

[*Faith-Based War: From 9/11 to Catastrophic Success in Iraq*, T. Walter Herbert, *Equinox*, 224 pages]

Goodwill Hunting

By Richard Gamble

BARACK OBAMA'S downplaying of American exceptionalism early in his presidency unleashed the wrath of right-wing bloggers everywhere. More than a few accused him of nothing less than betraying America's identity as the "city on a hill."

But it seems unlikely that these critics' sudden references to the shining city in the past tense will in hindsight mark the beginning of a fundamental shift in America's self-consciousness. Something more powerful than Obama's foreign and domestic policy will have to shake the nation's political and religious culture to dislodge so durable a metaphor. What we can be sure of, however, is that most Republican candidates in 2010 and 2012 will promise to reclaim and rebuild the lost city of America. Sarah Palin, keeping the message upbeat and in the present tense, reassured her Facebook friends this past Thanksgiving, "We truly remain the shining city upon a hill that the colonial leader John Winthrop implored us to be."

Republicans may succeed in making the "city on a hill" an effective campaign strategy, but all the attention they give to this symbol masks a deeper political and cultural consensus about America's calling. Most conservatives forget—if they ever knew—that it was a liberal Democrat, John F. Kennedy, who introduced the biblical and Puritan phrase into modern presidential rhetoric in 1961. More than that, they fail to notice that the political Left continues to reaffirm America's hilltop preeminence. What looks like a critique of the Redeemer Nation often turns out, behind all the earnest hand-wringing, to be liberal frus-

tration at the "wrong" transformationist agenda being implemented at home and abroad. Contrary to its claims, the Left doesn't typically fear the mix of church and state or the blending of religion and war at all. It sounds like it does, but its real objective is to get the "right" theology fused with the "right" domestic and foreign policy.

A case in point is T. Walter Herbert's *Faith-Based War*, the sixth in a new series of books on religion and violence from a small press in the UK. Herbert is Emeritus Professor of American Literature and Culture at Southwestern University in Georgetown, Texas. He approaches foreign affairs not as a historian, political theorist, or policy analyst. He writes instead as a modern literary theorist interested in the economic and political oppression of marginalized groups and in the "cultural politics" of novels, music, movies, TV shows, and the theater of presidential rhetoric and images. He also writes as a sincerely religious man who has exchanged his Christian upbringing for a vague but activist faith that operates in a twilight of theological uncertainty about a mysterious divinity he can only bring himself to call "G*d." Certainty breeds violence, Herbert believes, and he directs his creedless, borderless, ecumenical religion toward "shared action for the sake of social justice."

Herbert's central concern is what he calls the "religious catastrophe" of the 2003 invasion of Iraq and the "catastrophic success" U.S. forces encountered there. But his book is about much more than Iraq. Herbert's quirky literary and theological exploration of American foreign policy takes him all the way back to the first colonial settlements in New England. The Puritans' "city on a hill," and its subsequent career as a cultural trope, dominates at least the first half of his book. But Herbert's task is not to undermine America's identity as that city. Rather, he sets out to unmask the alleged perversion of that identity—or, more accurately, to present an alternative city on a hill, one equally authentic to the American past but largely sub-

merged throughout the nation's history. Herbert doesn't hesitate to call on his fellow citizens "to make our country a 'city on a hill' worthy of emulation, and worth fighting for ...". But performing that rehabilitation requires the rejection of a deeply embedded "Christian Americanism" in favor of a "counter-tradition" of tolerance and social justice. Herbert sees George W. Bush and his "faith-based" war in Iraq as the culmination of a progressively degenerate tradition that combines the worst of the chosen nation "delusion" with all the swagger and violence of the frontier gunslinger.

What exactly are these opposing traditions that battle for America's soul? It is hard not to think of Augustine's *City of God* while reading Herbert's retelling of American history. The Bishop of Hippo is certainly not one of his heroes, for reasons that become obvious by the book's end. Nevertheless, Herbert's account of America's two cities on a hill becomes a wholly secularized version of Augustine's theology of history. The heavenly and earthly cities become merely two earthly cities. The drama of salvation becomes a mundane event, a parody even of the spiritual warfare between the City of God and the City of Man. This doesn't appear on the face of it to be Herbert's intention, but such a template makes the core of his analysis much easier to see and explain.

Herbert begins his story conventionally with the Massachusetts Bay Colony—a parochial perspective that eclipses the rest of English North America but one that keeps his schematic treatment of American history tidy. The two cities descend from John Winthrop and Roger Williams. Winthrop heads the equivalent of Cain's "ungodly" line and Williams the equivalent of Abel's "godly" line (or "g*dly" line, I suppose). Winthrop's city loves its chosen-ness, wages imperial wars against the not chosen, and is religiously authoritarian. Williams's city, in contrast, loves "freedom of conscience," cultivates goodwill with native tribes, and practices communitarian values. Winthrop's city becomes predatory while Williams's becomes exemplary.

From these two cities follow—in very straight lines—the tradition and counter-tradition that divide American history down to the present. Winthrop and his “theocrats” engendered Manifest Destiny, capitalist free enterprise, the frontier mentality, moral blindness, Ronald Reagan’s ethic of national self-indulgence, and ultimately Bush’s invasion of Iraq, including, yes, the torture of prisoners at Abu Ghraib. Williams, in contrast, launched a dissident tradition of tolerance, democracy, human rights, anti-imperialism, critical self-examination, moral acuity, and Jimmy Carter’s ethic of national self-discipline.

OFFENDED BY THE RIGHT’S SECULARIZED “CITY ON A HILL” OF IMPERIALISM AND CULTURAL AND ECONOMIC HEGEMONY, HE EMBRACES THE LEFT’S SECULARIZED “CITY ON A HILL” OF INTERNATIONAL SOCIAL JUSTICE.

Conservatives may find themselves agreeing with more than a few of Herbert’s broader critiques of U.S. foreign policy. Indeed, he quotes approvingly from the work of Walter McDougall and Andrew Bacevich. But there is deep mischief at work in this book. By his last chapter, Herbert arrives at a theological grounding for the two cities that is sure to trouble orthodox Christians. He sees the U.S. Army’s resort to torture at Abu Ghraib as the natural outworking of Winthrop’s predatory theocracy, and more fundamentally as a result of a “perverted” Christian theology of original sin, divine wrath, and substitutionary atonement as taught by St. Augustine, Jonathan Edwards, and the modern Religious Right. Bluntly, America tortures its enemies because its pastors and politicians believe in a God who tortured his own Son on the Cross and tortures unrepentant man in Hell.

It comes as no surprise, then, that Herbert prefers the Jesus who died not to pay for man’s sins but who died at the hands of a brutal world power threatened by His revolutionary political message of social justice, liberation from oppression, and

radical human equality. More broadly, “Jesus’s gospel posed a threat not only to the Romans but to all social arrangements in which stigmatized classes of G*d’s children are forced to accept a subservient place.” Clearly America is the new Rome in this 21st-century passion play. And a new type of Christ has appeared to rebuke the American regime and expose its injustice: the figure of the “hooded man” from the Abu Ghraib prison. Herbert describes this “haunting image” as a man “standing on a box with his arms outstretched, with electric wires hanging from his hands. The victim is compelled to maintain his balance on the narrow

box, with his vision cut off. He cannot see that the wires on his hands are attached to nothing.”

A silhouette of the “hooded man” in the posture of the crucified Christ graces the front cover of Herbert’s book. Never mind that this is a prisoner of war. The author leaves no doubt about his meaning: this innocent “victim,” this modern Man of Sorrows, “is an icon that reproaches the religious perversion at stake in the invasion of Iraq, in particular the misconception of America as a ‘city on a hill’ that is entitled to seek limitless material abundance at the expense of others, and is exempt from judgment against any standard beyond itself.” “Hooded Man,” he sums up, “represents the shame and disgrace that have accrued to the nation from following this version of America’s exemplary status, a model for other nations to abhor.”

In trying to expose the flawed political theology that may indeed animate too much of American foreign policy, Herbert simply exchanges one troubling political theology for another. Offended by the Right’s secularized “city on a hill” of imperialism and cultural and eco-

nomic hegemony, he embraces the Left’s secularized “city on a hill” of international social justice. Disturbed by the Right’s politicized Jesus who endorses “Christian Americanism,” he embraces the Left’s politicized Jesus who advocates a new order of humanitarian sympathy. Lost in these false options is the possibility that the city on a hill has nothing whatsoever to do with the United States—not now and not ever—and that Jesus’ kingdom is not of this world.

Also lost on Herbert is just how much he and Bush might have in common—at least with Bush’s own self-understanding as portrayed by chief speechwriter Michael Gerson in his 2008 book, *Heroic Conservatism*. Bush’s idealistic domestic and foreign policy pursued an agenda consciously at odds with traditionalist and realist conservatives within the Republican Party. Bush set out on a course of Big Government intervention in public education, expanded social-welfare spending, and global democratic revolution in the name of social justice and humanitarian compassion. The troubling irony for those conservatives whom the Bush White House marginalized is how much of what passed for a conservative agenda between 2001 and 2009 fits Herbert’s depiction of the counter-tradition. Bush’s “compassionate conservatism” tried awfully hard to sound like the modern version of the counter-tradition. Why that is and what that might mean for the future of conservatism ought to demand the attention of concerned scholars, voters, and traditional Christians.

Ultimately, Herbert’s framework, while venturing to explain so much about American history, helps only to account for what divides humanitarian transformationists among themselves and not for the larger theological and cultural fault lines that separate one American tradition from another. ■

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[*Crisis and Command: A History of Executive Power From George Washington to George W. Bush*, John Yoo, Kaplan Publishing, 544 pages]

A Brief For Bush

By Joseph Margulies

JOHN YOO, the embattled law professor and former attorney with the Justice Department's Office of Legal Counsel, has completed his third and final book on the power of the presidency. Yoo, of course, was the principal author of the most controversial legal memos of the Bush years. His work gave the administration cover for many of its most problematic programs, including indefinite detention at Guantanamo and torture by the CIA. Given this résumé, it has become an immensely popular parlor game to launch personal attacks on Professor Yoo. No reproach seems to satisfy his many detractors, who vilify him in print and protest him in public. Websites are devoted to his pillory. At a minimum, we are told, he should be indicted as a war criminal, fired from the academy, and disbarred from the practice of law.

Such insults are easy to level but harder to defend. I say this despite my long professional engagement with Yoo's handiwork. I have been involved in challenges to post-9/11 detentions since late 2001. I was counsel of record in *Rasul v. Bush*, the first case to hold that Guantanamo was not a prison beyond the law. I am also counsel for Abu Zubaydah, the man for whose interrogation the CIA sought, and Yoo wrote, the infamous torture memos in August 2002. At every step of the way over these last seven years, I have confronted legal arguments crafted by Yoo—arguments I consider legally deficient and morally bankrupt. But I have never doubted that he sincerely believed the president had the authority to act as he did. He is mistaken, not

malign. My criticism has always been with his ideas, not his character.

And the idea behind his latest book, *Crisis and Command: A History of Executive Power From George Washington to George W. Bush*, is simple: throughout American history, crisis has inspired constitutional daring, and the race to presidential greatness goes not to the leader who hews most faithfully to the constitutional text but to the one most willing to bend the document to meet the perceived demands of the day. It is a disappointing contribution to the literature on the Constitution and the American presidency, and beneath a scholar of Yoo's ability.

In his introduction, Yoo mocks the raft of writers who saw a return of the imperial presidency in the policies of his former employer. They just don't understand. The reader settles down for the coming donnybrook, in which the learned professor will marshal what he perceives as the lesson of American history to prove that presidential greatness requires inherent authority—the prerogative to ignore the will of Congress and the fetters of the Constitution when the national interest demands it, as when war clouds our visage. (That is what the historian Arthur Schlesinger meant by the imperial presidency when he coined the term and what he described at length in his 1973 Pulitzer Prize-winning book of the same name.) But the proof never comes. Professor Yoo is a creative, even inventive scholar. Yet even he cannot make an argument that the great sweep of American history sustains a case for inherent presidential power beyond the Constitution. It is simply not true.

The most thorough account of these issues during the founding and early Republic is Abe Sofaer's classic from a generation ago, *War, Foreign Affairs, and Constitutional Power: The Origins*. Professor Sofaer, then at Columbia Law School, later a Reagan administration appointee, and now a senior fellow at the Hoover Institution, carefully documents the many occasions when presidents have deliberately pursued consti-

tutionally questionable behavior that could, or did, lead to military engagements. He concludes, "At no time did the executive claim 'inherent' power to initiate military action."

Lincoln, for instance, accused President Polk of acting unconstitutionally when he unilaterally provoked the Mexican War in 1848. The founders, Lincoln said, had "resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us." Yet 13 years later, Lincoln assembled the militia, enlarged the Army and Navy beyond their authorized numbers, suspended *habeas*, spent unappropriated funds, and instituted a naval blockade of the southern ports, all without congressional approval. But Lincoln understood that his actions were beyond the Constitution, and that he would later be accountable to Congress and the American public. Never did he pretend these steps were justified by some inherent right to act as he saw fit.

As Yoo well knows, the claim to an inherent right has a much more modest historical pedigree, beginning only in 1950 with President Truman's defense of his decision to dispatch troops to Korea without congressional authorization. Dean Acheson, Truman's secretary of state, later took credit for this constitutional innovation: it was not for nothing that Acheson titled his autobiography *Present at the Creation*.

Since Truman, the fortunes of the imperial presidency have waxed and waned. Every postwar president has claimed some version of the power of inherent right, though some, like Eisenhower, made relatively less use of it than others, like Johnson. But this postwar experience proves there is no correlation between presidential greatness and constitutional license. The Nixon presidency, for instance, represented the high-water mark of that thinking—until George W. Bush at least. Nixon demonstrated, to the nation's considerable regret, that should the ineffable demands of national security be enough to unleash a president's inherent author-