Auburn Applied Theology Series, Volume 1

LO$ING FAITH IN OUR DEMOCRACY

A Theological Critique of the Role of Money in American Politics

AUBURN SEMINARY

Ten theologians from Catholic, Protestant, and Jewish perspectives mine their religious traditions to discern and debate the role that money should play in American politics

LO$ING FAITH IN OUR DEMOCRACY

The Center for Responsive Politics estimates that more than $6 billion was spent on the 2012 elections.[1] That's a lot of money in American politics. And that figure only includes election campaigns expenses – it doesn't include funds spent on lobbying or advocacy.

To add to the enormity of the challenge, in 2010 the Supreme Court ruled in *Citizens United v. Federal Election Commission* that corporations and unions enjoy the same free speech rights that individual human persons have, and can therefore spend freely on direct political advocacy.[2] These developments have raised the stakes on the national conversation about the role of money in politics. And Americans of faith and moral commitment have a critical role to play in this national conversation. At their best, leaders of faith and moral commitment can avoid partisanship and instead tackle the subject of money in politics from the perspectives of right and wrong, of what is morally sound, and of what will strengthen American democracy.

With all the new strategies employed in today's elections – Super PAC's, social media strategies, campaign ads masquerading as documentary films, and even astroturfing[3] – it's easy to forget that the challenge of money in politics is actually an ancient problem. The challenge of money in politics has been around at least as long as ancient works like the Bible, and probably since the dawn of agriculture and cities.

At Auburn Seminary, we believe that religious wisdom and teachings can help guide attempts to reform the way money is used in American politics. We think that the various religious traditions that Americans embrace can inspire us to create a more just, equitable, and even democratic political system.

Applying religious wisdom and teachings to contemporary issues like money in politics is not a straightforward exercise. It's certainly not as simple as trotting out this-or-that Bible verse. Our religious traditions contain competing claims. They have many different schools of interpreting texts and teachings. They have complicated legal traditions and narratives that critique those legal traditions.

So to begin the conversation, we asked a group of top theologians – six senior theologians and four emerging theologians – from Catholic, Mainline Protestant, Evangelical Protestant, and Jewish perspectives to do some theological heavy lifting. We asked them to write about what their traditions can teach Americans about how to use money in politics.

What they came up with is not only intriguing, it's inspiring. They certainly don't all agree on everything, although there is one striking area of consensus. The process was certainly an imperfect one [4]. But together, the theological concepts they applied to the problem of money in politics represent a treasure trove of religious and moral guidance that can only help us improve the American political system.

The purpose of this essay is to describe the theological issues and principles at stake using simple language, and to bring the voices of these religious thinkers into conversation with each other on the page.

Here's an outline of what follows:

CONSENSUS ISSUE: WE MUST PAY ATTENTION TO THE POOR. If there was one principle that our theologians agreed on, it was that the needs of the poor must remain front and center. A number of them substantially focused their teaching on this principle. And they generally felt that the current role of money in politics does not take into account the needs of the poor.

CONTENTIOUS ISSUE: THE ROLE OF CORPORATIONS. Like majorities of Americans, many of these theologians strongly criticized aspects of the legal fiction of treating corporations like people. But one theologian pointed out that any organized group of people is essentially a corporation, even a church, and described how incorporated groups can be powerful vessels for holiness.

AND THREE MORE THEOLOGICAL PRINCIPLES WITH BITE. Beyond the top two issues of highlighting the needs of the poor and investigating the role of the corporation, three additional theological principles emerged from the white papers:

- *Justice is achieved through multiplicity of voices.*
- *Justice includes fair outcomes, not just fair procedures.*
- *Bribes distort justice.*

Although there are many more topics discussed in the ten theological white papers than these key issues, this short list features topics that any national conversation about the role of money in politics will have to engage.

Great political debates are won by whomever can define the moral or values-based terms of the debate. There is not yet a compelling moral frame, rooted in theology, on the role and limits of money in politics. It is up to Americans of faith and moral commitment to develop such frames. Perhaps there are seeds of those frames embedded in the pages that follow. For readers interested in following up on any of the passages quoted in this essay, see *Money in Politics: Ten Theological White Papers*, available at auburnseminary.org. A listing of the ten contributing theologians is at the end of this essay for easy reference.

PAY ATTENTION TO THE POOR

THERE ARE LITERALLY HUNDREDS AND HUNDREDS OF BIBLICAL VERSES THAT EMPHASIZE THE FACT THAT GOD AND GOD'S FAITHFUL PEOPLE HAVE A SPECIAL CONCERN FOR THE POOR.

IN THE CRY OF THE POOR IS A DEPTH OF WISDOM AND EXPERIENCE THAT WE

Here are some of the strong words from our theologians about the importance of paying attention to the needs of the poor, as America reconsiders the role of money in politics. Bill Cavanaugh highlights what Catholic social teaching describes as the "preferential option for the poor:"

> From a Christian point of view, the fact that the voice of the wealthy is the voice that is most clearly and forcefully heard is an upside-down state of affairs. For it is precisely the voice of the poor, the weak, and the vulnerable that ought to be most clearly heard. This is why the "preferential option for the poor" has been recognized as one of the foundational principles of Catholic social teaching...To defend the cause of the poor, one must know their concerns, and to know their concerns their voice must be heard. *(Bill Cavanaugh, Catholic)*

Cavanaugh's point is that the status quo, in which the voices we hear are primarily the voices of the wealthy, is upside-down. How can the poor be defended if their voices aren't heard? In the next passage, Ron Sider mentions a few of the biblical verses that inspire us to attend to the poor, and then introduces the metaphor of a firefighter to explain God's focus on the poor:

> There are literally hundreds and hundreds of biblical verses that emphasize the fact that God and God's faithful people have a special concern for the poor. God acts in history to lift up the poor and cast down those who neglect or oppress them. God identifies with the poor. In fact, those who neglect the poor risk eternal separation from God...
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> Amazingly, the Bible declares that God so identifies with the poor that when we care for the poor and needy, we truly minister to God Himself (Proverbs 19:17). On the other hand, religious people who neglect God's summons to care for the poor are not the people of God at all. God rejects their worship (Amos 5:21-24; Isaiah 58:3-7). Those who do not feed the hungry and clothe the naked go to hell (Matthew 25:44-46). Jeremiah declares that we simply do not know God properly if we do not care for the poor. (Jeremiah 22:16). Do these hundreds of biblical verses mean God is biased toward the poor? No. The Bible explicitly forbids God's people to be biased toward the poor (e.g. Leviticus 19:15). But does God's lack of bias mean that God is neutral in historical situations of injustice? Again, no.
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> Precisely because God cares equally for both oppressor and oppressed, God sides with the oppressed to end the oppression so that oppressed and oppressor may become whole. The analogy of good firefighters helps us understand how God is not biased but sides with the poor. Good firefighters do not spend equal time at every house in the city. They focus on burning houses. But their focus on burning houses does not mean they care more about some people than others. *(Ron Sider, Evangelical Protestant)*

IGNORE AT OUR OWN PERIL, FOR IN THE VOICE OF THE POOR WE RECOGNIZE

Sider explains that the purpose of the Bible's emphasis on the poor is not preferential treatment, nor is it neutrality. It is about giving support where it is most needed, like a firefighter putting out a fire in a house.

Aryeh Klapper articulates a rabbinic approach to considering the voice of the poor, saying that a system that provides for unlimited contributions by the wealthy needs a counterbalancing mechanism:

> ...the Rabbis presumed that contributions [to campaigns, candidates, etc.] generate influence, even if both the donor and the candidate can say sincerely that the money involved neither an explicit nor a tacit *quid pro quo* [5]. Any system that presumed otherwise would be Jewishly viewed as dangerously naïve. A Rabbinically grounded political stance would therefore demand of any system that provides opportunities for unlimited contributions by the rich that it construct a mechanism or mechanisms by which the poor might counterbalance the disproportionate influence such contributions would inevitably gain. *(Aryeh Klapper, Jewish)*

Klapper teaches that because contributions generate influence, and because the poor by definition are unable to make such contributions to the political system, there has to be a system in place that elevates the voices and needs, and maybe even influence, of the poor. Adina Allen (Jewish) agrees, writing, "If every human being is valuable, then every person should have a voice in the political process. However, in a society where one's value or influence is often determined by the amount of money one gives, voices get lost. Systems are needed to level out the playing field to ensure that all are represented." Without a counterbalance, the lopsided influence of the wealthy will break the system.

Two theologians highlighted a passage from the Gospel of Luke that illustrates Jesus' focus on the needs of the poor:

> He said also to the one who had invited him, 'When you give a luncheon or a dinner, do not invite your friends or your brothers or your relatives or rich neighbors, in case they may invite you in return, and you would be repaid. But when you give a banquet, invite the poor, the crippled, the lame, and the blind. And you will be blessed, because they cannot repay you, for you will be repaid at the resurrection of the righteous' (Luke 14:12-14).

Here, Jesus challenges his followers to invite the poor and crippled, in place of friends and family, to a banquet. About this passage, Caitlin Desjardins notes, "Jesus' words in Luke, telling us to invite the poor to the banquet, remind me that large contributions to political action committees are accompanied by promises of invitations to elite Washington dinner parties where donors get to meet the candidates. How often do the poor and disenfranchised get invited to dinner parties where they can meet the candidates and perhaps have a chance to speak to them about issues that affect their lives?" Cavanaugh agrees, saying, "...the point is not only to be charitable to the poor and vulnerable but to associate with them, to live with

them and listen to them, just as God hears their cries (e.g. Exodus 3:7; Psalms 34:6, 17-18)." He continues:

> The poor are not simply a nagging burden; in their cry is a depth of wisdom and experience that we ignore at our own peril, for in the voice of the poor all should recognize our own vulnerability and need for God and for each other. "Has not God chosen the poor in the world to be rich in faith and to be heirs of the kingdom that he has promised to those who love him?" (James 2:5). Paul similarly writes that "God chose what is weak in the world to shame the strong; God chose what is low and despised in the world, things that are not, to reduce to nothing things that are" (I Corinthians 1:27-28). Throughout the Bible revelation is given through the youngest (David), the women (Judith), the foreigner (Ruth), the despised (the Suffering Servant), and finally through a poor man who associated with the outcast and was tortured to death on a cross.
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> The Catholic bishops of the United States have emphasized that the option for the poor applies not simply to charity for the poor but to active participation of the poor in political life: "The prime purpose of this special commitment to the poor is to enable them to become active participants in the life of society. It is to enable all persons to share in and contribute to the common good. The 'option for the poor,' therefore, is not an adversarial slogan that pits one group or class against another. Rather it states that the deprivation and powerlessness of the poor wounds the whole community. The extent of their suffering is a measure of how far we are from being a true community of persons. These wounds will be healed only by greater solidarity with the poor and among the poor themselves." [6] It is a fundamental Catholic principle that the poor should not only be served but that the voice of the poor should be heard. The current equation of political speech with money virtually ensures that this principle will be violated, and the interests of those with access to money will prevail in the "marketplace of ideas." *(Bill Cavanaugh, Catholic)*

In this passage Cavanaugh teaches that it is not enough to tend to the needs of the poor; we must also ensure their participation in political life. If there is an influential role for money in politics, there needs to be an influential role for the poor in politics. He also explains how the cry of the poor is a warning siren about the overall health of our community, how the state of our poor is the measure or our society. Sider concurs, and concludes that at the end of the day, we have to judge the role of money in politics based on how it impacts the poor: "The biblical God measures societies by what they do to the people at the bottom. Biblical people must evaluate the question of unlimited political contributions on the basis of whether those unlimited contributions harm or benefit the poorer members of society."

These theologians are firm in their commitment to this shared theological principle: one critical measure of our success at reforming the role of money in American politics will be how well the new system guarantees that the voices of the poorest Americans are heard.

THEOLOGY OF CORPORATIONS

WHY SHOULDN'T POLITICAL SPEECH BE DELEGATED TO CORPORATIONS? BECAUSE A CORPORATION IS OBLIGATED TO MAXIMIZE ITS PROFIT. IT IS UNABLE TO WEIGH COMPETING VALUES LIKE SELF-INTEREST AND COMMUNAL INTEREST, OR OTHER MORAL AND ETHICAL CONSIDERATIONS THAT HUMANS MUST ENGAGE WITH ALL THE TIME.

THEOLOGY OF CORPORATIONS

What did our theologians have to say about corporations spending money to influence politics? Quite a bit. Our theologians expressed grave concern with the way courts treat corporations as individual persons with respect to having individual freedom of speech. They expressed their concerns using three major theological principles: (1) people are created in the image of God, and corporations are not; (2) people are accountable for their actions, and a related principle, not delegating personal responsibility; and (3) you shall not skew judgment.

But one theologian, William Cavanaugh, felt strongly about preserving a place for "corporate" speech. He claims that groups of God's people have a divine role, and challenges us to preserve the ability of churches, unions, families and others to speak with a unified voice. In this section, we'll briefly look at the three theological principles used to address the role of corporations, and then explore Cavanaugh's critique.

Caitlin Desjardins offers a straightforward presentation of the first theological principle, that people are created in the image of God, and corporations are not. That humans are uniquely created in God's image (Genesis 1:26-27) makes it difficult to justify treating corporations like humans:

> Humans, both male and female, are endowed with God's image and are therefore uniquely positioned to be sustainers and stewards of the earth. Deliberation over Citizens United and arguments related to campaign spending should distinguish between the rights of people and the rights of corporations...The language of the Constitution regarding free speech is, indeed, ambiguous regarding just who has the right to free speech. But, for Christians, the Bible is the ultimate witness, not the U.S. Constitution, and it can be argued on the basis of both that corporations do not have the same rights as people. It is possible that, through unregulated campaign finance, corporations and their interest will gain power over people and their interests. When people are created and endowed with the image of God, and corporations are not, how can this be biblical? *(Caitlin Desjardins, Evangelical Protestant)*

Stephen Long builds on the theological principle that humans are created in the image of God. He looks for a nuanced definition of what it means to be a person, and raises questions about the risks of any such definition:

> Humankind is made in the "image of God," but exactly what that means is not specified in the Bible. Because God is depicted in Holy Scripture as a rational, personal acting subject, the human creature as made in God's image became associated with an analogous understanding of subjectivity. Like many aspects of Christian tradition, this traditional depiction of the "image of God" has been debated, and for good reason: it raises some important questions. What does the definition mean for human creatures who never had, or will lose, their rational capacity? Will they still be considered human? Should we even give a definition to what it

FOR TRUTH TO BE SERVED, AND FOR A JUST POLITICAL SOCIETY TO

> means to be a human person? If we do, will it give a pretext to some in authority to exclude and exterminate those who do not fit the definition? We have too many historical examples of such exclusion to neglect these important questions, but now that the corporation has been defined as a "person," some such definition is important. *(Stephen Long, Mainline Protestant)*

In the following extended excerpt, Stephen Long offers his own definition of a person, and introduces a second theological principle, that people are accountable for their actions. Corporations, in his understanding, are not accountable in the same way; in fact, most corporations are formed to limit liability and accountability. This fundamental difference in accountability, Long teaches, should at the very least warrant strong suspicion of treating a corporation like a person.

> Although it should not be used to exclude human creatures from proper protections, the definition of the person in Christian tradition means at least this: To be created in the image of God is to be a free, rational acting subject, which means that persons can be held accountable for their actions...This normative definition of human personhood does not rule out exceptions. Some human persons cannot be held accountable for their actions but are still considered human, an exception enshrined in law. But the exception proves the normative emphasis on accountability...Without this accountability, core practices of the Christian tradition would make no sense – baptism, conversion, confirmation, marriage, ordination and much more...Not only core practices of the Christian tradition, but also those of politics make little to no sense if we fail to acknowledge persons as free, rational agents who can be held accountable for their actions, including their speech. In order to do so, the source of the speech and action must be able to be identified. If I speak or act and then deny I was its source, the result is deceit rather than truth. Apart from exceptional cases, we call that "lying."
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> The only way for truth to be served, and thus the possibility of a just political society, is for persons to be held accountable for their speaking and acting. Such accountability is missing when the corporation is considered a person whose donations are considered speech. The corporation is not an "individual" who has an integrity that can be identified. Corporations can be broken down into their constituent parts: CEOs, other administrators and shareholders. Each of them can be persons who are held responsible for their actions, but the "corporation" itself is not an acting person in the traditional, Christian sense...As Robert Palmiter put it in his textbook on corporate law, "The corporation is a creature of law – a legal artifice. Nobody has ever seen one." [7] It is not a person who can be identified and held accountable, and therefore on Christian grounds, it cannot be a person. It is a fiction. Perhaps such a fiction has its use in law, but such uses are what should concern us. Most corporations are "persons" with limited liability. They can speak through unlimited donations, but without any accountability. Although Christians should not reject the corporation itself, they should be suspicious about the purpose a fictional person called the corporation serves, who can speak and act without accountability. [8] *(Stephen Long, Mainline Protestant)*

EXIST, PERSONS MUST BE HELD ACCOUNTABLE FOR THEIR SPEECH AND

For Long, the difference in accountability between a person and a corporation means that treating them the same – especially for the purpose of contributing money into politics – raises significant concerns. Aryeh Klapper raises a related concern from the perspective of Jewish tradition. In his essay, Klapper describes the Talmudic principle, "It is a better *mitzvah* when done personally than when done via agent." Here, a mitzvah is best understood as a Jewish legal obligation, which could mean anything from how one eats, to how one prays, to marriage, divorce and business transactions. In certain cases, Jewish law allows someone to delegate a mitzvah to a third party, or agent, and this Talmudic principle teaches that while such cases may be allowed, it is almost always better to do it personally. In the following passage, Klapper applies this principle to corporate political contributions.

> [L]aw can function as law when it decides among interests rather than people, but justice requires the involvement of people. I suggest that this is the basis of the Talmudic principle "It is a better mitzvah when done personally than when done via agent"[9]...My suggestion is that the Rabbis thought that when mitzvot are performed by agents, no space is left for the subjective, and in particular, for the possibility that someone else's interests may conflict with mine in such a way that I would, given the choice, (properly) prefer theirs. The underlying principle is that issues at the intersection of rights and responsibilities, of self-interest vs. communal interest, ought not to be delegated.
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> Now it seems to me that allowing corporations to play a large role in political discussions runs directly against this principle. Corporations are bound by current notions of fiduciary duty to consider almost exclusively the economic interests of their owner unless specifically instructed otherwise.
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> The multiple layers through which ownership is filtered nowadays means that most corporations have no real relationship to any owners not themselves corporations, and most of us - who invest our money in mutual funds, often via pension funds – have no real idea what we own, let alone any notion of exercising moral influence via our money. The result is that corporate speech is not the same as the speech of the wealthy, as corporate speech can be genuinely stifling to all voices other than those representing self-interest. Let us put it more sharply: the corporation, in the current economic framework, is a means of aggregating the money of the rich and the poor into the legal framework of a "democracy of dollars," since in corporations it is the majority of shares that controls, not the majority of owners. Furthermore, in that democracy of dollars the winner takes all, and the voices of those with title to less than half the total corporate wealth are effectively silenced.
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> Delegating the political speech of shareholders to corporations – which is the inevitable consequence of allowing corporations to engage in political speech – is therefore a way of ensuring that only self-interest will be considered in politics, and that the less-wealthy will not be able to influence public discourse in proportion to their assets, much less to their numbers.

ACTIONS. CORPORATIONS CANNOT BE HELD ACCOUNTABLE IN THE SAME WAY.

> As a Rabbinic thinker, I am bound to oppose such delegation on the grounds that (a) it will allow considerations of self-interest to have excessive influence over populations and politicians, to the exclusion of moral and ethical considerations not explicitly embodied in law; (b) it will erode the non-wealthy citizenry's faith that their interests are fairly represented, especially among those citizens who do not self-identify as stockholders; and (c) it will make it impossible for elected representatives to compromise in the name of the national good, since only tactical considerations could justify not fighting to the end. *(Aryeh Klapper, Jewish)*

Klapper uses an ancient rabbinic principle to raise serious concerns about corporate spending in the political process. He argues that allowing corporations to engage in political speech essentially forces shareholders to delegate their political speech to the corporation. Why shouldn't political speech be delegated to corporations? He offers at least two compelling reasons. First, because a corporation is obligated to maximize its profit (i.e. pursuing its own self-interest), it is unable, or even legally prevented from, weighing competing values like self-interest and communal interest, or other moral and ethical considerations that humans must engage with all the time. Second, unlike in the voting booth where each American receives one vote regardless of his or her income, corporate boards are bound to shareholders based on the size of their stake in the company. Even when non-wealthy people are shareholders of corporations, their interests can easily be outvoted by a small group of wealthy shareholders. Like Stephen Long, Aryeh Klapper teaches that corporations are governed by a fundamentally different type of accountability system than persons.

Aryeh Cohen raises a third theological objection to corporate spending in the political process, a principle we can call you shall not skew judgment. In his essay, Cohen walks the reader through an extended set of examples from Jewish tradition and history to show how deliberation – an intentional back and forth exchange of ideas between people – is a fundamental characteristic of any system that will lead to justice. Any development that threatens that deliberative process must be opposed.

> It is the free exchange of ideas between people on which the whole democratic project, the project of creating a more perfect union, rests. Rabbi Chayim Hirschensohn [10] stresses the fact that immediately following the commandment to set up "judges" and "overseers" is the commandment: "You shall not skew judgment. You shall recognize no face, and no bribe shall you take, for a bribe blinds the eyes of the wise and perverts the words of the innocent" (Deuteronomy 16:19). The "you" in this verse, as Hirschensohn understands it, is not limited to specific judges dealing with matters of civil or criminal law. The object of this command is, rather, the people as a whole who must deliberate and then choose their representatives who will then further deliberate in order to legislate, to rule. This interaction that is grounded in the exchange of ideas between citizens face to face is the guarantor of democratic process and outcome.
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> Injecting unlimited amounts of money and the distorting power of media into the mix deliberately undermines this deliberative process...Massive infusions of cash into the democratic

THEY WERE CREATED TO LIMIT LIABILITY.

> process transform citizens from practitioners to spectators, from participants to observers. The public discourse moves off the issues themselves, the give and take of ideas and values, and rests upon the impact and the power of the few mega-donors and their SuperPacs. It is to the detriment of democracy when we are all conversant with the "horse race" side of electoral politics but not fluent in the language of policy, nor knowledgeable of the outcomes of the race itself...If ultimately the SuperPacs and the mega-donors succeed in convincing the citizenry that elections are bought and paid for, it is the practice of democracy that will suffer and be irreparably damaged. A community and a polity so damaged will not long endure. *(Aryen Cohen, Jewish)*

Cohen starts with the theological principle that we are commanded to not skew judgment. He argues that active participation by citizens in a healthy political deliberation process is required in today's society in order to avoid skewing judgment toward the interests of a few. And then he suggests that massive spending by Super PACs (which can be funded by corporations or individual donors) can create an environment in which citizens feel so powerless that they will opt out of the deliberative process, which would essentially create a system of skewed judgment. So far, all the theologians mentioned in this section have used a variety of theological principles to object to corporate spending in politics. But one of our theologians, Bill Cavanaugh, has a different take. Cavanaugh shows how corporate personhood is actually a biblical concept that should be upheld.

> Some people of faith reject the idea of corporations as persons because only individuals are said to be made in the image and likeness of God. But the image of God in Genesis 1:27 seems to apply to the whole human race: "in the image of God he created him (*adam,* singular), male and female he created them (plural)," which is why many versions of the Bible translate adam with a corporate noun like "humankind."
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> Indeed, the concept of corporate personhood is a dominant theme throughout the Bible. Israel is regarded as God's son (e.g. Exodus. 4:22-23; Hosea. 11:1). Christ is able to undo Adam's sin because Christ, like Adam, incorporates the whole human race (Romans 5:12-21). Indeed, sin is portrayed in many patristic writings as the undoing of the original corporate nature of humanity through individualization, the breaking up of created harmony by mutual enmity and violence. As Cyril of Alexandria wrote, "Satan has broken us up." [11] For this reason Paul's image of the Church as the body of Christ (e.g., I Corinthians 12) is so powerful; our salvation is our reunification into the corporate person of Christ. This theme comes across very strongly in the Catholic emphasis on the Eucharist, in which we eat the body of Christ and are thereby joined together with others in the body of Christ.
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> From a Catholic point of view, the principle of corporate personhood is important to maintain. In a modern situation where individualism takes hold and associations of civil society wither away, it is important that groups speak with united voices. Unions, families, churches, and other organizations of people must remain strong in order to resist the reduction of public life to a binary of the state on the one hand and individuals on the other. From a Christian point of view, it is particularly important that the Church speak truth to power with a clear,

> collective voice, to be the "voice of the voiceless," as the martyred Archbishop Oscar Romero said. *(William Cavanaugh, Catholic)*

Cavanaugh's defense of the principle of corporate personhood adds a new twist to the discussion of a theology of corporations. But Cavanaugh does not give business corporations a free pass to participate in political discourse:

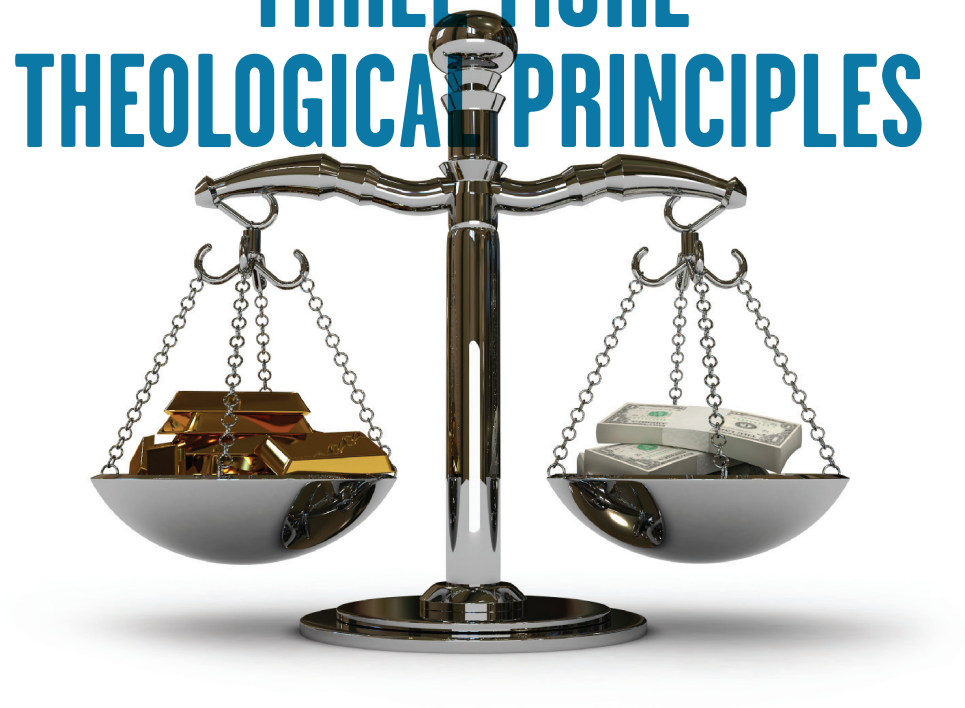
> As the quote from Romero indicates, however, not all corporate bodies are the same, and whom they speak for varies greatly. The Citizens United ruling is based on the idea that more speech is better—"there is no such thing as too much speech"—and that spending money is necessary for disseminating speech: "All speakers, including individuals and the media, use money amassed from the economic marketplace to fund their speech, and the First Amendment protects the resulting speech" ... For speech to be effective, it has to be heard. It is not enough to have the right to stand on a street corner and speak if your opponent can drown out your voice with sophisticated means of communication. There is such a thing as too much speech. If money allows certain voices to dominate the "marketplace of ideas," then there is no free market; it is instead a monopoly. Too much speech from one point of view can and does drown out and negate free speech from those who lack the money to spread their views. *(William Cavanaugh, Catholic)*

Cavanaugh then applies a Christian lens to the "enormous disparities of power that money in politics produces." He explains that a Catholic analysis of power requires that the voice of the poor cannot be drowned out, and must be heard. [12] In his conclusion, Cavanaugh does not specifically oppose the participation of business corporations in politics. Instead, he defends the principle of corporate personhood while opposing the dominance of money in political discourse:

> From a Catholic point of view, the dominance of money over political discourse should be resisted for the same reason that we should resist the reduction of personhood to individuals: we are at least potential members of one another and of God. We strive to be a corporate person in which the weakest and most vulnerable members receive the greatest attention (I Corinthains 12:22-23), so that when one suffers, all suffer together, and when one rejoices, all rejoice together (I Corinthians 12:26). The goal of political speech should not be that everyone with the means to do so gets to speak, but that everyone hears the truth. And for those who worship a crucified God, the truth is often revealed through those who cannot afford to speak. *(William Cavanaugh, Catholic)*

What kind of political system ensures that everyone hears the truth? As a theologian, Cavanaugh does not offer a specific policy outline. Instead, he points us courageously in the direction that our policies should head.

THREE MORE THEOLOGICAL PRINCIPLES



THE VOICE OF GOD RESTS IN THE DELIBERATION OF THE PEOPLE.

Many of our theologians addressed both the need to pay attention to the poor and a theology of corporations. In addition to these two topics that received shared attention, a variety of additional theological principles were raised by particular theologians. The three most important ones are included here.

1. JUSTICE IS ACHIEVED THROUGH MULTIPLICITY OF VOICES.

Aryeh Cohen shows how Jewish tradition embraces a multiplicity of perspectives and voices, from the moment of revelation itself to the centuries of rabbinic debate in the study hall:

> Revelation itself, according to one prominent strain of Rabbinic tradition, was not a monolithic imposition of one divine voice upon a multitude. A midrash pictures the revelation as multiform and plural: "'And all the people heard the thunderings and the lightnings' [Exodus 20:16]: [13] But how many thunderings were there and how many lightnings were there? It is simply this: They were heard by each man according to his capacity, as it is said: 'The voice of The Lord was heard according to the strength.' Rabbis say: This is to proclaim the excellence of the Israelites. For when they all stood before Mount Sinai to receive the Torah they interpreted the divine word as soon as they heard it."[14]
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> There are two vitally important ideas here. Each person heard the revelation in a unique way, and upon hearing the revelation each person immediately interpreted it in a unique way. In other words, six hundred thousand Torahs were received at Sinai. Without any one of them the Torah would be deficient. Each voice and each interpretation is a unique contribution to God's revelation. According to a Hassidic tradition, the revelation was intentionally mediated and obscured so that there would be room for interpretation and midrash...The rabbinic study hall itself, the place of the give and take that is of the essence of Torah study—and is itself Torah—is grounded in and dependent upon individual and unique voices clashing and cooperating to close in on some multivocal truth of Torah...Torah study, the primary act of worship and of imitating God, was rooted in a nascent democratic practice. *(Aryeh Cohen, Jewish)*

In the extended passage that follows, Cohen introduces two contemporary thinkers from the Renaissance period, Don Isaac Abravanel (a Jewish philosopher, Bible exegete, and treasurer to Queen Isabella of Spain), and Niccolò Machiavelli (an Italian historian, politician, diplomat, and philosopher). In the political critiques of these thinkers the divine authority of a state rests not in the ruler, but in the voice of the people.

> Abravanel saw a glimpse of the ideal in the republican government of medieval Venice, which he described as the exemplar of a rule based on the actions of deliberative bodies. Abravanel interpreted the command to appoint judges and overseers of Exodus 24 with the help of Deuteronomy 1:13: "Get you wise and understanding and knowing men according to your tribes, and I shall set them at your head." "Get you," he explained, is the result of an electoral process, such that the wise and understanding and knowing men are chosen by the people

and then set at their head. He also argues that the scope of their deliberations is not limited to civil or criminal disputes, but, rather, they were tasked with deciding affairs of state, of war and peace.

Don Isaac's younger contemporary, Niccolò Machiavelli, (in the *Discourses on Livy*) came to a position similar to Abravanel's concerning democracy. He argues "that the republic governed by words and persuasion—in sum, ruled by public speech—is almost sure to realize the common good of its citizens; and even should it err, recourse is always open to further discourse. Non-republican regimes, because they exclude or limit discursive practices, ultimately rest upon coercive domination and can only be corrected by violent means." [15]

Abravanel and Machiavelli both raise up the power of deliberation, discourse and dialogue amongst people as the preferable form of rule.These ingredients of democratic practice are given a theological frame with the idea, quoted by Machiavelli and inherent in the Rabbinic understanding of revelation cited above, that *vox populi vox Dei*, the voice of the people is the voice of God. This represents a radical move in which the locus of authority shifts from the authority of the one monarch, or even from the one representative of the Divine, to the words and the voice of the people, which is, at core, Divine.

Jacob Taubes, a mid-twentieth century Jewish intellectual, ordained as an Orthodox Rabbi, who was born in Vienna and died in Berlin (but spent a good deal of the fifties and sixties in the United States) articulated this idea very well. "In the symbolic structure of the democratic order, the consent of the people establishes law and order: democracy implies that the people are the only sovereign, the ultimate authority. The will of the people is always right – or at least more often right than any individual will – and represents the highest law of the state. The government functions in the name of the people and has no authority of its own. In Lincoln's statement on 'government of the people, by the people, for the people' the anti hierarchical symbolic structure of the democratic order finds powerful expression. The authority of the government is not derived or ordained from 'above' but guaranteed in a mystical equation of the vox populi with the vox Dei." [16] It is then, the free exchange of ideas between people on which the whole democratic project, the project of creating a more perfect union, rests. *(Aryeh Cohen, Jewish)*

This is a powerful theological principle, that the voice of God rests in the deliberation of the people. It implies that any developments which silence the voice of the people, or that squash the free exchange of ideas in public deliberation, should be opposed by people of faith on the grounds that the divine voice is being silenced.

BRIBES DISTORT JUSTICE.

2. JUSTICE INCLUDES FAIR OUTCOMES, NOT JUST FAIR PROCEDURES.

Ron Sider develops a biblical definition of justice in his essay, and argues that a biblical sense of justice includes not only fair procedures, but also fair economic outcomes. He quotes biblical prophets who denounce those who use legal means to promote economic injustice. He shows how fair access to productive capital is a core element of biblical justice. At the end of the passage, he asks a tough question: do unlimited political contributions tend to promote economic justice for everyone, or just a few?

> That the procedures must be fair is clear in the several texts that demand unbiased courts (Leviticus 19:15; Deuteronomy 1:17 and 10:17-19; Exodus 23:2-8). That distributive justice (i.e. fair outcomes) is also a central part of justice is evident not just from the hundreds of texts about God's concern for the poor...but also in the meaning of the key Hebrew words for justice (*mishpat* and *tsedaqah*). Time and again, the prophets use *mishpat* and *tsedaqah* to refer to fair economic outcomes. Immediately after denouncing Israel and Judah for the absence of justice, the prophet Isaiah condemns the way rich and powerful landowners have acquired all the land by pushing out small farmers (Isaiah 5:7-9). It is important to note that even though in this text the prophet does not say the powerful acted illegally, he nevertheless denounces the unfair outcome. In another text, Isaiah denounces the powerful who used "unjust laws" to "deprive the poor of their rights" (Isaiah 10:2). The prophet even declares that God will send Israel and Judah into captivity for their economic injustice.
>
> But the prophets also promised that some time in the future, the Messiah would come to set things right. In that day, they predicted, the Messiah would restore *mishpat* and *tsedaqah*. And that meant that everyone would again enjoy their own ancestral land which the powerful had unjustly seized (Isaiah 11:4; Ezekiel 45:8-9; Micah 4:4). The prophets clearly teach that justice includes fair economic outcomes, not just fair procedures. [17]
>
> When we examine the Old Testament teaching about the land, a very important norm for distributive justice (fair outcomes) emerges. Israel was an agricultural society, so land was the basic capital, the basic means of producing wealth. God ordained that when Israel moved into the Promised Land, each family would receive an ancestral inheritance sufficient to earn a decent living (Joshua 18 and Numbers 26). Then to make sure that no family permanently lost their basic capital to earn their own way, God said that at every Jubilee (the fiftieth year), all land must return to the original owners (Leviticus 25). Furthermore, as we saw above, the prophets not only denounced the way the rich and powerful seized the land of poor farmers, they also promised that in the Messianic time, everyone would again enjoy their own land so they could earn their own way through productive labor.
>
> This teaching on the land points to a key definition of justice. God wants every person and family to have access to the productive resources so that if they act responsibly, they can earn their own way and be dignified members of society. Applying this principle today does not mean some legalistic search for who owned the land fifty years ago.

Rather it means applying the basic principle. To do that, we must ask what are the major sources of productive capital in our setting. Land is still one kind of capital. But so is ownership of productive businesses. Knowledge (via education) is probably the most important productive capital in an information society.

Biblical justice rejects the Marxist ideal of equal outcomes just as it rejects limiting justice to fair procedures. But it does demand equality of opportunity up to the point where everyone has access to productive capital so that, if they work responsibly, they can enjoy an adequate income and be dignified members of society. Some people of course – the young, old and disabled – are unable to work. For them, the Bible clearly demands that society provide a generous sufficiency. That is also a demand of justice.Again, one must ask: Do unlimited political contributions tend to promote economic justice for everyone? Or do they largely promote the self-interest of a small powerful minority?
(Ron Sider, Evangelical Protestant)

3. BRIBES DISTORT JUSTICE.

Bribes are an ancient tool and are still in use today, as Adina Allen shows in the following passage. Throughout the centuries, societies have struggled with the boundary between a bribe and a political contribution. Allen suggests that whether they constitute bribes or not, massive political contributions create a dangerous estrangement between a representative and his or her constituents.

Within the struggle to establish stricter campaign finance reform is the question of when donations to a campaign become a bribe. In 1991 the Supreme Court defined a bribe as a contribution "made in return for an explicit promise or undertaking by the official to perform or not perform an official act." [18] Whether or not the large sums of money donated by wealthy individuals or corporations are technically in the category of bribery, they certainly hold sway over those in or aspiring to office. In one way or another politicians must bend to the will of these large donors in order to secure their support. This creates a system whereby politicians become beholden to the will of the few and the voice of the many is seldom heard.

While the sums are larger and the stakes are higher in recent times, the fear that money corrupts those in power is an age-old issue. As far back as the Hebrew Bible, those concerned with justice warned against the powerful and dangerous effects of money in politics. In Isaiah we read, "Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right (Isaiah 33:15)." According to Isaiah, money blunts the capacity to navigate the complexity of a given issue, and instead turns the ear towards the well-articulated pleas of the well financed without regard for other voices in the community and their just concerns.

Isaiah's command is immediately followed by an explanation, the content of which has become a central tenet of Judaism, "you shall not oppress a stranger for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt" (Exodus 23:9). The injunction to remember that we were once strangers is one of the most frequently recurring tropes in the Torah. Not only are we to recognize the stranger in our midst, but we are to remember that we too were once strangers ourselves. Because prodigious energy is required to cultivate constituent relationships, the average person becomes a stranger to those within the halls of power. In our own day we see how easy it is for a politician to become estranged from those without large sums to give. *(Adina Allen, Jewish)*

How can religious teachings help us shape a more just role for money in the American political system? What kind of theological principles should be applied to the problem? The ten theologians introduced in this volume offer many compelling candidates: Heed the voice of the poorest Americans. Develop a theology of corporations. Remember that justice requires a multiplicity of voices and fair economic outcomes – not just fair procedures.

With $6 billion running through our election cycles and many more dollars spent on lobbying, it is time for people of faith and moral commitment to get more involved in reforming the role of money in American politics. We are called to apply the teachings and wisdom of our religious traditions. We are called to raise our voices and offer constructive action for a more just political system.

NOTES

[1] Of that figure, $970 million was spent by outside groups, that is, groups supposedly unaffiliated with a political party. The Center for Responsive Politics data is at www.opensecrets.org. The Alaska Dispatch analyzed the presidential election expenses into dollars spent per registered voter, and found that the combined spending of the Obama and Romney campaigns amounted to $11.75 per voter. That figure is more than double, in inflation adjusted dollars, the $5 per voter that the Reagan and Carter campaigns spent in 1980. See http://www.alaskadispatch.com/article/how-much-did-obama-romney-campaigns-spend-election-2012.

[2] Citizens United v. Federal Election Commission (558 U.S. 310 [2010]). A short primer on the case is included in the companion publication to this report, "Money in Politics."

[3] Wikipedia defines astroturfing as "political, advertising, or public relations campaigns that are designed to mask the sponsors of the message to give the appearance of coming from a disinterested, grassroots participant."

[4] There are a few ways in which this project did not meet our own lofty ambitions. Because of limits on time and finances, these theologians were not brought together in person to discuss their findings, nor were they brought together with advocates from the field. These constraints also limited the range of minority faith voices that were included, and this project does not include Muslim, Hindu, Sikh, Buddhist perspectives. In addition, although we were successful at including younger voices, the gender and ethnic diversity of the ten theologians is poor (for instance, only two of the ten theologians are women). As the relative success of this pilot Applied Theology Series is assessed, and additional topics are covered, these shortcomings will be addressed.

[5] Babylonian Talmud Ketubot 105a.

[6] United States Catholic Bishops, Economic Justice for All, §88,
www.usccb.org/upload/economic_justice_for_all.pdf

[7] Robert Palmiter, Corporations: Examples & Explanations, Fourth Edition (New York: Aspen Publishers, 2003), 3.

[8] For a sobering discussion of some negative consequences of this fiction see Lawrence E. Mitchell, Corporate Irresponsibility: America's Newest Export (New Haven and London: Yale University Press, 2001).

[9] Babylonian Talmud Kiddushin 41a.

[10] Palestinian-born scholar who moved to the United States in the early 20th century and served as the Rabbi of Hoboken, New Jersey.

[11] For more on this corporate anthropology, see Henri de Lubac, Catholicism: Christ and the Common Destiny of Man, trans. Lancelot C. Sheppard and Sister Elizabeth Englund, OCD (San Francisco: Ignatius Press, 1988), chapter 1.

[12] Some of this argument is found in the Cavanaugh passages quoted in the first section, above.

[13] In Christian Bibles this verse is numbered Exodus 20:18.

[14] Mekhilta deRabbi Ishmael (BaHodesh 9) on Exodus 20:16 (6th century).

[15] Nederman, Cary, "Niccolò Machiavelli", The Stanford Encyclopedia of Philosophy (Fall 2009 Edition), Edward N. Zalta (ed.), at *http://plato.stanford.edu/archives/fall2009/entries/machiavelli/.*

[16] Jacob Taubes, "On the Symbolic Order of Democracy," in Confluence: An International Forum, 1953.

[17] For a longer discussion, see Ron Sider's The Scandal of Evangelical Politics (2008), 106-117.

[18] See this Washington Post article for a brief historical overview:
http://articles.washingtonpost.com/2012-08-12/politics/35491576_1_campaign-finance-bribe-campaign-contribution

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THIS REPORT WAS CREATED BY AUBURN SEMINARY AND FUNDED IN LARGE PART BY THE NATHAN CUMMINGS FOUNDATION.

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