that this stock is each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages.” Questions of the highest import must be settled in the highest manner. Reason alone will not correctly answer the weightiest questions of humanity; only an eye to the permanent things will get us closer to understanding how we ought to live.

While this disposition is not committed to any one regime, when applied to American democracy (through the founding thought of John Adams), it results in a preference for smaller, more localized governments. Outside of a monarchy, localized government most admits for the conveyance of essential traditions and prejudices and provides the best maintenance of the social fabric. However, at

the end of the day, conservatives recognize that a democracy is only as good as the people who comprise it. We cannot look to democracy as the end in itself, nor can we use it to find the correct end. Rather, democracy is only successful when the end, the Good, has been accepted and taken as the premise. A citizenry should not be electing statesmen based on what the candidates think the good is or should be; they should elect the man they feel is best qualified to lead to the good. Democracy may be the end of history, but we’re not there yet.

Such a view of politics places greater importance on culture, of which there are three important aspects to consider. First is Roger Scruton’s espousal of what he terms “high culture.” Scruton writes, “For Wilhelm von Humboldt, founding father of the modern university, culture meant not untended growth but cultivation. Not everyone possesses it, since not everyone has the leisure, the inclination or the ability to learn what is needed. And among cultivated people, some are more cultivated than others.” Scruton’s praise of high culture is complemented by Jose Ortega y Gasset’s lament about the rise of the “mass-man” in his polemic treatise, *Revolt of the Masses*. He writes, “Is it not a sign of immense progress that the masses should have ‘ideas,’ that is to say, should be cultured? By no means. ...The ‘ideas’ of the average man are not genuine ideas, nor is their possession culture...It is no use speaking of ideas when there is no acceptance of a higher authority to regulate them, a series of standards to which it is possible to appeal in a discussion...There is no culture where aesthetic controversy does not recognize the necessity of justifying the work of art.”

This brings us to the second aspect of culture the conservative disposition adheres to--the existence and need for classes and social hierarchy. We inherit from Burke the idea of a ‘natural aristocracy,’ the class of ladies and gentlemen endowed by their creator and their upbringing, though not necessarily their wealth, with “the virtues of diligence, order, constancy, and regularity” and who have “cultivated an habitual regard to commutative justice.” An ordered society is essential to avoiding

mediocrity, and the role of the ‘natural aristocracy’ in leading the way is irreplaceable. Burke cited the French Revolution as a perfect example--after decapitating the elite and noble among them, he correctly predicted, the French would only repair their folly through a military dictator (Napoleon).

Within the framework of the aristocracy, then, we come to our third aspect: chivalry. Burke decried its impending demise, and successive generations have watched it be dragged across the ground like Hector behind the chariot of Achilles. Such is the wrath of “progress”--we have so preoccupied ourselves with opening doors for women in a figurative sense that we have forgotten about the literal one. Reflecting upon a past meeting with the Queen of France, Burke famously wrote, “I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult.”

Whatever the political opposition to traditional gender roles, denying differences in the sexes is as naïve as denying the difference between a boy and a man. Chivalry does not confine one to a role; it respects and honors our respective God-given responsibilities. It praises what is fine in the other sex. It does not belittle, it esteems. The degeneration of the American family did not occur because “women left the kitchen,” it happened because they forgot the reason they were there in the first place. Each sex has a burden to carry, but that load is lightened when we are reminded of its value and our worth. A well-bred man will find it not at all unintuitive to judge a nation by the number of men who literally open doors for its women. After all, “There ought to be a system of manners in every nation which a well-informed mind would be disposed to relish. To make us love our country, our country ought to be lovely...Nothing is more certain, than that our manners, our civilization, and all the good things which are connected with manners, and with civilization, have, in this European world of ours, depended for ages upon two principles; and were indeed the result of both combined; I mean the spirit of a gentleman, and the spirit of religion.”

And so we fittingly come to religion, the very inclusion of which will be too much for many, though for Burke was – and for conservatives, still is – “the basis of civil society, and the source of all good and all comfort.” As discussed earlier, a moral foundation is absolutely necessary for any society to survive, especially in a democracy. It is for this reason that the esteemed writers of our Constitution penned the First Amendment, not so that the state might be protected from religion, but that religion would be protected from the state. This is also the source of John Adams’ insight that, “We have no government armed with power capable of contending with human passions unbridled by morality and religion...Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”

Even those who subscribe to the so called “historical utilitarian” view of conservatism – insipid and vacuous as it is – are wary to tear apart such a strong thread of the social fabric. Thus Burke argued that, “The writers against religion, whilst they oppose every system, are wisely careful never to set up any of their own.” Such writers are aware of, if likely nothing else, at least their inability to abstract even a few of the latent functions which a healthy church serves in a civil society. Furthermore, a conservative unaided in his thought by the cause of religion degenerates into little more than a stingy and stubborn weight on the relativistic scales of modern politics, where all ideas are simply equal alternatives, none better than the others. Conservatism devoid of religion loses the conviction in its principles and the substance of its aim.

And while religion plays an important role, this should not lead one to think that philosophy is entirely absent. Though conservatives do not consider themselves to be ‘intellectuals,’ they welcome the term ‘scholar.’ Such distinctions underlie a general distrust of metaphysical abstractions. This is not to say that conservatism is a- or anti-rational; to the contrary, it relies heavily upon practical wisdom, prudence, and reason. Nonetheless, conservatives know that “nothing universal can be rationally affirmed on any moral, or any po-

litical subject...Metaphysics cannot live without definition; but prudence is cautious how she defines.” While Strauss spoke of the tension between the philosopher and the city, Burke spoke of the dangers. The role of philosophy in civil society is perhaps best insinuated in stating the difference between liberalism and conservatism. Whereas liberals see all of the problems in the world and try to solve them, conservatives see all the good in the world and work to preserve it. We are not so presumptuous as to assume that we can tear down institutions that have served humanity for so long and rebuild them according to idealistic visions without failing to replace all of the latent functions they served. It is this approach which lends credence to the idea of cautious reform. As Burke emphasized, “A state without the means of some change is without the means of its conservation.” Russell Kirk elaborated that, “Society must alter, for prudent change is the means of social preservation; but a statesman must take Providence into his calculations, and a statesman’s chief virtue, according to Plato and Burke, is prudence.”

This shall serve then as a brief patch-work of essential conservative principles. There is much of which has not spoken, though a conservative stance could likely be deduced from what has been presented. Taking a cue from that presentation, it seems it is only appropriate to, in closing, return to he with whom conservatism began and conclude that “I have little to recommend my opinions but long observation and much impartiality.”

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RETHINKING THE CAUSES OF GLOBAL TERROR

Lee Solomon

Like good social scientists, political analysts should draw conclusions about the behavior of Islamic terrorists from the data, not preformed cultural biases. Unfortunately, the dominant logic most often used to explain the phenomenon of global terror relies too much on the latter at the expense of the former. The media and the government tend to formulate this logic in the following form: “They hate us because of our freedom. They hate democracy. They’re jealous of our affluent way of life.” These absurd rationalizations of psychologically complex minds do a disservice to Americans, who all too often accept them dogmatically and uncritically. September 11, 2001 presented Americans with an opportunity to rethink the meaning of freedom and democracy and to devise a foreign policy reflecting these ideals responsibly and honorably. Instead, this opportunity was overlooked by an administration lacking the courage to ask the most basic questions about the enemy it set out to destroy.

On September 12, 2001, President Bush stated on national television that “freedom and democracy are under attack.” In a letter to the Speaker of the House of Representatives written on that same day, the President explained, “Our way of life, indeed our very freedom, came under attack.” Later that evening he said, “Our country will, however, not be cowed by terrorists, by people who don’t share the same values we share, by people who are willing to destroy people’s lives because we embrace freedom.”

His rhetoric hasn’t strayed too far from these humble origins. Indeed, the President’s speeches have gained a bit in sophistication, but the un-

derlying assertions, however less explicit, remain the same. On December 18, 2005, the President argued, “I see a global terrorist movement that exploits Islam in the service of radical political aims—a vision in which books are burned, and women are oppressed, and all dissent is crushed. Terrorist operatives conduct their campaign of murder with a set of declared and specific goals—to demoralize free nations, to drive us out of the Middle East, to spread an empire of fear across that region, and to wage a perpetual war against America and our friends.” Again, this is just fancy talk for insisting that terrorists hate democracy, freedom, peace, and a whole grocery list of good old-fashioned American values.

The Bush administration will continue to delude itself as long as it continues to characterize the Other as juvenile delinquents and counter-cultural rebels who resist a universal democratic impulse simply because they can’t be coerced to accept our set of values, whether masked under free trade initiatives or imposed by meddling international institutions. Rather than beginning with a careful analysis of terrorism’s precipitating causes, the Bush administration relied on brawn over brains.

What are the precipitating causes of terrorism? Some insist upon economic poverty. Yet this answer reeks of the same imperialist hubris the Bush Administration is guilty of as it maintains that that Iraqis need to form a constitutional democracy prior to being a free people. This assertion conflates democracy and freedom. First, if the elimination of poverty is as universal a goal as we presume it to be, then it would have made more sense for Saddam Hussein to put an end to human rights abuses and government corruption. Economic sanctions against international trade

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consequently would have been lifted and a steady flow of foreign aid would have accomplished the same civil reconstruction in progress now without nearly the same level of frustration Iraqis must cope with daily in the presence of an occupying force. Popular approval both in Iraq and abroad would have kept Saddam secure in his palaces for quite some time. But the very fact that this didn't happen is deeply problematic for those who contend that eliminating what we designate as poverty is as important to the average Iraqi as it is to us.

Every effect has a cause. The Bush administration failed to grasp this simple rule of causality. Bush's impulse was to attack anyone bold enough to attack the U.S. without thinking through the problem intelligently. In the days, weeks, months, and now years following 9/11, Americans consoled themselves by waving flags and convincing themselves that they do undoubtedly live in the best country in the world. Self-criticism was swept under the rug in favor of a ruthless militarism and nationalism that effectively eliminated any discursive spaces in which it might have otherwise been possible to criticize the hegemonic worldview underlying the New World Order. One was irreducibly "with us or against us." This childish reaction constituted a refusal to engage the terrorists on the terms of their own criticism; this is to say that we failed to recognize the ideological content of their radical politics, and instead, appealed to "universal" moral standards from which we could denounce them for their illegitimate use of force, morally degeneracy, and anti-democratic ideology.

This course of action has led to dire consequences for our soldiers in Iraq and the overall success of the War on Terror, which is itself a knee-jerk, dogma-driven reflex aggravating the very problem it intends to solve. In fact, there were probably fewer terrorist attacks prior to 9/11 and the invasion of Iraq than there are now. To be sure, Chicago Professor Robert Pape, has collected empirical data to justify such a bold claim.

Suppose we take the terrorists at their word. A text of a speech given by Osama bin Laden re-

leased in October, 2001 cited the following reason for the suicide attacks on the World Trade Center: "What America is tasting now is something insignificant compared to what we have tasted for scores of years. Our nation has been tasting this humiliation and this degradation for more than 80 years." Few, if any, government officials have yet to officially even admit this possibility as the cause of global terror. Yet bin Laden's claim shouldn't be dismissed too hastily. Even if the U.S. is not responsible for the humiliation perceived by the Islamic world, the fact of the matter is that bin Laden and his followers think it is.

Americans have been too eager to rationalize the terrorists' motives as ones that they can comfortably reject, e.g., "They hate our freedom," but this presumes that the terrorists' behavior can be explained with reason. Chicago Professor Jonathan Lear suggests there are "questions of the psychological means by which [terrorist] groups recruit the individual suicide terrorists and of the shared fantasies of the communities that support such recruitment. It could well be that [the] practice ... is supported—indeed, made possible—by unconscious fantasies that are themselves irrational." Lear's suggestion implies that the minds of terrorists might be much more psychologically complex than is generally believed; thus, their motives cannot be simply reduced to a rational hatred and jealousy for a way of life that they envy.

In war, people die. This principle of warfare is nearly undeniable. Enemies fired upon are entitled to the right to self-defense; they are "lawful combatants." Casualties should be accepted with remorse, not startled surprise. The Other's, by definition, is not accepted as a "lawful combatant." In fact, the enemy is an "unlawful combatant," one who is not even really legally entitled to self-defense. Colin Powell must have believed this when he expounded the first Bush administration's "no casualties on our side" doctrine. War is a novelty when one fires at the enemy's backside—picture the Washington elite picnicking while enjoying the spectacle-turned-nightmare at the First Battle of Bull Run at the start of the

Civil War—but becomes serious business once the Other actually dares to fire back after repeatedly being abused, for this is a criminal offense.

Someone left of center might be so bold as to suggest that 9/11 was a marginalized culture's attempt to shoot back, and this suggestion might be worth consideration. Slavoj Žižek makes a salient point when he describes the difficulty Americans encounter in swallowing the fact that cultures excluded from discourse in the international political community are left with no alternative but to resist the advances of a veiled cultural imperialist by any means necessary. There is no discursive space for them to protest; they are "unlawful combatants." Yet an exasperated culture forces itself to be heard even at the risk of being criminal. Žižek explains this paradox as fundamental to the War on Terror, a war in which the enemy is incriminated for simply defending himself. The terrorist is neither an enemy soldier nor a common criminal; he is *Homo sacer*, a "holy man."

Giorgio Agamben's study of the concept in Roman law called *Homo sacer* reveals some interesting insights in connection to the War on Terror. He claims that the *Homo sacer* may be banned from the community and may be killed by anyone, but not sacrificed. Agamben explains this statute's paradoxical nature as a simultaneous inclusion and exclusion in which a person is judged as a human being but deprived of his civil rights as a full citizen of the political community. Thus the *Homo sacer* has an uncertain political status; he is an "unlawful criminal" in the sense that he exists outside the law but is still held accountable to it.

Are terrorists really anything other than "holy men"? They aren't prisoners of war because they aren't recognized as enemy soldiers on the battlefield or opponents in the realm of political discourse. Nor are they common criminals, for even when an American citizen commits a crime, he is still regarded as a "lawful criminal," someone who is entitled to legal recourse as a member of the political community under the law that condemns him. This is certainly not so for the

Palestinians living in the occupied territories, the Taliban soldiers and the al Qaeda terrorists detained at Guantanamo Bay, and the Iraqi prisoners abused in Abu Ghraib. They all share the uncertain fate of "holy men." Each is a microcosm of the War on Terror, one particular construction of the Other that lies outside the boundaries of public discursive space yet is exposed to its harsh judgment and condemnation at the same time.

In the end, the War on Terror might still be the right fight to fight, but it must be fought in a way that respects the inherent humanity due to our enemies, not least of all their recognition as lawful combatants. Terrorists are people too, people like us driven by their own hopes and fears. There is no glory in war; there is only death. One side will eventually return home to feed its families, raise its children, praise God, and contemplate how to live the good life. The other won't. A hollow victory this will be.

TEACHING FOR GLOBAL DOMINATION

Rita Koganzon

Between the falling scores of American students on international math and science exams, the outsourcing of high-tech jobs to Asia, and the brouhaha over NASA's outdated shuttle program this summer, it might seem that America is losing its edge. Indeed, Thomas Friedman, in his *New York Times* columns about the state of American education, laments math and science education particularly, pinning our impending failure to stay ahead of the competition on the failure of high school students to correctly calculate the slopes of functions. Touting the Singaporean math curriculum last September, Friedman warned, "[Singapore's] government understands that in a flattening world, where more and more jobs can go anywhere, it's not enough to just stay ahead of its neighbors. It has to stay ahead of everyone—including us... They are not racing us to the bottom. They are racing us to the top." The next month, he sounded the alarm again, this time about "what is most important to the country today"—namely, the dismal fact that, among other signs of lagging technological advancement, only 32 percent of American undergrads are graduating with engineering degrees, compared to 59 percent in China and 66 percent in Japan. "Math and science are the keys to innovation and power in today's world, and American parents had better understand that the people who are eating their kids' lunch in math are not resting on their laurels."

Perhaps. Perhaps cell phone reception really is better in Ghana as well, as Friedman claims elsewhere. There is nothing wrong with the factual logic of Friedman's argument—it is likely quite true that Asia is outperforming us in techni-

cal education and innovation, and if we devoted more time to teaching calculus, it seems fairly logical that more of our high school graduates would come away knowing it. However, the fact remains that, no matter how technologically advanced Ghana's cell phone service may be, it alone is unlikely to make Ghana a desirable place of residence. Citizenship is not a mere economic exchange—my labor for America's general prosperity (and improved cell phone service)—but a political commitment—my loyalty and participation for rights and the protection of the law. If, according to Friedman's own calculation, training more scientists is a zero-sum proposition, how much are we willing to sacrifice to train more biochemists and electrical engineers? How much should technological dominance be worth to us?

The United States should certainly not avoid a pre-eminent position in the world economy, but neither should it aim to achieve it without first considering how much we are willing to sacrifice for it. It is important to remember that world domination was not the aim of America's founding, it is not the purpose of our political constitution, and if it should happen to be a fortuitous byproduct of a sound regime, it cannot be opportunistically allowed to tether our political life to the service of global technological competition. Neither developing technology nor training citizens to develop it is the aim of good government, and, by extension, its schools. It is not even to train people to be economically productive members of society. Public education is an inherently risky and coercive undertaking in a nation premised on individual rights and freedom of conscience. If we are going to undertake it, we must do so with an eye to forming American citizens with a thorough understanding of the political principles of individu-

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al and natural rights, the social contract, representative government, sovereignty of the people and popular consent. Science, insofar as it is a component of a broader curriculum of the liberal arts in primary and secondary education, is no doubt an important component. But technological dominance is not the final aim of that education, nor is out-engineering Japan or out-testing Singapore.

The danger of orienting our political society towards the goal of continual economic dominance is significant. It means subordinating political principles to the fluctuating dictates of the market—liberty to productivity, rights to innovations—in such a way that principles become relative and only competition remains absolute. Whatever measures serve to keep us ahead of China are acceptable. This is no abstract experiment, but the very real policy of states like the former Soviet Union, which used the government’s educational apparatus as a weapon during the Cold War, heavily emphasizing math and science at the expense of all else and then channeling students into technical fields where they might best serve national military and strategic ambitions. Nor was such an abuse of public education at odds with the Soviet political constitution. The government existed solely to direct the economy, so no subsequent need to train citizens to be anything other than workers ever arose. The Soviet political principles that allowed for and followed from such ambitions hardly need illumination.

While mandating more rigorous math and science education is not likely to propel us into a Soviet-inspired totalitarianism any time soon, and math and science literacy is certainly useful for everyday life, these subjects have nothing to say about the meaning of citizenship. To the extent that understanding how to calculate sales tax and how our digestive systems absorb nutrients is a means of warding off a tyranny of elite “experts” who tell us what is good for us because we lack the specialized information to judge for ourselves, it is eminently practical of our government to emphasize math and science as part of a general primary and secondary curriculum. However, it would be disas-

trous to fear technocracy or to crave dominance so much as to ignore Tocqueville’s grave warning about the inward-turning nature of democratic life. Democracy inclines the individual to “isolate himself from the mass of his fellows and withdraw into a circle of family and friends...he gladly leaves the greater society to look after itself.” But democracy itself requires civic participation to maintain. If we are to administer public education, then public education must serve primarily as an obstacle to this retreat into private life. It must educate the citizen for public life, not train the employee for private life. And if maintaining our political constitution from within means slipping in the international rankings, perhaps we should make room for the second place trophy.

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SPIRITUALITY THROUGH PHYSICALITY

Mordechai Levy-Eichel

Jerusalem was like a woman who had
loosened her hair for her lover

—Yehuda Amichai

For Yehuda Amichai, the body, the physical world, the griminess and sweetness of our material existence is the path toward wisdom. Israel's most renowned poet, Amichai was born in Würzburg, Germany in 1924 to Orthodox Jewish parents. He moved to Israel at age 12 and served in the British army during World War II before joining the Palmach, the core of what later became the Israeli army. Afterwards he settled in Jerusalem, the city where he would spend the rest of his life and grow famous as Israel's greatest living poet. He died in 2000.

Amichai's verse embraces the physical. In his poems involving love and sex, in his poems describing Jerusalem, and in his poems dealing with death, the physical is emphasized as the path toward true understanding. For Amichai, the mundane is holy. Knowledge of the ordinary, not the extraordinary, is what makes for good judgment—or to put it more concretely, "Above everything, don't forget the wisdom of the folding chair."

The traditional dichotomy in Western Thought—at least since Saint Paul—is between the body and the soul. In Christianity this corresponds to a dichotomy between the profane and the sacred, between the law and faith, between the flesh and the spirit: "For the flesh lusteth against the spirit, and the spirit against the flesh: and these are contrary the one to the other" (Galatians 5:17). For Amichai, the flesh *is* the way toward the spirit,

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toward the soul. Paul spoke of marriage as a "distraction" (1 Corinthians 7:35), and how those who were not married could better serve God: "He that is unmarried careth for the things that belong to the Lord, how he may please the Lord: But he that is married careth for the things that are of the world, how he may please his wife" (1 Corinthians 7:32-33). Amichai, in contrast, proudly revels in the physical pleasures of his wife. The bodily contact he describes between them, the sex, is an integral part of their love. Here love is not just a spiritual devotion to the Lord, but a full, earthy, sensual experience. In the poem, "A Pity. We Were Such a Good Invention," Amichai explicitly connects this carnal love to ascendance. For Amichai, it is the *physical* closeness that elevates them. Their love, and in particular, their closeness—"They amputated / your thighs off my hips"—is what allows them to soar: "An airplane made from a man and wife. / Wings and everything. We hovered a little about the earth." It is the *physical*, the *tangible*, the *material* bond between the lovers that lifts them up: "We even flew a little." Imaginatively, what can fly is holy, like an angel. What is not earthbound is greater than we are, holier than we are, wiser than we are. For Amichai, it is the lovers' very closeness that lifts them up, that sanctifies them, that consecrates them. Physical love is not a low act, but a blessed one.

The city of Jerusalem, with its worn stones and sunlit days, is central to Amichai. The stones of Jerusalem are wise; they have seen more history than any of us will ever witness. For Amichai, the city is our mother, our father, our teacher, our lover, and our enemy. In the cycle of poems *Jerusalem 1967*, Jerusalem is displayed in its many guises. Reading the poem, we are like surgeons performing an autopsy, able to examine the mechanics of the

person, able to touch each little part: "Jerusalem stone is the only stone that can / feel pain. It has a network of nerves." Jerusalem, the world over a symbol of holiness, is here someone who bodily experiences history, someone whose experiences are physically and painfully engraved upon her, and who can *therefore* offer us wisdom: "Poets come in the evening into the Old City / and they emerge from it pockets stuffed with images / and metaphors and little well-constructed parables."

There is no love like the love a parent has for his child. In the poem "My Son Was Drafted", from his last book *Open Closed Open*, Amichai recounts the pain of sending his son into the army. For eighteen years Amichai knew he would have to wave goodbye longingly to his son at the station as the boy entered the army. The experience still rips him. All Amichai can do is "love, and worry" as the boy leaves. He wants to do so much more for his son, though. He wishes his son were in the Italian army "with a crest of colorful feathers on his cap, / happily dashing around the world with no enemies, no camouflage," or in the Vatican's Swiss Guard "with their coats of many colors, their sashes and blunt lances / glittering in the sun." And now his daughter is leaving. All he can do is give advice. All he can do as a father is tell his children what to remember, how to take care of themselves, and what to stay alive for. Here there are no words about the glory of battle, no phrases celebrating victory in arms, no wishes but that his children return home safely to rest: "When he comes home for the night / he is silent, then he sleeps, and my daughter sleeps too." And to what shall they look forward to at home? Amichai answers:

And above all, don't forget the wisdom of the folding chair,
the joy of the colorful feathers,
the prophecy of the flying white feather.
And the vision of an old Italian city
where, at the end of tangled alleys, there's always
a piazza of sunlight and talk.

What are the reasons for living? In the end, there is sunlight and talk. Sunlight and talk come naturally. They are unforced. They would usually be characterized as simple pleasures or distractions, but Amichai cherishes sunlight and talk

and folding chairs and old stones and sex. For him, wisdom is not gained through abstract philosophical deductions or painful ascetic striving. The physical world, so often belittled as a diversion from the truth (whatever that is) by philosophers and mystics, is actually a holy place itself.

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