

The following article, by Alex Hannaford, was published on Sunday, August 22, 2010, by the Guardian/UK

The Cruel and Unusual Punishment of Teresa Lewis

On 23 September, 40-year-old Teresa Lewis will become the first woman to be executed in the state of Virginia for almost a century. She'll also be the first woman put to death in the US since 2005. Considering that, in the intervening five years, around 220 men will have been executed, it puts it into perspective: executing women is unusual. Of more than 1,200 executions carried out since the US supreme court reinstated capital punishment in 1976, only 11 were of women. And each time that happens, it's stunningly bad PR for an increasingly unpopular facet of the American justice system.

The facts of the Lewis case are fairly gruesome. In 2002, she was convicted of persuading two men to kill her husband and stepson to collect a \$250,000 life insurance policy. In return, she promised them a portion of the money, and sex with her and her 16-year-old daughter.

Lewis pleaded guilty. So you might think that this is a cut-and-dried death penalty case. But I don't think so, and if you look at the facts, and consider the way the death penalty is administered in the US generally, it leaves more than a bad taste.

A forensic psychiatrist testified that Lewis has an IQ of 72, placing her in the "borderline range of intellectual functioning". Her co-accused, Rodney Fuller and Matthew Shallenberger - the two gunmen who actually did the killing - were sentenced to life imprisonment (Shallenberger actually committed suicide a few years later). And although the judge acknowledged that Lewis had led police to the men, he described what she had done as "horrible and inhumane", and determining she had masterminded the whole thing, sentenced her to death.

At appeal, her new lawyers argued her trial attorneys should have presented hundreds of pages of medical records that showed her dependency on prescription drugs and that she was too easily led by other people to have plotted the murders. A psychiatrist specializing in addiction testified that Lewis's mental state before, during and immediately after the killings was "significantly impaired" as a result of developmental disabilities, borderline intellectual function and that dependence on drugs.

The defence then produced vital evidence - a letter from Shallenberger admitting it was he, not Lewis, who planned the murder. "The only reason I had sex with the mother was," he wrote, "to get her to fall in love with me so she would give me the insurance money."

But the appeal court upheld the sentence.

In the eight years Lewis has been on death row, she is said to have been a model prisoner. But on death row, good behavior counts for nothing. In a month's time, she will become the first woman executed in Virginia since 1912.

Executing men has become routine - most of the time, the deaths warrant only a small mention in the local newspaper. But Lewis's execution will, it is to be hoped, once again draw worldwide attention to the fact that the United States is on the roll call of countries with the less-than-salubrious distinction of carrying out the highest number of executions, along with China, Iran, Saudi Arabia, Pakistan, Congo, Egypt and Iraq - states with which the US perhaps ought to feel a little uneasy being compared.

And later this year, there's a good chance that a British passport holder, 51-year-old Linda Carty, will join Lewis. I have written about Carty before : her trial was seriously flawed, and if, like Lewis, she is also given a 2010 execution date, it will draw even more attention to the US's dire record on capital punishment.

Richard Dieter, executive director of the Death Penalty Information Center , told me that because of juries' reluctance to dish out death sentences these days, it's fair to assume that if Teresa Lewis was in court today, she probably wouldn't be sentenced to die. "Particularly in Virginia," he said. "There was just one death sentence in that state last year, and to say Lewis is the worst of the worst is a stretch. Given the mitigating evidence and the fact the shooters got life sentences, it strikes you as unfair in the way it played out."

There's not much chance that Virginia governor Bob McDonnell will commute Lewis's sentence to life. Considering McDonnell is pro-life, opposes same-sex marriage and holds an A-rating from the National Rifle Association for his gun rights advocacy, you can guess where he stands on the death penalty.

In the past few years, serial killer Andre Crawford was spared the death penalty for the murders and rapes of 11 women on Chicago's south side - he got life in prison. In Virginia,

Haiyang Zhu, a former Virginia Tech student who murdered and beheaded one of his fellow students, got life in prison.

If you agree with the death penalty, you must also agree that the ultimate punishment should be meted out fairly. And the simple fact is, it isn't.

The last time the Republicans held the Congress and the Presidency, they took a \$237 billion budget surplus and transformed it into a \$1.3 trillion deficit. They doubled the national debt and drove the economy into a ditch.

They cost us 8 million jobs, left the middle class in economic peril, and shifted our tax burden to the middle class by giving \$100,000+ tax breaks to the wealthy.

Jesus tells us that we will be judged not by how we reward the rich but by how we treat the poor.

The following report is from Australia. I am not sure of the source. If someone supplies it, I will acknowledge it in a future posting.

“Most bishops would be in favour of the bishops electing the cardinals...

What happens at the moment is the pope appoints the cardinals who then elect the pope who then appoints more cardinals and on and on it goes. Everyone in this room knows very well that George Pell was transferred from Melbourne so he could get the red hat so he would become an elector of the pope. And that was the sole reason. And that has happened in many other parts of the world. So it's a vicious circle. And it is deliberately designed to ensure we do not have another Pope John XXIII”.

So said bishop Geoffrey Robinson to 250 or so priests and bishops on Thursday this week. He was advocating some democracy in the Catholic church: namely the franchise for bishops

Sustained and loud applause from 250 odd priests followed the bishop's words. Too much discretion? What was I thinking in my previous blog?!

If there really was any pulling of punches early on in this week's National Council of Priests conference, the gloves were well and truly off by the third day. Though I have heard much of what was said before in other places, I have never heard it all said in front of 250 Catholic clergy and several Australian bishops. I have never heard it said so strongly or

clearly. I heard calls for a third Vatican Council, married priests, discussion of women priests, warnings of church implosion, calls for cardinals to be elected by bishops, as well as public criticism of Cardinal Pell's appointment to Sydney. That was just for starters. At one point I leant over to a Bishop – not noted as a progressive radical - and asked if I could check his pulse. He had the good grace to laugh, though I am not all that sure he was feeling all that jocular.

Many of these issues would cause more conservative Catholic friends to tear their clothes and strew ashes over their heads – immediately before delating the whole meeting to Rome via flaming email. On the other hand, progressive Catholics would have been delighted. I am still gobsmacked at what I heard said. The trick of course is discerning whether this is all just steam being let off, or whether it is the enormous glacier of the Catholic church loudly cracking.

I'll let the words stand for themselves, with a few highlights:

Bishop Geoffrey Robinson: "In the most male dominated civil society, at least men have a woman at home to have some influence on them. In the church, not even that is present."

Donald Cozzens: "Isn't there a touch of arrogance in [the church] stating that God will give the charism of celibacy to a man who wants to be a diocesan priest".

Bishop Robinson: " I have listened to any number of offenders and I have heard their unbelievable rationalisations: 'I was loving this boy. I never loved anyone more. This was doing what Jesus said.' Incredible rationalisations...."

Bishop Robinson: "You see every bishop takes an oath of loyalty to the pope. And yet from the time it first came to our attention in the mid 80's right through to 2004 – twenty years- Pope John Paul said next to nothing. And the loyalty of bishops was to a silent pope and so they became defensive – whereas had the pope in 1985 come out and said "this is a terrible blight on the church, we're going to confront it, obliterate it from the church"; then the very loyalty of the bishops would have worked in favour of victims, whereas in fact it worked against them: a culture of secrecy."

Bishop Patrick Power: "The abuse crisis is an opportunity not just to look at the individual failures and struggles- but about the whole of the structural issues that need to be challenged."

Donald Cozzens: "One of the first things we might consider doing in terms of challenging the dysfunctions of the church is ... to try to make the commitment not to be an enabler....There's something about the structure of the church that keeps adult men like ourselves less than adult."

Bishop Robinson: " in 1989, who could have possibly foreseen that by the end of the year Communism would have collapsed- yet it happened. A few years later, who could have foreseen that apartheid in South Africa would collapse - but yet it did.... the growth of discontent in seeing the dysfunction in the regime... reached a critical mass. And when it did, things collapsed. It is my belief that change on the church is most likely to happen in that fashion",

More will be written of course- but right now I am rushing back to hear the next major installment at 5 pm.

You wouldn't be dead for quids.

The following article, from the London Tablet, was written by Philip Endean.

Worship and power

Bit by bit, the Catholic Church has been edging towards the moment when the new English translation of the Roman Missal will be in use in English-speaking countries around the globe. On 30 April 2010 the Holy See gave its recognitio to what was thought to be the final text, while on 20 August the United States Conference of Catholic Bishops released an updated version of the Ordinary with confirmation that Americans will start using it in Advent 2011. Yet the text is apparently still being revised in Rome. Matters remain unclear. There are problems here about what counts as good translation. There are also serious questions about how authority is being exercised. In some ways, there are overlaps with the clerical-abuse scandal. Of course, the objective damage done by bad liturgy is as nothing to the moral wrong of children being violated. But in both cases authority has dealt high-handedly and secretly with the sacred, the intimate, the vulnerable. High officialdom has been evasive; lesser authority has tacitly colluded. What the situation needed was salutary English plain speaking.

How the new translation came about is now well known: the rejection of a 1998 version by Rome (despite the overwhelming support of the anglophone bishops' conferences); the changing of the translation ground rules with the Congregation for Divine Worship's (CDW) 2001 instruction, *Liturgiam Authenticam*; and the sacking of the staff of the International Commission on English in the Liturgy (Icel).

The published accounts of this process by Bishop Maurice Taylor, then the episcopal chairman of Icel, are all the more telling for their dignified and charitable understatement. But "abusive" would not be too strong a word to describe the exercise of authority here. The best advocacy for the new translation that I have seen, from Archbishop Mark Coleridge of Canberra and Goulburn - who has also written well on the abuse crisis - refers to "an extraordinary level of consultation" in the preparation of the new translation. Perhaps, but I was myself involved in a couple of peripheral ways, and I was instructed to maintain strict secrecy when, through my then provincial, I was asked to comment on a draft of the Ordinary.

Crucially, nothing that challenged Liturgiam Authenticam seems to have been taken seriously. Even Archbishop Coleridge has to concede that the process of producing this document, "which provided the hermeneutical base of the new translations, was confidential". Bishop Taylor notes that his fellow bishops had overwhelmingly passed the 1998 translation, but let the CDW proceed "without any complaint or question".

This situation hardly inspires confidence or trust. Given that there are also strong objective arguments against Liturgiam Authenticam, we have a serious problem. How are responsible Catholics to cope? The standard answer to that question is: "trust the authority of the Church's office-holders; give them the benefit of the doubt; make the best of the situation." But it is just such moves that have proved so catastrophic in matters to do with sexual abuse. Why are we to suppose them appropriate in this liturgical context?

In a message sent to the Vox Clara committee (set up a year after Liturgiam Authenticam to monitor English texts) just before giving his final recognitio, Pope Benedict himself acknowledged the difficulties ahead, and pointed to the need for both sensitivity and catechesis in implementing the change, given that "many will find it hard to adjust to unfamiliar texts after nearly 40 years".

Much is being promised by way of "catechesis". In a press release following the recognitio, Bishop Arthur Roche, the present chairman of Icel, spoke of an interactive catechetical DVD, *Become One Body, One Spirit in Christ*. The online promotional video radiates reassurance: all we are doing is handing on what the Lord Jesus Christ gave to his Apostles; the Mass itself is not changing; we are merely adopting a more sacral register.

Such soothing statements, cutting long and disputed stories very short, are of course in one sense entirely appropriate to the task of "catechesis". Basic information needs to be got across to people who have other things to do with their lives than to study theology. In fact the new translation represents an eminently challengeable set of policy changes.

Bishop Roche's press release refers to the new translation as "a text of the highest quality that can truly be called a work of the Church". But a new translation can only be regarded as "a work of the Church", and judged to be "of the highest quality", if we know that widespread consultation and experiment have taken place. When the matter being put forward is controversial, "catechesis" becomes mere spin.

We need Pope Benedict's sensitivity as well as "catechesis". Many will feel bereaved, losing an approach to liturgy that has become loved and familiar, and a difficult process needs to be faced openly and honestly. When Church authority instructs us priests to prepare for the new translations, it may think it is saying "this change is a necessary correction to liturgical excesses of previous decades", or "fall in and obey for the good of the Church", or even "don't desert the people of God at a moment of need - help them make the best of a bad job".

But other associations are also inevitable: "as victims of abusive power relations that we are only beginning to perceive, we ask you to join us in passing that culture on". On my bad days, when this message is dominant, I see no way of continuing to preside at Mass in

English with any integrity, once imposition day comes round. If we are to negotiate the change well, reactions of this kind need to be addressed seriously.

How might sensitivity mark the impending transition? Let me suggest four guidelines that might help all concerned.

First, acknowledge the wider issues at stake. There are good linguistic arguments on both sides as to whether we should say "and also with you" or "and with your spirit". But the choice here is also, and more centrally, about how to express the particular role of the ordained within the Church as a whole.

In general, the new translation's significance has to be situated within the conflicts underlying everything in Vatican II and its aftermath: how the Church deals with change; the relationship between Rome and local churches; how the Church addresses contemporary culture. Options about translation often imply controversial positions on more intractable human and spiritual issues. If Rome's real agenda when liturgical change is in question is that the English-speaking Churches got Vatican II wrong (or indeed the other way round), we should have that conversation openly. Arguments about ecclesiology are not conducted well in code.

Secondly, acknowledge conflicting concerns. The decisions of translation are normally judgement calls between conflicting goods. Non-inclusive "man" appears in the new text, whereas the 1998 text had sought to improve the 1973 one by avoiding it. This is not because our translators are unreconstructed sexists, but because in some contexts the alternatives are judged by some to be unsatisfactory, both linguistically and theologically. The final judgement call, whichever way, should not be read as rejection of the differing concerns, but rather an option that one is more important.

Similarly, the fact that the Lord at Communion is to enter "under my roof" is not only the recovery of a scriptural echo but also something of an archaism. In the UK, where the King James Bible still has its influence on ordinary speech, the scriptural consideration should probably prevail; elsewhere, the case seems far more doubtful.

Prudential decisions of this kind are, of course, the role of legitimate authority. But many people at the moment do not trust the hierarchy enough to accept a decision different from their own preferences - a relational difficulty that needs to be tackled by all involved. A first step might be that we desist from name-calling. It is distressing to read of eminent figures rubbishing our present liturgical idiom as the language of a barbecue, and anticipating the new version "putting paid to 'parish tea-party liturgy'" (The Church in the World, The Tablet, 29 May). Such talk only encourages others in the bad habit of calling any Latin Mass a "gospel-avoidance-event".

Thirdly, recognise that reverence and accessibility are theologically complementary. Vatican II's liturgy document speaks of the rites radiating a "noble simplicity" (n. 34). To be true to the Gospel, the liturgy needs to be both dignified and straightforwardly intelligible. It is as un-Christian to choose between these as to opt for Christ's being either divine or human. Orthodoxy could be defined as the refusal to fall into such ways of thinking. If the introduction of a new text can be described as one side "winning" some kind of competition between gospel values, things have gone badly wrong.

Fourthly, only say in public what you actually believe. Archbishop Coleridge's lecture in support of the new translation reads as the work of an intelligent, knowledgeable and pastorally grounded man who has engaged with the issues, and is speaking with personal conviction. He also acknowledges that the process has been badly handled.

Even though I don't agree with his overall argument, those features of his text lead me to take him seriously, and to think about what he says. If the new translations are to be introduced successfully, we need a sense that our competent leaders really believe in them, and are commending them out of intelligent conviction rather than instinctive deference. That said, at no point - on this or any other subject - should pastoral ministers teach or preach anything to which they cannot personally assent. Still less should they come under any pressure from their superiors so to do. Defending what you do not believe will be far more harmful to the Church than any public disharmony. Surely we have learnt by now the dangers of keeping up appearances "for the good of the Church".

Pastoral sensitivity to different voices is also a recognition of the truth that those voices may be expressing. And therefore - this is a paradox that a pluralist vision can never avoid - these guidelines disallow, absolutely, understandings of truth as coming only from one source. They would lead us somewhere different from where we now are, on much else as well as on liturgical matters. Moreover, the theology informing such procedures is sound, whereas its opposite is not.

Christian fidelity is not the monopoly of ecclesial conformists. The Church is integral to the life of grace, but always in a way pointing beyond its present achievement: it gives us "a sacrament and instrumental sign" of a reality greater than itself: "intimate union with God and ... the unity of all humanity" (Lumen Gentium, n. 1). In the pilgrim Church, ideological purity is no sign of theological wisdom.

This new translation, both in its content and in the manner of its imposition, represents a retreat from the salutary, evangelical reform of church style and mood that Vatican II represented. Those of us who experienced pre-conciliar Catholicism as abusive received Vatican II as a powerful reassurance that the Church was mending its ways. That gave us hope and liberation. It will be a scandal, in both the common and the theological senses of the word, if - at a level that really hurts - the new translation takes that reassurance back. Philip Endean SJ teaches theology at the University of Oxford.

The understanding of Vatican II here draws on the magisterial work of John O'Malley SJ, *What Happened at Vatican II* (Harvard UP, 2008). For other sources and further reading, see www.philipendean.com/littrans.htm

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