
The Boisi Center Report

THE BOISI CENTER FOR RELIGION AND AMERICAN PUBLIC LIFE AT BOSTON COLLEGE

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From the Director



The folks who work at the Boisi Center recently took some time to review our public events from the fall semester, and we agreed that two of them stood out as models of rigorous, creative and productive conversations. (This is not to slight our other events, of course; we just happened to have two especially rich ones this fall.) The first was a panel discussion about humanitarian intervention and the “responsibility to protect” (sometimes shortened to R2P). Professor David Hollenbach, S.J. of the BC theology department carefully explicated the principles of R2P before offering a passionate defense of its utility. Mahmood Mamdani of Columbia University then made an equally passionate critique, stressing the unfortunate overlaps between R2P and past efforts by Western powers to control Africa. Trying to be a man in the middle, I flubbed my role, coming out more on Mamdani’s side than Hollenbach’s. Although it was two against one, Fr. Hollenbach more than held his own. It was a lively—some even called it “electric”—conversation that we were proud to have hosted.

The other outstanding event was our annual Prophetic Voices Lecture, given this year by Professor James Keenan, S.J., also of the BC theology department. Fr. Keenan’s witty and insightful lecture called for academics to take their ethical responsibilities more seriously. His numerous (and occasionally extreme) examples of ethical failures evoked laughter but also nodding heads when his critiques struck close to home. Boston College is incredibly fortunate to have Jim Keenan on its faculty and we, the audience for his lecture, were even more fortunate to hear him in such fine form. What he said is true: We have well-established traditions and institutions of medical ethics and legal ethics and business ethics, but few serious attempts among academics to think seriously about our own ethical conduct, from grading to research and publication.

On a personal note, I will be gone from January to June 2011 to serve as the John Gilbert Winant Professor of American Government at the University of Oxford. Winant followed Joe Kennedy as our ambassador to the Court of St. James, and it is a great honor for me to hold a chair endowed in his name. (If you are interested, I strongly recommend Lynne Olson’s *Citizens of London*, a biography of Winant along with Edward R. Murrow and Averell Harriman.) I will be affiliated with Balliol College and the Rothermere American Institute.

Just as the semester came to an end, I was able to finish my latest book, tentatively called *Political Evil: What It Is and How to Combat It*, which will be published by Knopf in fall 2011. I will have a lot more to say about Oxford and about the book in my next letter. For now, my best wishes for a happy, healthy and productive new year to all our friends and readers.

— Alan Wolfe

PROPHETIC VOICES: ETHICS IN THE UNIVERSITY

This year's Prophetic Voices Lecture marked the tenth in our annual series designed to honor extraordinary people who have drawn upon the prophetic traditions of their faith communities to challenge the consciences of all who hear them. Our honoree, James F. Keenan, SJ, is an internationally renowned moral theologian and one of the most widely admired professors at Boston College, where he is Founders Professor of Theology. He presented his lecture, "The University in the 21st Century: Thinking about Ethics, Persons, and Discourse," before an enthusiastic crowd in Higgins Hall on the evening of November 18.

Taking his cue from a series of recent scandals involving embezzlement and abuse of power at several American universities, Keenan noted with chagrin that ethics training is virtually nonexistent for university faculty, staff and administrators. In fact, he noted, the Catholic Church was in the same situation until the sex abuse crisis brought such issues to the fore. How could it be, he asked, that other professions such as law and medicine have well-established codes of ethical conduct and mandate ethics training, while the church and the university do not? Keenan responded to this challenge by sketching some of the practices needed to develop a hospitable climate for academic ethics, and describing the sort of discourse that would take place in this environment.

Chief among the practices required in a university culture of ethics, Keenan argued, is transparency regarding the

activities of faculty, administrators, staff and students alike. This transparency is realized through open course evaluations and syllabi, administrative reviews, and student journalism, among other activities. Community building is another key practice, which BC is doing quite well through faculty-student dinners, Intersections lunches, student retreats and more. Horizontal accountability would improve the tenure review process and curricular decisions, Keenan said, while vertical accountability would ensure that deans and senior administrators were doing their part as well.

These practices, he argued, should help us to see the university as a place where people learn ideas from other people, not an anonymous place for the transmission of information. This interpersonal ethos fosters a discourse guided by several important virtues, including justice (with regard to those close to us and others around the world), fidelity (to colleagues and benefactors), self-care and prudence, which helps to understand and adjudicate among the preceding virtues. In this manner, the academy will be better equipped to answer the call to solidarity and justice and reverse its current trend towards individualism and isolationism.

The event concluded with a lively discussion with the audience about ethics, interdisciplinarity, and the need to bridge the gap between our academic and personal lives. It was, by all accounts, an exceptionally thought-provoking evening with one of BC's most compelling thinkers. ■



James F. Keenan, S.J.

A “RESPONSIBILITY TO PROTECT”

The Boisi Center’s first event of the academic year 2010-2011 brought three distinguished panelists—David Hollenbach, S.J., Mahmood Mamdani, and Alan Wolfe—together before a packed auditorium for a vigorous debate about the international human rights regime and the emerging paradigm of the “Responsibility to Protect” (R2P).

The panel began with an overview of R2P by Fr. Hollenbach, University Professor of Human Rights and International Justice, and director of the Center for Human Rights and International Justice at Boston College. A prominent human rights advocate and expert on refugee issues, Hollenbach outlined R2P’s origins early this decade, and described its key principles: every nation-state has a responsibility to protect the human rights of its citizens; but when that responsibility is abdicated or willfully violated in cases of genocide, ethnic cleansing, war crimes, or crimes against humanity, other states have a responsibility to intervene. Though state sovereignty (and its claims to non-intervention) is in principle subordinate to human rights, Hollenbach said, the actual cases that require military intervention are quite rare. R2P is thus best understood as a responsibility on the part of a state not to inflict harm on its citizens and, more positively, as a responsibility on the part of citizens to build up institutions that secure human rights.

Mahmood Mamdani, the Herbert Lehman Professor of Government at Columbia University, then took the podium to offer a very different perspective. A native of Uganda, Mamdani specializes in the study of African history and politics, and has written extensively on colonialism, genocide and human rights. He noted that R2P has its roots in the colonialist ambitions of Western powers to dominate Africa, and it is this context, not the slogans of “humanitarianism,” that should guide our thinking about its value. In fact, Mamdani argued, we



Mahmood Mamdani

should reject R2P’s conception of Africans as passive recipients of charity and victims of corruption, and embrace instead a robust notion of citizenship, deeply rooted in political affiliation to sovereign states, that promotes active participation in authentically African political life. Only this stance will allow African nations to focus on their many internal problems without unwanted foreign intervention.

Alan Wolfe followed Mamdani’s presentation with a strong critique of one of the best-known humanitarian movements in America, the Save Darfur campaign. Wolfe called the campaign a well-intentioned “mistake” that oversimplified an enormously complex situation and actually made things worse, for three reasons. First, the organization cast the conflict as one between Arabs and (black) Africans, an oversimplification that also reinforced anti-Muslim prejudices. Second, it overstated the total number killed in the conflict in an effort to build support, but inadvertently created a kind of “genocide exhaustion.” Third, the campaign falsely bred hope on the ground in Darfur that help was coming and, by calling for a no-fly zone and castigating Sudanese President Omar al-Bashir, even prevented aid from reaching refugees.

In the heated Q&A that followed, Hollenbach castigated Mamdani for ignoring the basic responsibility to stop human suffering that underlies R2P. Mamdani clarified that while he did not reject the concept of human rights as such, we must first focus on the context of human *wrongs*, which will only be corrected by political reconciliation, not abstract universal principles. Wolfe added an appeal to Americans to learn more about the complexities of a situation before supporting intervention. Challenging questions came from the state director of the Save Darfur campaign, a Ugandan theology professor, an undergraduate international studies major, and several others. ■



Moderator Erik Owens with David Hollenbach, S.J., Mahmood Mamdani and Alan Wolfe

THE RISING IMMORTALITY OF THE DEAD



Ray Madoff

What do the living owe to the dead? Why should a person's legal will be considered sacrosanct? And how do American views on death and taxes differ from those around the world? These are just a few of the questions Boston College Law Professor Ray Madoff takes up in her fascinating new book *Immortality and the Law: The Rising Power of the American Dead* (Yale, 2010), which she discussed at a lunch colloquium on October 5.

Madoff argued that there has been a dramatic rise in the powers granted to the deceased under U.S. law, and although the trend taps into American values of individualism and liberty, it is primarily driven by corporate interests. She focused on four legal contexts. First, whereas control of property at death used to be limited to under a hundred years, today the deceased can determine ownership and use of property for a thousand years—and in perpetuity under some state laws. Second, charitable giving has changed dramatically: nineteenth-century tax laws allowed

charitable gifts only to existing charitable organizations, but today one can create one's own perpetual trust to fund, tax-free, any charitable purpose, forever.

Third, Madoff argues, American copyright law has expanded from protecting creative works for fourteen years—with an additional fourteen years if the creator was still living—to protecting them for 70 years after the creator's death. This means, for example, that the work of young musician or novelist may not be available for public use until well into the twenty-second century. Fourth and finally, the right of publicity—the ability to control (and therefore sell) one's likeness for commercial purposes—has sprung from zero to more than a hundred years after one's death. Marketing control of personalities and image of such luminaries as Elvis Presley and Rosa Parks are now big business.

These increases in the rights of the dead have occurred quietly and incrementally, often on a state-by-state basis. But because the history of the United States is relatively short, Americans have little experience of the costs of such rights. Madoff warned that corporations are the most obvious beneficiary of expanded rights of the dead, and as these changes impose real costs, our "true legacy" will depend on the extent to which we favor the rights of the dead over those of the living. ■

JEWISH SOURCES & EUROPEAN POLITICAL THOUGHT

Modern political science owes more to Hebrew sources than has traditionally been understood, argued Harvard government professor Eric Nelson at a December 7 lunch colloquium. Nelson's new book *The Hebrew Republic and the Transformation of European Political Thought* (Harvard, 2010) has garnered much attention in scholarly circles, and his talk drew a packed seminar room of faculty, students and community members.

Contrary to the prevailing narrative of secularization, Nelson said, seventeenth-century European political thought was driven in important ways by the revival among Christian scholars of the study of the Hebrew Bible and language. Protestant political thinkers came to see the Mosaic constitution as a "divine republic" and sought out rabbinic sources to help interpret political and judicial laws. This encounter with rabbinic sources, argued Nelson, inspired a transformation of seventeenth century political thought in three areas.

First, by unearthing a critique of monarchy as a form of idolatry, it fostered a strident belief that a republic (i.e., a non-monarchical regime) is the only valid form of government. Until that time, the dominant view among political thinkers was what Nelson calls "constitutional

pluralism," an acceptance that different forms of government were appropriate to different contexts.

Second, the encounter with Hebraic sources upended the traditional view that mandatory redistribution of wealth is anathema to a healthy republic. Studying the Mosaic constitution through the lens of Jewish philosopher Maimonides, Dutch scholar Peter Cunnaeus concluded that redistributive agrarian laws were an important part of the vaunted Hebrew Republic, and thus should be considered in contemporary European republics as well.

Third, crucial seventeenth-century arguments for religious toleration were "fundamentally religious in character," said Nelson, and were not based on the concept of church-state separation. Finding in their study that the divinely-guided Hebrew Republic actually practiced religious toleration, they reasoned that contemporary Europeans should, too.

The consequences of this Christian encounter with Hebrew sources, Nelson said, had an enormous impact on seminal thinkers like John Milton, Thomas Hobbes and John Locke. Indeed it points to the paradoxical fact that the secular age in which we live was shaped at its outset by religious thought. This point, more than any other, inspired the lively discussion period that followed. ■

STUDENT SYMPOSIUM

This fall the Boisi Center launched its inaugural Student Symposium on Religion and Politics. Composed of a select group of undergraduate and graduate students, this non-credit reading group provides an opportunity to explore important and enduring questions about the relationship between religion and politics in America. This year, facilitated by Boisi Center graduate research assistant (and Ph.D. candidate in political theory) Brenna McMahon, the discussion is framed around the question: *How Christian is American politics?*

During the fall 2010 semester, symposium participants met three times over lunch to discuss readings from the founding, civil war, and civil rights eras of American history. At the first session symposium participants considered Thomas Jefferson's understanding of the purpose of government (as expressed in the Declaration of Independence, among other documents) and James Madison's views on religious freedom (in "The Memorial and Remonstrance against Religious Assessments"). During the second session, led by Soo Jin Cho (A&S '13), the group examined the U.S. Supreme Court's landmark 1879 opinion (in *Reynolds v. United States*) on the "good order" of a society and the extent to which marriage—polygamous or not—is within the purview of government to control.

In the third and final session of the semester, the group read speeches by Martin Luther King and John F. Kennedy as well as a selection from Abraham Joshua Heschel's "Religion in a Free Society." Led by Emily McCormick (A&S '11), the participants explored the tension between separation of church and state and the role of religion in calls to justice. Participants also asked whether one needs to be seen as religious in order to be president of the United States, and what the content of that religion need be. Next semester the participants of the symposium will explore evangelicalism in America and current issues such as Islam in America, marriage, and religion in public schools.

In light of the strong level of interest we received in the symposium from students and non-students alike, this spring the Boisi Center will host a concurrent symposium on the same themes for interested faculty, staff, and alumni. This group will meet over breakfast on five Friday mornings from 8:30-9:30 at the Boisi Center. The application deadline for this new symposium is January 20. For more information, including readings from the Fall semester, please visit bc.edu/boisi or contact Brenna McMahon at mcmahobe@bc.edu. ■



Fall 2010 symposium participants (clockwise from top left): Soo Jin Cho, Brenna McMahon, Amanda Davis, Zhensong Ren, Kara McBride, Danielle Carder, Morgan Crank, and Emily McCormick; Dan Geary is not pictured.

The **BOISI CENTER** for
RELIGION and AMERICAN PUBLIC LIFE

Contact Info

24 Quincy Road
Chestnut Hill, MA 02467

Tel: (617) 552-1860
Fax: (617) 552-1863
Email: publife@bc.edu
Web: www.bc.edu/boisi



Boisi Center Staff

ALAN WOLFE
DIRECTOR

ERIK OWENS
ASSOCIATE DIRECTOR

SUSAN RICHARD
ADMINISTRATIVE ASSISTANT

BRENNA MCMAHON
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DAMON LINKER'S RELIGIOUS TEST

“Our saints will not be statesmen,” began Damon Linker, “And our statesmen will not be saints.” This provocative and perhaps dispiriting claim underlay Linker’s remarks at our November 11 “Author Meets Critics” panel as well as his new book, entitled *The Religious Test: Why We Must Question the Beliefs of Our Leaders* (W.W. Norton, 2010). Linker is a contributing editor (and frequent blogger on religion, culture and politics) at *The New Republic* and a senior writing fellow in the Center for Critical Writing at the University of Pennsylvania. He was joined by two critical readers of his book, Patrick Deneen from Georgetown University and Mark Silk of Trinity College in Connecticut. Erik Owens moderated the conversation.

Linker’s book title refers to the phrase in Article VI of the U.S. Constitution, “No religious test shall ever be required as a qualification to any office or public trust under the United States.” In his opening remarks, Linker embraced the constitutional ban on formal religious tests, which he said means that no citizen must belong to any particular religious group or hold any particular religious beliefs in order to be eligible for office and also that no person can be excluded from higher office for the same reasons. The constitutional ban, he said, “is a lynchpin, along with the First Amendment, of religious freedom in our country.”

Still, Linker argued, the religious beliefs of our political leaders are important to voters because they impact the leaders’ decisions and decision-making processes. As a



Damon Linker



Mark Silk and Patrick Deneen

result, an *informal* religious test properly exists in politics, and Linker’s goal is to shape its contours by explaining how and why religious beliefs matter in a pluralistic democracy. His book offers six “political commandments” about religion and politics that he believes responsible elected officials should uphold (and responsible voters should seek in their candidates). They include admonitions to embrace religious freedom for all, put the Constitution above other authorities, honor scientific knowledge, be humble about knowing God’s will, disclaim consensus on sexual issues, and reject intolerance couched in radical atheism.

Critic Patrick Deneen, associate professor of government and the Markos and Eleni Tsakopoulos-Kounalakis Professor of Hellenic Studies at Georgetown, welcomed the call to take the religious beliefs of our leaders seriously. But he argued that Linker’s political commandments would necessarily apply to all citizens, not just candidates or elected leaders, and would therefore reduce the religious freedom he claimed to seek. Focusing his remarks on Linker’s conception of liberal society, Deneen bemoaned the exclusion of religious conservatives from the center of politics at a time when their values of community, fidelity and faith are needed to counteract the widespread moral indifference of political liberals.

Mark Silk, professor of religion in public life and director of the Greenberg Center for Religion in Public Life at Trinity College, also supported the premise that voters should question candidates’ religious beliefs. He worried, though, how the political commandments would be employed in practice and whether the exercise would be fruitful for political discourse.

Linker responded to both critics by clarifying his earlier portrait of liberal society and describing in more depth the contexts in which his own religious test should be employed. Audience members leavened the discussion with a number of excellent questions before time drew the lively discussion to a close. ■

PRESIDENTIAL SUCCESSION UPDATED

Though the Presidential Succession Act—the law, last revised by Congress in 1947, which delineates the order of accession if the President is killed or incapacitated while in office—is rarely a topic of public debate, Boston College Law Professor Richard Albert argued at the Boisi Center on November 10 that it should be. The terror attacks of 9/11, he said, demonstrated the plausibility of an event that kills both the president and vice president, yet the current line of succession carries the risk of promoting someone to the job without the crucial skills and experience needed in an emergency.

As outlined in the 1947 Presidential Succession Act, the order of succession for the presidency goes to the Vice President, then (if the she or he is unable to occupy the post) the Speaker of the House, followed by the Senate President Pro Tempore (who is always the longest-serving senator), and the cabinet officers in order of the founding dates of their departments. Placing the House Speaker second in line offers the real possibility that someone from the opposing party would assume the presidency. Consider the idea, said Albert, of President John Boehner replacing Barack Obama, Nancy Pelosi replacing George W. Bush, or Tip O’Neil replacing Ronald Reagan. Furthermore, in ordering cabinet officers by their department’s founding, the current system fails to envision the skills and experience needed to run the country in a time of national crisis. Should the Secretary of Homeland Security really be lower in the order of succession than the secretaries of agriculture, transportation and education?



Richard Albert

To address these concerns, Albert proposed first that we remove the House Speaker and the Senate President Pro Tempore from the order entirely. Both, he argues, may have proven themselves “master legislators” who have maneuvered through the tangled webs of the House and Senate with skill, but they do not necessarily possess the qualities of an effective national leader. Secondly, he suggested reorganizing the order of the cabinet officers on the basis of competence and reason rather than on tradition. Finally, and most controversially, he proposed that former presidents—of the party currently in power—ought to be placed above cabinet officials in the order of succession. Former presidents hold a unique balance, Albert noted, of the leadership experience, domestic stature and foreign reputation necessary to lead the country in a time of crisis. ■

FALL 2010 STAFF UPDATES

This fall Director **Alan Wolfe** completed the manuscript of a book tentatively titled *Political Evil: What It Is and How to Combat It*, to be published by Knopf in late 2011; and co-edited (with Ira Katznelson) and contributed an essay to *Religion and Democracy in the United States: Danger or Opportunity?* (Princeton, 2010). He delivered lectures at Rutgers and Arizona State Universities, and published several book reviews in *The New York Times* and essays in *The New Republic*.

Associate Director **Erik Owens** published “Electoral and Religious Conflict in Africa” in the Huffington Post (12.1.10), and “A U.S. Perspective on the European REDCo Project” in the journal *Religion and Education*. He delivered a lecture entitled “What Should the State Teach about Religion? Comparing International Approaches” as part of the BC International Studies Lecture Series. At the American Academy of Religion annual conference in November, he was named co-chair of the Religion and Politics Section and selected as a steering committee member of the Religion and Education: International Perspectives consultation.

Graduate research assistant **Brenna McMahon** presented a chapter of her dissertation, entitled “Disharmony in the Constitution: The Education of Women and the Spartan Regime,” at the 2010 Northeastern Political Science Association Conference. Undergraduate research assistant **Emily McCormick** is writing a senior thesis that compares apartheid in South Africa with the conflict between the Israelis and the Palestinians; she has applied for a Fulbright Scholarship and hopes to study and teach in Taiwan next year. Her fellow undergraduate RA **Kara McBride** is writing a senior thesis entitled “Women of the Gulf Coast: The Development of their Rights and Political Participation in Kuwait and Saudi Arabia”; she also applied for a Fulbright, to study language and culture in Vietnam. ■

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Boston College
140 Commonwealth Avenue
Chestnut Hill, MA 02467
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SPRING 2011 EVENTS

Conference:

Toleration and Freedom: The U.S. Experience in Context

March 25, 2011, 9am-5pm

Speakers: Abdullah An-Na'im, Noah Feldman, David Hall, David Hollinger, Benjamin Kaplan, Stuart Schwartz, Susanne Sreedhar, and Jay Wexler.

Location: Boston University Photonics Center Colloquium Room, 8 St. Mary's Street, 9th Floor. Co-sponsored by the BU Institute for Philosophy and Religion.

Panel:

Women and the State of American Feminism

[Date/speakers to be announced in early February]

Lunch Colloquia:

All are held from 12:00-1:15 pm at the Boisi Center; RSVPs are required, please contact richarsh@bc.edu.

Climate Change and Christian Ethics

Willis Jenkins, *Yale Divinity School*
February 3, 2011

The Limits of International Human Rights Law in the U.S. Constitution

Hiroshi Nakazato, *Boston College*
February 16, 2011

The Legal and Religious Status of Women in Nigeria

Hauwa Ibrahim, *Harvard Divinity School*
March 23, 2011

New Imaging Technologies at the End of Life: Promises and Ethical Challenges

Andrea Vicini, S.J., *Boston College*
March 30, 2011

The Risk of Civil Society: Voluntary Associations and Political Stability in Ancient and Modern Thought

Yonder Gillihan, *Boston College*
April 14, 2011

Last Best Hope: International Lives of the U.S. Civil War

David Quigley, *Boston College*
April 28, 2011

Other events to be announced ...