

First Things

Religion and Public Life

It might be an ill omen that *First Things* has been as important to me as it has been. *First Things* is a monthly journal devoted to exploring the ways in which religion and public life intersect. And it really does get down to fundamental matters, as its title suggests. As to the ill omen, it may be that when people feel compelled to re-examine political basics it is a sign of decline. Yet *First Things* has done exactly that since 1990 and I have found it highly compelling since I stumbled on it not long after that.

The magazine is non-denominational and nonpartisan. Being so, however, has never made it politically mushy. Since its founding, *First Things* has been very much in the political arena and fully confident that religious voices need a public hearing in our troubled political times. Moreover, those voices ought to be authentically religious, challenging secular assumptions and not echoing them.

This confident posture reflects the character of its founder and chief editor for many years, Richard John Neuhaus. Prior to *First Things*' founding, Neuhaus was a Lutheran pastor, who for years led a largely Black and Hispanic congregation in Brooklyn. He was also the very model of an activist minister. He was a vigorous supporter of civil rights and made arrangements for himself and his parishioners to attend Martin Luther King, Jr.'s 1963 March on Washington. Neuhaus was also a strong critic of the Vietnam War and co-founded the anti-war group Clergy and Laity Concerned About Vietnam.

But Neuhaus, having made a reputation on the Left in time came to be seen as a neoconservative. This is to say that he was among those prominent public intellectuals who began seriously rethinking some of their progressive commitments as the dismal 1970s unfolded, with its mix of dysfunctional policy-making and cultural dissipation. Neuhaus found a great deal to criticize as the times were a' changing. For starters, he found the emerging anti-Americanism on the left ugly and

wrongheaded. He also noted how the era's fashionable libertinism—the drug use, for instance—wreaked havoc among the Brooklynites he knew from his pastoral work.

Contending with contemporary progressivism would be a big part of Neuhaus's life's work from the mid-1970s on and would be near the heart of the *First Things* project as well. Mounting the counterattack depended on searching out the deep roots of our troubled public life. Neuhaus once wrote: "Politics is chiefly a function of culture, at the heart of culture is morality, and at the heart of morality is religion." Month after month, over thirty-plus years, *First Things* has published a remarkable body of work that explores the wide range of issues suggested by that claim.

A notable example from 1996, notorious to some, might help to illustrate. Perhaps no other article in the magazine's history attracted as much attention as the symposium titled "The End of Democracy? The Judicial Usurpation of Politics." It was controversial enough that several members of its editorial and publishing boards resigned as a result of the symposium's publication.

It consisted of an introduction followed by five essays by prominent political thinkers, mostly constitutional scholars in the academy. All explored the main theme: whether the judiciary, through a pattern of decisions handed down over time, had short-circuited democratic processes and deprived Americans of having a genuine say in how life in our society would be ordered. As the introduction put it, the question at hand was whether "we have reached or are reaching the point where conscientious citizens can no longer give assent to the existing regime." The decisions in question differed in various ways, but had similar outcomes: the victory of progressive views over more traditional, conservative, or, especially, religious views.

Symposium contributor Robert Bork offered several examples, the first being the Supreme Court's *Romer* decision. In this case, the Court vacated a Colorado referendum that was designed to prevent the state from establishing protections for gays and lesbians based on their sexual preferences. After the referendum was passed, gay rights groups, which wanted those protections, filed suit against the

referendum and the high court sided with them. Thus the democratic process of the referendum was overruled by a judicial decision.

Contributors to the symposium included other examples where the judiciary voided statutes or actions passed by legitimate, popular means. In the background, of course, was *Roe v. Wade*, which overturned a good deal of state law aimed at banning or restricting abortion. And over the horizon lay *Obergefell*, which did something similar to state laws blocking same sex marriage, an issue symposiasts knew was on the way.

But Bork also included a somewhat dissimilar case, one involving the Virginia Military Institute. That school had been, from its founding up until the *United States v. Virginia*, an all-male institution. The federal government brought a suit against the state of Virginia and the Institute taking issue with that tradition. The Court sided with them, finding the all-male tradition unacceptably discriminatory against females.

Viewed through the familiar lens of individual rights and gender equality, the decision makes perfect sense and the plaintiffs won by a 7–1 majority. Yet the decision can also be seen in a wider frame of reference. VMI had a long and successful history, a success that reflected the choices made by free citizens who decided to attend over the years. This history suggests that the institution, as it existed, had a certain democratic legitimacy. Judging by the Court’s decision, that legitimacy counted for little when weighed against recent notions—Bork used the term “fads” here—about equality between the sexes.

With the successful suit against the school, such institutions went on notice. They must toe a particular, progressive line or be subject to state sanction. Thus lawsuits, backed by judicial decisions, make a formidable weapon for enforcing progressive values in institutions not previously subject to such policing, a weapon that has been used to penetrate a great deal of institutional America.

If you are progressive, this sounds great. To anyone else, however, such power should raise some red flags, as it did at *First Things*. One might wonder whether such non-democratic means as judicial decision-making should determine so much of our political life. Further, is it healthy in a large, diverse polity to impose

the values of reformers so widely and to drive out non-conforming ones so uniformly. Is there really no place in society for a male-only school such as VMI, whose long and successful history suggested that it was meeting a deeply felt social need in its old form?

By empowering reformers, the judiciary also threatens to reverse an essential disposition of the Constitution. Once it was generally understood that the people and their culture determined the direction of governance. Now, the governing system provides the tools for activists to re-engineer that culture. This upending of constitutional norms was at the heart of the “End of Democracy?” symposium. As the introduction put it: “The American tradition abhors the notion of the rulers and the ruled. We do not live *under* a government . . . we *are* the government.”

There is a great deal more to the symposium that must be left out here. Not least is the issue of transcendent authority and its relation to democratic outcomes. There is also a great deal more to *First Things* than that symposium. Through its essays, articles, reviews and editorial commentary, the magazine has always addressed an impressively wide swath of cultural matters, from politics to literature, science, education, and more.

As to my own engagement with *First Things*, I am an unlikely part of its readership, coming from a largely secular and generally progressive background. Yet I found *First Things* intensely interesting from the moment I discovered it. The magazine had a knack for articulating concerns I felt but couldn't spell out for myself. These concerns often related to those connections that Richard John Neuhaus insisted on, that politics depends on culture and, ultimately, religion. In an extremely diverse, liberal order, it is tempting to treat religion especially as dangerous ground. Those responsible for my own formal education certainly made every effort to quarantine morality and religion from the curriculum. But if Neuhaus is right, both are ingrained in human nature, so quarantining them from public life can never really work. Moreover, trying to do so will disfigure the democratic order. Today, with our shared American culture apparently going China Syndrome, this is a matter we should consider seriously.

In any case, it seems our fate now is to grapple with political fundamentals—first things—whether we want to or not, if we care to return our republic to good health.

One last note. Through articles and reviews in *First Things*, I have found a number of authors who have meant a great deal to me. This is actually one of the best services the magazine provides. Here are just a few: Mary Ann Glendon, Wilfred McClay, Steven D. Smith, Hadley Arkes, Jean Bethke Elshtain, and Joseph Vining. Young scholars might take note.

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