

Court of Appeals Nominee Questionnaire – Caleb Stegall

name, current address, and telephone number of a person, preferably your direct supervisor, who can verify your employment for each position listed. K.S.A. 20-105 and 20-3002 require a potential nominee to have been engaged in the "active and continuous practice of law" for at least ten years prior to the date of appointment. Include in your list the months and years of legal employment to verify that you meet this statutory requirement.

State of Kansas, Chief Counsel to Governor Sam Brownback
January 2011-Present
Contact: Governor Sam Brownback
Kansas Statehouse, 300 SW 10th Street, Topeka, Kansas 66612
(785) 368-6423

As Chief Counsel to the Governor, I advise and represent the Governor and the Governor's Office in all legal matters. I oversee the work of approximately one hundred and thirty executive branch attorneys in the legal departments of thirteen different cabinet agencies. In addition, I serve as a senior policy and political advisor to the Governor.

Jefferson County, Elected Jefferson County Attorney
January 2009-January 2011
Contact: Jefferson County Clerk Linda Buttron
Jefferson County Courthouse, 300 Jefferson Street, Oskaloosa, Kansas 66066
(785) 863-2272

As the lead prosecutor and chief law enforcement official of Jefferson County, I oversaw a full-time staff that actively managed a yearly caseload of hundreds of felonies and misdemeanors and thousands of traffic offenses. I personally handled the most serious felony cases from the initial reports, investigation, and charging through jury trial and verdict. Such cases included murder, rape, sexual crimes against children, drug manufacture and distribution, and white collar financial crimes. I resigned my office in January 2011 to accept an appointment as Chief Counsel to the Governor.

Stegall & Associates, P.A., Founder and Owner
May 2005-January 2011
Contact: Self-Employed
504 Plaza Drive
Perry, Kansas 66073

I founded Stegall & Associates (formerly The Stegall Law Firm) as a solo practitioner in 2005 in order to pursue a general "country" law practice. Located as a main street storefront in my hometown of Perry, population 1,000, Stegall & Associates grew to a four attorney firm serving the general legal needs of rural Jefferson County. At the same time, our expertise was actively sought out by clients with a need for specialized

representation in complex constitutional and commercial litigation. As a result, less than five years after its founding, Stegall & Associates earned recognition in *U.S. News & World Reports'* listing of Best Law Firms in Kansas. I left the firm in January 2011 to accept an appointment as Chief Counsel to the Governor.

Foulston Siefkin LLP, Associate
February 2000-August 2000; August 2001-April 2005
Contact: James Rankin
534 South Kansas Ave.
Topeka, Kansas 66603
(785) 233-3600

At the largest law firm in Kansas, I practiced in the areas of appellate litigation, commercial litigation, regulatory and administrative law, and insurance defense. I left Foulston Siefkin in May 2005 to found Stegall & Associates, P.A.

Honorable Judge Deanell R. Tacha, Chief Judge of the United States Court of Appeals for the 10th Circuit, Law Clerk
August 2000-August 2001
Contact: Hon. Deanell Tacha (currently Deau of the Pepperdine University School of Law, 24255 Pacific Coast Highway, Malibu, California 90263, (310) 506-4621)
Chambers of Judge Deanell R. Tacha
Lawrence, Kansas 66044
(No current street address or phone number)

I served in the traditional role of Federal Appellate Court Clerk, providing background research and briefing for the Appellate Judge prior to oral arguments and participating in early drafting of legal opinions.

- a. If in private legal practice, describe your typical client(s). If not in private legal practice, describe your employer or work arrangement, your position within the structure, including whether you are supervised, how work is assigned, and who receives your work product, and other information you feel would assist the Governor and the Senate in understanding the nature of your current professional responsibilities.

As Chief Counsel to the Governor, my professional responsibilities vary widely and encompass three broad areas: (1) traditional legal advice and representation; (2) policy development and implementation; and (3) management and administrative responsibilities. I report to the Governor and I oversee the work of approximately one hundred and thirty executive branch attorneys in thirteen cabinet agencies.

Court of Appeals Nominee Questionnaire – Caleb Stegall

In the first category, my responsibilities include providing direct legal representation to the Governor and the Governor's Office; managing and overseeing all legal matters involving the cabinet agencies of the state; and consulting with the Kansas Attorney General and the Attorney General's Office on any legal matter having a significant public policy impact on the state.

In the second category, my responsibilities involve participating in the policy making process from early formation through full implementation, whether that takes the form of direct executive action or the form of a legislative agenda resulting in newly made law. I participate at the level of a senior advisor and am responsible, in particular, to manage, guide, and provide counsel regarding the specific legal implications and ramifications of any policy initiative.

Finally, my responsibilities include a significant role in the overall management and administration of the large executive bureaucracy of the state.

- b. What percentage of your court appearances in the last five years was in:
- 2 % Federal district court
 - % Federal appellate court
 - 85 % State general jurisdiction court
 - 10 % State appellate court
 - % State limited/special court {Specify the court}
 - 3 % Administrative bodies

*For the purposes of this questionnaire, "appearance" should be construed to include any contested proceeding, including motions for injunctive relief, suppression of evidence, pre-trial conferences, and the like.

- c. If your practice includes litigation, list and describe the five most significant cases which you personally litigated in the last ten years, giving case caption, number, and citation to reported decision, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried, and the names of other attorneys involved.

I selected the five cases described in detail below because: (1) they demonstrate the wide variety of matters I have handled; (2) each presented unique legal challenges; (3) in each instance the outcome had a major public policy or community impact; and (4) all five of these cases attracted significant public interest and opinion.

1. ***Essex v. Kobach*, Case No. 12 CV 04046, United States District Court for the District of Kansas sitting as a three judge panel pursuant to 28 U.S.C. § 2284 (decision reported at --- F.Supp.2d ---, 2012 WL 2126876 (D. Kan. June 7, 2012)).**

Case Description – Including brief factual summary and the involved parties, judges, and attorneys:

Essex was the Kansas reapportionment case decided by a three judge panel of the United States District Court for the District of Kansas after the Kansas Legislature was unable to fulfill its constitutional role, following the 2010 census, to adopt new apportionment maps for the Kansas Congressional Districts, the Kansas Senate, the Kansas House of Representatives, and the Kansas Board of Education. The three judges on the panel were Judge Kathryn Vratil, Judge Mary Beck Briscoe, and Judge John Lungstrum. The case attracted numerous intervening parties and multiple attorneys. The complete list is included in the certificate of service attached to the brief I filed in the case which is also attached as my writing sample.

Case Significance – Including the nature of my participation in the case:

Essex set the direction of the Kansas Legislature for the next decade by drawing entirely new apportionment maps for all 125 house districts and all 40 senate districts. As such, it was the most politically significant litigation in Kansas in many years, and likely will remain so for many years to come. Prior to *Essex*, Governor Brownback had regularly taken the position that the reapportionment of these political boundaries should hew as closely as possible to the constitutional principle of “one person, one vote” by creating districts with as nearly identical populations as possible.

In *Essex*, the multiple politically interested parties argued for a wide variety of proposed maps, depending on their political leanings, all of which contained high population deviations. On behalf of my client, Governor Brownback, I authored an *amicus* brief that clearly outlined the court’s constitutional obligation to draw reapportionment maps that contained at most a *de minimus* population deviation of plus or minus one percent. In a case with over twenty parties and hundreds if not thousands of pages of legal argument filed with the court, Governor Brownback’s *Amicus* Brief was the only filing to present this legal argument to the court. In its ruling, the court adopted, with only slight variation, the argument made by the *Amicus* Brief and rejected every other reapportionment proposal advocated by the parties. The brief is attached as my writing sample.

2. *Haiti v. Thompson, Thompson, Culberth, & McMullin*, District Court of Port-Au-Prince, Haiti (dismissal filed February 17, 2010).

Case Description – Including brief factual summary and the involved parties, judges, and attorneys:

This case, widely known as the case of American Missionaries in Haiti, involved ten American missionaries who had travelled on a humanitarian mission to the nation of

Haiti in the immediate aftermath of the devastating 2010 Haitian earthquake. One of the missionaries was Drew Culberth, a firefighter and youth pastor from Topeka. Also on the trip were Mr. Culberth's brother-in-law and nephew, Paul and Silas Thompson, along with their family friend Steve McMullin.

In the chaos and instability that existed in Haiti in the days and weeks that followed the earthquake, the missionaries sought to provide safe housing, food, clothing, and other services to Haitian children thought to be orphaned by transporting them to a facility in the Dominican Republic. The missionaries were arrested and charged with kidnapping and child trafficking and held in a Haitian jail in Port-Au-Prince pending trial. Soon after their arrest, I was retained to represent Drew Culberth, Paul Thompson, Silas Thompson, and Steve McMullin. Haitian District Court Judge Bernard Saint-Vil presided over the case. Local counsel on behalf of my clients was obtained from Gary Lissade, a former Attorney General of Haiti.

Case Significance – Including the nature of my participation in the case:

This case was quite significant on a number of different levels. I had the unique opportunity to lead a defense effort for four American citizens wrongfully charged with serious crimes in a foreign country during a time of great crisis and uncertainty. Not only were the lives and futures of four Americans and their families at stake, but also implicated were the future diplomatic relations between our country and Haiti as well as the public reputation and standing of our country and our country's missionaries in the international community.

I defended my clients successfully, culminating in the complete dismissal of all charges and the safe evacuation of my clients from a hostile foreign situation. This required not only traditional legal representation through fact gathering, the presentation of evidence, and making legal arguments to the court, but also required: (1) a sophisticated media strategy to cope with the overwhelming international media interest in the case; (2) the coordination of actions between and among numerous parties and government agencies including the State Department and the Department of Defense; (3) the planning and execution of a safe extraction of my clients by a private security firm from a Haitian jail to a military transport following the dismissal of charges and release of my clients; and (4) the planning and execution of a post-release strategy that would enable my clients to reintegrate into their lives with their public reputations and personal privacy intact.

This matter entailed numerous dramatic turns and occurred in a context beset with difficulties, primary of which was the almost complete destruction of the Haitian infrastructure and near total breakdown in its systems and procedures of governance due to the cataclysmic earthquake that country experienced. Through the extraordinary efforts of many people both in Haiti and across the United States, I was able to lead the

defense of my clients through these difficulties to a successful conclusion. One indirect result in which I take particular satisfaction is that, in part through our efforts, a man named Jorge Puello who was at-large in Haiti and the Dominican Republic was apprehended and arrested on an Interpol warrant on charges of leading a sex trafficking ring out of El Salvador.

My firm donated all of its time on this matter and for my work I was recognized by the Kansas Bar Association as a recipient of the 2010 Pro Bono Certificate.

3. *State v. Hooper*, Case No. 09 CR 136, Jefferson County District Court (jury verdict delivered on April 26, 2010); affirmed by *State v. Hooper*, 2012 WL 1237892 (Kan. App., March 30, 2012).

Case Description – Including brief factual summary and the involved parties, judges, and attorneys:

Hooper was a homicide prosecution that I took to jury trial, obtaining a guilty verdict against the defendant for second degree murder. The defendant, Adam Hooper, had been an itinerant farm hand providing manual labor on the farm of Gene Kingsbury in Jefferson County, Kansas. During an argument, Mr. Hooper beat Mr. Kingsbury repeatedly with a 2x4 plank and deposited his unconscious body into a water cistern, covering him with garbage and plant material, where Mr. Kingsbury drowned. Mr. Hooper was represented by Mike Hayes and Judge Gary Nafziger presided over the trial.

Case Significance – Including the nature of my participation in the case:

Hooper was significant due to the severity of the crime and due to the fact that this was the first homicide prosecution in Jefferson County in nearly a decade. As the chief law enforcement official of Jefferson County, I handled this case in its entirety from observing the police work at the murder scene through trial, verdict, and sentencing. *Hooper* involved complex legal and factual issues relating to D.N.A. evidence, the defendant's mental state and competency issues, and constitutional questions relating to police confessions. The conviction was upheld on appeal by the Kansas Court of Appeals in an unpublished decision on March 30, 2012.

4. *Van Meteren v. The Kansas Governmental Ethics Commission*, Case No. 09 C 432, Shawnee County District Court (settled May 13, 2009).

Case Description – Including brief factual summary and the involved parties, judges, and attorneys:

My client, Kris Van Meteren, a former executive director of the Kansas Republican Party, had previously filed an ethics complaint against Senator Dwayne

Umbarger alleging misappropriation of campaign funds. At the time, the Kansas Governmental Ethics Commission had confidentiality rules in place that prohibited any person making a complaint from publicly discussing the complaint. Senator Umbarger reimbursed his campaign the questioned amounts and the Ethics Commission dismissed the complaint. However, because Mr. Van Meteren had discussed the complaint with the *Topeka Capital Journal*, the Commission opened a case against Mr. Van Meteren and fined him \$7,500.

Mr. Van Meteren then retained me to represent him in a challenge to the Ethics Commission's action. I filed the above referenced action in Kansas District Court alleging that the Ethics Commission's action had impermissibly abridged the First Amendment rights of my client to free speech. The case was dismissed prior to any court involvement after the Kansas Attorney General and the Ethics Commission conceded that their actions and regulations were, in fact, unconstitutional, and the fine was reversed. Deputy Attorney General Michael Leitch represented the Ethics Commission.

Case Significance – Including the nature of my participation in the case:

Van Meteren is an important case because it resulted in the elimination of an unconstitutional gag rule from Kansas government. This significant change in the law was only achieved through the risk taken by my client and through the legal work I performed on the case. After being retained by Mr. Van Meteren, I performed exhaustive legal research on the Ethics Commission's unconstitutional gag rule, devised the litigation strategy, and conducted extensive legal discussions and negotiations with the Kansas Attorney General's Office. When the Kansas Attorney General's Office became convinced that the state could not prevail and that in fact the gag rule was unconstitutional, they advised the Commission, and the Commission agreed, to both rescind the fine against my client and to abolish the unconstitutional restrictions on the free speech rights of Kansas citizens. I take satisfaction in this matter as it provided a real strengthening and broadening of the free speech rights of all Kansans.

5. *Comprehensive Health of Planned Parenthood of Kansas v. Kline*, 287 Kan. 372 (2008).

Case Description – Including brief factual summary and the involved parties, judges, and attorneys:

This case was a mandamus proceeding filed pursuant to the original jurisdiction of the Kansas Supreme Court. It was filed by Planned Parenthood against my client, former Attorney General and then Johnson County District Attorney Phil Kline, seeking the disgorgement of certain documents obtained during the course of an ongoing criminal investigation begun during Mr. Kline's tenure as Kansas Attorney General and continued during Mr. Kline's tenure as Johnson County District Attorney. Planned Parenthood

advanced a number of legal theories to compel the document disgorgement, all of them arguing at root that the documents had been obtained by Mr. Kline outside the exercise of his legitimate authority as either Kansas Attorney General or Johnson County District Attorney.

Planned Parenthood was represented by Pedro Irigonegaray and Bob Eye. The Office of the Attorney General was represented by Attorney General Stephen Six and Deputy Attorney General Michael Leitch. My co-counsel were Todd Graves and Edward Greim. The case was tried to appointed Special Master David King. The case was briefed and argued to, and decided by, the Kansas Supreme Court.

Case Significance – Including the nature of my participation in the case:

The Kline mandamus action was perhaps the most widely observed and commented upon, and certainly one of the most unique, actions occurring before the Kansas Supreme Court in recent history. I acted as lead counsel to the defendant and handled the entire matter from pre-trial discovery and motions practice through trial before the Special Master and concluding with briefing and arguments before the Supreme Court.

The significant aspects of this case to me, both at the time of the representation and in retrospect, are not the aspects that generated such partisan and political heat, but rather were the legal arguments being advanced which would set precedent in all future criminal investigations and which, if adopted by the court, would hamstring law enforcement officials and would have dramatically restricted many of law enforcement's traditional methods of gathering and using evidence. My advocacy was successful in protecting these traditional law enforcement prerogatives for future prosecutors and investigators when the Supreme Court ruled in the defendant's favor on the substantive arguments advanced by Planned Parenthood.

In addition to the result obtained, I take great satisfaction in the fact that though this matter—its politics and its litigants—was one of the most overtly and extremely partisan fights ever to occur in the Kansas Supreme Court, I was able, along with opposing counsel, to bring the high degree of professionalism and political disinterest to the case that must be the mark of our profession at its best. As a result, the attorneys and judges involved were able to present evidence, arguments, and authorities to the court in such a way that the vitally important constitutional authority of the Attorney General and other law enforcement officers and officials was protected while at the same time the rights of the other parties were preserved in the underlying cases.

My opposing counsel, then Attorney General Stephen Six, has endorsed my nomination to the Kansas Court of Appeals.

Court of Appeals Nominee Questionnaire – Caleb Stegall

N/A

- j. Describe your practice, if any, before the Supreme Court of the United States, the highest court of any state, or any state or federal courts of appeals, including a list of cases, captions, and a link to opinions. Give a detailed summary of the substance of each case, outlining briefly the factual and legal issues involved, the party or parties whom you represented, the nature of your participation in the litigation, and the final disposition of the case. Also provide the individual names and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I have been involved in many appellate cases without appearing on the briefs for any party, both as an associate and in a supervisory role. I ran an “all cases” search in Westlaw for my name and the following list of appellate cases on which my name did appear was returned.

1. State v. Simpson,
260 P.3d 1248, 2011 WL 4563106, Unpublished Disposition, Kan.App.,
September 30, 2011 (NO. 105,182)

I represented the state in this aggravated indecent liberties case. The court ruled in favor of the state.

Caleb Stegall – 785-368-7469
Joshua A. Ney – 785-863-2015
Robert A. Fox - 785-863-2251
Derek Schmidt - 785-296-2218
John R. Kurth – 816-467-1776

2. State v. Carpenter,
225 P.3d 1211, 2011 WL 922550, Unpublished disposition, Kan.App., March 12,
2010 (NO. 100,485)

I represented the state in this unlawful manufacture of methamphetamine case. The court reversed and remanded the case for a new trial.

Caleb Stegall – 785-368-7469
Steve Six – 816-714-7190
Ryan Eddinger – 785-296-2192

3. State v. Cline,
223 P.3d, 837,2010 WL 596990, Unpublished Disposition, Kan.App., February
12, 2010 (NO. 100,051)

I represented the state in this obstruction of official duty case. The court reversed the conviction.

Court of Appeals Nominee Questionnaire – Caleb Stegall

Caleb Stegall – 785-368-7469
Dennis Hawver – 785-876-2233
Joshua D. Luttrell – 785-272-4878
Steve Six - 816-714-7190

4. State v. Salazar,
212 P.3d 263,2009 WL 2371028, Unpublished Disposition, Kan. App., July 31,
2009 (NO. 101,059)

I represented the state in this possession of methamphetamine case. The court affirmed the conviction.

Caleb Stegall – 785-368-7469
Shawn E. Minihan – 785-296-2980
Steve Six – 816-714-7190

5. Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri, Inc. v.Kline, 287 Kan.372,197 P.3d 370, 2008 WL 5101302, Kan., December 05, 2008 (NO. 98,747)

See above for case description.

Caleb Stegall – 785-368-7469
Robert V. Eye – 785-267-6115
Pedro L. Irigonegaray – 785-267-6115
Elizabeth R. Herbert - 785-267-6115
Douglas N. Ghertner – 816-410-4600
Robert A. Stopperan - 816-410-4600
Roger K. Evans – 1-800-230-7526
Phill Kline – 434-592-5300
Edward Greim – 816-256-3173
Todd Graves - 816-256-3173
Edward L. White, III – 202-546-8900
Michael C. Leitch – 785-864-3276

6. New Mexico v. General Elec. Co.,
467 F.3d 1223, 2006 WL 3072590, 63 ERC 1225, 36 Env'tl. L. Rep. 20,219, C.A.
10 (N.M.), October 31, 2006 (NO. 04-2191)

I represented the State of New Mexico as a special designee of the New Mexico attorney General in this environmental action seeking money damages from the Defendants for groundwater contamination. The 10th Circuit ruled in favor of the defendants.

Court of Appeals Nominee Questionnaire – Caleb Stegall

Caleb Stegall – 785-368-7469
James D. Oliver – 913-498-2100
Donald W. Fowler – D.C. – 202-898-5840
Tami Lyn Azorsky – D.C. – 202-496-7573
Eric G. Lasker – DC – 202-898-1803
Maria O'Brien – NM – 505-848-1803
James A. Bruen – CA – 415-954-4430
Peter S. Modlin – CA – 415-393-8392
Michael B. Campbell – NM – 505-988-4421
Bradford C. Berge – NM – 505-954-7284
Brackett B. Denniston, III – CT – 203-373-2211
Williams V. Killoran, Jr. – OH – 513-672-3654
John W. Suthers – CO – 720-508-6000
Victoria L. Peters – CO – 720-508-6000
Michael Ro. Thorp - WA – 206-676-7102

7. Mary Const. Co., Inc. v. Boldridge,
143 P.3d 421, 2006 WL 2864748, Unpublished Disposition, Kan.App., October
06, 2006 (NO. 94,595)

I represented the Plaintiff in this quiet title/adverse possession matter. The court ruled in favor of the Plaintiff.

Caleb Stegall – 785-368-7469
David J. King – 913-684-0787
Stacey A. Campbell – MO – 303-362-2850
Nancy Morales-Gonzalez – 816-936-5754

8. Osborne v. Union Labor Life Ins. Co.,
122 P.3d 42, 2005 WL 2951430, Unpublished Disposition, Kan.App., November
04, 2005 (NP. 93,471)

I represented the Defendant in this life insurance calim matter. The court ruled in favor of the Defendant.

Caleb Stegall – 785-368-7469
Jason E. Brinegar – 785-562-2375

9. Hallam v. Mercy Health Center of Manhattan, Inc.,
278 Kan. 339, 97 P.3d 492, Kan., September 17, 2004 (NO. 91693)

I represented the Defendant in this intentional infliction of emotional distress matter on a question referred to the Kansas Supreme Court by the Federal District Court.

Caleb Stegall – 785-368-7469

Court of Appeals Nominee Questionnaire – Caleb Stegall

James D. Oliver – 913-498-2100
Zackery E. Reynolds – 620-223-1818
David W. Slaby – 314-244-3650

10. Brodsky v. St. Francis Hosp. and Medical Center, Inc.,
94 P.3d 737, 2004 WL 1715000, (Table, Text in WESTLAW), Unpublished
Disposition, Kan.App., July 30, 2004 (NO. 90,555)

I represented the Defendant in this breach of contract matter. The court ruled in favor of the Defendant.

Caleb Stegall – 785-368-7469
Thomas L. Theis – 785-233-3600
Edward L. Bailey – of Cosgrove, Webb & Oman, of Topeka – 785-235-9511

11. Taylor v. City of Andover,
90 P.3d 378, 2004 WL 1176599, (Table, Text in WESTLAW), Unpublished
Disposition, Kan.App., May 21, 2004 (NO. 90,178)

I represented the Plaintiff in this breach of contract matter. The court ruled in favor of the Plaintiff.

Caleb Stegall – 785-368-7469
Jeffrey A. Jordan – 316-267-6371
James D. Oliver – 913-498-2100
Richard A. Olmstead – 316-609-7900
Alan L. Rupe – 316-609-7900

12. Blessant v. Crawford County Bd. Of County Com'rs
81 P.3d 461, 2003 WL 23018238, (Table, Text in WESTLAW), Unpublished
Disposition, Kan.App., December 24, 2003 (NO. 89,916)

I represented the Plaintiff in this zoning matter. The court ruled in favor of the Plaintiff.

Caleb Stegall – 785-368-7469
James D. Oliver – 913-498-2100
Gregg D. Martin – 417-238-8700
James L. Emerson – 620-724-6390
Richard D. Loffswold Jr. – 620-724-4115

13. Cortez v. Pawnee Mental Health Services, Inc.,
77 P.3d 1288, 2003 WL 22283159, (Table, Text in WESTLAW), Unpublished
Disposition, Kan.App., October 03, 2003 (NO. 89,955)

Court of Appeals Nominee Questionnaire – Caleb Stegall

I represented the Defendant in this matter alleging a malicious report of sexual abuse. The court ruled in favor of the Defendant.

Peter C. Rombold – 785-238-3126
Caleb Stegall – 785-368-7469
James D. Oliver – 913-498-2100
Thomas L. Theis – 785-233-3600

14. Kelly v. Rockefeller
69 Fed.Appx. 414, 2003 WL 21386338, (Not Selected for publication in the Federal Reporter), C.A.10 (Kan.), June 17, 2003 (NO. 02-3114)

I represented the Defendant in this federal civil rights claim. The court ruled in favor of the Defendant.

Caleb Stegall – 785-368-7469
Wayne T. Stratton – 785-233-0593
Anne M. Kindling – 785-354-5437
Thomas L. Theis – 785-233-3600
Paul Gurney – 913-685-7000
Christina L. Ingersoll – 913-851-3773

15. Taylor v. Casey
66 Fed.Appx. 749,2003 WL 1559153, C.A.10 (Kan.), March 26, 2003 (NO 02-3138)

I represented the Defendant in this legal malpractice matter. The court ruled in favor of the Defendant.

Caleb Stegall – 785-368-7469
Thomas L. Theis – 785-233-3600
Larry G. Michel – 785-825-4674
James R. Angell Kennedy – 785-825-4674
James D. Oliver – 913-498-2100

16. Watkins v. McAllister,
30 Kan.App.2d 1255, 59 P.3d 1021, Kan.App., November 15, 2002 (NO. 88,180)

I represented the Defendant in this medical malpractice action. The court ruled in favor of the Defendant.

Caleb Stegall – 785-368-7469
Thomas L. Theis – 785-233-3600
Phillip L. Turner – 785-357-6541
Dan E. Turner – 785-357-6541

Court of Appeals Nominee Questionnaire – Caleb Stegall

17. Roof-Techs Intern., Inc. v. State,
30 Kan.App.2d 1184, 57 P.3d 538, 171 Ed. Law Rep. 343, Kan.App., November
01, 2002 (NO. 87,075)

I represented one of the defendants in this construction matter. The court
reversed the district court's rulings and remanded the matter.

Bill H. Raymond – 316-660-9340
Caleb Stegall – 785-368-7469
James D. Oliver – 913-498-2100
Wyatt A. Hoch – 316-267-6371
Trisha A. Thelen – 316-267-6371
Ron Campbell – 316-237-7361
Lyndon W. Vix – 316-267-7361
Stewart Entz – 785-267-5004
Michael Entz – 785-267-5004
William A. Larson – 785-273-7722
Timothy A. Schultz – 785-273-7722

18. Bain v. Artzer,
271 Kan. 578, 25 P.3d 136, Kan., June 01, 2001 (NO. 84678)

I represented the Defendant in this medical malpractice case. The appeal was
dismissed for lack of jurisdiction.

Caleb Stegall – 785-368-7469
James D. Oliver – 913-498-2100
Thomas L. Theis – 785-233-3600
Robert S. Tomassi – 620-231-4650

19. Schmidt v. Kansas State Bd. Of Technical Professions,
271 Kan. 206, 21 P.3d 542, Kan., April 20, 2001 (NO. 84,934)

I represented the Plaintiff in this licensure matter. The court ruled in favor of the
Plaintiff.

Caleb Stegall – 785-368-7469
James D. Oliver – 913-498-2100
Mark L. Bennett, Jr. – 785-271-0800

- k. Have you participated in any proceeding in which you had stock or other financial
interest in one of the parties of the matter of controversy? If so, give particulars.
Did you disclose that interest prior to the commencement of the trial?

No

Court of Appeals Nominee Questionnaire – Caleb Stegall

- l. Have you, to the best of your knowledge and belief, complied with the applicable statutes, rules of professional responsibility, and canons relative to such matters as were in force and applicable at the time? If not, give particulars.

Yes

- m. Describe any additional law teaching, judicial clerkship, arbitration, mediation, or other alternative dispute resolution experience that you would like to bring to the attention of the Governor and the Senate.

None

- n. Have you participated in continuing legal education? If so, give date, class title, location, and instructor.

Yes. I requested a complete list of CLEs I have attended from the Kansas CLE Commission and that list is attached.

5. Public Office

- a. Have you ever held public office other than judicial office?

Yes.

- b. If so, give details, including the office involved, whether elected or appointed, and the length of your service, giving dates.

I was elected the Jefferson County Attorney in 2008 and served in that capacity from January 2009 through January 2011 when I resigned to take the position of Chief Counsel to the Governor.

- c. If you have ever been an unsuccessful candidate for elective public office, identify the office and the date.

N/A

- d. If you have been nominated for public office, identify the nominating entity and whether confirmed to the position.

N/A

6. Judicial Office. Have you ever held judicial office? No.

- a. If so, give dates and the courts involved.

- b. Provide a copy or give citations to significant opinions.

Court of Appeals Nominee Questionnaire – Caleb Stegall

- c. Describe what you regard as the most significant case at which you presided, either civil or criminal, including the number of days involved, the nature of the case and the types of rulings which you were called upon to make.
- d. Identify the basis by which as a judge you have assessed the necessity or propriety of recusal. If you have not held judicial office, identify the basis by which you would assess the necessity or propriety of recusal. (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system and a list of cases from which you were recused.)
- e. Provide a list of any cases, motions, or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself *sua sponte*. Identify each such case and, for each, provide the following information:
 - i. Whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself *sua sponte*;
 - ii. A brief description of the asserted conflict of interest or other ground for recusal;
 - iii. The procedure you followed in determining whether or not to recuse yourself; and
 - iv. Your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent, or asserted conflict of interest or to cure any other ground for recusal.

7. Bar Associations, Memberships, Conferences

- a. List all bar, professional, business, fraternal, scholarly, civic, service, charitable, or other organizations, to which you belong, or to which you have belonged, or in which you have participated, in the last ten years. "Participation" means consistent or repeated involvement in a given organization, not merely attendance at a small number of events or meetings. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications. Describe briefly the nature and objectives of each such organization, the nature of your participation in each such organization, including committees on which you served, and identify an officer or other person from whom more detailed information may be obtained.

American Bar Association. No significant participation other than membership.

Kansas Bar Association. No significant participation other than membership.

Topeka Bar Association. No significant participation other than membership.

Court of Appeals Nominee Questionnaire – Caleb Stegall

Jefferson County Bar Association. No significant participation other than membership.

Kansas County and District Attorneys Association. No significant participation other than membership.

Grace Evangelical Presbyterian Church, Member since 1995 & Member of the Board of Elders from 2004 to the present. As a parishioner, I am engaged in the ordinary weekly activities of a large church. As a member of the Board of Elders since 2004, I have been actively engaged in the management and oversight of the church. Bill Vogler, Pastor

Audubon of Kansas, Member, Director, & Member of the Executive Committee from 2007 to 2010. As a member of the Board of Directors chosen to sit on the Executive Committee, I acted in the traditional management and decision making capacity for our state's largest conservation organization. Bill McElroy, Chairman

Oskaloosa Rotary Club, Member from 2009 to 2010. I participated in the ordinary functions of a Rotary Club member including weekly lunches and charity and community events. Dennis Reiling.

Family Promise. Family Promise is charitable organization operating in Lawrence, Kansas that provides transitional housing, job training, and other social services to homeless families in the Douglas County area. I have acted as pro bono legal counsel to Family Promise. Katherine Dinsdale.

Fields of Promise. Fields of Promise is a charitable organization headquartered in Lawrence, Kansas that partners with other non-profit organizations to provide food, housing, medical care, and education to orphaned children in Ethiopia. I have acted as pro bono legal counsel to Fields of Promise. Pam Zicker.

- b. List all conferences, symposia, panels, and continuing legal education events you have attended in the last ten years. For each event, provide the dates, a description of the subject matters addressed, the sponsors, and whether any funding was provided to you by the sponsors or other organizations.

See answer above. To the best of my recollection no payment has ever been provided to me by a sponsor.

8. Published Writing and Public Statements*

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited,

including material published only on the Internet. Supply a copy** of all published material to the Committee.

To the best of my recollection:

Book Chapters

"Community" in *American Conservatism: An Encyclopedia* (ISI Books 2006).
"First They Came for the Horses: Wendell Berry and a Technology of Wholeness" in *The Humane Vision of Wendell Berry* (ISI Books 2011).

Essays

"Kansas' Bad Bargains" in *Kansas Liberty* (May 1, 2008).
"False Economics and Malignant Growth" in *Kansas Liberty* (May 12, 2008)
"Kansas' Left Conservatives" in *Kansas Liberty* (July 2, 2008)
"Performance Artists" in *Kansas Liberty* (September 11, 2008)
"Sockless Jerry Rides Again" in *Kansas Liberty* (October 2, 2008)
"The 10th Muse" in *Kansas Liberty* (January 29, 2009)
"Steadfast and Loyal: A Covenanter in the Great War" published in three parts in *The Reformed Presbyterian Witness* (Feb., March, April 2003)
"Ghostly Echoes: A Eulogy for Covenanter Psalmody" in *The Covenanter Review* (Summer 2008)
"Quaffing Immortality: On Reading the Unwritten Word" in *The Geneva Review* (2004)
"Joining In: Wendell Berry and Friends" in *First Principles* (Feb. 20, 2008)
"The Restless Evangelicals" in *Touchstone Magazine* (September 2008)
"Stealing Dorothy: The 'Wonderful Wizard of Oz' and my Fortunate Home" in *The University Bookman* (Fall 2008)
"Searching for a Usable Past" in *The University Bookman* (Fall 2007)
"Practicing the Discipline of Place" in *Regeneration Quarterly* (Spring 2003)
"The Epistemology of the Supermarket" in *Regeneration Quarterly* (Spring 2003)
"Grand Illusions" in *Christianity Today* (July 2006)
"Opening Saint Exupery's Box" in *Touchstone Magazine* (March 2002)
"A Call to Arms" in *The Intercollegiate Review* (Fall 2006)
"Price, Liberty, and the Pursuit of Happiness" in *The American Conservative* (July 2007)
"Populism Now" in *The Dallas Morning News* (July 2, 2006)

I believe I also once wrote an op-ed for the *University Daily Kansan* on the subject of abortion but was unable to locate a copy of this essay. In addition, I participated in a variety of group blogs off and on from 2003 to 2010 including www.newpantagruel.com (now defunct), www.nationalreview.com/crunchycon (now defunct), and www.frontporchpublic.com.

Court of Appeals Nominee Questionnaire – Caleb Stegall

- b. Supply a copy** of any reports, memoranda, or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member or in which you have participated as defined in 8a. If you do not have a copy of a report, memorandum, or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I wrote a white paper for a client that the client published as: "A Kansas Primer on Education Funding, Volume II: Analysis of Montoy vs. State of Kansas"

- c. Supply a copy** of any testimony, official statements, or other non-privileged communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To the best of my recollection I have never offered testimony of this nature. I have prepared or presented arguments and/or testimony on behalf of clients many times.

- d. Supply a copy** of transcripts, or recordings of all speeches or talks you have delivered, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

To the best of my recollection:

I gave a commencement speech in the spring of 2009 at Veritas Christian School, a copy of which is attached.

I presented at an academic symposium entitled "Human Scale" at Mount Saint Mary's University in September 2011. The speech was recorded and is available at: <http://www.youtube.com/watch?v=Y06gOMs2ljc>

I served on a panel discussion sponsored by The University of Kansas School of Law's annual Media and the Law conference in April of 2013. To my knowledge no recording or transcript or any notes from this event exist.

I have served on a few other panel discussions over the years sponsored by various groups such as the Kansas Bar Association, Rotary Clubs, etc. To my knowledge no recordings or transcripts or any notes from these events exist.

Court of Appeals Nominee Questionnaire – Caleb Stegall

- e. List all interviews you have given to newspapers, magazines, or other publications, or radio or television stations, providing the dates of these interviews and a copy** of the clips or transcripts of these interviews where they are available to you.

I have been quoted in scores and scores of news articles and other media stories in which I was not the main subject of the piece. Below is a list of publications which are more or less "interviews" in the classic sense that I was either the main or one of the main subjects of the piece.

"Jefferson County Attorney Candidate Caleb Stegall Chats About Primary Election" in *The Lawrence Journal World* (July 29, 2008)
"Young Right Tries to Define Post-Buckley Future" in *The New York Times* (July 17, 2004)
"Local Conservative's Web Site Catching on Nationally" in *The Lawrence Journal World* (November 20, 2004)
Crunchy Cons, by Rod Dreher, pgs. 189-194 (Crown Forum 2006)
"The Rise of Localism" in *World Magazine* (March 2011)
"Debating Globalism" in *Comment Magazine* (Winter 2003)
"Reconnecting with Reality" in *Godspy Magazine* (September 19, 2005)

- f. Attach a writing sample that reflects your own work product, preferably containing legal analysis and citation to authority.

Please see legal writing sample attached to Governor's Appellate Court Applicant Questionnaire.

*Any items protected by relevant legal privilege do not need to be included.

**A link or reference to these materials may be provided in lieu of a copy. You also may provide these items on 12 CDs or flash drives instead of in paper form.

9. Teaching Experience.

Have you ever taught at a law school, undergraduate institution, high school or other educational institution? If so, when and what courses did you teach?

Prior to attending law school, I taught in three different private schools in grades from 7th to 12th. I taught a wide variety of classes including algebra, art, English literature, and physical education.

10. Honors and Awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement not already mentioned in question 1.

Court of Appeals Nominee Questionnaire – Caleb Stegall

None

11. Military Service and Draft Status. Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number), and type of discharge received, and whether you have registered for selective service.

N/A

12. Outside Commitments During Court Service

- a. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No

- b. Indicate any personal or family circumstances which could arguably have any negative bearing on your fitness to serve on the court.

None

13. Potential Financial Conflicts of Interest

- a. Are you a director or officer of any business or corporation? Do you, or your spouse, hold an ownership interest of more than \$5,000 in value (stock, partnership or proprietorship equity, or otherwise) in any business or corporation?

No

- b. Are you, or your spouse, a member of any partnership or joint venture?

No

- c. If appointed, would you, or your spouse be willing to resign or divest yourself of any business interest, offices, or positions you now hold, if required by the Canons of Judicial Conduct?

Yes

14. Potential Conflicts of Interest

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts of interest when you assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My brother is a Lawrence police officer. I would recuse myself from any case in which he had been involved. Otherwise, none.

Court of Appeals Nominee Questionnaire – Caleb Stegall

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will strictly adhere to the Kansas Code of Judicial Conduct.

15. Criminal History and Personal Involvement in Civil Proceedings

- a. Have you ever been charged or convicted of a violation of any law except traffic offenses? (DUI violations and reckless driving offenses should be included.) If "yes," please supply the information requested in the list below.

No

- b. Have you, within the last ten years, failed to file any applicable local, state or federal income tax return, schedule, or report required by law? If "yes," provide the names and address of the taxing authority, the tax year(s) for which you failed to file the return, schedule, or report, and the date you finally filed the return, schedule, or report.

No

- c. Have you, within the last ten years, failed to pay any taxes owed pursuant to local, state or federal law? If "yes," provide the name and address of the taxing authority, the tax year(s) for which you failed to pay, and the date you finally paid the taxes. If you continue to owe past due taxes, list the current balance of the taxes by tax year and by taxing authority.

No

- d. Has a tax lien or other collection procedure ever been instituted against you by local, state, or federal authorities? If "yes," supply the information requested in the list below.

No

- e. Have you ever sued or been sued by a client. If "yes," supply the information requested in the list below.

No

- f. Have you ever been disciplined or cited for a breach of ethics or professional conduct by any professional disciplinary body? If you are a judge, have formal proceedings ever been instituted against you by the Commission on Judicial Qualifications? If "yes," provide the information requested in the list below.

No

Court of Appeals Nominee Questionnaire – Caleb Stegall

- i. The title of the proceedings.
- ii. If formal proceedings have been filed, the caption of the case and the court or tribunal in which the case was filed and the location of same.
- iii. The date of the alleged violation or incident giving rise to the charge.
- iv. A statement of the relevant facts.
- v. The identity of the principal parties involved.
- vi. The outcome of the proceedings, specifying any sentence, decision, and/or judgment entered.

16. References

- a. List the names, addresses, and telephone numbers of five persons who are well acquainted with your legal ability. In addition, if you are a practicing attorney, list the names, addresses, and telephone numbers of three judges before whom you have made an appearance in the last five years and three lawyers who have been adverse to you in litigation or negotiations with the last five years.

Five persons well acquainted with my legal ability:

Hon. Deanell R. Tacha (letter of endorsement previously provided)
24255 Pacific Coast Highway
Malibu, California 90263
(310) 506-4621

Hon. Eric F. Melgren
United States District Court
401 North Market, Suite 423
Wichita, Kansas 67202
(316) 315-4320

Derek Schmidt (letter of endorsement previously provided)
Memorial Hall
120 SW 10th Ave., 2nd Floor
Topeka, Kansas 66612
(785) 296-2215

James D. Oliver (letter of endorsement previously provided)
Foulston Siefkin LLP
32 Corporate Woods, Suite 600
9225 Indian Creek Parkway
Overland Park, Kansas 66210
(913) 498-2100

Alan E. Streit (letter of endorsement previously provided)
Larson & Blumreich, Chartered

Court of Appeals Nominee Questionnaire – Caleb Stegall

5601 SW Barrington Court South
Topeka, Kansas 66604
(785) 273-7722

Three judges before whom I have made an appearance in the last five years:

Hon. Gary L. Nafziger
Jefferson County Courthouse
300 Jefferson Street
Oskaloosa, Kansas 66066
(785) 863-2461

Hon. Dennis L. Reiling
Jefferson County Courthouse
300 Jefferson Street
Oskaloosa, Kansas 66066
(785) 863-2461

Hon. Peggy Kittel
Douglas County Courthouse
111 E. 11th Street
Lawrence, Kansas 66044
(785) 832-5144

**Three lawyers who have been adverse to me in litigation or negotiations
within the last five years:**

Stephen N. Six (letter of endorsement previously provided)
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112
(816) 714-7190

Terrence J. Campbell (letter of endorsement previously provided)
Barber Emerson, L.C.
1211 Massachusetts Street
Lawrence, Kansas 66044
(785) 843-6600

Daniel L. Watkins (letter of endorsement previously provided)
The Law Offices of Daniel L. Watkins
901 New Hampshire Street, Suite 200
Lawrence, Kansas 66044

Court of Appeals Nominee Questionnaire -- Caleb Stegall

(785) 843-0181

- b. If you are a judge, list the names addresses, and telephone numbers of at least five lawyers who have appeared before you within the last five years. Include relevant case names and numbers.

N/A

17. Other Information Potentially Relevant To Nomination.

State any other information you believe should be disclosed in connection with the Governor's and the Senate's consideration of your potential nomination of the Kansas Appellate Court.

a. Qualifications

The Preamble to the Kansas Code of Judicial Conduct states: "An independent, fair and impartial judiciary is indispensable to our system of justice. Our legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society." In my view, every applicant to this position must be weighed according to this high standard.

My application demonstrates that I possess the necessary competence, skill, experience, and temperament to be a Judge of the Court of Appeals. It further demonstrates fidelity to the character traits of independence, political disinterest, integrity, and service which are equally necessary.

I have excelled academically; have successful experience in a wide variety of legal settings and in a wide array of substantive legal areas; have practiced in the state's largest law firm; have begun and managed a thriving small rural general practice; have been an elected prosecutor; and have served as a high level state official.

Finally, I have always been dedicated to the idea of the profession of law as a service. One of the proudest moments of my career was being recognized by the Bar Association in 2010 with the Kansas Pro Bono Certificate. I have striven to imbue my entire professional life with the idea of service—to others in need, to justice, to protecting the equal rights of all citizens, to fairness, and to our great state and nation.

b. Awards & Recognitions

Selected for inclusion in *The Best Lawyers in America* (18th Edition, 2012). Selection to *Best Lawyers* is based on a rigorous peer review process. *Best Lawyers* has

been described by *The American Lawyer* as “the most respected referral list of attorneys in practice.”

Recipient of the 2010 Kansas Pro Bono Certificate. Awarded by the Kansas Bar Association, the award is given to recognize outstanding pro bono commitment to ensuring equal access to justice. I received the award for my work successfully defending and securing the release of four American missionaries wrongfully charged with child trafficking by Haitian authorities in the immediate aftermath of the devastating Haiti earthquake in 2010.

c. Other Gubernatorial Appointments

Appointed by Governor Brownback to serve as a member of the Kansas Council for Interstate Adult Offender Supervision. The KCIAOS is responsible for administering Kansas’ participation in the Interstate Compact for Adult Offender Supervision which governs the movement across state lines of all adults under correctional supervision.

Appointed by Governor Brownback to serve as a member of the Kansas Criminal Justice Coordinating Council. The KCJCC is responsible to study and make recommendations to improve the criminal justice system in Kansas; establish and manage a criminal justice database; award and oversee all criminal justice grants to state and local law enforcement agencies; and establish other necessary advisory boards to assist the Council concerning issues and policies within the Kansas criminal justice system.

d. Peer Recommendations

I have the respect and support of my peers in the profession as demonstrated by the attached letters of endorsement. I have been endorsed by a former chief judge of the Tenth Circuit Court of Appeals; the current Dean of Pepperdine University Law School; two Attorneys General, one Democrat and one Republican; a former Dean of the University of Kansas School of Law; the President of the Kansas Bar Association; the Chairman of the Kansas Bar Association’s Bench-Bar Committee; an attorney member of the Supreme Court Nominating Commission; a lay member of the Supreme Court Nominating Commission; a former official from the administration of former Governor Kathleen Sebelius; and many other pillars of the Kansas legal community. The endorsements cross the political spectrum and they testify to the fact that in my practice I have always striven to the highest levels of skill, competence, professionalism, ethics, justice, and political disinterest.

e. Personal

I am a life-long Kansan. My family has lived in Kansas for generations. I have been married to my wife Ann for 19 years and we have 5 sons. We live on a small acreage in south-east Jefferson County.

Court of Appeals Nominee Questionnaire – Caleb Stegall

Questions to the nominee from the Senate Judiciary Committee
(Please answer in a paragraph or less and be prepared to discuss your responses in your remarks to the Committee)

1. What is the role of judges in the law?

The role of the judge is to faithfully and impartially interpret and apply the law.

2. Where is the Kansas judicial system strong?

I have practiced in many different aspects of our state's judicial system and in my experience the judicial branch is filled with hard working public servants with high integrity who daily do the hard job of resolving disputes according to the law, and they do it with a high degree of skill and consistency.

3. Where is the Kansas judicial system lacking?

In my view the presence of former prosecutors on our appellate courts is needed in order to provide that important segment of experience to the delivery of justice in our appellate system.

4. Do you have any specific ideas for how to improve the system of justice in the Kansas?

I believe the efforts of the Supreme Court to adopt electronic filing for all Kansas courts will go a long way towards improving the efficient delivery of justice to all Kansans.

5. Is there always a right answer for each legal case? Why?

As a procedural matter, if all of the procedural rules and safeguards are followed, our system is designed to produce a final "right" decision. It is right in the sense that all parties were accorded their full due process rights including the opportunity to be heard and present arguments and evidence, and their opportunity to appeal any alleged errors to a higher court. Substantively, judges may disagree on the result of any particular case and this is allowed for through our system of majority and dissenting opinions.

6. What is your position on the role of *stare decisis* in appellate jurisprudence, especially in cases where the votes exist to overturn prior case law with which you disagree?

Precedent set by higher courts is binding on lower courts. This is a vital component to our system of common law in that it provides stability, predictability, and yet permits change to occur as the highest court deems appropriate.

7. Please describe your anticipated approach to oral argument.

Court of Appeals Nominee Questionnaire – Caleb Stegall

Oral argument is an important tool to allow parties an opportunity to present arguments and clarify matters or answer questions the judges may have. It is likewise an important tool for judges to have questions answered and to have an opportunity to carefully and thoughtfully consider the arguments of the parties. My anticipated approach would be completely consistent with these purposes.

8. Please describe your position on the importance (or lack thereof) of issuing dissenting opinions in cases where you disagree with the majority opinion.

A judge should always rule in the manner he or she is convinced is correct, based upon the facts, record, and law after careful and thoughtful deliberation, consultation with fellow jurists on the panel, and consideration of the arguments of the parties.

MCLE ANNUAL REPORT

For Compliance Period Ending June 30, 2004

<p>19584</p> <p>CALEB STEGALL 504 PLAZA DR PERRY KS 66073-</p>	<p>For reports listings less than 12 CLE hours, including 2 professional responsibility hours, please refer to the additions/corrections section below.</p> <p>Reports in compliance with minimum requirements need no further action. This report will be filed with the Supreme Court.</p>
<p>Please retain this transcript for your permanent CLE file. Annual MCLE Requirement - 12 hours of CLE credit, including 2 professional responsibility hours.</p>	

This report indicates you are in COMPLIANCE. This document will automatically be filed as your Annual Report.

2003-2004 COMPLIANCE SEMINAR SUMMARY

SPONSOR	SEM#	TITLE	DATE	SEMINAR CREDITS	TOTAL HOURS EARNED
Carryover from 2002-2003:					3.0
Topeka Bar Assn	28201	LIVE: Legislative Update	08/01/2003	Attendance 0.5	0.5
Topeka Bar Assn	29091	LIVE: Nuts & Bolts of Municipal Court	10/10/2003	Attendance 0.5	0.5
Topeka Bar Assn	29907	LIVE: Prac Tips in the Probate Venue	02/06/2004	Attendance 1.0	1.0
KBA	29984	LIVE: Take a KILLER Adverse Deposition	03/12/2004	Attendance 8.0	8.0
KTLA	31517	LIVE: Dealing with the Difficult Client	06/28/2004	Prof. Resp. 2.0	2.0
Total CLE Compliance Hours:					15.0
Including Total Prof. Resp. Hours:					2.0
Carryover Applied to 2004-2005:					3.0

ADDITIONS/CORRECTIONS: Thirty days have been allowed for the receipt of affidavits following the end of the compliance period. If you feel that our records are in error, you should notify the CLE Commission in writing within 30 days from the mailing of this notice. If in noncompliance, and no response is received within 30 days, we are required to begin the process of suspension with the Supreme Court.

MCLE ANNUAL REPORT

For Compliance Period Ending June 30, 2003

19584

CALEB STEGALL
 504 PLAZA DR
 PERRY KS 66073-

For reports listings less than 12 CLE hours, including 2 professional responsibility hours, please refer to the additions/corrections section below.

Reports in compliance with minimum requirements need no further action. This report will be filed with the Supreme Court.

Please retain this transcript for your permanent CLE file.
 Annual MCLE Requirement - 12 hours of CLE credit, including 2 professional responsibility hours.

This report indicates you are in COMPLIANCE. This document will automatically be filed as your Annual Report.

2002-2003 COMPLIANCE SEMINAR SUMMARY

SPONSOR	SEM#	TITLE	DATE	SEMINAR CREDITS	TOTAL HOURS EARNED
				Carryover from 2001-2002:	4.5
ABA	23660	LIVE: Employee Benefits Update for 2003	02/11/2003	Attendance 4.0	4.0
Topeka Bar Assn	23616	LIVE: Conflicts of Law	02/07/2003	Attendance 0.5	0.5
KBA	25984	LIVE: Appellate Practice Symposium	03/28/2003	Attendance 4.0	4.0
KTLA	26659	LIVE: Good Ethics is Good Business	06/20/2003	Prof. Resp. 2.0	2.0
Total CLE Compliance Hours:					15.0
Including Total Prof. Resp. Hours:					2.0
Carryover Applied to 2003-2004:					3.0

ADDITIONS/CORRECTIONS: Thirty days have been allowed for the receipt of affidavits following the end of the compliance period. If you feel that our records are in error, you should notify the CLE Commission in writing within 30 days from the mailing of this notice. If in noncompliance, and no response is received within 30 days, we are required to begin the process of suspension with the Supreme Court.

MCLE ANNUAL REPORT

For Compliance Period Ending June 30, 2002

<p>19584</p> <p>CALEB STEGALL 504 PLAZA DR PERRY KS 66073-</p>	<p>For reports listings less than 12 CLE hours, including 2 professional responsibility hours, please refer to the additions/corrections section below.</p> <p>Reports in compliance with minimum requirements need no further action. This report will be filed with the Supreme Court.</p>
<p>Please retain this transcript for your permanent CLE file. Annual MCLE Requirement - 12 hours of CLE credit, including 2 professional responsibility hours.</p>	

This report indicates you are in COMPLIANCE. This document will automatically be filed as your Annual Report.

2001-2002 COMPLIANCE SEMINAR SUMMARY

SPONSOR	SEM#	TITLE	DATE	SEMINAR CREDITS	TOTAL HOURS EARNED
Carryover from 2000-2001:					0.0
Topeka Bar Assn	17211	LIVE: Appellate Practice & Brief Writing	11/30/2001	Attendance 1.0	1.0
Washburn Univ Law Schl CLE	20703	LIVE: Copyright Trademark & Patent Law	06/21/2002	Attendance 2.0	2.0
Washburn Univ Law Schl CLE	20702	LIVE: Advising Stock Market Victims	06/21/2002	Attendance 2.0	2.0
Washburn Univ Law Schl CLE	20696	LIVE: Recent Developments in Criminal Law	06/20/2002	Attendance 1.5	1.5
Washburn Univ Law Schl CLE	20697	LIVE: Gambling with Indian Gaming	06/20/2002	Attendance 2.0	2.0
Washburn Univ Law Schl CLE	20698	LIVE: Recent Devts in Ethics & Family Law	06/20/2002	Prof. Resp. 2.0	2.0
Washburn Univ Law Schl CLE	20699	LIVE: Recent Devts in Consitutional Law	06/20/2002	Attendance 2.0	2.0
Washburn Univ Law Schl CLE	20700	LIVE: Basic Oil & Gas Law Concepts	06/21/2002	Attendance 2.0	2.0
Washburn Univ Law Schl CLE	20701	LIVE: Neg Draf & Adm of Oil & Gas Lease	06/21/2002	Attendance 2.0	2.0
Total CLE Compliance Hours:					16.5
Including Total Prof. Resp. Hours:					2.0
Carryover Applied to 2002-2003:					4.5

ADDITIONS/CORRECTIONS: Thirty days have been allowed for the receipt of affidavits following the end of the compliance period. If you feel that our records are in error, you should notify the CLE Commission in writing within 30 days from the mailing of this notice. If in noncompliance, and no response is received within 30 days, we are required to begin the process of suspension with the Supreme Court.

MCLE ANNUAL REPORT

For Compliance Period Ending June 30, 2001

<p>19584</p> <p>CALEB STEGALL 504 PLAZA DR PERRY KS 66073-</p>	<p>For reports listings less than 12 CLE hours, including 2 professional responsibility hours, please refer to the additions/corrections section below.</p> <p>Reports in compliance with minimum requirements need no further action. This report will be filed with the Supreme Court.</p>
<p>Please retain this transcript for your permanent CLE file. Annual MCLE Requirement - 12 hours of CLE credit, including 2 professional responsibility hours.</p>	

This report indicates you are in COMPLIANCE. This document will automatically be filed as your Annual Report.

2000-2001 COMPLIANCE SEMINAR SUMMARY

SPONSOR	SEM#	TITLE	DATE	SEMINAR CREDITS	TOTAL HOURS EARNED
				Carryover from 1999-2000:	0.0
KTLA	12747	LIVE: 14th Annl Workers Comp Seminar	01/19/2001	Attendance 9.0	12.0
				Prof. Resp. 3.0	
Total CLE Compliance Hours:					12.0
Including Total Prof. Resp. Hours:					3.0
Carryover Applied to 2001-2002:					0.0

ADDITIONS/CORRECTIONS: Thirty days have been allowed for the receipt of affidavits following the end of the compliance period. If you feel that our records are in error, you should notify the CLE Commission in writing within 30 days from the mailing of this notice. If in noncompliance, and no response is received within 30 days, we are required to begin the process of suspension with the Supreme Court.

[Print this page](#)

**Kansas Continuing Legal Education Commission
Unaudited CLE Transcript**

Click here to move between compliance periods

⏪ First	⏪ Prev	Next ⏩	⏩ Last
---------	--------	--------	--------

Tuesday, August 27, 2013 CALEB STEGALL 2564 BURNETT LANE LAWRENCE, KS 66044- Compliance Group 1 2014 Compliance Period Ending : Monday, June 30, 2014	<p>COMPLIANCE PERIOD ENDING: June 30, 2014</p> <p>Needed for Compliance:</p> <p>Credits: Substantive: 8 Ethics & Professionalism: 2</p>
---	--

This course transcript indicates the courses and distribution of CLE credits for the displayed compliance periods. Credit carry over into future years in accordance with Rule 802(b) are listed in the carry over column. Credits exceeding the carry over limit are listed in the Excess Credits column. Excess ethics credit carries forward as general credit. View [carry over rules](#) for additional information.

Course Date	Provider	Course Name	Total Credits	Posted Credits 2014	Carry Forward	Excess Credits
06/28/2013	Washburn Univ Law Schl CLE	Selected Topics & Miscellany CLE	* 3.005	2.005		

* = All/Partial Credits were posted to a prior period
 If you do not see a course posted to your record, it may not have been submitted to our office.

Requirements Met or Waived: N
Total Hours Required: 10
Hours Required By: 6/30/2014

Posting Codes
E = Ethics & Professionalism
L = Law Practice Management
S = Substantive
C = Good Cause
D = Alternate Delivery
G = GAL
H = In-House
R = Authoring
T = Teaching

[Print this page](#)

**Kansas Continuing Legal Education Commission
Unaudited CLE Transcript**

Click here to move between compliance periods

⏪ First	⏪ Prev	Next ⏩	Last ⏩
---------	--------	--------	--------

Tuesday, August 27, 2013

CALEB STEGALL
2564 BURNETT LANE
LAWRENCE, KS 66044

Compliance Group 1
2013 Compliance Period Ending :
Sunday, June 30, 2013

COMPLIANCE PERIOD ENDING: June 30, 2013
COMPLIANT

This course transcript indicates the courses and distribution of CLE credits for the displayed compliance periods. Credit carry over into future years in accordance with Rule 802(b) are listed in the carry over column. Credits exceeding the carry over limit are listed in the Excess Credits column. Excess ethics credit carries forward as general credit. View [carry over rules](#) for additional information.

Course Date	Provider	Course Name	Total Credits	Posted Credits 2013	Carry Forward	Excess Credits
05/04/2012	KS Dept of Administration Lgl Sect	Seminar for Government Attys	* 3.00S	2.00S		
08/17/2012	Topeka Bar Assn	KS Dept of Wildlife Legislative Update	1.00S	1.00S		
06/27/2013	Washburn Univ Law Schl CLE	Selected Topics & Miscellany CLE	6.00S	6.00S		
06/28/2013	Washburn Univ Law Schl CLE	Selected Topics & Miscellany CLE	2.00E	2.00E		
06/28/2013	Washburn Univ Law Schl CLE	Selected Topics & Miscellany CLE	3.00S	1.00S	2.00S	

* = All/Partial Credits were posted to a prior period

If you do not see a course posted to your record, it may not have been submitted to our office.

Requirements Met or Waived: Y
Total Hours Required: 0
Hours Required By: 6/30/2013

Posting Codes
E = Ethics & Professionalism
L = Law Practice Management
S = Substantive
C = Good Cause
D = Alternate Delivery
G = GAL
H = In-House
R = Authoring
T = Teaching

[Print this page](#)

**Kansas Continuing Legal Education Commission
Unaudited CLE Transcript**

Click here to move between compliance periods

⏪ First	◀ Prev	Next ▶	Last ⏩
---------	--------	--------	--------

Tuesday, August 27, 2013 CALED STEGALL 2564 BURNETT LANE LAWRENCE, KS 66044- Compliance Group 1 2012 Compliance Period Ending : Saturday, June 30, 2012	COMPLIANCE PERIOD ENDING: June 30, 2012 COMPLIANT
---	--

This course transcript indicates the courses and distribution of CLE credits for the displayed compliance periods. Credit carry over into future years in accordance with Rule 802(b) are listed in the carry over column. Credits exceeding the carry over limit are listed in the Excess Credits column. Excess ethics credit carries forward as general credit. View [carry over rules](#) for additional information.

Course Date	Provider	Course Name	Total Credits	Posted Credits 2012	Carry Forward	Excess Credits
06/24/2011	Washburn Univ Law Schl CLE	Recent Developments in the Law	3.00S	1.00S		
09/25/2011	Natl Governors Assn	Management Seminar & CLE for Governors' Legal Counsels	2.00L	2.00L		
09/25/2011	Natl Governors Assn	Management Seminar & CLE for Governors' Legal Counsels	6.00S	6.00S		
11/01/2011	KBA	Legislative Conference-Ethics & Discipline	1.00E	1.00E		
05/04/2012	KS Dept of Administration Lgl Sect	Seminar for Government Attys	1.00E	1.00E		
05/04/2012	KS Dept of Administration Lgl Sect	Seminar for Government Attys	3.00S	1.00S	2.00S	

* = All/Partial Credits were posted to a prior period
 If you do not see a course posted to your record, it may not have been submitted to our office.

Requirements Met or Waived: Y
Total Hours Required: 0
Hours Required By: 6/30/2012

Posting Codes
E = Ethics & Professionalism
L = Law Practice Management
S = Substantive
C = Good Cause
D = Alternate Delivery
G = GAL
H = In-House
R = Authoring
T = Teaching

[Print this page](#)

Kansas Continuing Legal Education Commission Unaudited CLE Transcript																
Click here to move between compliance periods																
First		Prev		Next		Last										
Tuesday, August 27, 2013 CALEB STEGALL 2564 BURNETT LANE LAWRENCE, KS 66044-					COMPLIANCE PERIOD ENDING: June 30, 2011 COMPLIANT											
Compliance Group 1 2011 Compliance Period Ending : Thursday, June 30, 2011																
This course transcript indicates the courses and distribution of CLE credits for the displayed compliance periods. Credit carry over into future years in accordance with Rule B02(b) are listed in the carry over column. Credits exceeding the carry over limit are listed in the Excess Credits column. Excess ethics credit carries forward as general credit. View carry over rules for additional information.																
Course Date	Provider	Course Name	Total Credits	Posted Credits 2011	Carry Forward	Excess Credits										
06/10/2010	KS County & District Attys Assn	2010 Spring Conference	* 9.50S	3.00S												
04/22/2011	KS Dept of Administration Lgl Sect	Seminar for Government Attorneys	1.00E	1.00E												
04/22/2011	KS Dept of Administration Lgl Sect	Seminar for Government Attorneys	5.00S	5.00S												
06/24/2011	Washburn Univ Law Schl CLE	Recent Developments in the Law	1.00E	1.00E												
06/24/2011	Washburn Univ Law Schl CLE	Recent Developments in the Law	3.00S	2.00S	1.00S											
* = All/Partial Credits were posted to a prior period If you do not see a course posted to your record, it may not have been submitted to our office.																
Requirements Met or Waived: Y Total Hours Required: 0 Hours Required By: 6/30/2011																
<table border="1" style="margin: auto;"> <thead> <tr> <th>Posting Codes</th> </tr> </thead> <tbody> <tr><td>E = Ethics & Professionalism</td></tr> <tr><td>L = Law Practice Management</td></tr> <tr><td>S = Substantive</td></tr> <tr><td>C = Good Cause</td></tr> <tr><td>D = Alternate Delivery</td></tr> <tr><td>G = GAL</td></tr> <tr><td>H = In-House</td></tr> <tr><td>R = Authoring</td></tr> <tr><td>T = Teaching</td></tr> </tbody> </table>							Posting Codes	E = Ethics & Professionalism	L = Law Practice Management	S = Substantive	C = Good Cause	D = Alternate Delivery	G = GAL	H = In-House	R = Authoring	T = Teaching
Posting Codes																
E = Ethics & Professionalism																
L = Law Practice Management																
S = Substantive																
C = Good Cause																
D = Alternate Delivery																
G = GAL																
H = In-House																
R = Authoring																
T = Teaching																

[Print this page](#)

**Kansas Continuing Legal Education Commission
Unaudited CLE Transcript**

Click here to move between compliance periods

⏪ First |
 ⏴ Prev |
 Next ⏵ |
 Last ⏩

Tuesday, August 27, 2013 CALEB STEGALL 2564 BURNETT LANE LAWRENCE, KS 66044-		COMPLIANCE PERIOD ENDING: June 30, 2010 COMPLIANT
Compliance Group 1		
2010 Compliance Period Ending : Wednesday, June 30, 2010		

This course transcript indicates the courses and distribution of CLE credits for the displayed compliance periods. Credit carry over into future years in accordance with Rule 802(b) are listed in the carry over column. Credits exceeding the carry over limit are listed in the Excess Credits column. Excess ethics credit carries forward as general credit. View [carry over rules](#) for additional information.

Course Date	Provider	Course Name	Total Credits	Posted Credits 2010	Carry Forward	Excess Credits
06/30/2009		2009 CARRY HOURS	2.50S	2.50S		
06/10/2010	KS County & District Attys Assn	2010 Spring Conference	3.00E	3.00E		
06/10/2010	KS County & District Attys Assn	2010 Spring Conference	9.50S	6.50S	3.00S	

If you do not see a course posted to your record, it may not have been submitted to our office.

Requirements Met or Waived: Y
Total Hours Required: 0
Hours Required By: 6/30/2010

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">Posting Codes</th> </tr> <tr> <td>E = Ethics & Professionalism</td> </tr> <tr> <td>L = Law Practice Management</td> </tr> <tr> <td>S = Substantive</td> </tr> <tr> <td>C = Good Cause</td> </tr> <tr> <td>D = Alternate Delivery</td> </tr> <tr> <td>G = GAL</td> </tr> <tr> <td>H = In-House</td> </tr> <tr> <td>R = Authoring</td> </tr> <tr> <td>T = Teaching</td> </tr> </table>	Posting Codes	E = Ethics & Professionalism	L = Law Practice Management	S = Substantive	C = Good Cause	D = Alternate Delivery	G = GAL	H = In-House	R = Authoring	T = Teaching
Posting Codes											
E = Ethics & Professionalism											
L = Law Practice Management											
S = Substantive											
C = Good Cause											
D = Alternate Delivery											
G = GAL											
H = In-House											
R = Authoring											
T = Teaching											

[Back](#)

Continuing Legal Education Online Transcript

[Back](#)

For Compliance Period Ending June 30, 2009

19584
 CALEB STEGALL
 2564 BURNETT LANE
 LAWRENCE KS 66044-

ANNUAL MCLE REQUIREMENT: You must certify attendance at 12.0 hours of CLE including (2.0) Professional Responsibility hours for the MCLE Reporting Period (July 1- June 30).

Compliance Period 2008-2009

Sponsor	Sem#	Course Title	Course Date	Seminar Credits	Total Hrs Earned
				Carryover from 2007-2008:	1.5
KS Dept of Transportation	78921	LIVE: DUI Bootcamp	5/19/2009	Attendance 7.0	
				Ethics 1.0	8.0
KS County & District Attys Assn	80129	LIVE: 2009 Spring Conference	6/18/2009	Attendance 4.0	
				Ethics 1.0	5.0

Total CLE Compliance Hrs:	14.5
Incl. Total Prof. Resp. Hrs:	2.0
Carryover Applied to :	2.5

Hours not recorded? Instate sponsors have 30 days to submit affidavits for approved programming. Please check back at a later date.

For out of state programs - It is the attorney's responsibility to file the appropriate paperwork. Submit the [Application for Approval of CLE Activity](#) along with an agenda highlighting the sessions you attended. The Commission will issue a notice of accreditation to you that must be signed and returned to register credit.

All attendance filings for the compliance period just ended must be received in the Commission Office by July 31 to avoid the \$50.00 Late Filing Fee and to be eligible for possible carryover credit.

Are you wanting teaching credit? If the program was presented to an audience of at least 51% attorneys, you should submit the [Application for Approval of Teaching Credit](#). Any attendance credit at the same program should be included on that application.

Look for approved programming using the [Course Search](#). Many provider phone numbers can be obtained at our web site www.kscle.org.

Questions regarding the transcript? Contact the CLE Commission Office at (785) 357-6510 or [email us](#).
[Change of Address?](#) [Need to change your password?](#)

[Back](#)

Continuing Legal Education Online Transcript

[Back](#)

For Compliance Period Ending June 30, 2008

19584
 CALEB STEGALL
 2564 BURNETT LANE
 LAWRENCE KS 66044-

ANNUAL MCLE REQUIREMENT: You must certify attendance at 12.0 hours of CLE including (2.0) Professional Responsibility hours for the MCLE Reporting Period (July 1- June 30).

Compliance Period 2007-2008

Sponsor	Sem#	Course Title	Course Date	Seminar Credits		Total Hrs Earned
				Carryover from 2006-2007:		1.5
KBA	68018	LIVE: VRP-Environmental Law	6/26/2008	Attendance	4.0	4.0
KBA	67953	LIVE: Legislative & Case Law Institute 1	6/28/2008	Attendance	3.0	
				Ethics	1.0	4.0
KBA	67978	LIVE: Legislative & Case Law Institute 2	6/28/2008	Attendance	3.0	
				Ethics	1.0	4.0

Total CLE Compliance Hrs:	13.5
Incl. Total Prof. Resp. Hrs:	2.0
Carryover Applied to 2008-2009:	1.5

Hours not recorded? Instate sponsors have 30 days to submit affidavits for approved programming. Please check back at a later date.

For out of state programs - It is the attorney's responsibility to file the appropriate paperwork. Submit the Application for Approval of CLE Activity along with an agenda highlighting the sessions you attended. The Commission will issue a notice of accreditation to you that must be signed and returned to register credit.

All attendance filings for the compliance period just ended must be received in the Commission Office by July 31 to avoid the \$50.00 Late Filing Fee and to be eligible for possible carryover credit.

[Back](#)

Continuing Legal Education Online Transcript

[Back](#)

For Compliance Period Ending June 30, 2007

19584
 CALEB STEGALL
 2564 BURNETT LANE
 LAWRENCE KS 66044-

ANNUAL MCLE REQUIREMENT: You must certify attendance at 12.0 hours of CLE including (2.0) Professional Responsibility hours for the MCLE Reporting Period (July 1- June 30).

Compliance Period 2006-2007

Sponsor	Sem#	Course Title	Course Date	Seminar Credits		Total Hrs Earned
				Carryover from 2005-2006:		3.5
KBA	53677	LIVE: Legislative & Case Law Institute 2	6/29/2007	Attendance	3.0	
				Ethics	1.0	4.0
KBA	53711	LIVE: Brown Bag Ethics VRP-PM	6/27/2007	Ethics	2.0	2.0
KBA	53652	LIVE: Legislative & Case Law Institute 1	6/29/2007	Attendance	3.0	
				Ethics	1.0	4.0

Total CLE Compliance Hrs:	13.5
Incl. Total Prof. Resp. Hrs:	4.0
Carryover Applied to 2007-2008:	1.5

Hours not recorded? Instate sponsors have 30 days to submit affidavits for approved programming. Please check back at a later date.

For out of state programs - It is the attorney's responsibility to file the appropriate paperwork. Submit the Application for Approval of CLE Activity along with an agenda highlighting the sessions you attended. The Commission will issue a notice of accreditation to you that must be signed and returned to register credit.

All attendance filings for the compliance period just ended must be received in the Commission Office by July 31 to avoid the \$50.00 Late Filing Fee and to be eligible for possible carryover credit.

[Back](#)

Continuing Legal Education Online Transcript

[Back](#)

For Compliance Period Ending June 30, 2006

19584
 CALEB STEGALL
 2564 BURNETT LANE
 LAWRENCE KS 66044-

ANNUAL MCLE REQUIREMENT: You must certify attendance at 12.0 hours of CLE including (2.0) Professional Responsibility hours for the MCLE Reporting Period (July 1- June 30).

Compliance Period 2005-2006

Sponsor	Sem#	Course Title	Course Date	Seminar Credits		Total Hrs Earned
				Carryover from 2004-2005:		9.5
KBA	41547	LIVE: Prof Resp/Justice for All -VRP	6/27/2006	Ethics	2.0	2.0
KBA	41536	LIVE: Purchase & Sale of Business-VRP	6/27/2006	Attendance	3.0	
				Ethics	1.0	4.0

Total CLE Compliance Hrs:	15.5
Incl. Total Prof. Resp. Hrs:	3.0
Carryover Applied to 2006-2007:	3.5

Hours not recorded? Instate sponsors have 30 days to submit affidavits for approved programming. Please check back at a later date.

For out of state programs - It is the attorney's responsibility to file the appropriate paperwork. Submit the Application for Approval of CLE Activity along with an agenda highlighting the sessions you attended. The Commission will issue a notice of accreditation to you that must be signed and returned to register credit.

All attendance filings for the compliance period just ended must be received in the Commission Office by July 31 to avoid the \$50.00 Late Filing Fee and to be eligible for possible carryover credit.

Are you wanting teaching credit? If the program was presented to an audience of at least 51% attorneys, you should submit the Application for Approval of Teaching Credit. Any attendance credit at the same program should be included on that application.

Look for approved programming using the Course Search. Many provider phone numbers can be obtained at

[Back](#)

Continuing Legal Education Online Transcript

[Back](#)

For Compliance Period Ending June 30, 2005

**19584
CALEB STEGALL
2564 BURNETT LANE
LAWRENCE KS 66044-**

ANNUAL MCLE REQUIREMENT: You must certify attendance at 12.0 hours of CLE including (2.0) Professional Responsibility hours for the MCLE Reporting Period (July 1- June 30).

Compliance Period 2004-2005

Sponsor	Sem#	Course Title	Course Date	Seminar Credits		Total Hrs Earned
				Carryover from 2003-2004:		3.0
ABA	33249	LIVE: ERISA Litgtn 14th Annl Natl Inst	11/11/2004	Attendance	10.5	10.5
KBA	36183	LIVE: VRP-Legislative & Case Law Sess I	6/30/2005	Attendance	3.0	
				Ethics	1.0	4.0
KBA	36214	LIVE: VRP-Legislative & Case Law Sess II	6/30/2005	Attendance	3.0	
				Ethics	1.0	4.0

Total CLE Compliance Hrs:	21.5
Incl. Total Prof. Resp. Hrs:	2.0
Carryover Applied to 2005-2006:	9.5

Hours not recorded? Instate sponsors have 30 days to submit affidavits for approved programming. Please check back at a later date.

For out of state programs - It is the attorney's responsibility to file the appropriate paperwork. Submit the Application for Approval of CLE Activity along with an agenda highlighting the sessions you attended. The Commission will issue a notice of accreditation to you that must be signed and returned to register credit.

that this solution has less to do with the Defense Department's intention to comply with the justices than with

Continued on Page A10

ly the finale, for a woman who created a multimillion-dollar empire by marketing her own cooking, entertaining and decorating visions. Her former stockbroker, Peter E. Baca-

months in prison, told them: "I'll be back. I will be back. I'm used to all kinds of hard work, as you know, and I'm not afraid. I'm not afraid whatsoever."

...she looks angry glance at en Patton. Se judge that "cit who willingly officials when gation about should not exp In announci Cedarbaum's more than 1, Ms. Stewart's had made it " helped many own family a portive famil mirers." Jud

Contin

Young Right Tries to Define Post-Buckley Future

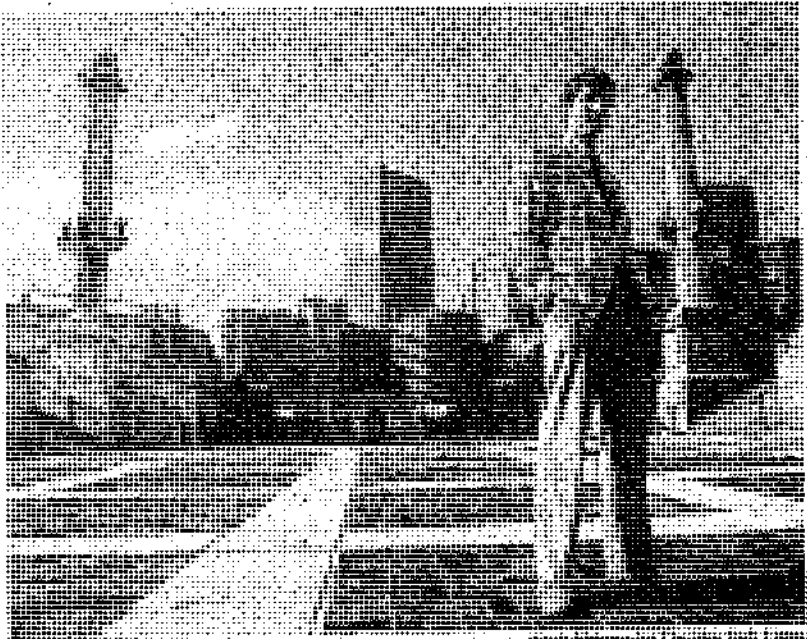
By DAVID D. KIRKPATRICK

In 1954, when he was 28, William F. Buckley Jr. founded National Review to bear the standard of a fledgling conservative movement defined by three commitments: to fight Communism, to diminish the federal government and to uphold traditionalism in social affairs.

That formulation held the movement together for five decades; as Ronald Reagan brought conservatives to power, George H. W. Bush declared victory in the cold war and Bill Clinton pronounced the end of big government.

Now, many conservatives say, the current Bush administration is testing that definition of conservatism as it has never been tested before, from the expansion of federal health and education programs to the campaign to remake Iraq. And as Mr. Buckley prepares for retirement by handing over control of National Review, a new generation of young would-be Buckleyes is debating just what conservatism means when their side has taken over Washington, and yet they still do not feel that they have won.

"Conservative is a word that is almost meaningless these days," said Caleb Stegall, 32, a lawyer in Topeka, Kan., and a founder of The New Pantagruel, newpantagruel.com, an irreverent Web site about religion and politics named for the jovial drunk-



Austin Bramwell, 26, of Denver, one of five new trustees of National Review, is a leader in a group no longer characterized by uniform views.

ard created by Rabelais. "It tells you almost nothing about where a person stands on a lot of questions," he said, like gay marriage, stem cell research, the environment and Iraq.

The debate among members of the young right is unfolding on Web sites like Mr. Stegall's and Oxblog, oxblog.blogspot.com, set up by three

Rhodes Scholars. It is discussed at roundtables and cocktail parties organized by groups like America's Future Foundation in Washington. In journals for young conservatives, they tackle subjects as heterodox as the perils of Wal-Mart and urban

Continued on Page A17

INSIDE

Wave of Kidnappings Unsettles Gaza Strip

Palestinian militants in the Gaza Strip staged three kidnappings, seizing four French aid workers and two Palestinian security officials, including the Gaza police chief, Palestinians said. The French captives were later freed, but one Palestinian was still held, Palestinian officials said.

PAGE A5

No Poll Boost From Edwards

John Edwards's selection for the Democratic ticket did not win over a substantial number of voters, and a majority feel the country should have stayed out of Iraq, a New York Times/CBS News poll said. PAGE A8

U.S. Cuts Aid to U.N. Agency

The Bush administration plans to withhold funds from the United Nations population agency because it cooperates with activities in China that promote abortion. PAGE A6

Armstrong Closes In on Lead



The five-time champion Lance Armstrong surged into second place over all and gained more than two minutes on his major rivals as the Tour de France reached the Pyrenees, with

an even tougher mountain stage today. SPORTSATURDAY, PAGE B15

Bolivia's Political Awakening

Indigenous people across Bolivia are moving to wrest power from the ruling elite. Two visions for Bolivia will clash on Sunday in a referendum on the use of natural gas. PAGE A3

Deal for Beleaguered Bank

PNC Financial Services plans to acquire the Riggs National Corporation, which is mired in inquiries of possible money-laundering and terror financing. BUSINESS DAY, PAGE B1

Los Alamos Halts Research

Los Alamos National Laboratory shut down all research activities in the wake of the disappearance of two computer storage devices containing important classified data. PAGE A7

Chess's Bobb Is F

By B and

After two c crecy, semi-ly distressed er, the form pion, was ar nese immigr kyo and acc the country w

An Americ Tokyo confin was detainee anese news r 61, probably United Stal charges for nomic sanct Yugoslavia l match there er's immedi clear. A spo partment, R it was not y the United S Fischer be t can authorit Fischer, whi ly anti-Am warrant wa: Dec. 15, 199 American c "Question charges wo by the Depa appropriate said. The Ju

Cont

FOR HOME I



largely out of sight. It has the energy, and unashamed sweetness of Massenet's successful work, though maybe not the lushness of lyrical beauty that regularly resists his soupy melodrama and theatrical implication from defeat.

Each performance was well-prepared on the smallish stage nicely managed. Mr. Bonifacio, a longtime campaigner, was earnest and honorable. As Boniface, Ednardo Taubert sang with a strong healthy baritone. In Laperrière, the evening's Prior, possessed confidence, restraint and elegance — enough to make a bass role the opera's best date.

Michael Curran's production of "Hoffmann" today struck a reasonable balance between the opera's comic surface and deeply troubling core. Here, Olympia (Anna Christy) becomes less the usual mechanical and more a surgically induced android, the product of an operating room. Ms. Christy is a promising coloratura soprano: nimble of body and spirit. John Baril had better luck with the orchestra than did J. David Youngblood, but then he had a better opera to work with.

Youngblood, playing all four Offenbach villains, and Gerard Powers as Hoffmann gave much pleasure but were cause for worry as well. Both young voices were

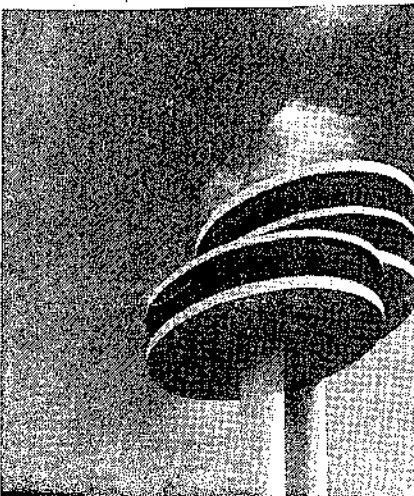
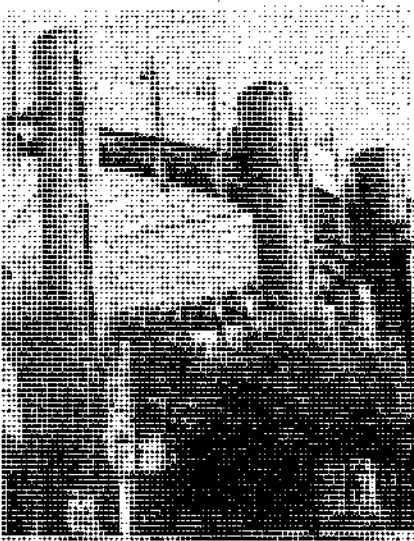


A scene from Offenbach's "Contes de Hoffmann" in a 19th-century opera house.

exhausted at the end, especially Mr. Powers who handles this French high-tenor role well. Maybe singing at altitudes exceeding 8,000 feet causes no injury, but pushing still-developing techniques in parts like these may not be the best formula for long-term careers.

Julie Anne Bartholomew (Nicklausse), Elena Kolganova (Antonia) and Jane Bunnell (Giulietta) took the female leads. The Central City Opera season, which includes "The Student Prince," runs through the first week of August. Last weekend's performances were packed.

World's Fair Relic



Young Right Struggles to Define Political Future After Buckley

Continued From Page A1

sprawl, the dangers of unfettered capitalism to family life, and the feared takeover of their movement by hawkish neoconservatives.

In May the Philadelphia Society, a prestigious club for conservative intellectuals, tapped Sarah Bramwell, a 24-year-old Yale graduate and writer, to address the views of the young right at its 40th-anniversary conference. "Modern American conservatism began in an effort to do two things: defeat Communism and roll back creeping socialism," she began. "The first was obviated by our success, the latter by our failure. So what is left of conservatism?"

Rearing new conservatives has long been a subject of keen interest to their elders. To counter what they considered the liberal dominance of the major universities and news organizations, a handful of conservative foundations has helped build a network of organizations to train young members of the movement, most prominently the 51-year-old Intercollegiate Studies Institute. It publishes journals and books, sponsors fellowships and administers a network of 80 conservative college newspapers.

"I think one of the principal, even signal, features of the conservative movement is its overriding concern for nurturing young people," said Jeff Nelson, 39, the institute's vice president for publications.

Mr. Buckley recently chose Sarah Bramwell's husband, Austin Bramwell, 26, as one of five trustees of National Review. Mr. Bramwell, a clerk for the federal appeals court in Denver and an alumnus of the

weapons abroad or attempts to change the nature of life at home. "The conservative project is making the case for progress abroad while confronting the dilemmas of progress at home," he said.

Mr. Cohen defended the Bush administration's preventive intervention in the Middle East as well as its limitations on federal financing for stem cell research.

"Medical progress is going to keep people alive longer than they would have been," he said. "I think prudent conservatives are going to have to find some responsible way to have sensible government to deal with the needs of aging generations. We have seen a version of this in the prescription drug bill, and there are going to be other obligations."

Mr. Stegall, an evangelical Presbyterian and the son of a minister, said he shared Mr. Cohen's support for government social programs, but for religious reasons. He said he and other theological conservatives had founded The New Pantagruel as an alternative to the politics of the older generation of Christian conservatives.

"If I could sum up what we stand for in one word, it would be sustainability," he said. By that, he explained, he meant theologically conservative views on sustaining family life, as well as typically liberal views on sustaining the environment and local communities and helping the poor. "For us, those two halves are inextricably linked," he said.

But several conservatives, young and old, said the greatest division in the movement pitted young traditionalists against their

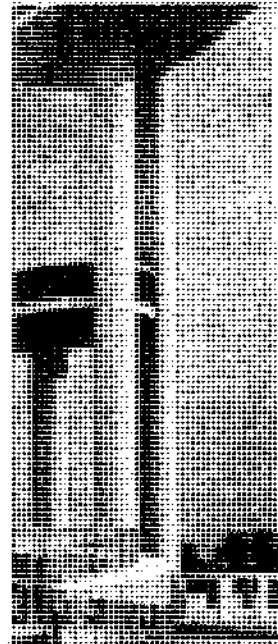


Photo: [unreadable]

Compulsive

I couldn't have found it at my boyfriend is currently in a hospital from alcohol abuse. I'm going to be there tomorrow, and I've been hearing those stories tonight that he isn't a different person. I love and respect just like her, named Susan, said she's an Anonymous member who has a diagnosis, so it was hard to get away from always hearing something that she said she didn't want to hear.

Member of Gamblers Anonymous, N.J., who at one point was losing \$100 a day, said the show "Steppin' Out" two months ago had led her to thinking, "I hope they can tell their story and understand personal problems."

"Out" therapy or plain old group therapy, a Manhattan therapist specializing in addiction, said that group is not a substitute for therapy. "It provides an inspiration and a closer."

Most people wait until someone calls them to a 12-step meeting. If they don't, what it's like, get to know them, they'll have a little more insight. People, whether they're waiting to hear a piece of news or they don't feel so isolated, so they're judged."

its overriding concern for nurturing young people," said Jeff Nelson, 39, the institute's vice president for publications.

Mr. Buckley recently chose Sarah Bramwell's husband, Austin Bramwell, 26, as one of five trustees of National Review. Mr. Bramwell, a clerk for the federal appeals court in Denver and an alumnus of the institute's programs, declined to comment because of his job at the court.

Mr. Nelson said young conservatives' greatest challenge might come from their predecessors' success. "Buckley started the conservative movement at a time when history, yelling 'stop,' he said, "but there has been a subtle shift in the conservative movement's view of itself, from history's opponents to destiny's child."

"We have a lot of conservatives who reflect the values of the mainstream culture," he continued. "There are polls that show younger-generation conservatives trust the government much more deeply than their parents did."

The increase in federal domestic spending under President Bush would have been "unimaginable" to conservatives a few years ago, he said, and so would foreign policies like the invasion of Iraq.

Doubts about the justification for the war are a common theme among young conservatives. "Many conservatives, especially since Sept. 11, believe that a major, if not the major, calling of conservatives today is to articulate and defend a certain brand of international grand strategy," Ms. Bramwell argued in her address to the Philadelphia Society. "I believe this view to be not only mistaken, but quite possibly harmful to the conservative movement."

Still, Ms. Bramwell, who now works as deputy press secretary for Gov. Bill Owens of Colorado, said in an interview that she nonetheless supported the war in Iraq as a chance to advance United States interests in the Middle East.

Daniel McCarthy, 26, an assistant editor at The American Conservative, the magazine founded by Pat Buchanan, said that although many of his contemporaries questioned the war, few were willing to turn against the president, as he had.

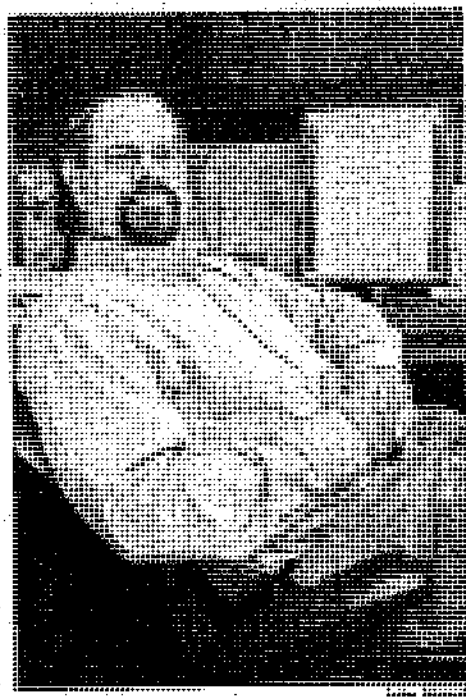
"I say we have to go back to before the conservative movement became a movement," he said, "back to when it was just a few tormented intellectuals who didn't necessarily see themselves as a coherent group, and even to the so-called isolationist and noninterventionist right. America is a nation state. It is not meant to be a sort of world government in embryo, not meant to be a last provider of justice or security for the entire world."

But some young conservatives argue that the United States may need to become more active, not less. Eric Cohen, 26, is the director of the biotechnology and American democracy program at the Ethics and Public Policy Center in Washington; the editor of its journal, *New Atlantis*; a consultant to the President's Council on Bioethics; and a contributor to *The Weekly Standard*.

In an interview, he argued that conservatives needed to accept an active role for government in dealing with advancing technologies, whether in the form of terrorists'

those two halves are inextricably linked," he said.

But several conservatives, young and old, said the greatest division in the movement pitted young traditionalists against their



Caleb Stegall, 32, a lawyer in Topeka, Kan., has founded newpantagruel.com, a conservative but irreverent Web site.

more libertarian peers. David Weigel, 22, the former editor of a conservative magazine at Northwestern University, a contributor to the libertarian magazine *Reason* and an intern at the editorial page of *USA Today*, said that last spring his college paper had trouble finding any conservatives on campus who supported amending the constitution to ban same-sex marriage.

He contended that even young conservatives who maintained a strict moral code for themselves were increasingly reluctant to regulate the behavior of others. "I am personally abstinent," he said, "and I plan to stay that way, but I have no problem with international aid programs that use or distribute condoms."

Ramesh Ponnuru, 29, a prolific writer for *National Review*, complained that the Republican party had been focusing on social issues because limited government did not have as big "a political payoff."

"There is a serious possibility that the libertarian wing of the conservative movement goes off in its own direction, either breaking off or allying with the Democrats," he said.

Mr. Buckley, however, said he was unperturbed. "The sweep of the Soviet challenge was what I call a harnessing bias, and now that harness has come apart," he said. "But I don't think the threads are by any means abandoned." He added: "There has never been a movement that doesn't go through this perplexion and development."

ened to my

whose brother was sup-
been cremated at Tri-State
operator Ray Brent
Friday to dumping
purses on his property.

NG SUNDAY



tion of ladybugs has
at the Douglas Coun-
e that county adminis-
Meinaug's office resem-
f Hitchcock movie.

NDEX

tainment	1E-10E
	1D-2D, 8D
	3D-7D
	8E
	2B
igs	2B, 2C, 10E
	1E
	9E
	10E
	6B
	9E
	4E-5E
	1C-11C
	2C, 10E
325	74 pages



Kansas

By Terry Rombeck
trombeck@jworld.com

2,723,507
Population in 2003

25.8%
People, 25 or older,
with a bachelor's
degree in 2000

69.2%
Home ownership rate
in 2000

\$20,506
Per capita monetary
income in 1999

Tigers are from Mars. Jay-
hawks are from Venus.

Right?
That notion is ingrained
into the minds of thousands of
Kansans and Missourians as
they grow up.

It even got national expo-
sure this week on "The Daily
Show with Jon Stewart" when
it was mentioned by Thomas
Frank, author of the best-sell-
ing "What's the Matter with
Kansas?"

"You learn about this when
you grow up there (in Kansas)
— that we're very different
from the people of Missouri,"
Frank said. "I grew up three

blocks from the Missouri bor-
der, but we're very different
from them."

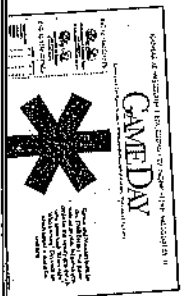
Sit down, proud Kansans.
We have some bad news.

It comes from Bob Nunley,
a retired Kansas University
faculty member and demo-
graphics expert.

"Oh most numerical meas-
ures, Kansas and Missouri are
simply not that different,"
Nunley said.

"Of course," he added
quickly, "I don't think any of
your readers want to hear
that."

Probably not.
After all, when the KU and
University of Missouri foot-
ball teams meet, it's a rivalry
that goes back to the 1890s.



For more on the football matchup, turn to Gameday.

MISSOURI

By Kevin G. Hall
Knight-Ridder Newspa

5,700,000
Population in 2003

21.6%
People, 25 or older,
with a bachelor's
degree in 2000

70.3%
Home ownership rate
in 2000

\$19,939
Per capita monetary
income in 1999

SANTAGO, CHILE — The large
protest march since Chile's pol-
state ended 14 years ago turn
violent Friday when demon-
strators waged pitched street bat-
tles with riot police before Presid
Bush arrived for a summit of A
Pacific leaders.

Most of the anger in Frid-
day's march was directed at the Un-
ited States for the war in Iraq. C
was among the nonperman
members of the U.N. Securi-
ty Council who did not approve
the United States going to
war without U.N. authorization.

The protest was part of an ad-
vised native forum to the annual sur-
vey of the state of Missouri.

POLITICS AND RELIGION

Local conservative's Web site catching on nationally

By Eric Westlander
ewestlander@jworld.com

Caleb Stegall is a Christian con-
servative, but not in the way most
people think of the phrase.

He opposes abortion. His four
sons are home-schooled. He
decries the crassness of popular
culture.

But he also dislikes suburban
sprawl, questions whether unfet-
tered business growth is a good
thing and tries to grow his own
food whenever possible on his
family's 18-acre plot of land near
Perry.

Stegall believes many of the
country's problems come from
unrestrained individualism, and

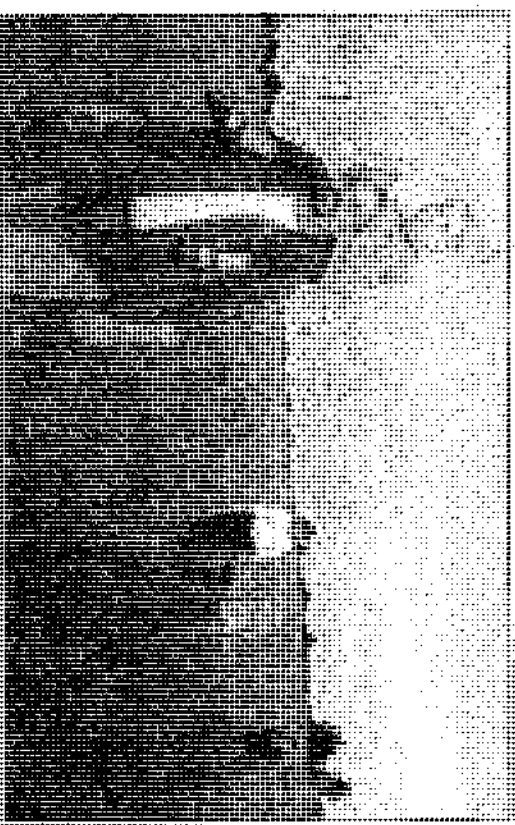
he doesn't merely practice what he
believes. He preaches it on the
Internet as editor-in-chief of "The
New Pantagruel," a Christian-or-
iented political journal that's
attracting national attention.

"I think that our journal really is
at the crossroads of politics and
religion," said Stegall, a 33-year-
old graduate of Lawrence High
School and the Kansas University
School of Law.

Stegall's site, [www.newpanta-
gruel.com](http://www.newpanta-
gruel.com), has been published

Please see LOCAL, page 4A

● Area Christians question
whose values swayed the
presidential election. Page 1E



CALEB STEGALL is a Christian conservative who lives near Perry, Okla. He has four sons. Stegall is editor-in-chief of "The New Pantagruel," a Christian-oriented political journal that's attracting national attention.

MOBILE

2004 LAWRENCE

Local conservative's Web site gains national attention

CONTINUED FROM PAGE 1A

only since January, but it's catching on. He was featured this summer in a New York Times article about a group of young thinkers trying to redefine the nation's conservative movement.

"To me the political right and left are to a large extent holding hands under the table," said Stegall, who works as an attorney for Foulston Siefkin in Topeka. "You can take the rhetoric of the pro-choice movement on the left and apply it to economic principles, and you have a George Bush speech."

He and his wife, Ann, have four sons, ages 2 through 9, whom she home-schools. The two met while attending Geneva

College, a Christian liberal-arts school in Pennsylvania, and now much of the work he does is in commercial litigation. Talk with Stegall for a while,

traffic at the site has grown steadily since early summer, from about 1,000 readers per week to between 5,000 and 10,000 per week.

The site's contributors come across as exasperated with the state of two-party politics. One writer recently said he saw the choice between Republicans and Democrats as a choice between "Imperialism, Plutocracy, and Capital Punishment" and "Imperialism, Plutocracy, and Abortion."

"I think that what we're advocating is a respect for and an acknowledgment of the natural constraints that are on all of human life."

— Caleb Stegall

Several of the site's editors wrote recently that they voted for Green Party candidate Ralph Nader in 2000, either because they believed in his ideals or because they wanted to give a boost to third-party politics.

"Somebody who thinks abortion is a bad idea, and so is capital punishment, and so is going to war with people because it seems like fun at the time — who is he supposed to vote for?" asked Thomas

Hanna's closing

CONTINUED FROM PAGE 1A

close by the end of the year, the victim of too much competition and not enough resources.

Grammer figures he'd need \$20,000 a month to spend on advertising to counter the strength of Nebraska Furniture Mart, Home Depot, Best Buy and Factory Direct Appliance — four larger competitors who have entered the Lawrence-area market since Grammer and his wife, Virginia, bought the downtown store in 1996.

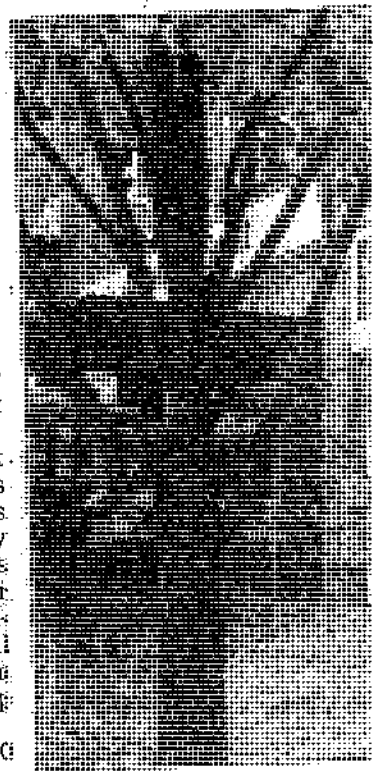
But with sales off 35 percent since the 9-11 terror attacks three years ago, the Grammers no longer have enough money available to retain the store's longtime business plan: Offer top brands, free delivery, on-staff service and personal attention to customers, all from a little 2,000-square-foot shop in the heart of downtown.

Moving the store's \$200,000 inventory is tough when a competitor can clear that much in a single day.

'A business decision'

"It's strictly a business decision," Jerry Grammer said. "The pie's been cut into too many slices."

The Hanna's exit again will leave downtown without one of its stalwart businesses, as the central business district shifts from big-ticket retail to restaur-



HANNA'S, AN APPLIANCE STORE, has been in Lawrence for five decades.

along the city's ever-expanding borders.

Hanna's still attracts customers from Eudora, Baldwin, LeCompton, Topeka and even the Kansas City area, Jerry Grammer said, but the proliferation of major outlets is making such sales increasingly difficult.

talk with Stegall for a while, and you're likely to hear him mention both "the culture of death" — referring to abortion — and "the ugliness of suburbanism."

He said many on the political right didn't define "moral values" as broadly as they should to include environmentalism.

Lawrence's growth, for example, concerns Stegall. He said the question of whether Lawrence "gives in to unrestrained progress and unlimited consumption of land ... and putting up of strip malls and big-box centers" is a question of moral values.

He believes true conservatism is about sustainability: of families, traditions, the Earth.

"I think that what we're advocating is a respect for and an acknowledgment of the natural constraints that are on all of human life," he said. "It's really an agricultural metaphor: Are we putting back into the soil everything we're taking out of it?"

Readership growing

The New Pantagruel is named after the protagonist of a 16th century novel by Francois Rabelais. It's aimed mostly at a Christian audience because Stegall and his associates — many of whom he met while writing for a similar journal in the late 1990s — fear traditional Christianity has bought too much into mainstream, secular values.

But much of the site's content is political. With help from the New York Times exposure,

to vote for?" asked Thomas Heilke, an associate professor of political science at KU and a contributing editor to The New Pantagruel.

On the farm

The Stegall family's rural homestead, not far from the home of Stegall's father, reflects Stegall's desire to create "a place that's going to be a real presence for our kids' lives."

Having children, he said, was one of the major experiences that's shaped his intellectual life. He's also been influenced by Nader and the environmentalist writer Wendell Berry.

"Most of the conservative outlets of opinion are very uncritical of the notions of progress, the free market and the dispiriting aspects of popular culture," he said.

Many of the problems he sees with society — abortion, divorce, gas-guzzling SUVs — he attributes to "nihilistic individualism."

People aren't rooted in traditions, places or communities anymore, he said, and they pursue their own freedom of choice without regard to larger concerns.

"T.S. Eliot wrote that 'Love of one's country begins with love of one's own field,'" Stegall said, standing in his front yard on a recent evening with the children playing around him. "Not many people have the sense of love of their own field."

— Staff writer Eric Westlander can be reached at 832-7146.

from big-ticket retail to restaurants, bars, entertainment venues and specialty shops.

Stoneback Appliance moved out a few years ago, heading to its current home in the Hillcrest Shopping Center at Ninth and Iowa streets. Raney Drug, J.C. Penney, Woolworth's and a handful of car dealerships all used to call downtown home, replaced by Kinko's, an antique mall, bookstores and other shops that can survive and even thrive despite national chains and other retailers popping up

such sales increasingly. Hanna's offers Amana, tag, Frigidaire and Jen products, Virginia Gra said, but larger stores more models from those plus a wide array of other acts that a downtown front couldn't possibly st

"It's becoming really ent downtown, with all the places going in," she said. "An appliance store, now is so big that there are just choices that a small can't offer. We can, if I

Stylish Views

Create a chic look with custom window coverings from Budget Blinds®!



Let our savvy Style Consultants show you the infinite possibilities for your windows.

30% OFF*
EVERY WINDOW COVERING

*Some restrictions apply. Offer valid at time of initial estimate only. Price valid with other offers. Offer good in participating dealers only. Each franchise is independently owned and operated.

Budget Blinds
a style for every point

785-691-7777
www.budgetblinds.com

PROFESSIONAL MEASURING AND INSTALLATION
OVER 800 CONSULTANTS NATIONWIDE • LOW PRICE PROMISE
FREE IN-HOME CONSULTATION & ESTIMATE

Evidence might show early presence of humans in America

Los Angeles Times

A South Carolina archeologist says he has evidence that humans were camping along the Savannah River 50,000 years ago, long before most researchers believe our ancestors reached this continent.

Albert C. Goodyear III of the University of South Carolina has excavated what appears to be a hearth in the lower levels of the famous Topper site in a South Carolina quarry where researchers have been digging for more than 20 years. The site contains

sites in South America are claimed to be 30,000 years old or older, but researchers are not in agreement about whether those sites contain human tools or just rocks that have flaked and weathered until they look like tools.

Survivors of Suicide I
November 20, 2006

NEWSPAPER EDITOR GENE ROBERTS once noted, "Many important stories don't break. They seep, trickle and ooze. Let's be sure we are covering the ooze." Here's some ooze: Local idiosyncrasy is in, uniformity is out. Locavores emphasize foods grown nearby. Microbreweries create locally crafted drinks. In politics, voters strike back against one-size-fits-all Obamacare. In skyscrapers and ballparks, postmodernist structures with nooks and crannies have replaced boxy buildings and cookie-cutter stadiums.

Breaking stories are easy to cover because they are action-oriented events at specific times and places. Ooze is harder because it requires juxtaposing changes that initially may not seem related. Here are seven:

- ▶ The baby boom generation (people born between 1946 and 1964) pioneered divorce rates and two-career couples. Many among the baby bust crowd (born in the late 1960s and 1970s and redubbed Generation X after Douglas Coupland in 1991 published a novel with that title) rebel against that.
- ▶ Many commercials seem less focused on achieving prominence in the world and more on the satisfactions of family and community. The popular Volkswagen ad premiered during the Super Bowl shows a mom giving her son a sandwich and the dad coming home from work. Gen X blogger Penelope Trunk sees in such commercials "Gen X values front and center. . . . We like being home to make our kids peanut butter and jelly. You could not sell Baby Boomers with this. They think it's lame to sit in a kitchen waiting for your kid to be hungry. We like having a male breadwinner and we're not afraid to say it."
- ▶ The media movement two decades ago was toward more centralization, with USA Today and networks riding high. Now the hot area of interest is localism and hyper-localism, with new journalistic websites aimed at small geographic areas popping up and national media like AOL, CNN, and MSNBC seeding neighborhood publications.
- ▶ The average American drove less in 2010 than in 2000. The number of commercial flights now is the same as on Sept. 10, 2001, even though America has more people. Mobility declined throughout the past decade, with not even one out of 10 American households changing addresses in 2010. Yes, higher gasoline prices have curtailed some driving, security procedures have curtailed some flying, and declining property values have crushed many hopes of upward mobility—but the reasons for change seem more than material.
- ▶ An American's 19th-century question upon first meeting another often was "Who are your people?" The 20th-century question was "What do you do?" The question in the 21st century is "Where do you live?" Many people put roots above shoots, choosing to live in a place rather than moving to advance a career.
- ▶ An emphasis on local control of government, local production and consumption of goods, and local culture is popular among young Christians. Their favorite author is often a pre-baby-boom author and Kentucky farmer, 76-year-old Wendell Berry. Berry praises reverence for God and life, the

pleasures of good work, good food, and frugality. He says those joys are more likely to be found in healthy rural communities that value small farms and don't overdose on technology.

▶ Many Christians used to coalesce politically through national organizations like the Moral Majority, the Christian Coalition, and Focus on the Family, but some of them went out of business or lost steam. The big political story of 2010 was the growth of the decentralized Tea Party movement.

These oozes may coalesce in the growth of localism, but I'm not the best analyst of that, for localism is foreign to my experience. On occasional sleepless nights I now recite to myself the 23rd Psalm, and it almost always works. In past years, since counting sheep didn't work, I counted places lived in (43 different houses or apartments for at least a month, in 14 states) or slept in: close to 700. This homework made me realize that, like many baby boomers, I have no real home.

So I interviewed some from Generation X who have a home. Working off reader nominations of thoughtful and passionate Christians under 40 (see WORLD, July 3, 2010), I've found young men and women who understand that they are Christian pilgrims in this world—but they expect to stay in one place, making friends and being of service, unless and until God moves them on.

Caleb Stegall is 39 and has spent about 90 percent of his life within 20 miles of the place in northeastern Kansas where he was born, a radius that includes the state capital and a state university. He's been Jefferson County's district attorney; earlier, he created and edited an Internet journal, *The New Pantagruel*, that received national attention as a traditionalist voice.

After graduating from law school Stegall had job offers from all over the country. He and his wife "thought really long and hard about going and there was a lot of attractiveness, not the least of which was the starting salary, but in the end we decided to stay or stay committed to our place. I took a job in Topeka."



CITIES: THE RISE OF LOCALISM

Why? They had two sons at that time (three more now) and wanted a good place to raise kids, but also a good place to raise themselves: Stegall says, "We lose and leave behind a lot when we conceive of society as this great ladder to climb. Our eyes are always on the next rung up, and what is left behind never gets a backward glance. This has led to a tremendous amount of dispossession and displacement; spiritual angst, and also real-world destruction and exploitation of different places and people. I didn't want to have any part of that, so we made the decision to stay."

Stegall has seen dislocation and disruption in the lives of kids he grew up with who headed to the bright lights: Most "have



been very dissatisfied." Stegall himself became dissatisfied with his work in commercial litigation at a Topeka law firm, where he represented "large corporations suing each other most of the time."

He didn't want to be "just a cog in this economic machine," so after a few years he returned to his rural county, hung out a shingle, and practiced law in a town of 900 people, "using my tools to fix problems. That's gratifying, and that's what it means to be part of the community."

Stegall recently did take a job a few miles down the road as chief counsel to new Kansas Governor Sam Brownback, who himself was coming home after 14 years as a U.S. senator. Stegall has no Washington plans, though: "The powers of a centralized economy and state are so great that your chances of effecting change are much greater in a place where you actually wield some influence, as opposed to just being a small, small piece in the big machine."

Victoria Cobb, 32, offers a similar comparison of Washington versus state capitals. As a college student in Richmond, the losing capital in the Civil War, she was excited about an internship in the winning capital where power now resided: "It's a glitzy thing: You think, 'Wow, everything happens in D.C.'" But in the last semester of her senior year she worked for the Family Foundation of Virginia, a state level affiliate of Focus on the Family, and "saw the tremendous difference between what happens in Washington, D.C., and in Richmond."

Cobb is now president of the Family Foundation but still recalls that difference: "In Washington you trail a lobbyist to wait, to wait,

STILL

Some new
James Lan
Washington

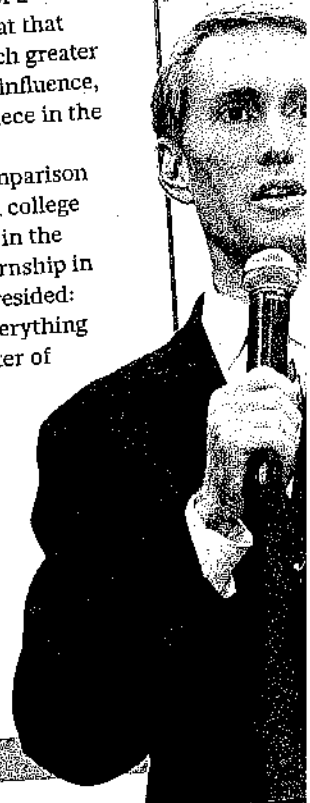
JAMES LANK
Falls Creek t
itself as the larg
he has been a m
from—although

The part he
of Texas at Aus
Oklahoma fans
is his commitm
encourage Am
on governmen

Congress t
through Thurs
even when th
estate values
during the ye
He's committ
"national stat
the same, ev

Lankford
Bush, but thi
education pi
comparison
"reincarnati
more policy
reductions
jokes about

He rem
is exploring



ing to rebel against the eco-
t mandates small families.
ers, who will "drive human
individualistic, modernist
market culture dominated

als like himself had better
st pop culture and to have
to religious conservatives.
of the faithful—in fact, he
individualistic, less "mod-
middle way. He's as worried
mer culture as any crunchy
dispensable to building an

ture' has great resonance,"
y to live that's in tune with
d toward cooperation and
propagating the species?"
out, practiced a way of life
ier, and more cooperative
oman pagans (sociologist
his phenomenon). Reihan
ent attempt to supplant
as the guiding framework
ng birthrates, failed to cre-
itself.

ard to some kind of moral
will supplant a way of life
miserable, and replacing it
informed for many, by a
not."

nt to live in a theocracy; a
one's religion, or no reli-
ves, it seems to me. But I

don't see how the better society Reihan and I both want to see come into being is going to happen absent a serious spiritual reawakening. It's certainly not that one has to be religious to be moral, but absent an overwhelming spiritual mandate, why would you choose to do the economically foolish thing and have big families, or sacrifice a second income so Mom can stay home and take care of the kids? More fundamentally, without religion, how do you build an ethical system powerful enough to stand up to a mainstream media and commercial culture that propagates itself by exploiting with staggering skill humanity's innate vices of lust, greed, vanity, and egotism? John Adams suggested that you cannot. Alasdair MacIntyre says outright that you cannot, and that the nineteenth and twentieth centuries have proven the Enlightenment philosophers wrong.

However observant one may or may not be, an active religious imagination—an ability to see the material world in spiritual terms—is key to the crunchy-con worldview. But there is more than one way to live out a crunchy-con spirituality.

The Protestant

Caleb Stegall is a thirty-three-year-old lawyer, husband, and father of four who lives on a farm near Lawrence, Kansas. He and his wife, Ann, homeschool their kids, grow as much of their own food as they can, and are working hard to recover the skills of self-sufficiency that were lost in our parents' generation. They are lifelong conservative Presbyterians, as distinct from mainliners. However, Caleb now serves as an elder in a Presbyterian church that's closer to the vast evangelical mainstream than he's comfortable with.

In fact, he said that much of the way he and his family live and think about their faith and its impact on their lives is "strongly countercultural to mainstream Evangelicalism." So why do they identify with Evangelicalism? Because, Caleb explained, with

the mainline having largely crossed over to the progressivist side of the great American religious divide, Evangelicalism is just about the only vibrant option left for orthodox Protestants.

From the outside, American Evangelicalism has a cultural vigor that Catholics can only envy. What's not to like? I asked Caleb. For starters, he said, Evangelicalism suffers from an ignorance of Christian history, and does not appreciate the intellectual depth and spiritual rigor in the church's tradition.

"And there's a tendency to be taken in by the latest and the greatest thing," he said. "Evangelicals have a great deal of energy and zeal, and that's a good thing. It's borne great fruit in some ways. But it's tempered hardly at all by depth and rootedness. That's the dynamic you see at work with a lot of zealous movements and so on that don't put roots down very deep. One year it'll be *The Passion of the Christ*, and the next year it's Rick Warren and *The Purpose Driven Life*. There's a lot of susceptibility in Evangelicalism to cultural shifts."

That's why you can see the self-help sentimentality of middle-class American culture playing itself out in sometimes embarrassing ways among evangelicals. Evangelical friends of mine who have been to the annual Christian Booksellers Association convention come back aghast, as if they'd beheld kitch-mad moneychangers in the temple. For Caleb, this hunger for *Chicken Soup for the Soul* therapeutic religion is not just an evangelical problem.

"It's a cultural issue," he said. "There's not much preparation in our lives today for deferred gratification, and the validity and value of working harder for something. Getting to the depth of the church's history and teachings is hard work. We want to feel better, and feel better now."

More fundamentally, Caleb believes, the evangelical church has to grapple with the central cultural role of the family, and especially the "necessity of children." He's talking about having more than the requisite 2.1 children per couple. You find that a

surprising number of crunchy cons have larger than normal families, despite the financial hardships.

"Birth control is a real issue for evangelicals," he said, startling my Catholic ears. "My own view is that how a community approaches that issue is going to be very telling with respect to any other issue that comes up. There's an unlegislatable mandate to communities to be faithful to future generations, which means replacing yourself, or exceeding the replacement rate. When a community's healthy, it will do that, and it will only do that when people essentially love the community more than they love themselves."

Caleb is a founder and editor of a smart, edgy webzine called the *New Pantagruel*, which published some eye-opening criticism of the GOP during the 2004 campaign. I asked him how he felt about the popular perception that the evangelical church is merely the Republican Party at prayer.

"I think it's awful," he said. "Which is not to say good things aren't being done as the evangelical church works to gain influence in the Republican Party. But if that's the sum and substance of what the church is, then it's completely abdicated its true role, which ought to be higher and deeper and broader and wider than that."

Caleb is a Republican, and has always voted GOP. Yet he sees the party as having more in common with the Democrats than with his kind of conservatism. Why? Because Republicans view the individual as sovereign, and freedom of individual choice as the highest good. The midcentury conservative theorists who advanced a more family-oriented, communitarian politics—Caleb cites men like T. S. Eliot, Russell Kirk, Eric Voegelin, the Southern Agrarians—have been given little or no voice in the contemporary Republican party.

"Their natural home is in the church, and to the extent that the church speaks the language of Republican politics, it loses that older, deeper, truly conservative political philosophy, which

advocates rootedness, continuity over time, order, and fidelity to a higher good," he said. "And that higher good is expressed religiously in the transcendent, and in our lives in terms of our connection to family, community, and the land."

Do you ever get the feeling that conservative Christians are in some ways fighting the wrong culture war? I asked him. Absolutely, he said; the culture war is beside the point of what's really important to religious believers. Too many Christians busy themselves trying to figure out how to change the political culture, but they're not noticing how the culture is changing them, and the church.

"The question is not what do we do with this culture, but what do I do with myself? It's not about lifestyle. It's about figuring out the difficult complexities of our own lives, and how to resist the disordering pressures of our age," he said. "It's exceedingly difficult, and calls for a lot of sacrifice and probably false choices. That to me is far more important than any political action point that people may rally around."

We talked for a bit about how dismaying it is to live in places that are as Christian and conservative as any in America—Dallas, Texas, and Lawrence, Kansas—and yet see traditional Christian values making so little apparent difference in the lives many conservative believers lead. A lot of people don't know it, but northeastern Kansas, where the Stegalls live, is one of the most prosperous areas of the country. Like North Texas, where I live, there are a lot of country-club Republicans around, Caleb said, and you see materialism play itself out in conservative church life.

"That's disturbing, and ought to be disturbing, but people don't feel comfortable saying it. If you say that progress and unhindered free markets are not unmitigated goods, and that we conservatives ought to be thinking of this, the kind of Republicanism we have now calls you a liberal or a traitor to conservatism," he said. "We need that critique now on the right, and if it's not going to come from the church, I don't know where it's going to come from."

When asked about the future of Evangelicalism in America, Caleb says it can only survive in a meaningful sense in material culture if it reconnects with the depth of its sixteenth-century Reformed tradition—and beyond. There has to be a renewed openness to Roman Catholicism, and the insights to be found in pre-Reformation Christianity. Otherwise, in time, Catholicism will be the "only game in town," meaning the only expression of Christianity with the depth and awareness to challenge the wider culture.

"There is a strong understanding of the sacramentality of all of life, the sacramental nature of all things, in the Protestant tradition, but evangelicals have a very stunted understanding of what that means. There's very little sense of that in the way most evangelicals live their lives," he said. (It's true for Catholics, too.)

"George Santayana is one of my intellectual mentors," he continues. "He wrote a brilliant essay on the American sensibility, and he described American materialism as a moral materialism. That's how I've come to think of evangelicals. It's the underlying material view of life, which essentially says this is just stuff all around us, stuff to be manipulated however we want, without regard for the transcendent order. Overlaying that is a moral goodness, this sense that there should be a strong work ethic—you know, the thrifty good American. That's the picture."

"But for Ann and me, the decisions we've made have been out of trying to recapture some of that, that sense of all of life being sacred, getting close to the land, growing as much of our own food as we can, even homeschooling."

In fact, on the night we spoke, Caleb was preparing to quit his fast-track job in a prestigious law firm to open his own office—for the sake of his family.

"I hope it won't put me in the poorhouse. But even that is connected to what we're talking about—this desire to move closer to home, to develop more of a home economy and be more connected to community," he explained. "As I've talked to people about my decision to leave, their jaws hit the floor. Giving up a

potential partnership in the state's largest law firm to be closer to my family doesn't compute to a lot of people."

Meanwhile, he's going to continue working on the *New Paragon*, which he and his colleagues are committed to making into a prophetic conservative voice shot through with Rabelaisian wit. Caleb said, "We stake out our position as being called to a renewal of the kinds of cultural order that people like Russell Kirk and Eric Voegelin talked about, and a call to church renewal at all levels. We're finding out that conservatives are very open to hearing what we're saying."

Before we ended our conversation, I asked him why he was determined to stick it out in evangelical Protestantism, even though he was such a strong critic of it. Because, he said, that's where his roots are. He and his family are committed to that tradition, as many generations before them have been, and to their particular church. Even if there are disagreements with others in that faith community, and things they would like to see done differently, the Stegalls believe in sticking.

"The modern answer to everything is to just move down the street," said Caleb. "I refuse to do that."

The Catholic

As a frequent peruser of Catholic blogs, I kept tripping over the comments by a guy named Maclin Horton, and finding myself agreeing with most everything he said. I thought that this guy had to be some sort of crunchy con. One day I was Googling for information about a cherished but defunct Catholic magazine called *Caelum et Terra*, which in its heyday (1991–1996) was the closest thing crunchy-con Catholics ever had to their own journal. Turns out that Maclin Horton was one of its founders! I had to find out more about him.

« »

Mac is a fifty-six-year-old Catholic convert in Alabama, and working at an area cc Karen, have three grown children and home. When I contact him, I ask Mac (Latin for "heaven and earth"), why he h failed.

Mac explained that it was a journal dissatisfied with the standard left-right church and in society.

"It was by and for people who are Catholic tradition and the culture of the in Catholicism, and who see both the n mainstream left as being hostile, albeit i tradition," Mac recalled. "Maybe in the it was for Catholics who seek contact physical and cultural as well as a metapl After five years of exhausting labor folded. There weren't enough subscribers among the Catholic establishment. Mo and partisans have resurrected it, at h where Mac and others keep a daily jour observations.

His journey into Catholicism was intensely religious child, he was raised : became an Episcopalian, and ended up generation older than I am; while I was a devout counterculturalist—until he r establishment stance was a pose that self-destructive hedonism.

Yet when he turned his back on the he didn't return to the establishment. Ins icism as a more sane and truthful respon which he first rebelled. I asked Mac if l stream American culture is worth fighti "Well, in a sense I have accepted it.

Seize Today's Top Bargains!

Price / availability subject to change
© 2010 Nextag, Inc.

Canon EF 400mm f/2.8L IS II USM
\$11,499.00*
1 seller

Panasonic mm 13.5mm F1.3
\$66.39*
1 seller

PELCO VAB-56
5 - 50mm F71.4
\$103.00*
1 seller

Aug. 27, 2013 | Sign in.



94° Fair

See complete forecast

Search

- Business Directory
- Obituaries
- Events
- Jobs
- Classifieds
- Real Estate
- Rentals
- Coupons
- Lawrence Brides
- News
- Sports
- KUsports
- Health
- Entertainment
- Living
- Opinion
- Multimedia
- Help



Jefferson County attorney candidate Caleb Stegall chats about primary election

July 29, 2009

This chat has already taken place. Read the transcript below.

Caleb Stegall, Perry attorney, is running for Jefferson County attorney, a position currently held by Mike Hayes.

Moderator:

Hi, this is reporter Mike Bell. I will be the moderator for our chat this afternoon with Caleb Stegall, a Perry attorney who is running for Jefferson County attorney. Welcome, Caleb.

Caleb Stegall:

Thanks Mike, it's good to be here.

Moderator:

Let's get right to our first question:

gdiepenb:

If elected, what area would you try to strengthen in the office?

Caleb Stegall:

Thanks for the question. There are a number of areas needing strengthening in the Jefferson County Attorney's office. First, it is vital to the office to increase the level of law enforcement and number of prosecutions in Jefferson County. Currently Jefferson County ranks 102nd out of 105 Kansas counties in per-capita felony dispositions. We need to bring those rates back up. In addition, the level of trust between our County Attorney's office and our local law enforcement agencies has really suffered in recent years. One of my top priorities will be to restore those cooperative relationships with law enforcement.

Grump:

You have represented Phill Kline in the abortion records lawsuit. Do you consider Phill Kline as a role model for a prosecutor?

Should Roe v. Wade be overturned? Should Griswold v Connecticut (which provides a right to contraception) be overturned? Will you use the office of Jefferson County Attorney to pursue overturning either Roe or Griswold?

Will you continue to represent Phill Kline if you are elected Jefferson County Attorney?

Caleb Stegall:

Grump, yes, I have represented District Attorney Kline during the civil proceedings before the Kansas Supreme Court. Because the case is ongoing, it would not be proper for me to discuss the details of the case or offer opinions regarding my client. I will say that it is gratifying, professionally, to be recognized by many across the state and in the region as an attorney with the ability to handle some of our most high-profile and contentious legal matters.

With regard to the question of abortion, I am pro-life and politically a federalist. On legal grounds, I believe Roe v Wade to be a weak decision and believe that the matter is best left to state control.

No, I do not believe the office of county attorney has any real ability to overturn any United States Supreme Court opinion.

door to door organics

Healthy groceries delivered!

Lawrence deals.com

Wayne & Larry's Sports Bar & Grill - \$10 Voucher for \$7.50

Wayne & Larry's thanks Lawrence for your support! SUPPORT YOUR LOCAL BAR! Wayne and Larry's restaurant next to Royal Crest Bowling Lanes

Gentle Care Animal Hospital 785-341-1919

Find more businesses on Marketplace

Arts & Entertainment · Bars · Theatres · Restaurants · Coffeehouses · Libraries · Antiques · Services

Most discussed Most e-mailed

- Lawrence Buskerfest 1 comment
- A woman shares a photograph with a young fiddler in the crowd during the 33rd Kansas State Fiddling August 25, 2013 · 1 comment
- A man was killed when the motorcycle he was riding was involved in an accident with a car near the i August 23, 2013 · 2 comments
- Kansas women's basketball coach Bonnie Henrickson, center, strikes a pose with members of her team d August 24, 2013 · 1 comment
- Kansas State Fiddling and Picking Championships 1 comment
- This grey Dodge Durango was discovered Aug. 4 in the middle of a construction site on U.S. 56 Highway August 4, 2013 · 5 comments
- "Finding The Political Will To Reverse Climate

Moderator:

Caleb, what kinds of cases do you normally handle as private attorney? Won't becoming a prosecutor be a big change, if you are elected? Do you see it being difficult to make a switch?

Caleb Stegall:

Thanks for the good questions Mike. In my private law practice I handle a wide variety of matters. I left a large law firm in Topeka to open a small-town practice with the goal of being a general practitioner. I handle quite a bit of the legal work for a number of our small businesses in Jefferson County along with all kinds of disputes and other matters for various folks who need representation. I also do a good bit of work for various political advocacy groups and grass roots movements at the State House in Topeka. For example, I am general counsel for Americans for Prosperity, a group advocating tax reform and government transparency, and I also serve on the executive committee for Audubon of Kansas, our state's largest grass-roots conservation group. Finally, I have developed a niche of sorts in the area of political trials and political and campaign related disputes.

glcookie06:

No question. I am just glad to see him run against Mike Hayes. Mike has a real attitude. If he likes you he will do anything to keep you from getting the harshest punishment and vise versa. He is very arogant, and needs to retire form his position. I have been told so many times that everyone is replaceable. And that means for Mike. We need a new face in the system..that will see both sides and not just one. Good luck Caleb! Walling to see you in the court room as CA

Caleb Stegall:

I appreciate the kind words and well wishing. I do believe that for the health of our democracy, especially in rural America, it is vital that people remain engaged in the political process, and this means having choices. That is one of the reasons I decided to run.

Moderator:

Mike Hayas has a standing policy of not talking to the media. We are told that every time one of our reporters calls his office with questions. That policy has extended to his run for re-election. We understand there are certain things a prosecutor can't talk about concerning cases, but what would your policy be? How open would you be not just to the media but to the public in general?

Caleb Stegall:

Mike, you're right, prosecutors are governed by certain ethical rules which restrict how much they can speak to the media. However, those rules have never been intended to cut off prosecutorial matters entirely from public scrutiny. I have a firm commitment to transparency and oponness at all levels of government, and thus my policy with regard to the media would reflect a desire to allow as much public access to the working of public officials as is prudent given the circumstances and allowable under the various rules that apply.

I would also add, somewhat in answer to your earlier question which I did not fully address, that lawyers handle a very wide variety of matters. So in some ways, being a prosecutor would be a change for me. However, the common factor in every legal matter is solving a client's problems and maintaining a relationship of trust. I have said repeatedly that the County Attorney's office is the people's law firm. It ought to have an open door policy and really listen to its clients, the citizens of the county. That is an area I intend to improve upon over current practice.

Moderator:

That is all the time we have for this chal. Thanks to those of you who have submitted questions, and Caleb, thanks for joining us. Do you have an e-mail address where people can send you additional questions?

Caleb Stegall:

Thanks Mike and the JW for invlting me. I enjoyed chatting with you and your readers. I would be happy to answer any questions at my campaign e-mail address: stegallforcountyattorney@gmail.com.

Thanks again!

Print Comment

E-mail to a friend

Facebook

Tweet

LinkedIn

StumbleUpon

Google +

More sharing options

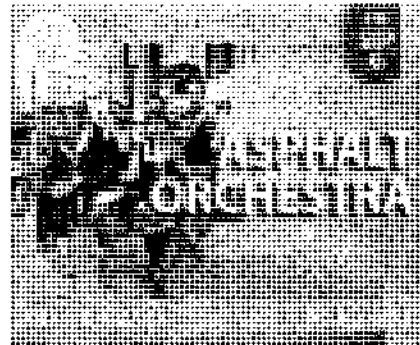
Change* -- 04/25/13 at Woodruff Auditorium 26 comments

Fib's Collection of Record Proportions 3 comments

Savannah Greiner, left, and Kellie Fagg enjoy an Asian fusion inspired dinner by chef Melinda Roeder August 22, 2013 1 comment

Lawrence sculptor Jim Brothers 1 comment

More



Reconnecting with Reality: An Interview with Caleb Stegall

Caleb Stegall is editor of *The New Pantagruel*, an online magazine with a radically new vision for humanity and the world—one that's neither left nor right-wing, but rooted in ancient tradition, nature, and Christian revelation. We spoke to him about what's wrong with the modern world—and what we should do about it.

By David L. Jones

How did the *New Pantagruel* get started?

The founders of *The New Pantagruel*, myself and my chief co-conspirator Dan Knauss, had been very loosely affiliated with an earlier print journal called *Re:generation Quarterly*, which folded in the spring of 2003. Dan and I had corresponded extensively in the year or so preceding *RQ*'s demise, and had hashed out much of what later became the peculiar religious, political-philosophical, and aesthetic heart of *The New Pantagruel*. We had been corresponding with the editors of *RQ* pushing in this direction when the funding was pulled. It proved to be a blessing as we were able to take the ideas we had been working on and strike out with something entirely new and different.



Why *The New Pantagruel*? Why now?

Whether consciously or not, we are, I think, trying to articulate a means of coping with and resisting the pressures of the day, as what Dan has called "god-haunted heirs of a dying or at least deeply threatened and attenuated transcendental faith."

Where did the name come from?

I had been reading Rabelais' *Gargantua and Pantagruel* at the time and was toying with some kind of resurrection of the Carnavalesque as a possible mediating force between religion and modernity.

The image of "Carnavalesque" seems Catholic...

A number of commentators have mentioned that *tNP* has something vaguely "Catholic" about it. I find that fascinating.

I don't think this evocation of the Carnavalesque is necessarily "Catholic," but I think I understand the transposition of the two because Protestants have never excelled at evoking the Carnavalesque. In one of the ironic twists of the Reformation, the Protestant desire to arrive at a "critical" understanding and implementation of tradition ended up closing off the Carnavalesque spaces in society.

It's no good to vote an anti-abortion ticket if in one's life there is no drive and discipline towards holiness.

Catholic culture on the other hand, with its ordering of life around the ritual of the Mass, is better situated to foster such spaces.

Why do you think the Carnavalesque can be a mediating force between religion and modernity?

The carnival represented by Rabelais' work, and others—Pushkin, and Bruegel in his painting "The Battle of Carnival and Lent" for example—is a space where, for a time at least, the disparate elements of culture and society are brought together and shorn of pretense. The Prince and the Peasant, the Priest and the Penitent share the stage; they may trade places; for a while it may even be difficult to distinguish one from the other. It functions as a way to subvert "official" culture and hold at arm's length the worst abuses of society by fostering communal exposure to a shared and received tradition through which the commonwealth can recognize and reorient itself towards the spiritual order and transcendent ground which lies behind and above the mundane everyday orders of politics, power, religion, and money.

In a religious sense, the carnival symbolizes existence as a cosmic drama in which we are mere players, unsure of the script, and ignorant of the ending. The rituals of Christian worship and the pageantry of communion and baptism and other rites and passages foster such spaces when the religious sense is not closed by a desire to arrive at a closely held critical understanding of faith and doctrine.

Interestingly, when the ritualistic spaces shrink and are closed off, the effect is a rise in the importance of the official culture of the "public" square.

How does that happen?

The intramundane orders of life end up being embodied in the state and usurp the primacy of the spirit in the ordering of human life. This process is really the process of secularization in the West; a process now complete and total in all meaningful ways.

Exactly how has *The New Pantagrue* tried to capture this "carnavalesque" spirit?

In designing the soul and look and sensibility of *tNP*, we tried to recreate a carnivalesque feel. A free-wheeling vaudeville act, with various characters popping in and acting and reacting in unpredictable ways—no shibboleth is off limits. And in the midst of this, we hope, there is serious criticism, commentary, and discussion that is not happening in many places. I would describe the tenor of our effort as taking things seriously enough not to treat our subjects with an unbreakable earnestness. There are few things as serious as Folly, and in that, we consciously try to stand in the tradition of Erasmus, More, and Rabelais.

The carnival symbolizes existence as a cosmic drama in which we are mere players, unsure of the script, and ignorant of the ending.

Where does *The New Pantagrue* fit politically? Is it left or right?

I would say that the driving political-philosophical force behind *tNP* has been a recognition of liberalism on both the modern right and left as the engine of religious and particularly Christian destruction. Which is, of course, tantamount to the destruction of western civilization.

We concur with Alexander Solzhenitsyn's remark referring to Soviet

Communism and Western Liberalism that "the split in the world is less terrible than the similarity of the disease plaguing its main sections." The disease being a corrosive world-immanent materialism that denies the life of the spirit, and ultimately, denies God.

This is the age of the blog—short, quick opinions. *TNP* is the antithesis of that—your articles are long and complex. What's been the reaction to that?

It's a mixed bag. Many people love what we're doing, but others think we're stuffy arrogant prats.

How do you understand your role at *The New Pantagruel* in this drama?

Our goal has simply been to change the conversation. To reorient people to the life of the spirit through a celebration of the carnival and through a proper understanding of the dangers of liberal modernity, to perhaps inspire pockets of resistance wherever they might spring up.

You once wrote that Christians who establish "ghettos" and fight rearguard actions are doomed to fail, but that instead they should create, as you say, "pockets of resistance" or "enclaves" where a new Christian humanism can flourish. What's the difference between a "ghetto" and an "enclave"?

When I've used the term Christian ghetto it's been in the context of Christians trying to find a satisfactory response to political and cultural liberalism. The responses have been either Christians assimilating with the dominant order or Christians acquiescing to being shunted aside into a kind of nature preserve for rubes and hold-outs—a ghetto; a facsimile habitat mimicking liberal society but with a Christian spin.

Often these responses happen at the same time in a Christian community caught in this dilemma; it's happened most obviously to evangelicals. Its leaders seek access to and are granted nominal positions of "influence" in

I have been charged with wanting to 'turn back the clock...

secular society in exchange for keeping the rowdies on the reservation. The problem with this is that it cuts out the church's heart and replaces it with what sociologist Christian Smith has dubbed "therapeutic deism". Christianity becomes just another lifestyle choice complete with its own marketing departments, commercial backers, support "systems," and political interest groups. In this sense, late modern liberalism ghettoizes all identity—you really are what you eat, what you wear, what you consume.

When I talk about new enclaves of civility and culture, borrowing from thinkers like Alasdair McIntyre and T. S. Eliot, I think the point is that communities of tradition and practice need to be rebuilt along different non-liberal lines in a way that allows a real culture to flourish again. The church can never accept life on a reservation, but neither should it position itself to run what is already a deculturated and post-Christian deformity—which is largely what late liberalism has become.

What signs have you seen that your approach is working? What sort of response have you received so far?

I doubt anything we're doing is "working" in the grand sense. I like what the Hungarian playwright Andras Visky says about this: "The situation is very

good, it is hopeless." Real recovery of any kind will take generations of work and commitment from a cohesive community grounded in history and tradition and place. The important work isn't generally writing and publishing essays. But to the extent we can move people in the right direction, it's a worthwhile contribution. And we know we are read pretty widely within the circles we want to reach. We have been profiled on the front page of the *New York Times*, discussed in various Christian media and argued over at academic cocktail parties. Unfortunately, we aren't in print, so you won't see *tNP* wrapping the day's catch at your local fish-monger's cart—such cultural penetration we can only dream of.

More seriously, the likely impact of *tNP* will be minimal. We are run with a lot of volunteer time from a few dedicated souls, and that really isn't a sustainable model. We have plans to shop *tNP* for substantial third party or institutional funding, but a prudential skepticism counsels that *tNP* will likely take its place in the annals alongside many other small short lived publications.

Can you tell us something of your own religious background?

I'm from Scotch Calvinist stock. My ancestors were lowland Scotts who were part of the Covenanter movement against the Stuart kings. They were the original Whigs, derided by highlanders and Cavaliers alike as "whigamores"—drinkers of sour milk—indicating that they were poor rabble and not to be trusted in matters of either religion or statecraft.

During the religious wars of the 17th Century, the Covenanters continually got the worst of it, whether from Cromwell or Charles II after the Restoration. Many fled to Ireland, and later to the New World.

I was raised in the Covenanter church, probably the oldest continuously existing Protestant denomination in the western hemisphere. It is very small now, but still guards its history and traditions fiercely.

In the 1830s and 40s, the Covenanter church played a significant role in the abolition movement in America, and sent many eastern families west to "Bleeding Kansas" in order to bring Kansas into the Union as a free state. Our family was one of many who immigrated. My grandmother was born in a sod hut on the western prairie. It makes for a fascinating history—agrarian low class Scotts throwing off the weight of religious tradition; turned prosperous industrial Yankees in the new world; turned agrarian sod busters on the American frontier in service of Christian progressivism; turned tiny suburban enclaves in nearly placeless America holding onto tradition as a life raft against wave after wave of anti-Christian progressive reform. It's the American religious story in a nutshell.

To suffer one's place and one's people in service of the Good, the True, and the Beautiful is the basis for finding love, friendship, and an authentic, meaningful life.

Who are some of your favorite authors and books? Why?

My reading is pretty eclectic. All of the larger-than-life personalities from the 16th Century—Luther, Erasmus, More, Rabelais, Shakespeare—for the way they straddle and bind together two great ages of western history. The English conservatives from Samuel Johnson to John Ruskin, and American founders like Franklin and Adams for the way they kept this synthesis alive against increasing progressive pressures. In the 20th Century: Eliot,

Chesterton, Evelyn Waugh, Eric Voegelin in political philosophy, Wendell Berry and other American agrarians in the Jeffersonian tradition, Theodore Roosevelt, all for their veneration of the Christian tradition as the antidote to modern liberalism touched by their zest and zeal for living—for a "thick steak, a frosted stout, and a good cigar" to borrow from Chesterton, or "laughter in the garden" as Eliot had it. I can even appreciate Ayn Rand for sheer American chutzpah. That is what I think the best of the English/American tradition has to offer: the can-do spirit of the American frontier, drunk on a child-like wonderment of the world and its mysteries, all bounded by and put in service of the deep wells of the Christian tradition and of the Church. That's the short list.

Let's get this straight—you're not a fan of the modern world, right?

I suppose I am a critic of modernity, a friendly critic I hope. I have been charged with wanting to "turn back the clock," but I don't think there is much intelligence in that accusation.

I'm sure many people reading this are wondering—why? What's so bad about the modern world?

The overwhelming moral sense I have when surveying the modern world is one of loss. A sense that what we have left behind in our affluence and mobility is a certain kind of Good that flourishes in rootedness and struggle—a way of being human that was always understood as the good life; a kind of self-provisioning that took place within a small network of interconnected social obligations, each to the other and all to a particular place, and to the customs and rites that naturally complimented that place. The spiritual order—both personal and social—of this good life is nourished on a veneration of children, work, craft, a sense of honor in commitments, and a common responsibility.

In place of this, modernity has given us the atomized individual, armed with a plethora of rights, making his way in a system of "opportunity" that requires the spiritual symbolization of society as a ladder to be climbed, which leaves a wake of personal disorder, the destruction of exploited people, places, and traditional communities, and loss of meaning on a massive scale.

Where do we go from here?

That is really the question, isn't it? And of course we can't know for sure, and anyone who says otherwise is lying. I'm thinking particularly of prophets of the inevitability of modern liberalism's triumph; those radical progressives found on both the left and right who see an "end to history." There is no end to history.

It is true that liberalism—which is really the engine of modernism—as an ordering principle is tremendously powerful, and now has the inertia of centuries driving it forward still, but it has some significant weaknesses, chief among them that it lies. It lies about the human condition and it lies about the reality of natural limits embedded in reality. Human freedom and consumption simply cannot expand infinitely. Eventually, the structures supporting such expansion will give way, and it remains to be seen what, if any, civilizing forces will be left to bring order out of that chaos.

Can you give an example of what exactly is going to "give way"?

Liberalism has thrived, to give two different examples, on sexual emancipation and on cheap energy. Both of these trajectories are nearing exhaustion. And when they end, when they are no longer capable of

supporting modernity's notion of a good life, the question will be whether people remember how to marry and have children, or how to maintain an economy that is self-sufficient for the most part within a 50-mile radius.

Faced with this questionable future, what do you think we should do in the here and now?

In the mean time, I think we look to the wisdom of people like McIntyre and Eliot, as I said, who urged that we turn aside from the project of shoring up modern liberalism, and begin to construct new enclaves of civility and order within which a true intellectual and moral life—the Good life—can be sustained. In time, this fertile soil will likely be the only source of order to "save the world from suicide," to borrow Eliot's phrase. Of course the Church is and should be the ideal and supernatural guardian of these enclaves.

You talk a lot about the sense of "place." What do you mean?

One of the phrases I like to trot out is the "discipline of place." It is a discipline we moderns have almost completely abandoned. The idea is to learn—and it is a learning process—to live in love within the limits of one's existence. To suffer one's place and one's people—their joys and sorrows and history which weave a network of

Inevitably either we fail the place or person or idea we are committed to or it will fail us. That's real life though.

memory to which we belong—in service of the Good, the True, and the Beautiful. This is the true basis for finding love, friendship, and an authentic, meaningful life. And really this is the heart of what Christ and the Church Fathers teach us about Christian holiness: master one's passions, deny oneself, and love others. This is the Christian answer to the spirit of death which dwells in the old man, and which, in the increasing absence of Christian holiness, becomes writ large as a Culture of Death. I talk to a lot of Christians who are flummoxed by their relative lack of political success in beating back the culture of death, even at a time of supposed conservative ascendancy and the power of the "values" vote. Of course there are multiple reasons for this, but foremost in my mind is that it does no good to vote an anti-abortion ticket if in one's life and community there is no drive and discipline towards holiness.

Tell us more about how you understand our current situation and why the drive and discipline towards holiness is so essential.

When one lives as a modern—and we almost all do to one degree or another—he is implicated by nearly all the habits of his heart in the same culture of choice he believes he is voting against. When we fail to resist the symbolization of the modern world as a giant machine in which each part relates to all the others in a purely mechanical way, we give in to thinking in the most utilitarian way possible: how can I fulfill my needs and desires most efficiently? And the political question becomes: how can we configure the machine so that each part has the maximum freedom to pursue its own end as efficiently as possible, without interfering with the ends pursued by the other parts.

Society and work and even family and church become ladders to be climbed, and the central spiritual motifs of our time become mobility and choice, and the fruits of this are pretty apparent—massive dislocation, family breakup, the end of meaningful small town and rural life, center-city rot, the end of functional education, economic ruin of small producers and landholders, the devolution of political life into identity and victimization games, and on and

on. The end result of which is a profound existential alienation in the soul of modern man; he is without a home.

And the pernicious logic of choice (which has a kind of weedy genius) in turn capitalizes on its own discontented and confused search for home and meaning by churning out a-hundred-and-one cheap and easy anecdotes. So we are awash in this expansive sea of popular mass culture which offers everything from Martha Stewart to easy birth control to empty entertainment to mega-lo-mart churches and discount-store religion. All of which functions to shield people from ever even approaching anything real: real faith, real truth, real meaning and contentment.

In light of what you've just described, what's been your own response?

Certainly in the life of our family we have tried to figure out what to do, but there is no doubt that it is tremendously difficult to resist the disorders of the age. I think for starters, we need to clear our lives of all the mass culture weeds that choke out authentic growth. Not just the Hollywood weed, but the Wal*Mart weed as well. Read the classics and the Church Fathers instead of junk fiction and self-help crap. And then go about the hard work of learning the discipline of place. Get married. Have kids, lots of them. Don't turn them over to others to raise. When I finished law school I had offers to work at several large east coast law firms for twice the money I could make at home. But home was more important, so we stayed. Shortly after law school, my wife Ann and I, with our four boys, moved to 18 acres outside of town. We try to grow some of our own food, Ann homeschools the boys, we have a commitment to this place and these people that trumps most of the other things we could spend our life pursuing. It isn't perfect or anywhere near that, but it is, we hope, a decent resistance.

Recently I made a move from working at the largest law firm in the state, a job to which I commuted for years, to setting up a solo country practice. There is risk in all of this, I suppose—commitment by its nature portends disaster. Inevitably either we fail the place or person or idea we are committed to or it will fail us. That's real life though. And in that crucible I think the terrible beauty and transcendent hope of the uncertain journey of faith in Jesus becomes real, and our souls become attuned to that reality.

September 19, 2005

Debating Globalization (2)

*An e-mail discussion with Stuart Buck (SB), a lawyer and conservative;
Daniel Knauss (DK), an urban agrarian;
and Caleb Stegall (CS), a country lawyer and upstart hobbit*

CS ► In the discussion published in the previous issue of *Comment*, Jeremy Lott defines globalization as a process of expanding freedoms, and he supports his faith in this process with statistics reflecting decreasing poverty and increasing education in the Third World, longer life, and fewer wars. The arguments seeking to temper Lott's enthusiasm for globalization seem rather impotent in the face of its apparent inevitability.

I think there is a more convincing rationale for tempering our acceptance of the globalization gospel, and I will try to advance it. Apologists like Lott make the rather straightforward argument that globalization is simply the growth of freedom, wealth, and knowledge. "What's not to like?" as Lott puts it. This, however, begs the more important questions. Instead of asking whether we want more freedom or wealth or knowledge, we ought to ask what *kind* of freedom (or what *kind* of wealth or what *kind* of knowledge) we ought to seek and whether the freedom advanced by globalization is friend or foe to proper freedom?

By asking these questions, we are, in turn, asking: What kind of *polis*, or community, ought we to have? What kind of work ought we to have? What kind of souls ought we to have? Will globalization bring us closer to or take us farther from these ideals?

My contention against unquestioning acceptance of globalization has three basic arguments: the argument from democracy, the argument from economy, and the argument from philosophy. This is my tentative thesis: globalization promotes individual freedom over community freedom, consumable wealth over sustainable wealth, and rational knowing over *aletheia* knowing—and that in this way, globalization contributes to the decline of healthy democracies,

healthy economies, and healthy souls.

SB ► The first problem in discussing globalization is defining the term itself. Much of the perceived disagreement over globalization comes because people are really arguing about different things altogether. It is as if one were to conduct a furious debate over the value of democracy, not realizing that one person thought democracy meant the system of government practiced in ancient Athens, another thought it meant post-Enlightenment liberalism, while the third defined it by reference to the democratic People's Republic of China. Thus, one side might defend globalization, having defined it as the spread of free-market policies and free trade, and another side might attack globalization, having defined it in terms of the quite-unfree-market policies of the International Monetary Fund.

This is not to say that globalization is easy to define. The definitions typically offered are exceedingly vague and manipulable. Roland Robertson (*Globalization*, 1992) defines globalization as "the compression of the world and the intensification of consciousness of the world as a whole . . . concrete global interdependence and consciousness of the global whole in the twentieth century." Malcolm Waters (*Globalization*, 1995) defines it as "a social process in which the constraints of geography on social and cultural arrangements recede and in which people become increasingly aware that they are receding." (See <http://www.emory.edu/SOC/globalization/glossary.html>.)

What these definitions mean in concrete terms, I have no idea, nor can I imagine how anyone could take a meaningful position for or against globalization so defined. It would be like arguing for or against interaction.



So the first task is to know what we are talking about—literally.

CS ▶ Stuart is right to call for a closer definition of terms. Globalization, so far as I have used the term, is simply the expansion at home and abroad of liberalized democracy, corporate capitalism, and scientific rationalism, each with their tendency to centralize control and to treat all things as means and nothing as ends. This, I take it, is what most people vaguely think they are talking about when they talk about globalization. These are the forces that Francis Fukuyama proclaims triumphant at the “end of history.”

But even Fukuyama recognized that along with relative peace and prosperity, this global reign of centralized government, corporations, and science would usher in the age of Nietzsche’s “last man.” This last man is he who is so satiated with what is doled out to him that he ceases to strive and thus will soon cease to be human at all. C. S. Lewis called this process the “abolition of man,” whereby liberalization and rationalism conspire to create “men without chests”—men who possess both reason and appetite but who have no means by which their heads may rule their bellies.

The overwhelming success of these forces is their greatest advocate. But since September 11, 2001, Fukuyama’s thesis and the inevitability of globalization itself have been called into serious question. Since radical Islam has raised its head, many people have, rightly, stood in support of what is loosely termed “Western freedom” and in support of the Bush administration’s efforts to rout terrorism wherever it is found—I count myself among them. Thus, at this particular juncture of history, it is awkward (and may even be viewed as unpatriotic for an American) to announce any hesitation over the unimpeded advance of globalization. However, that radical Islam opposes both globalization’s progress and the things I hold dear does not make globalization necessarily friendly towards the latter.

Is there a coherent ground from which one might oppose both globalization and radical Islam? I believe there is. Instead of liberalized democracy, federal republicanism; instead of corporate capitalism, what G. K. Chesterton called distributivism—a decentralized free market char-

acterized by widespread ownership of private property; and instead of the rational mind, the imaginative mind—the religious mind.

DK ▶ Looking at the previous *Comment* dialogue on globalization, I noticed how Jeremy Lott had no problem discussing globalization in very macro-level, abstract, process terms whereas Robert Waldrop was focused on super-specific, concrete, personal, people-with-names-stories-and-faces experiential terms. They were at two opposite extremes, and I want to know if there’s a middle ground.

We all agree on the need for a good, common-ground definition of globalization. I am mostly content with Caleb’s.

However, the expansion of corporate capitalism seems to mean an expansion of markets by a shrinkage of producers or elites who control the markets. The radical swerve toward global media monopolies, at least in the Western world—which defines itself as the centre—has raised a lot of concerns about the disappearance of a sufficiently free public sphere of discourse which then leads to the question of how liberal and democratic society is becoming. The centralizing control and utilitarianism Caleb speaks of is the negative, narrowing force that comes with and is enabled by economic expansion. That dynamic needs some recognition.

I’d also like to add that we shouldn’t just dismiss the common vague definitions of globalization as useless. Stuart is right that they are not useful for defining globalization, but they tell us something about how people are thinking of globalization. Why are they thinking in such vague terms? Why this language of an expanded consciousness, a social process bringing an end to provincial thinking as a holistic awareness of interdependence arises, the receding of “the constraints of geography on social and cultural arrangements”? Or, as the editors of *The Economist* have it, globalism is a living thing, “tugging us in the right direction,” needing our understanding and support?

There are a lot of religious or spiritual-sounding longings in this vague language. *The Economist* editors’ choice of metaphors has gnostic resonances, in the sense of Gnosticism Eric



Voegelin used to describe modern political ideologies like Marxism. Looking at the vague and silly talk about globalization can expose some of the tensions that smarter writers are more adept at concealing.

Speaking of problematic things, I'd like to know how Caleb thinks distributivism, "a decentralized free market characterized by widespread ownership of private property" can come out of globalization, which he has said means centralized markets. What does this look like? McDonald's franchises owned and operated by citizens of Nigeria with a certain measure of profits going into the local economy? Isn't that how it already works?

As for promoting the imaginative, religious mind over the rational mind, a vibrant religious imagination isn't necessarily a good thing—consider the likelihood of major clashes between religious groups in the global South (mainly between Christians and Muslims, but also between different Christian groups).

CS ► What does it mean to be practical in the face of fate? At this point, the triumph of globalization certainly seems to be fated. However, there are other inevitabilities: the inevitability of death and disintegration and of war and pestilence and famine and the whole grab-bag of human miseries which have plagued our species since the beginning. Thus, I start with the concern that when the tide of globalization recedes, it will have left in shambles the defences humane society has built against the less-than-rosy inevitabilities. I think that when we speak of what is inevitable, it is also proper to speak of what is possible, and of what is desirable.

Take the idea of a decentralized market premised on widespread private ownership of property. Could a society pursue a distributivist economic agenda? Consider a few ideas. Restrict vertical integration wherever possible. If you want to grow food, you can't transport or sell it across state/national lines. These kinds of restrictions used to be ubiquitous, in medical services, financial services, etc., but globalization has eroded them almost completely. Reduce reliance on legal fictions, the prime example being the fiction of the corporation. There is no reason at all why

a corporate entity ought to be granted such structural advantages in our law over flesh and blood human beings. Scale back government programs that create movement of resources. And so on.

These are relatively simple reforms that do not violate the integrity of the free market yet would operate to nudge markets into decentralized channels of control. However, they will not be enacted soon because they require a spiritual recognition—a recognition that the forces of globalization (which is essentially a materialistic enterprise) cannot make. Which is why I emphasize the importance of an imaginative or religious mind.

Allen Tate wrote: "This modern mind sees only half of the horse—that half which may become a dynamo, or an automobile, or any other horsepowered machine. If this mind had much respect for the full-dimensioned, grass-eating horse, it would never have invented the engine which represents only half of him. The religious mind, on the other hand, has this respect; it wants the whole horse, and it will be satisfied with nothing less."

This is what I mean when I talk about the imaginative mind—or religious mind—as a necessary check against the forces of globalization. Negotiating spiritual tensions requires that we stop viewing people as machines, as mere discreet materialistic units of production or consumption. We must respect our own blood and humanity; we must see the whole person.

Without a religious mind, the responses to globalization can only fall in two general categories. From the right, there's Lott's just lay back and enjoy it, and from the left, the anti-establishment radicals who generally embrace victimhood and the ethic of personal libertinism. Neither camp effectually confronts the problem because they are each, at their essence, operating from materialistic philosophies.

A better response, and the most practical one, I think, is simply a proper life—a life lived in propriety, a life characterized chiefly by *humaneness*. Such a life does not wear societal structures as a crown of privilege, nor is it so naïve as to think that it can Christianize them, nor does it play the victim. Rather, it bears these structures as a burden, being willing to suffer as they cause suffer-



ing, to die as they cause death. In this way, the spiritual tensions are negotiated through us, not merely by us. Such a life can be a requiem to all that is being lost. And who knows, willingly losing oneself can lead to surprising places.

SB ► I cannot entirely agree with Caleb's definition of globalization, which includes liberalized democracy, corporate capitalism, and scientific rationalism. To this, he contrasts federal republicanism, distributivism, and the religious mind, respectively. While I am certainly open to a debate on the merits of each of these, I'm not sure why the first and third items are on this list.

If, say, Peru and Tibet, each in their own fashion, turn to a more liberal democratic form of government, I see no reason why this change should be called globalization. Neither do I see why globalization would be an apt term if people in, say, South Africa and Uzbekistan happened to turn to scientific rationalism and away from religion. In neither case would the globe necessarily have anything to do with it. What I hope to avoid is a definition of globalization so all-encompassing that it would take several books to have a proper discussion.

Instead, I think that globalization might be most profitably defined in more narrow, economic terms. I would rely on the three-tiered definition that Brink Lindsey suggests in *Against the Dead Hand* (2001): (1) an expansion of economic trade between countries; (2) the elimination of legal barriers to free trade (which causes number 1); (3) the political trend towards legal reform (which causes number 2).

One must resist the temptation to define globalization as necessarily including particular positions on politics, economics, philosophy, and religion not only because that makes globalization too broad a term but also because it is inaccurate. Some favour globalization because they want to achieve even greater riches by trading with foreign countries. Others favour globalization because they think that free trade is the best hope for poor countries to emerge out of poverty. Some oppose globalization for the same greedy reason that others support it—because they want to retain high-paying jobs for people such as themselves, in the process denying such jobs to

far poorer foreigners. Others oppose globalization because they think that it exploits poorer foreigners. And this is not an exhaustive list of reasons, by any means.

People support or oppose globalization because of a wide variety of assumptions, motivations, and philosophies. There is rampant greed on all sides and sincere altruism on all sides. But this diversity is obscured if one begins by defining globalization as inherently implying a particular view of politics and philosophy. That's why I think it may be more productive to separate the economic phenomenon from the conflicting worldviews involved on either side.

Such separation is not always easy, of course, or even possible. If you think that globalization (as I've defined it) empirically causes people to turn towards rationalism and away from religion, then that will influence your point of view. Still, it is stacking the deck to define globalization as anti-religious, thereby short-circuiting the very debate about what, precisely, globalization does imply for religion. It's all too easy to set up an automatic win by defining the terms of the debate.

I think Dan is on the right track when he speaks of finding a middle ground of discourse between the extremes. When globalization is discussed, just as when anything else of importance is discussed, the supporters tend to paint it as all benefits and no costs, while the opposition paint it as all costs and no benefits. In the previous *Comment* debate, for instance, Jeremy Lott said that globalization is "one of the most fortunate developments ever to occur on God's green earth," while Robert Waldrop characterized it as a "demonic manifestation of the culture of death."

Caleb suggests that, as a modest first step towards the ideal of distributivism, we might ban the shipment of food across state or national lines. I think this would be disastrous. Consider the many people who live in northern regions—Chicago, Boston, much of Europe and Russia. Are they never to be allowed to eat the many fruits and vegetables that they could not possibly grow in their climates? Must they spend their long winters eating beef jerky and scrounging for nuts and roots?

Trade in general exists for a very good reason: under most circumstances, it is to both sides'



advantage. To take a highly simplified example, imagine that you are, for whatever reason, unable to do anything with your life except catch lobsters. And imagine that your neighbour can't do anything except grow oranges. Wouldn't you want to trade some food with your neighbour, rather than eat lobster for every meal?

If trade is desirable between you and your neighbour, why should trade suddenly become undesirable because of the boundaries between states/provinces or countries? If California can produce oranges better than Maine (and it can), and Maine can produce lobsters better than California (and it can), then both Californians and Mainers are better off if they can trade between themselves. Without trade, Mainers would be stuck with a fruitless diet, while Californians would never get good lobster. Trade generally makes things better for everyone.

The same is true on a global scale. No country is precisely the equivalent of any other country. All countries have a different distribution of natural resources, labour, capital, education, and other qualities. That's why one country will be good at producing cars, a second is better at producing computers, a third is better at producing clothing, and so on. All countries, on average, are going to be better off if they are both (1) able to sell the stuff that they are good at producing to other countries, and (2) able to buy the stuff they are not good at producing from other countries.

This is true for the same reason that you are better off if you can concentrate on producing one thing that you are good at (whether it be English scholarship or lawyering) and buy everything else you need from other people. If you tried to do everything for yourself—farming your own food, growing livestock, mining and smelting metal to build various household objects (but where would you get the tools in the first place?), mining graphite and chopping wood to construct pencils, growing cotton and making needles so as to sew your own clothes—well, you would never have more than the most threadbare existence. Specialization and trade—both on a personal and country-wide level—allows people to concentrate on what they are best at and thus provides them an opportunity to benefit from the work of other people as well.

CS > Stuart, I do not suggest that we restrict the trade of food across borders. What I suggest is restrictions on vertical integration. Food growers should not be permitted to also own the trucking outfits, the cold storage plants, the processing facilities, and the retail outlets. That is the situation we currently have: absentee corporate ownership of huge farms, say, 50,000 acre dairy farms, along with the trucking, storage, processing, and, ultimately, the retail store where you get the product.

What happens is that these growers/brokers/marketers are able to make enormous profits on the brokering, transporting, and storing of food. They claim that the system creates efficiency and ultimately benefits the consumer. But they don't like to admit that the profits they make on the back end mean that they never make any money on the front end of production. In other words, the farms aren't profitable. And they're not meant to be. They're kept as a huge source of product, a huge source of tax advantage, and a huge source of government handouts.

These centralizers have finagled a structural advantage in the law that there is no reason they should have.

One end result is the decline of sound farming. The idea of breaking up this operation should not be foreign to a free-marketer's ears (in fact, I contend that my argument is made from free-market principals, not in spite of them): it is a simple anti-trust concept.

DK > We can focus on economic globalization for convenience, but I don't see what your difficulty is with the other two points, Stuart. It is impossible for Tibet to become more democratic or Uzbekistan to turn to scientific rationalism without Western influences. Native Micronesian islanders, Malaysian kids, and white American suburban kids who adopt aspects of African-American urban culture do so in their own distinctive way, but the origins in U.S. black culture, which have gone global, are clear.

It is more consistent to focus on the economic phenomena *while* paying attention to the (unpredictable!) influence of the religious and cultural variables on the economic.

Caleb does not stack the deck by defining



globalization necessarily as anti-religious. He says it has modern Western rationalistic and materialistic bases and influences. Would you agree, Caleb, that globalization in this form, coming out of the West, might be altered to conform more to other values and worldviews? As I understand Caleb, that's what he hopes to see—not only that Westerners will change the religious/ideological grounds of globalization as they practice it, but also that, say, Africans will do so.

I think Caleb's recommendations might fare better outside the West, or at least in places where Western modernity has had less influence. But, Stuart, perhaps you object to defining even Western notions of globalization as materialistic? If so, I disagree with that objection. There are likely to be some exceptions, but in the main these notions seem very materialistic. This isn't anti-religious, because materialism is a religion, particularly when it's accompanying scientific rationalism.

On food trade, we think technology can let us take any product to any market with no significant drawbacks. But the fact is every second perishables (especially meat and dairy) are kept in transit between producers and consumers, the nutritional value decreases and the risk of disease increases. Many foods really ought to be produced and consumed within a relatively small area. And we need to protect smaller producers.

Regions that seriously lack the water and arable land to produce grain are forced into a big dependence on foreign producers, which means serious economic and strategic risks. This is why a lot of Middle Eastern countries have gone nuts with deep wells and desert irrigation to the point they've exhausted aquifers which then fill with seawater. No more farming after that, and lots of opportunity for wars stemming from water/food/land issues.

I don't see how globalization will do anything to help these problems—it could make them worse. China's water and food needs are immense, and if there is enough famine at some point, the richer grain exporting countries might shut the poorer but equally needy ones out of the market. The free market isn't going to settle these problems unless you think mass starvation and

wars are inevitable. There needs to be more thinking about expanding markets as coming with expanded responsibility to consumers.

CS ▶ Dan, I think, has appropriately answered Stuart's stacking-the-deck objection to my definition of globalization. The economic is necessarily social, which is necessarily political, which is necessarily moral, which is necessarily religious.

I want to clearly delineate two tracks in our discussion. On the one hand, it is important to think about what is possible and what is desirable. What practical changes can we imagine and argue for that might be put into place. So when I discuss a particular policy as desirable to curb what I see as the destructive aspects of globalization, I am proceeding along the first track. The second track is more elusive, yet perhaps the more important. It tries to answer the question: how shall we live when we stake out essentially lost positions? I think it is vitally important to proceed in life and thought along both of these tracks at the same time.

I'm not opposed to either trade or specialization. In general, these things can be either good or bad, or both, or neither. I do not mean to suggest that no trade should be allowed or that everyone has to mine and smelt iron-ore for their dinner plates, or whatever. I am talking about simple anti-trust stuff.

Allow me to translate Stuart's definition of globalization into its real world, practical effect by loosely paraphrasing Wendell Berry: Globalization is the expansion and enlargement of the modern practice of individuals to write proxies to corporations and governments to provide for their every need—food, clothing, shelter, entertainment, education, child care, health care, elder care, police protection, justice, mercy, and God—all of which were previously provided by the individual, the family, or the community.

In return for these services, people give up their autonomy, their individuality, their independence, their freedom, their will, their imagination, their skill, their community, their families, the very ground under their feet, and, ultimately, their souls. Allen Tate had the metaphor just about right: globalization is simply the process of turning what was a living organism into a



machine.

Now, I know Stuart will not like this flight of rhetorical fancy. He'll rightly demand to know how I go from A to Z.

Back in the 1980s, Nico Colchester, an editor for *The Economist*, wrote a very short essay called "Crunchiness" which quickly became a cult favourite. In the piece, Colchester contrasted what he termed "crunchy" economic policies with "soggy" policies. Colchester explained:

Crunchy systems are those in which small changes have big effects leaving those affected by them in no doubt whether they are up or down, rich or broke, winning or losing, dead or alive. The going was crunchy for Captain Scott as he plodded southwards across the sastrugi. He was either on top of the snow-crust and smiling, or floundering thigh-deep. The further south he marched the crunchier his predicament became. Sogginess is comfortable uncertainty. The modern Scott is unsure how deeply he is in it. He can radio for an airlift, or drop in on an American early-warning station for a hot toddy. . . . Light-switches no longer turn on or off: they dim.

Colchester's thesis was this: "Crunchiness brings wealth. Wealth leads to sogginess. Sogginess brings poverty. Poverty creates crunchiness. From this immutable cycle we know that to hang on to wealth, you must keep things crunchy." So let me switch from Tate's metaphor to Colchester's. Globalization is the process of turning crunchy systems into soggy ones.

The whole centralizing tendency of globalization is predicated on the need to keep people in a "comfortable uncertainty." Thus, it is propped up by false systems of accounting. For example, Colchester pointed to the advent of floating interest rate lending as a soggy policy. Whereas fixed rate lending is crunchy (i.e., both parties know precisely where they stand), the move to floating rates has reduced the necessity of commitment, and "the result is a need for puzzlingly high rates of interest to curb consumer borrowing." Other examples abound, from the insurance industry to health care to the vertically integrated dairy farmer/broker/retailer that I spoke of earlier. Each conceals, in a comfortable way, the true cost of its operation from the consumer. Each makes the consumer feel that he is up or rich or

winning or alive, when the reality is that he may be closer to being down or poor or losing or dead.

Clearly, as Colchester recognizes, this kind of soggy system cannot continue indefinitely. It will, in the end, lead to poverty. This is because where the true cost is concealed, some kind of capital reserve account is being depleted. And this is the current situation; all of our capital reserve accounts are being depleted by the soggy machine of globalization: natural resource reserve accounts, political goodwill reserve accounts, social capital reserve accounts, imaginative reserve accounts, and moral reserve accounts.

This will continue so long as we resolve to remain soggyly comfortable and sated, willingly entering into the Faustian bargain with bigger and bigger corporations and governments, willingly letting the centralizers bleed control away from the local and into the central.

SB > I do not mean to imply that economics should be analyzed free from any consideration of morals, philosophy, or religion. Rather, I suggest that the economics of globalization might, far from leading to a clear-cut answer, instead pose a difficult and perhaps intractable question. On one view, globalization might be a duty; on another view, globalization might be a sin.

As time goes on and more research is done, it is becoming ever more clear that globalization—in the sense of increased trade between countries—makes just about everyone better off in material terms, all things considered. That is not to say that globalization is cost-free, that it has no dangers, no victims, and no potential for devastation. But on average, globalization leads to greater material prosperity for both Third World countries and for Western countries. Surjit Bhalla demonstrates this quite persuasively in his 2002 book *Imagine There's No Country: Poverty, Inequality, and Growth in the Era of Globalization* (available online at http://207.238.152.36/publications/pub.cfm?pub_id=348).

Bhalla demonstrates that the last 50 years, which have seen vast increases in globalization (however defined), have also seen a general decline in poverty and a shift toward greater



equality of income. In material terms, globalization looks like a winner.

So, on one view, one might suggest that duty demands that one support globalization. If globalization empirically leads to more poor people having a way to feed themselves, then it would seem that we should support it.

Is it materialistic to support globalization because it leads to greater material prosperity for poor people? If we were talking about the merits of soap, and I said that the benefit of soap is that it makes people cleaner, it would be odd for the response to be, "That's just a materialistic view." And if we're talking about an economic system, the most relevant question is whether it does what economic systems are suppose to do—allow people to reach greater prosperity and spend their time doing things more enjoyable and enriching than shovelling manure. If they choose to spend their time watching *The Bachelor*, rather than composing literate and thoughtful essays on globalization, then more's the pity—but that is a choice for which they are responsible, not a reason to condemn all material prosperity.

On the other hand, one might think that globalization is bad precisely because it makes people richer on average. . . .

Does globalization lead to greater centralization? Perhaps, but perhaps not. It may lead to larger corporations, but I remain unconvinced that this is something to worry about. There is a natural limit to the size of corporations. At a certain size, the transaction costs of largeness outweigh the benefits of size—which is why corporations spin off subsidiaries, outsource various tasks to other corporations, sell off divisions. And beyond the realm of deliberate action, large cumbersome corporations often find themselves outdone by nimbler, smaller, more innovative competitors.

But if one is mainly concerned with reducing the size and scope of corporations, I know of no way to do it without the forceful hand of a powerful government. It is a false and hyperbolic parallel that would equate large corporations with large government. Governments face no competitive pressures to downsize, innovate, or spin off divisions. Governments maintain a monopoly on the use of deadly force, and once they begin the

trend of growing bigger, few things can stop them short of a war or revolution. Whereas all it takes to make IBM smaller is for people to stop buying its products. That's why, in the grand scheme of things, I am much more concerned about centralization of force and control in the hands of government than I am about the same trends in the business world.

Globalization is likely, on balance, to be of benefit to the poor people of the world. To the extent it is not, the reason is likely to be a lack of sufficient property rights and other legal protections, rather than anything inherent to globalization per se. I know of no means to stop globalization other than creating powerful governments dedicated to restricting freedom and efficiency, and such governments (judging from the entire history of the world) are likely to pose far greater dangers than any corporation ever has.

DK ► We seem to have reached an agreement on several fundamental points. First, as Stuart suggests, "the economics of globalization might, far from leading to a clear-cut answer, instead pose a difficult and perhaps intractable question."

Second, none of us are in favour of an absolute opposition to globalization, and we all see great potential for good in it. But between absolute opposition and absolute support—between seeing globalization as a sin and seeing it as a duty—we recognize "that globalization is not cost-free, that it does have dangers, victims, and potential for devastation."

You can commit to working hard to maximize the benefits while minimizing the hazards of globalization—say, through advocacy for restrictions on vertical integration—and I think this is exactly what some people need to take up as their calling. But they and their supporters will be mistaken if they expect that their program is going to grasp and refashion societal structures into something wholly good or even something that's not very bad or only bad some of the time for some people.

I think of Tolkien's ring of power here—we can't wear it and transform it; we have to bear it until the end of the world, trying to contain and mitigate its evil short of wearing it, all the while being poisoned by it. ◉



in Law Institute
ers together to
of all the states
over, these re-
is model codes,
ode, often dis-
lished in most
a "better view"
rs themselves.
on has brought
rules of action
professionals,
observers have
the increased
that have ac-
what has been
ine-tuned suit-
ds and historic
ility of judges,
to use prudent
ne whether lo-
es.
aw survives to-
lication of its
aw cases. Most
self-identified
re force to pre-
ty in constitu-
ition being a
edent should
rudence. This
notwithstand-
test legacy re-
ambodies—one
ablished prac-
should act un-
ing our com-
d according to
ions.

See also: *Bill of Rights; Constitution, interpretations of constitutionalism; customs; Kent, James; law and economics*

community

In the years following the French Revolution, conservative thinkers reacted with relatively unanimous skepticism or outright horror at the forces of individualism and progressivism that had erupted with such violence against ancient traditions and institutions during that conflagration. Conservatives like Edmund Burke and Joseph de Maistre recoiled at the new conception of the human person as an atomized and fully free moral agent, possessed of abstract natural rights to be realized unconstrained by social limits. When entrenched as a movement of the people, they argued, this radical expression of individual will would not only destroy the whole structure of moral order on which western civilization was founded, but would also result in the rise of absolutist despotism.

The optimism of the Victorian Age found little that was convincing in this dour conservative outlook. With the popular penetration of the powerful idea of progress, the autonomous individual and his freely expressed will began to seem a self-evident and unmitigated good. The values of the age of progress—the maximum attainment of personal freedom combined with the maximum attainment of efficiency, mobility, uniformity, neutrality, and objectivity in the exercise of political, economic, and social power—were likewise taken largely as articles of faith. When Jeremy Bentham claimed to be able to legislate for all of India from the comfort of

his English study, it was hardly puffery or idle boasting. Rather, as Robert Nisbet has noted, it epitomized the profound confidence that the new political theorists had in the objective power of reason to solve all the problems of human relations and in the individual as the universal, primary unit of social and political order. Bentham, Mill, and other nineteenth-century apostles of progressive liberalism paid little heed to conservatives such as John Ruskin who were calling attention to the social cost of rationalism and individualism: the scattering of families, increased urbanization, and the disintegration of ancient allegiances—or, in other words, the destruction of communities of belonging that had persisted for centuries. To liberal theorists, this historical process was viewed not as tragic, or even (usually) as regrettable, but rather as signaling the glorious rebirth of man as he became progressively emancipated from the tyranny and irrationality of the past.

The skeptical attitude of European conservatives towards progressivism was never quite as strongly shared by their American counterparts. America, by the very nature of its discovery, settlement, and political birth, was literally a "new world"; a place of nearly limitless opportunity constrained only by the strength of a man's back and the sharpness of his wits. The frontier spirit, buttressed by a Puritan heritage that emphasized individual responsibility and strict moral self-discipline, made the idea of the self-sufficient, rugged individual seem a rather conservative ideal, one which did not necessarily threaten the bonds of family, church, and community. In *Democracy in America*, Alexis de Tocqueville described the New World in biblical terms—a pristine continent provided to Europe's castoffs as if newly risen from the receding waters of the great flood, a nearly empty and seemingly inexhaustible land in terms of both sheer physical space and material wealth. This geo-

graphic wonder imprinted itself on the American Puritan soul, Tocqueville explained, creating a new kind of man far less susceptible to the chaotic passions of his cramped and world-weary European cousins. Even so, Tocqueville warned that despite their natural advantages, should Americans ever give themselves over entirely to their private interests, the social bonds and traditional institutions necessary for a democratic republic would fail.

Democracy in America remains the necessary starting point for understanding the dynamics of community in America, and Tocqueville's insights into the push and pull between American individualism and the need for communal ties certainly have been played out across the spectrum of American conservative thought. The dominant direction of this thought, however, has not been kind to strong defenses of community. The American experiences of Revolution against Britain, Civil War and abolition of slavery, suffrage and the political enfranchisement of women, the civil rights struggle, and the sexual revolution all have tended to promote, or be incorporated into, a view of history as the story of man's progressive shedding of oppressive yokes—yokes usually proclaimed as necessary constraints by their defenders. American political thought has always had, and has continued to develop, a muscular theory of the individual rights of man. Conservative thinkers, to gain purchase on the American mind, have been forced to trace their policy and social prescriptions to some basis in individual rights. American conservatism has therefore developed an instrumentalist and mechanical view of community and social bonds: they exist as a means to preserve the maximum freedom and efficiency of individual action. When David Walsh, for example, argues against abortion in *The Growth of the Liberal Soul* (1997), he does so on rights-based grounds: abortion weakens the sanctity of all individuals, but this

idea provides the necessary foundation for personal autonomy and freedom, runs the argument, so it must be defended.

The conservative veneration of individual autonomy as the central truth that must be vindicated by the social and political order reached its height with the twentieth-century development of libertarianism, and in particular with that strain of euphoric libertarianism preached in the writings of Ayn Rand. In both her nonfiction essays and especially in her fictional characters, Rand elevated the uncompromising, self-sufficient, immensely capable individualist and capitalist into a conservative hero. For the Christs of Rand's gospel of selfishness, communal restraints and the demands of personal, concrete relationships and small social groups were evil impediments to be overcome on the way to a cross of self-actualization. This vision of conservative virtue as something utterly opposed to communal belonging gained considerable influence on conservative thought during America's postwar struggle against the Soviet ideology of collectivism, and it continues to exert a strong influence on the conservative tradition today.

Not all postwar conservatives, however, were so blinded by their hatred of communism that they abandoned all concepts of true community. Conservative traditionalists like Russell Kirk decried the influence of libertarianism on traditional communities and the networks of social obligations inherent in words like kin, church, village, class, caste, and craft. Kirk's broadsides against libertarian individualists were passionate: he denounced the "decadent fervor" (Marion Montgomery's term) of the libertarians, and declared that any cooperation between libertarians and conservatives was akin to advocating a "union of fire and ice." Two of the most thoughtful defenses of traditional community as a conservative ordering principle were published within a year of Kirk's *Conservative Mind* (1953): Nisbet's *The*

Quest for Community (1952) and Eric Voegelin's *The New Science of Politics* (1953).

Nisbet begins his study on the place of community in American political and social life by examining the failed promises of progress. By the postwar period, America had filled up. A sense of dread and ennui had spread through society, and the dominant tropes of psychospiritual expression were no longer found in terms like optimism, progress, change, and reason, but rather alienation, disintegration, decline, and insecurity. Americans, according to Nisbet, no longer seemed to trust or valorize the selfish Randian hero. The problem, he thought, was not technological tyranny or consumer greed or increasing secularism, but the distribution of political power. Modern man's nervous preoccupation with finding meaning in community is a manifestation of the profound social dislocation caused by the unique power structure of the Western political state. As Western political power had become increasingly centralized, impersonal, and remote, it had atomized the individual and relegated communal interests and relationships to the realm of private personal preference. Nisbet locates the profound unrest in the American soul not so much in the disappearance of communal relationships but in the utter dissociation of those relationships from the exercise of real political and economic power. Traditional communities and the religious, familial, and local ties that bind them have not so much been lost, in Nisbet's view, as they have become irrelevant at the deepest levels of meaning. It is here, in the unmediated exposure of the individual will to the impersonal power of the state (and to a lesser extent, the market), that Nisbet finds the root cause of man's spiritual crisis.

Voegelin's *New Science* tracks a similar course, providing conservative thought with a powerful analytical tool for understanding the spiritual dimensions of the phenomena

Nisbet so clearly modernity could cal commitment words, a fundam the uncertainty Impatience for r beyond the hu communities le imbue human e with the ultima ditional Christ "immanentizin Voegelin explai project of rema the dictates of

Both Nisbet dox that moder continuous w: declared desire f: argues that wi tional commu litical power, t mechanization munication be sense of mor Voegelin desc: ments once re: munities had l: ments which: munities and ing sense of h

During th and especially servatism has mism and reg: dence in the Reagan's see: the Soviet er: contemporar moral worth Taking their vative instit: seek a new: the primacy need for soci synthesis are

and Eric Voegelin's (1953).
 dly on the place of political and social ailed promises of eriod, America had ad and ennui had and the dominant expression were no s like optimism, eason, but rather 1, decline, and inse- ding to Nisbet, no or valorize the self- oblem, he thought, ranny or consumer larism, but the dis- wer. Modern man's with finding mean- anifestation of the tion caused by the of the Western po- political power had ralized, impersonal, ized the individual il interests and rela- of private personal es the profound un- J not so much in the nunal relationships ation of those rela- cise of real political aditional communi- mial, and local ties t so much been lost, y have become irrel- els of meaning. It is d exposure of the in- ersonal power of the ent, the market), that ause of man's spiri-
 ence tracks a similar rvative thought with ol for understanding ns of the phenomena

Nisbet so clearly describes. For Voegelin, modernity could be summarized as a heretical commitment to Gnosticism, or in other words, a fundamental dissatisfaction with the uncertainties and limits of existence. Impatience for moral meaning and certainty beyond the humble limits of traditional communities leads the Gnostic thinker to imbue human existence in the here and now with the ultimate meaning reserved by traditional Christianity for the next life. By "immanentizing" the Christian eschaton, Voegelin explains, modern man took on the project of remaking existence according to the dictates of political ideology.

Both Nisbet and Voegelin note the paradox that modernity is both marked by nearly continuous warfare and a universally declared desire for peace. Nisbet persuasively argues that with the dissociation of traditional communities from the centers of political power, the modern disciplines of war, mechanization, bureaucracy, and mass communication become invested with a strong sense of moral identity and belonging. Voegelin described how the ardent commitments once reserved for local religious communities had been transferred to mass movements which stood as surrogate moral communities and provided an otherwise missing sense of historical purpose.

During the latter stages of the Cold War, and especially since its end, American conservatism has taken up the mantle of optimism and regained some of its earlier confidence in the rugged individual. Ronald Reagan's seemingly single-handed defeat of the Soviet empire is a powerful symbol in contemporary conservative thought of the moral worth of one individual's iron will. Taking their cue from Reagan, many conservative institutions and publications today seek a new conservative synthesis between the primacy of individual freedom and the need for social belonging. The ideals of this synthesis are put on display in the presidency

of George W. Bush, who has managed to conjoin strong religious convictions and a stated commitment to preserving the traditional family and prepolitical communities with an underlying progressivism and a nearly Gnostic commitment to creating unrestrained political and economic freedom abroad.

Whether such a synthesis can successfully be maintained remains to be seen. There is good reason to be skeptical. With one of the most unique, eloquent, and deeply conservative voices of the late twentieth century, Wendell Berry has fashioned from his career a kind of long, poetic lament for the final passing of rural America and of its people, places, rites, and rituals. Community, for Berry, is ultimately about membership: it is a group of people embedded in a place and a network of memory who belong to one another. Within such a community, even individual moral decisions must account for that belonging. As a brilliant essayist and naturalist, Berry has offered in works such as *The Unsettling of America* (1978), *The Gift of Good Land* (1981), and *Sex, Economy, Freedom and Community* (1993) a stinging critique of the false communities of war, international markets, and sexualized consumerism. A central theme throughout is the way in which modern structures break apart that which authentic communities bind together: consumption and production, sex and fertility, freedom and responsibility. Berry demonstrates persuasively that no amount of moralizing will check the corrosive character of abstract freedom, especially economic freedom. As a result, even in a political period of supposed conservative ascendancy, local familial, religious, and rooted communities continue to suffer decline because they are unable to provide a plausibly authoritative account for, not to mention enforce, those norms rooted not in law, markets, or choice, but in tradition, faith, and a deep respect for the particularity of place.

—CALEB STEGALL

First They Came for the Horses:
Wendell Berry and a Technology
of Wholeness

Caleb Stegall

To be sane in a mad time
is bad for the brain, worse
for the heart.

—“The Mad Farmer Manifesto: The First Amendment”

There is a scene in Wendell Berry's novel *Remembering* in which the protagonist, Andy Cartlet, coming to terms with having lost his hand in a farming accident, considers its technological replacement. Teaching himself not to be repulsed by the prosthetic, Andy tells himself, “It is only a tool. It is not a hand. . . . It is a tool, only a tool. His hand is gone.”

This captures at the most basic level Berry's posture toward technology. Our late-modern society is reflexive in its praise and genuflection before the spectacle of technological progress and advance. We are bedazzled. We are impressed. We marvel: “How do they do that?” “What will they think of next?” Berry, on the other hand, is wary. He knows that many tools represent not an addition but instead a profound subtraction. It is not a hand. It is a tool. His hand is gone.

In *Remembering*, Andy Cartlet considers his life in light of his literal dismemberment. Cartlet, of Berry's fictional Port William membership, grew up, got educated, and moved to the city to become a journalist for

agribusiness interests. At one point, he was sent by his magazine to interview the man named that publication's "Premier Farmer of the Year," Bill Meikelberger, "one of the leaders of the shock troops of the scientific revolution in agriculture."³

Andy discovers that Meikelberger farms two thousand acres, having patiently bought out all his neighbors. He "owned a herd of machines and "had an office like a bank president's." "On all the two thousand acres there was not a fence, not an animal, not a woodlot, not a tree, not a garden."⁴ But there was corn from wall to gullet. Andy arrives to find Meikelberger alone in his vast home, his wife at work in town and his children having flown the coop.

Andy is surprised during the interview to learn that the Premier Farmer is in debt and is told that "debt is a permanent part of an operation like this. Getting out of debt is just another old idea you have to junk. I'll never be out of debt. I never intend to be."⁵ Meikelberger pops some pills for his stomach ulcer and declaims,

You can't let your damned stomach get in your way. If you're going to get ahead, you've got to pay the price. You're going to need a few pills occasionally, like for your stomach, and sometimes to go to sleep. You're going to need a drugstore just like you're going to need a bank.⁶

Technologically advanced pharmaceuticals and the wizardry of capitalist financing are just tools in the Premier Farmer's toolbox. But to Berry, they are prosthetics, stand-ins for a healthy body and a self-sufficient and free family economy. They represent not an advance but a profound loss: "Meikelberger's ambition had made common cause with a technical power that proposed no limit to itself, that was, in fact, destroying Meikelberger; as it had already destroyed nearly all that was natural or human around him."⁷ *His hand is gone.*

Upon leaving the dead zone of Meikelberger's premier farm, Andy comes across an Amishman working his fields with a team of horses. He is drawn to them; they remind him of his childhood working horses. After a short conversation, the Amishman offers Andy the reins.

As he drove the long curve of the plowland, watching the dark furrow open and turn, shining and fresh-smelling, beneath him, Andy could feel the good tilth of the ground all through his body. The gait of the team was steady and powerful, the three mares walked well together, and he could feel in his hands their readiness in their work. Except for the horses' muffled footfalls and the snutter of the plowshare in the roots of the sod, it was quiet. Andy heard the birds singing in the woods and along the creek.⁸

After a meal with the Amish family, Andy learns that they farm the same eighty acres that have been farmed by the family since their arrival a generation before. They have money in the bank and a thriving family economy. The farm is full of life—livestock, crops, garden, orchard, bees, and children. Andy wonders if the Amishman has ever considered buying more land and is told, "If I did I'd have to go in debt to buy it, and to farm it. It would take more time and help than I've got. And I'd lose my neighbor." Asked if he would consider mechanizing the farm, he replies, "What for? So my children can work in a factory?"⁹

By the end of the day, Andy realizes that while the Amishman is prosperous, content, and free, the man lauded as Premier Farmer of the Year is "on two thousand acres . . . liv[ing] virtually alone with his ulcer" and has become "the best friend that the bank and the farm machinery business and the fertilizer business and the oil companies and the chemical companies ever had."¹⁰

The catalyst of all of Andy's remembering is a conference he attends of assembled experts and corporate reps in San Francisco to address the topic "The Future of the American Food System." At the conference, one speaker after another forcefully asserts the argument of inevitability, culminating in the address of a man described only as a "high agricultural official." The High Official begins by saying that he "grew up a farm boy" but continues: "Let's face it. Those days are gone, and their passing is not to be regretted. . . . I want to live in a changing, growing, dynamic society. I want to go forward with progress into a better future."¹¹ After this litany of techno-bureaucratic, the High Official piously intones that "this is economics we're talking about. And the basic law of economics is: Adapt or die. Get big or get out." Those who have gotten big are "as savvy financially as bankers. And they are enjoying the amenities of life—color TV, automobiles, indoor toilets, vacations in Florida or Arizona."¹²

During this diatribe of inevitability, Andy recalls his own grandfather saying, "If you're going to talk to me, fellow, you'll have to walk."¹³ This is Berry's invitation and quiet, almost unheard rebuke to the pontificators and bloviators of *The Way Things Are*.

If you're going to talk to me, you'll have to walk.

Walking has a way of gently imposing limits while opening a surprising expanse of the possibilities of being human. Here is Berry at his disarming finest. You want to talk technology to me, fellow, you'll have to walk. Berry knows that talk is cheap, but the walk is free, and that's the catch. Who has the courage for such freedom in the face of ubiquitous cheapness?

What Are People For?

From the heron flying home at dusk,
from the misty hollows at sunrise,
from the stories told at the row's end,
they are calling the mind into exile
in the dry circuits of machines.

—*A Timbered Choir*¹⁴

The work of Wendell Berry resists any system that might be imposed upon it. An honest encounter with Berry cannot help but leave one with the sense that here is something sui generis—the way the words fructify in the life, and the life in the words, and both in their fraternity with the reader. The work of the essayist, then, who steps by necessity outside this fraternity, is something of a betrayal. Attempts to analyze what Berry may be saying about any discreet subject amounts to an essential diminishing.

While Berry's juxtaposition of these two farmers in *Remembering* will admit to a certain amount of stereotyping and perhaps exaggeration to demonstrate a truth, it is a perfect illustration of Berry's method of answering the most vexing questions of late modernity. Berry recognizes that abstract arguments about any issue—the impact of modern toolmaking and using in this case—serve as an essential distraction that always ends up tilting the argument in favor of the inevitability of the status quo. Throughout his entire corpus, Berry resists, ferociously at times, being

drawn into this dead end. He knows that man has always made tools—it is essential to who we are, and to civilization itself. He asks only whether any particular toolmaking and using represents a dismemberment or, as Andy discovered on the Amish plow, a profound amplification of what it means to be human.

What *can* be said is that Berry loves himself and his life. Or he loves the fact that he is a human being, a person who is alive and has been given a human body with hands and feet and eyes and ears and a human heart enmeshed with other people and the places their bodies occupy.

Berry is one of that rare and disappearing breed—an authentic humanist. He resists, sometimes violently, any classification, recruitment into any movement, and any reading that would place him on one side or the other of any "issue." Berry is no one's tool. He speaks only for himself and his own striving for that essential wholeness that is his one answer to the one question he deems worthy of asking: "What are people for?"

This realization, by itself, tells us quite a bit about what Wendell Berry thinks of technology (and everything else), if we will let it. Berry once wrote of Edward Abbey that his virtue was that "because he speaks as himself, he does not represent any group, but he *stands* for all of us."¹⁵ So, too, Berry.

People are for *wholeness* says both Berry's talk and his walk. Teasing out the complexities, elegance, contradictions, beauty, tragedy, and deep mysteries of this basic principle has been the intense focus of Berry's life and work. He is a sane man in a mad time whose great, tenacious effort has been to "conserve *himself* as a human being in the best and fullest sense."¹⁶ "He is fighting for the survival not only of nature but also of *human* nature, of culture, as only our heritage of works and hopes can define it."¹⁷

Berry, the poet, essayist, novelist, eulogist for rural America, and farmer, doesn't just walk the walk; he talks while he walks. In his poem "Horses," Berry laments:

The tractors came. The horses
stood in the fields, keepsakes,
grew old, and died. Or were sold
as dogmeat. Our minds received
the revolution of engines, our will

stretched toward the numb endurance of metal. And that old speech by which we magnified our flesh in other flesh fell dead in our mouths.¹⁸

Against this "revolution of engines," Berry posits at least three things that people are for—utility, freedom, and membership—that can either be diminished or enhanced by our tools. Though Berry would never be caught stepping through a field of cow pies imposing such an analytical framework on the proper use of tools, it will be helpful to see more clearly his specific treatment of the question in light of each of these human purposes, that we might move once again toward magnifying ourselves in our tools.

Utility

This modern mind sees only half of the horse—that half which may become a dynamo, or an automobile, or any other horse-powered machine. If this mind had much respect for the full-dimensioned, grass-eating horse, it would never have invented the engine which represents only half of him.

—Alan Tate, "Remarks on the Southern Religion"¹⁹

Berry's most direct treatment of technology is his essay "Why I Am Not Going to Buy a Computer," originally published in *Harper's*, in which he declares simply: "As a farmer, I do almost all of my work with horses. As a writer, I work with a pencil or a pen and a piece of paper." He elaborates briefly that his wife prepares his manuscripts on a reliable 1956 Royal standard typewriter. Berry resists the computer because, as he puts it, "I disbelieve, and therefore strongly resent, the assertion that I or anybody else could write better or more easily with a computer than with a pencil." He concludes the short essay by giving nine standards by which he judges technological innovation:

1. The new tool should be cheaper than the one it replaces.
2. It should be at least as small in scale as the one it replaces.

3. It should do work that is clearly and demonstrably better than the one it replaces.
4. It should use less energy than the one it replaces.
5. If possible, it should use some form of solar energy, such as that of the body.
6. It should be repairable by a person of ordinary intelligence, provided that he or she has the necessary tools.
7. It should be purchasable and repairable as near to home as possible.
8. It should come from a small, privately owned shop or store that will take it back for maintenance and repair.
9. It should not replace or disrupt anything good that already exists, and this includes family and community relationships.²⁰

This is a fairly short, easy to grasp standard of utility, and anyone abiding by it won't be steered far wrong. Here Berry expresses his first measure of a tool—that it is for doing something well.

Harper's readers, however, raised a great hue and cry from quarters technophile and feminist, objecting to Berry's neglect of The Future and to his wife's enslavement to "drudgery." In response, Berry wrote a lengthy rebuttal called "Feminism, the Body, and the Machine." In it, he expands on his understanding of utility. "After several generations of technological progress, in fact, we have become a people who *cannot* think about anything important."²¹ Human thought is at the heart of all utility. Tools that eliminate thought eliminate usefulness as far as Berry is concerned, and those that amplify and magnify thought enhance a person's ability to do a task well.

Applied to the question of the pencil versus the computer, Berry argues that "the computer apologists . . . have greatly underrated the value of the handwritten manuscript as an artifact."²² Handwritten pages look "hospitable to improvement," and as such, according to Berry, "the longer I keep a piece of work in longhand, the better it will be."²³ Here is a powerful argument, if true, in favor of the pencil over the computer strictly on the grounds of utility. Berry has the audacity to suggest that a pencil is actually a better tool for the task of writing. Here is something unexpected by the legions of techno-hawkers—an argument that challenges technological enhancement on its presumed home turf of superior utility.

But it is a fair question and deserves a fair hearing, as heretical as it may seem. Is a pencil the better tool? Berry offers a compelling case for the affirmative that, if nothing else, clarifies his essential posture towards any tool. "Much is made of the ease of correction in computer work, owing to the insubstantiality of the light-image on the screen; one presses a button and the old version disappears, to be replaced by the new."²⁴ On the other hand, "because of the substantiality of paper . . . one does not handwrite or typewrite a new page every time a correction is made."²⁵ What difference should this make? A tremendous difference, as it turns out.

Berry explains that a "handwritten or typewritten page therefore is usually to some degree a palimpsest; it contains parts and relics of its own history—erasures, passages crossed out, interlineations—suggesting that there is something to go back to as well as something to go forward to." Pixelized text can never achieve such historical solidity. It is part of what Berry terms the "industrial present, a present absolute." "A computer destroys the sense of historical succession, just as do other forms of mechanization. The well-crafted table . . . embodies the member of . . . the tree it was made of and the forest in which the tree stood. . . . All good human work remembers its history." Good writing, then, "is full of intimations that it is the present version of earlier versions of itself, and that its maker inherited the work and the ways of earlier makers."²⁶

Utility requires thought; thought requires a past; a past requires a community of fellow laborers. Berry's insights in defense of the humble pencil are helpfully clarified by the thought and categories introduced by an earlier critic of technological progress, Ivan Illich. In *Tools for Conviviality*, Illich writes:

I choose the term "conviviality" to designate the opposite of industrial productivity. I intend it to mean autonomous and creative intercourse among persons, and the intercourse of persons with their environment; and this in contrast with the conditioned response of persons to the demands made upon them by others, and by a man-made environment. I consider conviviality to be individual freedom realized in personal interdependence and, as such, an intrinsic ethical value. I believe that, in any society, as conviviality is reduced below a certain level, no amount of industrial productivity can effectively satisfy the needs it creates among society's members.²⁷

Illich goes on to describe how convivial tools facilitate free and creative interplay between people, places, institutions, generations, and the memory that binds them all together as an indivisible "community." Industrial tools, on the other hand, come "pre-packaged." Their meaning is self-contained and imposed on the user who must acquiesce to the demands of the tool. The difference can be seen, for example, between a textbook and a work of literature. The former imposes its meaning on a user; the latter invites the reader to participate in a historical community composed of an unbroken chain of authors, texts, and readers.

Illich's categories elucidate Berry's argument that industrial tools simply are not as well equipped to perform their function. They diminish rather than enhance us; they are the prosthetic hook as opposed to the convivial hand. This understanding requires that we accept Berry's broad and deep definition of usefulness. To be useful, a person must be not only skilled but also joyful, creative, well rested, and in constant communication with others, past and present. Industrial tools cut off and reduce the possibility for all of these things.

A final aspect of utility for Berry is beauty. A useful tool is a thing of beauty. People know this instinctively, even if they resist the knowledge. Conversely, where there is no beauty, it is at least reasonable to question a tool's utility. Berry tells the humorous story of how he learned to dispose of his Weedwacker (a "power scythe" before the ad geniuses had a chance to do their work) in favor of a sleek, elegant hand scythe. The grass scythe is, Berry says, "the most satisfying hand tool that I have ever used."²⁸ It is light, easy to handle, adaptable, safe, quiet, never fails to start, and "runs on what you ate for breakfast." The hand scythe is a thing of beauty for two specific reasons—joy and rest—both of which turn out to be essential to a tool's usefulness.

"I never took the least pleasure in using the power scythe, whereas in using the [hand] scythe, whatever the weather and however difficult the cutting, I always work with the pleasure that one invariably gets from using a good tool," Berry writes in *The Gift of Good Land*. Furthermore, because it is quiet and safe, the hand scythe "allows the pleasure of awareness of what is going on around you as you work."²⁹ In addition to the pleasure of its use, the hand scythe is naturally limited by the "simple bodily weariness" of the cutter, which is always a prerequisite to his good and well-earned rest. "The power scythe, on the other hand, adds to the

weariness of exertion the unpleasant and destructive weariness of strain." This is because the power tool "imposes patterns of endurance that are alien to the body" such that "as long as the motor is running there is a pressure to keep going."³⁰

But without a doubt, the central symbol of conviviality in American life for Berry is the farm horse. Berry returns to the horse again and again in his essays, poetry, and novels as both the symbol and actual representation of technological perfection—and its perfection is most perfect in its beauty as a conduit for magnifying what is human. Human agricultural proficiency reached its technological apex in the era of horse-drawn implements. "The coming of the tractor made it possible for a farmer to do more work, but not better. And there comes a point, as we know, when *more* begins to imply *worse*. The mechanization of farming passed that point long ago . . . when it passed from horse power to tractor power."³¹

With the disappearance of the horse as the ubiquitous tool of the American farmer, in Berry's diagnosis, came a host of ills, all of them ugly. The "efficiencies" of the tractor displaced millions. Mass migration to cities has created a host of problems loosely grouped under names like "urban decay" or the "crisis of the American city"—"and the land is suffering for want of the care of those absent families."³²

Thus, "the coming of a tool" such as the tractor "can be a cultural event of great influence and power."³³ Those who would dismiss Berry as "antitechnology" are guilty of a grievous misrepresentation. He is more in favor of tools of conviviality than anything else, but to the extent he recognizes the coming of industrial tools as a profound event of cultural loss, he resists. He declares, simply, "Do I wish to keep up with the times? No."³⁴ More often, however, Berry's work expresses the usefulness and beauty of convivial tools. Here he is hymning the wonder of the technology of the horse:

. . . And so

I came to a team, a pair
of mares—sorrels, with white
tails and manes, beautiful!—
to keep my sloping fields.
Going behind them, the reins
tight over their backs as they stepped

their long strides, revived
again on my tongue the cries
of dead men in the living
fields. Now every move
answers what is still.

This work of love rhymes
living and dead. A dance
is what this plodding is.
A song, whatever is said.³⁵

Could such lyrical praise ever be concocted for the computer hard drive, the electric can opener, or the Weedwacker?

Freedom

A major characteristic of the agrarian mind is a longing for independence—that is, for an appropriate degree of personal and local self-sufficiency. Agrarians wish to earn and deserve what they have. They do not wish to live by piracy, beggary, charity, or luck.

—*Citizenship Papers*³⁶

After utility, people are for freedom. That is, without the ability to provide for our own needs and the needs of those closest to us, we are less than fully human. Berry clearly recognizes that certain tools magnify human freedom, while others diminish it. It is interesting, again, to note Illich's essential characterization of industrialization as a form of imprisonment:

People need not only to obtain things, they need above all the freedom to make things among which they can live, to give shape to them according to their own tastes, and to put them to use in caring for and about others. Prisoners in rich countries often have access to more things and services than members of their families, but they have no say in how things are to be made and cannot decide what to do with them. Their punishment consists in being deprived of what I shall call "conviviality." They are degraded to the status of mere consumers.³⁷

Berry advances this argument. Consumers are no better than well-treated prisoners, and the American economy of industrial tools is designed entirely around the project of reducing autonomous tool users into pathetic, imprisoned consumers. The essential characteristic of their imprisonment is a loss of what we have been calling, according to Illich's categories, conviviality.

The industrial age has given us many tools, says Berry, "but little satisfaction, little sense of the sufficiency of anything."³⁸ This is because the primary product of industrial tools is dissatisfaction and discontent. Perversely, this is by design, for only in dissatisfaction can the user be imprisoned in the status of consumer, always ready to snap up the next thing, helpless to do for himself.

Berry, like any humanist worth the title, resists vehemently the commodification of all things by an industrial economy and through industrial tools. But importantly, his resistance is founded primarily on a defense of human freedom.

[D]espite their he-man pretensions and their captivations by masculine heroes of sports, war, and the Old West, most men are now entirely accustomed to obeying and currying the favor of their bosses. Because of this, of course, they hate their jobs—they mutter, 'Thank God it's Friday' and 'Pretty good for Monday'—but they do as they are told. They are more compliant than most housewives have been. Their characters combine feudal submissiveness with modern helplessness. They have accepted almost without protest, and often with relief, their dispossession of any usable property and, with that, their loss of economic independence and their consequent subordination to bosses. They have submitted to the destruction of the household economy and thus of the household, to the loss of home employment and self-employment, to the disintegration of their families and communities, to the desecration and pillage of their country, and they have continued abjectly to believe, obey, and vote for the people who have most eagerly abetted this ruin and who have most profited from it. These men, moreover, are helpless to do anything for themselves or anyone else without money, and so for money they do whatever they are told.³⁹

What an indictment! What a picture of servitude and, in fact, slavery to the industrial model by and through the use of industrial tools that dispossess and render helpless! Far from being an effere discussion of aesthetics (which is what the bosses and other boosters of industrial serfdom would have all the macho-pretenders believe—the better to keep them doing as they are told), Berry knows that a society's use of tools is foundational to its freedom or lack thereof.

Berry writes that these prisoners of industrial tools know "that their ability to be useful is precisely defined by their willingness to be somebody else's tool." This sentence is the guts of Berry's criticism of industrial technology. The desire to be useful—Berry's first answer to the central question of what people are for—is turned from a human virtue to a weapon. A weapon that feeds off of helplessness to strip—mine the most valuable human resource—human liberty. Best, it is not taken by force of whip and chain but surrendered under a perverse form of voluntary extraction.

Notice especially the particular form that this voluntary surrender takes—a "willingness to be somebody else's tool." The true end of industrial tools—the *télos* of an industrial tool—is not usefulness, it is not getting the job done, it is not even ease and speed and the "freeing" of leisure time in order that people may "escape" the drudgery of handiwork or "save" their "labor." Instead, in a reversal of language and meaning worthy of Orwell, these tools have as their primary function the essential reduction of human beings to tools themselves for the magnification of the bosses. Such perversity and insult! Should the masses ever grasp this fact, there will be violence in the streets.

It is a fair characterization of Berry to say that he is of the view that no sooner did man step out of the saddle and trade his horse for a tractor than he himself was saddled and put to the spur. First they come for the horses, and the next thing you know, the bit is in your mouth. It is an apt and chilling metaphor.

On the other hand, the tools that amplify man's essential freedom are those that make him sufficient to his work, able to enjoy the produce of that work, and dependent on no one farther away than the local repairman in a pinch. The "central figure" of an economy based on convivial tools "has invariably been the small owner or small-holder who maintains a significant measure of economic self-determination."⁴⁰ "A mind so placed meets again and again the necessity for work to be good." This convivial

impulse "is less interested in abstract quantities than in particular qualities. It feels threatened and sickened when it hears people and creatures and places spoken of as labor, management, capital, and raw material. It is not at all impressed by the industrial legendry of gross national products."⁴¹

Instead, says Berry, the convivial mind is "forever fascinated . . . by questions leading toward the accomplishment of good work." Berry folds his categories into one another in layer after layer, utility fructifies in beauty, beauty in usefulness, both in freedom and self-sufficiency, and all in resistance to subservience; to becoming a tool in service to the machine. A technology of wholeness is the only answer to the technologies of dis-possession and dismemberment. Tools can magnify people in their essential humanness or people can be tools. The choice is as stark and naked as the cold steel of Andy's prosthetic hand.

Membership

But our memory of ourselves, hard earned, is one of the land's seeds, as a seed is the memory of the life of its kind in its place, to pass on into life the knowledge of what has died. What we owe the future is not a new start, for we can only begin with what has happened. We owe the future the past, the long knowledge that is the potency of time to come. That makes of a man's grave a rich furrow.

—"At a Country Funeral"⁴²

[I] would insist only that any manufacturing enterprise should be formed and scaled to fit the local landscape, the local ecosystem, and the local community, and that it should be locally owned and employ local people. [I] would insist, in other words, that the shop or factory owner should not be an outsider, but rather a sharer in the fate of the place and its community. The deciders should have to live with the results of their decisions.

—*Citizenship Papers*⁴³

Utility and self-sufficiency both naturally create and are naturally buttressed by the third condition that people are for, and that is *membership*, the final condition and resting place of wholeness. Industrial tools set apart, while convivial ones bind together. Nowhere can this be more clearly understood than in the field most often lauded by Futurists—medical technology.

Berry's short story "Fidelity" tells the simple story of Burley Coulter, eighty-two years old and a lifetime citizen of the Port William membership, and his son Danny Branch, of the same membership. Burley is dying, and his family and friends, in the struggle of their love and grief, submit his care to the "medical community." "Loving him, wanting to help him, they had given him over to 'the best of modern medical care'—which meant, as they now saw, that they had abandoned him."⁴⁴

Now Burley lies comatose yet "treated," "lying slack and still in the mechanical room, in the merciless light, with a tube in his nose and a tube needled into his arm and a tube draining his bladder into a plastic bag that hung beneath the bed . . . he breathed with the help of a machine."⁴⁵ Realizing their mistake, Danny kidnaps Burley one night while the rest of the membership cover his tracks in the face of the investigation that ensues.

Danny tenderly cares for his dying father as he takes him out of that place of tubes and machines to Burley's favorite haunts among the fields and trees. "Listen," says Danny to Burley, "I'm going to take you home."⁴⁶ Meanwhile, Wheeler and Henry Cartlett, counselors at law of the Port William membership, stall the police. "I'm just doing my duty," says the Officer. Henry replies, "And you're here now to tell us that a person who is sick and unconscious, or even a person who is conscious and well, is ultimately the property of the medical industry and the government. Aren't you? . . . Some of us think people belong to each other and to God."⁴⁷

Danny gives him a few last sips of water as Burley briefly regains consciousness before finally slipping away. Danny digs a grave and, in the morning, after the passing, gently lays one of the membership down in the furrow he has made. Danny "let the quiet reassemble itself around him, the quiet of the place now one with that of the old body sleeping in its grave. Into that great quiet he said aloud, 'Be with him, as he has been with us.' And then he began to fill the grave."⁴⁸ *Be with him as he has been with us.* Membership means *being with*.

The Lawman has moved on to confront Wheeler now. "All I know is that the law has been broken, and I'm here to serve the law," he says.

"But my dear boy, you don't eat or drink the law, or sit in the shade of it or warm yourself by it, or wear it, or have your being in it. The law exists only to serve." "Serve what?" asks the Officer. Wheeler says, and we know he speaks for Berry, "Why, all the many things that are above it. Love."⁴⁹

Is this some strange apologetic for assisted suicide? The question itself is rotten, of course, and Berry won't even admit it to be asked. To ask is to function from the perspective of the Lawman and the Medical Care Providers and the industrial mind, who have forged a culture of dismemberment from the fires of mechanism and instrumentalism. This mind starts with the notion that every person is their own possession: "It's my life, my body, my self." Berry says, no person is his own—that is not what people are for—people are for membership, and every decision and every tool must account for that belonging.

Again, Illich is helpful in clarifying Berry's central argument. In his essay "Brave New Bioracry," Illich writes:

In societies confused by the technological prowess that enables us to transgress all traditional boundaries of coming to life and dying, the new discipline of big-ethics has emerged to mediate between pop-science and law. It has sought to create the semblance of a moral discourse that roots personhood in the "scientific ability" of bioethicists to determine who is a person and who is not through qualitative evaluation of the fetish, "a life." What I fear is that the abstract, secular notion of "a life" will be sacralized, thereby making it possible that this spectral entity will progressively replace the notion of a "person" in which the humanism of Western individualism is anchored. "A life" is amenable to management, to improvement and to evaluation in a way which is unthinkable when we speak of "a person." The transmutation of a person into "a life" is a lethal operation, as dangerous as reaching out for the tree of life in the time of Adam and Eve.⁵⁰

The medical, legal, political, scientific, and in fact the entire industrial apparatus are invasive in ways that buttress the total power of the machine based on a grossly dismembered conception of what constitutes the good life, or a good life, as the case may be. Berry's loyalties and loves are clear—to the membership rather than to the machine. Just so.

If You're Going to Talk to Me,
You'll Have to Walk with Me

Better than any argument is to rise at dawn
and pick dew-wet red berries in a cup.

—"A Standing Ground."⁵¹

To every argument about the modern world, its goods and bads, its twists and travails, its surprises and degradations, Wendell Berry patiently answers—*walk with me; walk with each other and with God*. Tools can help. Man was made for tools. Man was made to magnify himself and his maker in his maker's gift that is this world. But man was not made to be a tool; neither to make of himself a tool for his own greed and pleasure nor for him to be made a tool by others for their greed and pleasure. Berry says, walk with me, and I'll teach you the difference. The difference between a Weedwacker and a scythe; between a pixel of light and a stick of lead; between horsepower and a horse; between a hook and a hand; between a living death and the death that is life.

Walking while talking is the state of wholeness.

Independent Study and
Live Webinar Courses

Trinity
College of the Bible
Theological Seminary

B.A., M.A. and Ph.D.
Study from home or office

Touchstone

A Journal of Modern Christianity

SUBSCRIBE

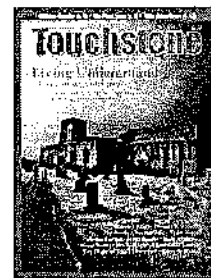
SUPPORT

[ABOUT](#) • [DIGITAL](#) • [BLOG](#) • [STORE](#) • [EVENTS](#) • [ARCHIVES](#) • [LINKS](#) • [CONTACT](#) • [FSJ](#)

Subscribe to *Touchstone* today!

[ShareThis](#) [Facebook](#) [Tweet](#) [LinkedIn](#) [Email](#)

THE RESTLESS EVANGELICALS



Caleb Stegall on *Finding the Common Good in an Augustinian Republic*

Newsweek proclaimed 1976 the “year of the evangelical.” The following thirty-odd years saw Evangelical Christians become a political force, playing a key role in the Reagan revolution of the 1980s, the 1994 GOP Congressional take-over, the impeachment battles of the late 1990s, and the two-term presidency of George W. Bush.

The year 2008, however, will likely be remembered as the year the Evangelical political consensus—which had cohered so strongly around family values, industrial capitalism, and American exceptionalism—fell apart.

Whig Evangelicals

Recently, their frustration with Republican scandal and corruption, perceived disrespect from party leadership, and failures to restrict abortion and homosexual “marriage” have combined with a renewed interest in social justice to lead many Evangelicals to re-evaluate their commitment to the Republican party. This does not mean, however, that they are undergoing any substantial change of heart. Whether “liberal” or “conservative,” Evangelical political thinking has been remarkably consistent during the American centuries.

Evangelicals have been robust believers in what historian Herbert Butterfield has called the Whig view of history, the tendency to interpret human events as a progressive march through time, to produce a story that ratifies the present and promises an even more glorious future. Because their faith is so dependent on stories of transformation and conversion, it “exists in tension,” as Wilfred McClay put it, “with settled ways, established social hierarchies, customary usages, and entrenched institutional forms.”

This whiggish spirit is the deepest Evangelical commitment, one that crosses political and ecclesial lines. This Evangelical praise song is sounded in the key of world immanent salvation with equal enthusiasm by right and left, by George Bush and Hillary Clinton, by Mike Huckabee and Barack Obama. The claims of liberal theologians like Jim Wallis about the welfare state’s ability to alleviate poverty are topped only by the claims of conservative theologians like Michael Novak that capitalism can end global poverty.

The difficulty is clear. Each faction points the divine arrow of history in the direction it approves. At the same time, Evangelicals’ unmediated individual access to God and the Scriptures leaves them with little more than “What would Jesus do?” as a political argument.

Hence the thicket of Evangelical literature and its tangled appeals to what Jesus actually meant. Hence the increasing hostility between factions, each of which has convinced itself that its demands are the demands of history. Hence their acting as if their political failure equals the defeat of God’s purposes in the world.

An older Christian political tradition, however, expressed most deeply and originally by St. Augustine, may provide relief to today’s warring Evangelicals. On the first page of his *Confessions* he writes: “Because thou hast made us toward thyself our heart is restless until it rests in thee.” With that “toward thyself” Augustine expresses the early Christian understanding that man participates in his creation, both individually and collectively, as he either obeys and moves towards God and rest or he rebels and moves away from God into restlessness.

Elsewhere, in *City of God*, Augustine argues that the Roman concept of a “people” or polis as a group “united by agreement on the right” is inadequate to the task of forming and sustaining a common good. That is because agreement on what is right does not solve or even address the problem of human desire and “drawn-ness.” He thus redefines a people as a group “united by loved things held in common.”

Uniting Desire

For Augustine, membership in a political community is, then, an event of participation that orders a people by attuning their desire and drawing them toward those loved things held in common. Put simply, politics is the collective act of ordering human desire. It is at root a question of love (that which orders our desires) rather than one of justice (that which orders our actions). History

becomes both an account of that ordering and the source of that ordering.

What does a man or a society love? That is the key political question as far as Augustine is concerned.

Evangelicals have tended to define themselves in very Roman terms. America is an idea. An idea, however, can neither symbolize nor nurture a people's response to the event of being drawn to the loved things they hold in common—in political terms, the creation or founding of the nation. An idea is far too abstract to account for or support a "founding."

Believing in American history as the progressive march of ideas about "the right," Evangelicals are captured by ideology. When they endlessly debate abstract principles and discard more concrete questions of desire centering on land, heritage, ritual, worship, forms, and kin as nativist, parochial, or dangerous, they force us to ask: Is there anything concrete left around which Americans (or at least regions of America) can cohere and which they can protect as loved things held in common?

Evangelicals dream, in T. S. Eliot's words, "of a system so perfect that no one will need to be good." Or to put an Augustinian cast on it, in a procedural system of bureaucratic, technocratic, and meritocratic rules and regulations wherein the attunement of desire is no longer a political concern. This error has led directly to America's chief political problem: Americans (speaking generally) do not much like their lives.

Having achieved the freedom to choose anything their hearts desire, they have forgotten what it is they wanted in the first place. Any political question tending to lead them back to the Augustinian question of what they love is recast in the procedural and mechanistic language of law (justice) and markets (choice). Thus, most people have a sense that our public life today is "over-lawyered" and "over-commercialized," but few can explain why.

But we do need to be good. And goodness, as a political virtue, requires more than an abstract ideal like freedom or equality or justice or a growing economy. It requires concrete objects of our mutual love, affection, loyalty, and effort—it requires, literally, a common good.

Going Home

An Augustinian conception of the common good understands this world, in George Santayana's terms, as a suggested, yet missed, perfection. It views life as eucatastrophic—a joyful catastrophe. It is deeply skeptical of historical claims of progress and more often than not sees human limitations as burdens to be borne and sometimes celebrated, rather than problems to be solved.

The implication for Evangelical politics of an Augustinian renewal is simply a turn towards

home, a turn towards discovering what Evangelicals hold affectionately and in common with their neighbors. There is still a place for vigorous debate over questions of rights and justice and all the rest. Unmoored from the question of desire, however, Evangelicals will remain as restless as everyone else.

Caleb Stegall is a lawyer and writer in Perry, Kansas. His forthcoming book on the history of prairie populism and the future of American regionalism is due out from ISI Books in 2009. He and his wife Ann have five boys and attend Grace Evangelical Presbyterian Church in Lawrence, Kansas, where Stegall serves as a ruling elder.

Letters Welcome: One of the reasons *Touchstone* exists is to encourage conversation among Christians, so we welcome letters responding to articles or raising matters of interest to our readers. However, because the space is limited, please keep your letters under 400 words. All letters may be edited for space and clarity when necessary. letters@touchstonemag.com

Subscribe to *Touchstone* today!



“The Restless Evangelicals” first appeared in the September 2008 issue of *Touchstone*. If you enjoyed this article, you'll find more of the same in every issue. Click [here](#) for a printer-friendly version.

An introductory subscription (six copies for one year) is only \$29.95.

This issue, as well as other issues, can be purchased at our online store.

Read issues in digital format at the *Touchstone* digital archives!

[Browse Back Issues](#)

[FSJ](#) • [SUBSCRIBE](#) • [BLOG](#) • [STORE](#) • [LINKS](#) • [CONTACT US](#)

This page and all site content © 2013 by The Fellowship of St. James. All rights reserved. Please send comments, suggestions, and bad link reports to webmaster@touchstonemag.com.

PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE
PRACTICING THE DISCIPLINE OF PLACE

CALEB STEGALL

The renewal of our culture depends
on our willingness to love particular
places and people.

Commencement speakers sum up the wisdom of the age, and last May Pulitzer Prize-winning author Anna Quindlen did so

with particular clarity. "I have seen your salvation, and it is you," she told the graduating seniors of Sarah Lawrence College. "Custody of your life belongs in full to you and you alone. Do not cede it to anyone else," she warned. "Why should you march to any lockstep? Our love of lockstep is our greatest curse . . . because it tells us there is one right way to do things, to look, to behave, to feel, when the only right way is to feel your heart hammering inside you and to listen to what its tympani is saying." For Quindlen, conformity of any kind is our original sin, and salvation comes when we discover and express an authentic self unencumbered by the demands of others.

But there is plenty of evidence to suggest that the more intensely and dogmatically our culture has embraced the freedom to march wherever our hammering hearts take us, the less free we have become. John Adams wrote that should the citizens of this country surrender "for any course of time to any one passion, they may depend upon finding it, in the end, a usurping, domineering, cruel tyrant." For most of Quindlen's audience the realization may dawn too late that they are not, in fact, a triumphant phalanx marching together for their rights, but a confused assortment of individuals cut off from family, community, and every other meaningful connection.

In fact, one has to wonder why Quindlen herself has not noticed that unrestrained individualism is on the defensive. Alarmed by individualism's less appealing fruits—corporate fraud, sensationalist television, sexual licentiousness, and voter apathy, to name a few—everyone from communitarian activists on the left to family-values proponents on the right is taking up the call for "civil society."

Civil society—a ubiquitous phrase these days—generally refers to some conglomeration of voluntary associations, from family and church to PTAs and community volunteer programs to Little League and book clubs. These "mediating structures," as they have been called, negotiate between the two competing freedoms of a liberal democracy: the freedom of the individual and the freedom of the community. Only the structures of civil society, it is said, can nurture what Fletcher Moulton called "obedience to the unenforceable"—the consensus that restrains individual freedom enough to make a community livable while still honoring individual particularity in a way that government and the marketplace cannot.

It is now conventional wisdom that civil society is failing. Robert Putnam's article "Bowling Alone," which catalogued America's declining stock of "social capital," was in the vanguard, followed more recently by the essay collection *Community Works: The Revival of Civil Society in America* and Putnam's own book-length follow-up. Putnam and others warn that the decline in voluntary association in American society is symptomatic of a deeper sickness, which could imperil democracy itself.

Hard on Putnam's heels are a plethora of forthcoming books with names like *Civil Society in the Information Age*; *Global Civil Society*; *Church, State and Civil Society*; and *The Civil Society Reader*. If the established pattern holds, these books will be filled with a variety of proposals for increasing volunteerism or encouraging voters or cleaning up neighborhoods or returning to community-based education. To be sure, these are good things. But we should pause for a moment and apply a bit of skepticism. Chances are, when so many are so enthusiastic for something, it is either not a good thing or its proponents have not fully calculated its cost.

HISTORIAN GERTRUDE HIMMELFARB SOUNDS JUST SUCH A skeptical note in *Community Works*. In Himmelfarb's view, our society's mediating structures are actually part of the problem. She notes that "the institutions of civil society—private schools and universities, unions and nonprofit foundations, civic and cultural organizations—are stronger and more influential than ever." In fact, the mediating structures of our lives "have been complicitous in fostering the very evils that civil society is supposed to mitigate." They have promoted the "ideology of rights" that ends up being the cause of their dissolution or, worse, their transformation into "bureaucratic quasi-public institutions." Himmelfarb argues, for example, that efforts to force deadbeat dads to pay child support have backfired. Rather than promoting genuine community, focusing on child support reduces fatherhood to a "cash-nexus" between the father, mother, and children whereby all are freed from real responsibility to one another. The groups that promote child support will not acknowledge that "money itself is not the problem; the real problem is the absence of the father."

Far from providing a check on individualism, the institutions Himmelfarb cites perpetuate it, because they are the fruit of one

The Epistemology of the Supermarket

About a month ago, my family and I got chickens for the first time. I sheltered them and fed them, and they began to thrive. How elegantly simple, I thought. Dinner (and breakfast) simmering slowly, very slowly, just outside my back door. Of course, it has turned out not to be simple at all. There's the daily watering and feeding and the intermittent cleaning and moving the pen to fertilize a different patch of ground. And the weather and foxes have taken on new significance, both threatening to end my quest for sustenance in a fit of violence.

It is fascinating to be responsible for—to care for—my food weeks and even months before I will eat it. In doing so I am clumsily taking up the intricate dance steps performed by most of those who have gone before me. And by repeating and renewing the motions my ancestors knew by heart, I begin to rebuild old ways of knowing. These ways of knowing teach me about this place, this patch of ground; and they teach me about my connections to those who went before me and those who will come after. I have begun, ever so slightly, to think differently about the world.

There is epistemology in everything we do. If raising chickens can change the way one thinks about the world, other methods of finding food can have a similar effect. Our culture's dominant way of knowing, when it comes to chickens, is the supermarket. The supermarket sells a highly refined and mediated kind of knowing, just the opposite of what the chicken coop has to offer. The knowledge one gets at the supermarket is sterile, chilled, sliced, and packaged.

The supermarket is the Windows operating system of the family table, user friendly to a fault. The guts of the program are hidden beneath the surface. The seamless web of knowledge from egg to chicken to omelet or pot-pie is processed and reduced to its most consumable parts.

How does the epistemology of the supermarket affect the rest of our lives? I'm beginning to think that its effect is more dramatic than we realize. After all, we will only find things to love from the spectrum of what we know.

Henry David Thoreau wrote of his experience with beans: "It was a singular experience[,] that long acquaintance which I cultivated with beans, what with planting, and hoeing, and harvesting, and threshing, and picking over and selling them—the last was the hardest of all—and I might add eating, for I did taste. I was determined to know beans." Those who buy chicken meat at the supermarket (I among them for the time being) can eat chicken to their hearts' content (and most do), but they will never know chickens. And because they will never know chickens, they will never be capable of loving the surprising things revealed by such knowledge. ☘

of modernity's most corrosive features: mobility. "The existence . . . of strong and enduring voluntary associations," historian Wilfred McClay has observed, "depends upon the existence of strong involuntary associations." It was easier for civil society to flourish when people were stuck—with a family, a job, a church, or a community. But in the modern world people are rarely stuck anywhere, or with anyone. We moderns are mobile partly because it is easier and cheaper than ever to seek greener pastures in the next state or on the other side of the globe. But we are also immobile because civil society has taught us to be. One need look no farther than higher education, site of Anna Quindlen's paean to radical individualism. Civil society itself now instructs us in the fine art of following our own hammering hearts. As Karl Kraus said of psychology, it has become "the disease from which it pretends to be the cure."

Restoring civil society, then, may be far more difficult than we have imagined. It may no longer be sufficient simply to encourage volunteerism or community spirit. We have not yet considered changing how we think and how we know, which is another way of saying that we have not attempted to change what we *love*.

WHY DOES THE MINDSET OF INDIVIDUALISTS MAKE IT NEARLY impossible for them, even when advocating an invigorated civil society, to stigmatize divorce rather than to stigmatize deadbeat dads? The answer lies deep in the roots of our democracy itself, which is, in the best sense of the word, liberal. Liberalism in this sense, characterized by individual freedom in markets and politics, is triumphant at "the end of history." It is unquestionably the single greatest means human beings have developed of producing economic prosperity and political security. But liberalism's successes naturally run downhill: safety and full stomachs, yes, but also consumption over charity, technology over art, and license over self-control. The great weakness of liberalism is that it cannot support the soul. Reflecting on what he called the "the wild gas" of the French Revolution, Edmund Burke wrote that the "effect of liberty to individuals is, that they may do what they please: we ought to see what it will please them to do, before we risk congratulations, which may soon be turned into complaints."

Burke understood that individual liberty is no friend of civil society. Individual freedom alone cannot shape what individuals may please to do. And freedom without responsibility is eventually not freedom at all. It becomes, rather, just another kind of mastery, subjecting people to the one thing liberalism cannot negate—the ever present *I want*. In a completely liberalized society, there is nothing left but appetite.

So liberalism rests on what the English philosopher Michael

Oakeshott called the "politics of the felt need." Oakeshott used the heading of "Rationalism" to describe this temperament:

That anything should be allowed to stand between a society and the satisfaction of the felt needs of each moment in its history must appear to the Rationalist a piece of mysticism and nonsense. . . . [The Rationalist sees unrolled before him] the blank sheet of infinite possibility. And if by chance this *tabula rasa* has been defaced by the irrational scribbblings of tradition-ridden ancestors, then the first task of the Rationalist must be to scrub it clean.

The Rationalist, says Oakeshott, has a "deep distrust of time," owing to his "impatient hunger for eternity." Likewise, "his mind has no atmosphere, no changes of season and temperature; his intellectual processes, so far as possible, are insulated from all external influence and go on in the void." The flaw in the liberal temperament is its deep distrust of place owing to its impatient hunger for the eternity of the void. Both time and place restrict our ability to be whatever we choose, to find our "salvation," as Quindlen would have it, in the actualization of our rootless selves. But particular times and places are, in fact, the essence of civil society, anchoring us to the real and the concrete instead of allowing our appetites to soar through the infinite expanse of possible desires.

So the restoration of civil society will require disciplining ourselves to this other temperament, one which draws its moods and tones from the "season and temperature" of its atmosphere. It is the temperament, or discipline, of place. And this discipline brings with it a concrete way of thinking. Instead of seeing *through* things, those who embrace the discipline of place see out from within them.

T. S. Eliot meditated on these themes in the fourth of his Four Quartets, a poem called "Little Gidding," which charts modern man's struggle to know the infinite reaches of both history and the universe. In this liberal search for timeless, placeless knowledge, "From wrong to wrong the exasperated spirit proceeds." But when the poem's pilgrim ponders death—"the constitution of silence"—he begins to approach humility and recognizes that "love of a country / Begins as an attachment to our own field," that "History is now." Toward the end Eliot offers this benediction for those who embrace the discipline of place:

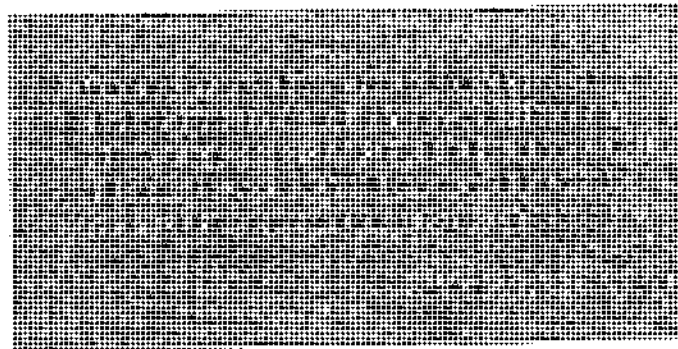
We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.

Eliot is summing up the wisdom of Western history: from Homer's *Iliad* and *Odyssey* to the parable of the prodigal son to the history of the American frontier, we inherit a continuing dance between exploration and homecoming. We cannot "know the place for the first time" unless we have first left it, but in leaving, our end must be to return back home. Wendell Berry writes that the reader of the *Odyssey* knows "—as Odysseus undoubtedly does also—the extent of his love for Penelope because he can return to her only by choosing her, at the price of death." The good human life does not end with individual liberty but proceeds on to responsibility.

WE MODERNS ARE DEFINED BY CONSTANT MOTION RATHER than by sitting still. We can be anywhere in a second but rarely stay anywhere longer than that. We have developed an aversion to fixing things—and to fixed things. We would rather discard and replace than care for and renew.

It is more and more difficult for us to imagine making Odysseus's choice to forsake eternity for home. Liberalism's ideas have consequences—from widespread divorce to mass marketing to spaghetti interchanges—but those consequences also shape ideas, reinforcing the frame of mind that gave birth to them. They break our ties to imagination, to craft, to the land, and to the shop, so that our cities and pastures alike are blighted. Because we have repeatedly bowed at the altar of convenience, we are isolated from the very things that would feed and nourish our souls. It should be no wonder that civil society has largely lost its ability to mediate between the individual and society at large. It should be no wonder that people live with a vague sense of lostness. We have become a people without a place.

The good news is that while we have abandoned place, it has not (yet) abandoned us. Place is still all around us, to be picked up, dusted off, repaired, and used again. To be sure, doing this is hard. The discipline of place is sacrificial, and it is often seen as foolishness in a liberalized world. But as with all sacrifice, it can be redemptive.



What might this look like? In his 1986 book *The Horse in the Furrow*, George Ewart Evans quotes an old English farmhand, Harry Groom, on the difference between farming "today" and farming in an older time.

It's all rush today. . . . You see it when a farmer takes over a new farm: he goes in and plants straight-way, right out of the book. But if one of the old farmers took a new farm, and you walked round the land with him and asked him: "What are you going to plant here and here?" he'd look at you queer; because he wouldn't plant nothing much at first. He'd wait a bit and see what the land was like: he'd prove the land first. . . . He'd walk on it and feel it through his boots and see if it was in good heart, before he planted anything: he'd sow only when he knew what the land was fit for.

One man sees "from above"; he quantifies things and measures his time in number of acres plowed. The other man, however, sees things "from within"; he values things and measures his time by the meaning of what he has done. The first man is merely at work; the second is at home.

"This world has a spiritual life possible in it," wrote George Santayana, "which looks not to another world but to the beauty and perfection that this world suggests, approaches, and misses." This is the only spiritual life possible, and it is possible only by placing oneself in time and place. Not only is this life possible, it is necessary. Civil society is ultimately about protecting the vulnerable—but to protect the vulnerable places and people around us, we must not just know them rationally, we must love them.

This is an agricultural model of renewal. It is about making a way of life closer to home, more becoming of our better natures, attached to the soil, as it were. But the renewal of civil society is certainly not restricted to the farm. It can occur anywhere people are willing to begin to try to see out from within things rather than always trying to see through them. But the discipline of place must always involve real places and real things. If modernity is an exercise in unsticking ourselves from family, job, and home, the discipline of place is an exercise in resticking.

Anna Quindlen is wrong. The good life, and the good society, begins only when we unhitch our hearts from radical individualism. Civil society will only be worthy of the name when people begin to make Odysseus's choice: to step out of the void, gather together the permanent things scattered and strewn throughout their lives, and begin the hard work of cherishing. ☪

Repent a

For a Catholic, choosi are divided by locatio mines where you go t choice should be nec ably similar one to ar world, the same Scri brated, the same do

But we do have a requiring Catholics t And for all the simila the priests, and eve

For me, the choic elementary. My offi unbearably (and I d activities run the ge and sometimes the beneath the altar d congregation unint seeming just not t

In contrast, the choir, Bible studie High Mass which t can almost see the Holy." And the con phrase—"people v

For a while, I wa current parish. Pr enlightened my m "alive" my current ing "alive" and "y

I was proud, that had rejected, and describes Jesus' not quite as distr as my own.

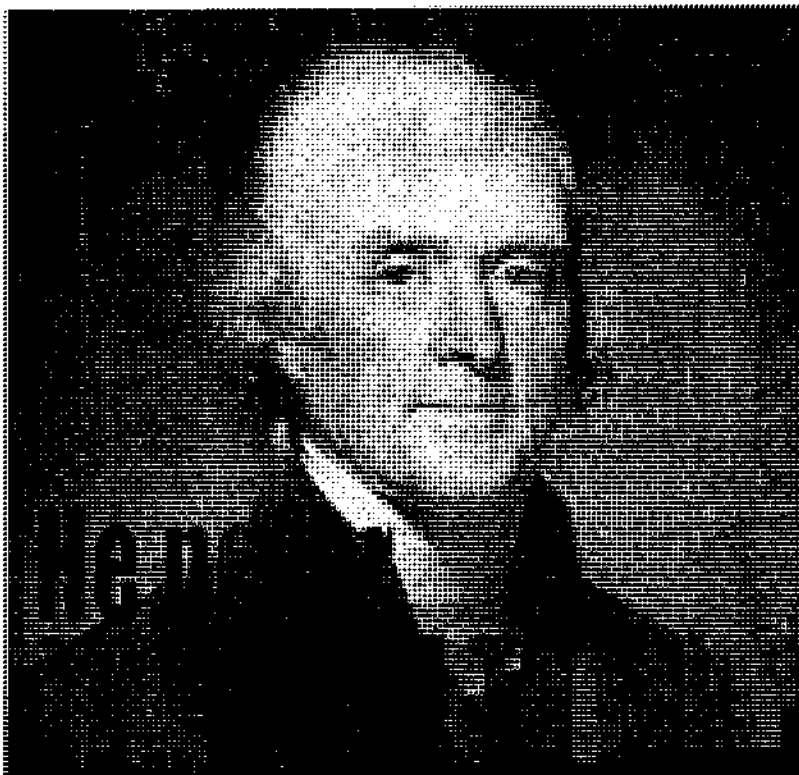
In the book of commendations cities. Some, like commended for

From 1998 to 2000 E review of Allison Pea this issue.

HOME NEWS WEEK IN REVIEW POLITICS & POLICY OPINIONS LIBERTY JOURNAL RESOURCES WHAT'S NEW ABOUT

Liberty Opinion: 01 May 2008

Trading Jeffersonian virtues for lawyers and corporate bosses is no way to run a democracy -- or protect liberty, says Caleb Stegall.

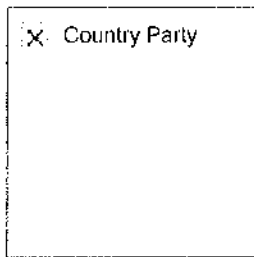


Kansas' bad bargains

For nearly 200 years now, Alexis de Tocqueville has been our surest guide to understanding the character and trajectory of the American experiment in liberal democracy.

While Tocqueville is often cited for his positive assessments of American democracy, his work offers stark warnings as well. Tocqueville was perhaps the first to understand and articulate clearly the bargain of democracy which traded the instability of the coarseness of the mob and the nobility and dignity of the aristocracy for a more uniform triviality of manners and pettiness of everyday life. Later critics of modern democracies from G.K. Chesterton and Aldous Huxley to T.S. Eliot and Russell Kirk have decried this exchange arguing, in essence, that such a bargain deprives

men of the full range of what it means to be human, and thus of the resources to fashion a truly humane society.



Tocqueville put it best when he argued that the benevolent, universalizing and centralized power of modern democracy will “cover the surface of society with a network of small, complicated rules, minute and uniform” until man’s will “is not shattered, but softened, bent, and guided.” By this process, society “is

reduced to nothing better than a flock of timid and industrious animals of which the government is the shepherd” of an “innumerable multitude of men, all equal and alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives.” This form of total control is “combined more easily than is commonly believed” with “outward forms of freedom” and can even be established under the “sovereignty of the people.”

For those of us living in 21st Century America, this passage has a chilling air of the prophetic. Examples abound, but two recent news items here in Kansas are sufficient to demonstrate Tocqueville’s thesis. Last month Governor Sebelius announced the formation of the “Kansas Innovation Consortium.” The Consortium was described as consisting of a “powerhouse lineup” of corporate leaders formed to help promote the ubiquitous thing called “economic development” in Kansas. Sebelius described the Consortium’s role as taking a “strategic look at the future.” The co-chair of the Consortium said she hoped the group would “shape the future of the state.” Whatever this means, it is emphatically *not* the case that this sinister-sounding Consortium between the far-reaching power of the state and the powerhouse lineup of corporate bosses means more freedom and self-determination for ordinary Kansas citizens.

Similarly, last month in defending the exclusive prerogative of Kansas lawyers to select judges for our state’s highest courts, the president of the Kansas bar, Linda Parks, scoffed at the notion that this system might offend ordinary folks. Parks employed the standard shield of “judicial independence” to keep regular people out of the selection process and declared that lawyers are not a “special interest group” because of their diversity of opinions and views. It is difficult to completely describe the perniciousness of this view, but let it suffice to say it would be difficult to imagine Ms. Parks employing the same logic to restrict political control to, say, land-owning white men.

The president of the Kansas bar, Linda Parks, scoffed at the notion that giving lawyers the exclusive right to select judges might offend ordinary folks.

Ms. Parks goes on to describe objections to the current system of lawyer control as “lawyer bashing,” to which the only appropriate response may be that there is a good reason lawyer bashing has such a strong pedigree in historically free societies.

All of this raises the question most pressing on us now; a question that violates the PC codes of all the major political powers of our day: Are we free? For in fact, what Tocqueville was describing is what has been called by one eminent political philosopher the “swindle of consent.”

We live in the shadow of many masters—there are the tax masters, the monied masters, the loan officer and the payroll clerk; the town inspector, the county inspector, the state inspector, the code enforcer and the permit doer; there is the dog catcher and the license examiner and even the busy-body do-gooder from the heart and lung association who snubs out our cigarettes with one hand while paying her registered lobbyist with the other; there are the ad men and experts of all colors and stripes telling us what to buy, what to eat, what to read, and what to believe; there are the snooty professors and the imported school superintendents; the shipping barons, the oil barons, the corn barons, the food scientists, the Wal-Mart feeding trough, and the health care gods; the economic planners and the few who select our judicial masters. And once consent to these masters is given, opting out is rarely an easy (or legal) option.

Still, it has not always been so. American democracy, and Kansas in particular, has always been leavened by the Jeffersonian spirit of the small-hold freeman, the yeoman farmer, the independent small merchant, the frontiersman, the prairie populists, the lover of liberty who—with his sturdy virtues born of necessity and struggle and scarcity—became self-sufficient, caring and doing for himself, his family, and his community. This is also our heritage, yet it is in danger of becoming a museum set piece.

American democracy, and Kansas in particular, has always been leavened by the Jeffersonian spirit of the prairie populist, the lover of liberty.

Barack Obama recently elicited conservative rage by describing rural and small town Americans as bitter and clinging for succor to God, guns, and xenophobia. While Obama does a tremendous disservice to those he caricatures, his critics do likewise when they pretend that no such resentment exists. In fact, such resentment is real, but it does not stem from the lack of state or federal handouts, but rather from the very real lack of power ordinary citizens are experiencing.

Where does that leave us? With the difficult job of recovering

the sturdy Jeffersonian virtues of the freeman—virtues of thrift, being rooted in one's place, hard work, pride of ownership, the orderly use of time, fierce independence of spirit, self-sufficiency, charity towards one's neighbor, a refusal to bend the knee to any master, membership in a communal identity, and a return to family economies that place a strong incentive on having children.

This is what has been called the Country Party. In the agrarian thinker Ralph Borsodi's terms, membership in the Country Party represents a level of freedom and independence far greater than that created by "the infinitesimal fraction of political power represented by a vote."

Kansas Liberty columnist Caleb Stegall is a lawyer and writer in Perry, Kansas. His book on the history of prairie populism in Kansas is forthcoming from ISI Books in 2009.

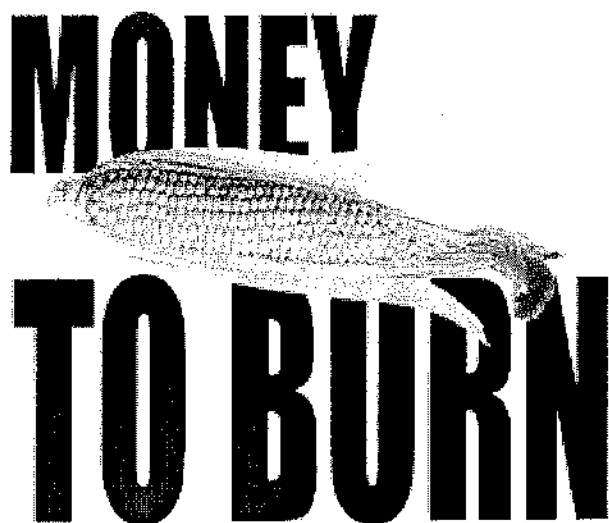
Contact caleb.stegall@kansasliberty.com

Log in to add comments

HOME NEWS WEEK IN REVIEW POLITICS & POLICY OPINIONS LIBERTY JOURNAL RESOURCES WHAT'S NEW ABOUT

Liberty Opinion: 12 May 2008

Political elites have made typical Kansans the enemy. According to the Sierra Club, for example, "There is no place in Kansas worth preserving." Caleb Stegall says it's time Kansans fought back.



False economics and malignant growth

In 1890 a small western Kansas town sponsored a public debate on the statement: "Opportunities have never been better in Kansas."

Taking the affirmative was a lawyer recently immigrated from the east. By all reported accounts, he acquitted himself well, giving a fine and persuasive speech.

When the lawyer finished, a local farmer, seizing the opportunity to take the negative, got up and proceeded to shovel a load of freshly harvested corn into the wood stove. He sat down without saying a word.



As the local press reported it, those in attendance unanimously agreed that the farmer had won the debate. In 1890 corn was worth more as fuel than as food, and that simple fact trumped every theoretical or flowery argument the eastern establishment could make.

Following the Civil War, Kansas became the new Promised Land for many Americans anxious for a fresh start. Kansas boosters (many of them Yankee, industrial, and urban business interests of the eastern seaboard newly freed from the war) promoted Kansas as a land of golden opportunity. The Party of Lincoln, the reconstituted Whigs, has always been the party of success and boom, the party of industry and development, the party of money and opportunity.

Following “bleeding Kansas” the GOP was full of optimism and preached a gospel of Progress projecting a bright and glorious Future. Kansas became the shining emblem of this vision, the new “land flowing with milk and honey” as many put it in the 1860s and 70s.^[1]

Andrew Carnegie famously put a name to this ideology and called it the “Gospel of Wealth.” The prevailing attitude of the westward expansion was: freedom had been won, the Union preserved, and now it was time to get rich. Enterprising farmers were accompanied on the westward trek by a hevy of money lenders, industrializers, railroaders, and Republican politicians.

From 1870 to 1890 Kansas was the fastest growing state in the Union according to all leading indicators, from population to industry to agriculture to, ominously, runaway government spending and exploding private and public debt. Government, and the Republican Party specifically, was seen as a benevolent partner in boom. Government subsidized the corporate, banking, and railway interests to an astonishing degree, primarily through bond financing and government backed low or no interest loans to business interests. Public assistance reached its zenith during the railway boom when public money went to the railroads at a rate of \$10,000 per mile of track. By 1890, fully one-fifth of KS acreage was owned by the railroads.^[2]

Another engine of the Kansas booin was both public and private debt. By 1880, Kansas had obligated itself on so many development bonds and other financing measures that it had the largest per capita public debt of any state. By 1890, 60% of the privately held land was mortgaged making Kansas the most privately indebted state as well.^[3]

Kansans in the Gilded Age had placed their trust in men and a party who had rejected classic *laissez faire* policies in favor of viewing government as an active instrument for material progress and economic expansion and development.

Due to a number of factors, however, including crushing debt, skyrocketing taxes, industrialized agricultural practices, and centralized control of land and capital by eastern interests, the boom turned to bust as the bottom fell out of the grain markets. At the end of the 1880s many a farmer was reciting the mantra “In God we trusted, in Kansas we busted,” and by 1890, when it became clear who was getting rich and who was getting screwed, revolt and revolution was in the air.

1890 marks the beginning of the era of the prairie populists in American politics.

1890 marks the beginning of the era of the prairie populists in American politics. Though the movement was later overrun by new progressives and socialists culminating in the New Deal orthodoxy that still dominates our political conversation today—strengthening the role of the federal government and forever ending the founding vision of a confederacy of independent and free states—at its birth, the movement of prairie populists wanted something very different.

In 1886, a hardware store owner (and future populist Congressman) in Clay Center named William Vincent gave a speech at the Clay Center Debate Club and declared the foundational populist principle that “every man has a right to the product of his own labor.”

Anticipating objection Vincent cast himself and his fellow “radicals” as inheritors of the sturdy Jeffersonian principles of America’s founding and cast the government and business interests as the real socialists: “It is not asked that there shall be a division of property. ... Communism in any form is bad, but that particular form which takes from the few and gives to all is certainly no worse than that which takes from the many and gives to the few.”^[4] Or, as the great national populist leader William Jennings Bryan would put it a decade later: “The great masses of our people are interested, not in getting their hands into other people’s pockets, but in keeping the hands of other people out of their pockets.” The issue, so far as Vincent was concerned, was plutocracy versus a democratic republic.

The Republican establishment was quick to respond to this political heresy with epithets of “communists,” “bomb-throwers,” and “anarchists.” Republican Governor John Martin referred in 1886 to “those noisy, turbulent, and vicious demagogues and loafers who muster under the flag of the anarchist and communist.”^[5]

But ordinary Kansans understood their political vision as refined in the shared difficulties of agrarian struggle, frontier challenges, and self-sufficiency in the midst of scarcity.

This vision was articulated clearly by a letter published in the March 1887 issue of the *Kansas Farmer*:

“Seventy years ago each community contained the nucleus of an independent empire; there was the hatter, the tailor, and more independent than any sort, the farmer, who raised his own food and manufactured most of his own clothing. There was no barrier to free exchange, for producer and consumer lived in the same community. To-day, nearly all of the above mentioned trades are concentrated in a few great factories, employing thousands of men and representing millions of capital. And between the producer and consumer is the railway, upon which both are equally dependent. ... This vast accumulation of wealth and irresponsible power over the commerce of the country has produced evils which are destroying republican equality and personal independence of character.”^[6]

Unfortunately, this political vision of republican equality and personal independence of character did not survive the great political transformation that occurred in this country in the half-century following the populist revolt.

It has, however, been carried on quietly in backwards places by sturdy men and women of republican character and virtue. And there are signs that we may finally be ready for a resurgence of this vision nationally.

There are signs that we may finally be ready for a resurgence of the political vision of republican equality and personal independence of character nationally.

It's 2008 and once again, corn is worth more as fuel than as food. The global food and energy crisis spawned by declining oil supplies, the emergence of a global consumer class, and of irresponsible bipartisan policies of benevolent government in the form of agricultural and especially ethanol subsidies has once again created a teetering economy defined by big gambles on a future of alleged limitless growth supported by a progressive ideology which is more rickety now than at any time since 1890.

Both sides of our unified class of political and economic elites are to blame. National and state “conservatives” continue to

spend at obscene levels and trumpet government as a benevolent partner in “growth” with disastrous subsidy policies while entitlement boosters and environmentalists of the left continue to seek solutions in the most aggressive government interference imaginable. Advocating turning Kansas into a vast wind factory, a high ranking official of the supposedly “conservationist” Sierra Club has notoriously said that “there is no place in Kansas worth preserving.”

It is time to be clear: our political elites have made Kansas and Kansans the enemy. Growth predicated on flawed economic policies, a dependence on government, and a servility to “progressive” political ambitions are a direct attack on the integrity and character of our homes and hearths.

It is time for a resurgence of the politics of republican equality and personal independence of character. Kansas led this fight once and can again.

[1] See e.g., O. Gene Clanton, *Kansas Populism: Ideas and Men* (1969) at 25.

[2] *Id.* at 28.

[3] *Id.*

[4] W.D. Vincent, *Government Loans to the People*, People’s Party Pamphlets (Kansas State Historical Society).

[5] *Topeka Daily Capital*, September 16, 1886.

[6] *Kansas Farmer*, March 1887, as quoted in Clanton at 37.

Kansas Liberty columnist Caleb Stegall is a lawyer and writer in Perry, Kansas. His book on the history of prairie populism in Kansas is forthcoming from ISI Books in 2009.

Send comments to caleb.stegall@kansasliberty.com

Log in to add comments

HOME NEWS WEEK IN REVIEW POLITICS & POLICY OPINIONS LIBERTY JOURNAL RESOURCES WHAT'S NEW ABOUT

Liberty Opinion: 02 July 2008

Which is better for Kansas (and the country): Democrats who are conservatives and defend conservative principles? Or Republicans who pretend to be conservatives but abandon conservative principles? Caleb Stegall explains why the choice is so simple.

The last conservative governor of Kansas was a good...

DEMOCRAT



Kansas' Left Conservatives

A quick political quiz. Which Kansas governor—the most conservative governor our state has had in at least the last fifty years—said the following things?

- “Government does not have all the answers nor can it address but a small portion of the challenges we face.”
- “We shall not achieve the ideals for which this state was founded as long as Kansas turns its back on the unborn. To ignore injustice is simply not the Kansas way of doing things. ... When we come right down to it, it is the character and the courage of our state which is at risk.”
- “Historically, in Kansas, when rural Kansas prospered the state as a whole enjoyed prosperity ... as [citizens] carried with them from the farms and rural communities strong moral and ethical values, a work ethic and a commitment to family and community that constantly invigorated business.”
- “The game is up for the insiders ... who have closeted themselves under the domes too

**THE
COUNTRY
PARTY**
BY CALEB STEGALL

long.”

- “We need to make America aware that families preserving a farm from one generation to the next are better stewards of our water and soil than some faceless corporation in Chicago or Dallas.”
- “Our tax rates threaten the vitality of Kansas’ small businesses and farm operations. ... Even more intolerable, the property tax—coupled with higher corporate income tax—results in a tax burden that places Kansas as the highest taxing state in this region.”
- “The people of this state want meaningful property tax relief ... they want an end to unchecked growth in government and taxes. They want their government to be open and their public servants to be responsive.”

If you guessed... Joan Finney, you win today’s silver star.

Yes, it is Finney—a *Democrat*—who takes home the laurels as Kansas’s most conservative governor in living memory. It’s true, the competition has not been fierce, but still, consider the evidence.

Finney fundamentally viewed government as the problem, not the solution. She used her bully pulpit to preach the rough egalitarianism of a boot-strap gospel, repeatedly telling people not to look to government but rather to themselves, their families, and their communities for solutions.

Finney abhorred waste in government and the burden of taxation. She vetoed tax increases and used her line-item to strike bloated deficit spending. She balanced the budget and forced an “existing resources” budget through a recalcitrant state legislature which increased general fund spending by only *one-half of one percent*. (Pause and let that sink in, especially in light of our current GOP-controlled legislature which treats the mere mention of holding to 3% budget increases with the tantrums of a spoiled child.)

Finney held the traditional view that power corrupts, and therefore power ought to be as decentralized as possible, ideally making each family unit and community as self-sufficient as feasible.

Finney held the traditional view that power corrupts, and therefore power ought to be as decentralized as possible, ideally making each family unit and community as self-sufficient as feasible. To that end, her biggest policy reform—which ended in failure—was to introduce to Kansas the direct democracy of the initiative and referendum.

Finney was unapologetically and fiercely pro-life, and as the above makes clear, she viewed the ongoing abortion nightmare as a deep stain on the legacy of Kansas’ founding as the “free state” and the primary threat to our state’s character. She signed abortion restrictions into law while complaining bitterly that the measures were not stringent enough.

Finney actually abolished state agencies and her approach to markets was something at least approaching *laissez faire*. She regularly quoted and traced her political lineage to Theodore Roosevelt and was the self-described heir of the Kansas Populist Party of the 1890s.

In this, Finney was an early example of a new kind of politician emerging out of the left right split that had dominated American politics during the Cold War. In the 80s, social critic Christopher Lasch noted that those conventional political