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One Step Enough

Steven D. Smith*

Abstract

The growing divide between contemporary law and culture and Christianity forces Christians both in general and in the academy to confront difficult choices. The difficulty of those choices was manifest in the most recent presidential election. In this situation, some Christians take an aggressive or triumphalist stance; others are more inclined to a retreatist approach sometimes labeled “the Benedict Option.” What the right response is poses both prudential and theological questions about which Christians disagree, and about which confident answers are elusive. In this context, Professor Bob Cochran’s distinguished career exemplifies a path of humility in which the Christian citizen and scholar attempts to practice virtues of faith and charity, pursuing a Christian vocation in a way that is neither triumphalist nor defeatist, in the spirit of the beloved Christian hymn “Lead, Kindly Light.”

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I. HARD QUESTIONS

For Christians in the Western world, including Christian academics, these are times of trouble and uncertainty. (They are also times of trouble and uncertainty for many *non*-Christians. And for Christians in parts of the *non*-Western world, the times are not merely troubling but horrific¹—mitigated, to be sure, by the comfort of the Good News.²) We seem to have witnessed the end of the official, and later more informal, ascendancy of Christianity as a regulative ideal that characterized the West for sixteen centuries or so.³ With the loss of the historical foundation for so much of what seems valuable in our civilization—limited government, genuine rather than politically opportunistic concern for the less privileged, respect for the sanctity of the individual person⁴—what will follow?

Might Christianity devolve gently into some kindly and affirming egalitarian liberalism? Conversely, will “[m]ere anarchy [be] loosed upon the world?”⁵ Or consider a third possibility: might Christianity be replaced by some other, more aggressive orthodoxy? By some “rough beast, its hour come round at last,”⁶ that might seize on parts of what Christianity bequeathed, and that might conceivably even lay claim to the *name* of Christianity (and also,

1. See, e.g., Lindy Lowry, *Christian Persecution by the Numbers*, OPEN DOORS (Jan. 16, 2019), <https://www.opendoorsusa.org/christian-persecution/stories/christian-persecution-by-the-numbers/> (producing reports from 150 countries which reveal “telling numbers and statistics that give us a glimpse at the depth, prevalence and widespread reach of the persecution believers endure”).

2. See *John* 16:33 (King James) (“In the world ye shall have tribulation: but be of good cheer; I have overcome the world.”).

3. On the historical significance of Christianity as a regulative ideal, see STEVEN D. SMITH, *PAGANS AND CHRISTIANS IN THE CITY: CULTURE WARS FROM THE TIBER TO THE POTOMAC* 213–15 (2018).

4. David Bentley Hart observes:

Even the most ardent secularists among us generally cling to notions of human rights, economic and social justice, providence for the indigent, legal equality, or basic human dignity that pre-Christian Western culture would have found not so much foolish as unintelligible. It is simply the case that we distant children of the pagans would not be able to believe in any of these things—they would never have occurred to us—had our ancestors not once believed that God is love, that charity is the foundation of all virtues, that all of us are equal before the eyes of God, that to fail to feed the hungry or care for the suffering is to sin against Christ, and that Christ laid down his life for the least of his brethren.

DAVID BENTLEY HART, *ATHEIST DELUSIONS: THE CHRISTIAN REVOLUTION AND ITS FASHIONABLE ENEMIES* 32–33 (2009) (ebook).

5. WILLIAM BUTLER YEATS, *The Second Coming*, in *THE VARIORUM EDITION OF THE PLAYS OF W.B. YEATS* 401–02 (Peter Allt & Russell K. Alspach eds., 1957).

6. *Id.*

perhaps, to the *name* of liberalism), but that will likely transform both of those legacies into something grotesquely different—something that is in tension with or even hostile to both historical Christianity and historical liberalism?

Who can tell? “[W]e see through a glass, darkly.” “[T]he signs of the times” are not easy to discern.⁸

If what we are witnessing amounts to no more than a loss of political and cultural power for Christians and Christian institutions, that change might be celebrated—even, or rather especially, by Christians—as a welcome development.⁹ After all, Christianity in its initial phase, and thus in what has often been regarded as its purity, possessed no political or cultural power. And Jesus made it perfectly plain that his “kingdom [was] not of this world.”¹⁰ The assumption of political power under Constantine and his successors has thus been viewed by many Christians as a corruption of the faith.

That is a contestable judgment, to be sure, and even if correct it may be unfair. As the authority of the imperial government collapsed in the Roman Empire, a church that cared about the well-being of its people arguably had little choice but to assume responsibility for upholding and leading society. In the fifth century, when Pope Leo I went out to negotiate with Attila,¹¹ he did so because there was no one else with the clout to face off the invader and thus prevent conquest and slaughter. Even so, it might be that this was a lamentable necessity, and that a release from political responsibility would free Christianity to be more faithful to its real commitments.

Or maybe not. If the emerging order turns out to be hostile to Christianity, or at least hostile to Christians who are unwilling to collaborate in the new order with its non- or perhaps anti-Christian values and assumptions, the practice of Christianity might be rendered difficult, or well-nigh impossible. After all, the state’s means of monitoring, regulating, and indoctrinating are far vaster today than they have been in past epochs. And the times in which Christians could retreat from an oppressive order to practice their faith in a distant monastery, distant continent, or distant and unsettled region of the

7. 1 *Corinthians* 13:12 (King James).

8. *Matthew* 16:1–4.

9. See Damon Linker, *American Christianity is Losing Its Grip on Political Power—and That’s Good News for Christians*, WEEK (Jan. 28, 2015), <https://theweek.com/articles/536102/american-christianity-losing-grip-political-power-thats-good-news-christians>.

10. *John* 18:36.

11. See EAMON DUFFY, *SAINTS AND SINNERS: A HISTORY OF THE POPES* 46 (4th ed. 1997) (ebook).

country seem to have passed. There is scarcely a square inch of space over which modern governments do not aggressively claim jurisdiction. Their laws and programs of education and indoctrination expand to fill the domain.

Even those who advocate a measure of religious freedom may do so on the condition that the unquestioned and exclusive sovereignty of the state be acknowledged—that whatever rights and freedoms are granted are conferred by that sovereign state.¹² So, if the state turns against Christianity, where will be the refuge?¹³

In the United States, such questions and such dimly perceived prospects have recently confronted Christians in a variety of forms. One such confrontation occurred in the 2016 presidential election.¹⁴ For many Christians, the election presented a truly tragic choice:¹⁵ should the nation select for its president a man who in his behavior and expressions seemed habitually and flagrantly to transgress Christian precepts, or instead a person who seemed likely to relentlessly pursue an agenda contrary to Christian commitments to the sanctity of life (including the life of the unborn) and to religious liberty?

The reference to religious liberty points us to a different context in which hard choices have arisen. Suppose you are a baker, florist, or wedding photographer faced with the choice of curtailing your career—in whole, or in part—or else carrying on your profession in violation of your Christian commitments.¹⁶ What is the right choice?

These can be challenging, even excruciating questions. What is the proper Christian response? Accommodation to the world as it is, and as it is becoming? Retreat from that world (insofar as the world will even allow for retreat)? A heroic, if likely vain, attempt at a sort of *reconquista*—analogous, in a non-military sense, to the campaign that gradually recaptured the Iberian

12. See, e.g., CÉCILE LABORDE, *LIBERALISM'S RELIGION* (2017).

13. Marc DeGirolami points out—correctly, I think—that the opposition to traditional Christianity comes not just from government and law but from society generally. For example, economic boycotts of persons or business with Christian commitments that conflict with current orthodoxies are sponsored by private individuals and groups, not by the state.

14. See, e.g., Alan Noble, *Evangelicals Like Me Can't Vote for Trump—or Clinton: Here's What We Can Do Instead*, VOX (June 7, 2016), <https://www.vox.com/2016/6/7/11868028/evangelicals-nevertrump> (noting the dilemma evangelicals faced in the 2016 presidential election).

15. See *id.*

16. See, e.g., *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 138 S. Ct. 1719, 1723 (2018) (depicting a scenario similar to the hypothetical one posed above, where a cakeshop owner refused to create a cake for a same-sex couple's wedding reception).

Peninsula throughout the Middle Ages¹⁷—for Christianity, or at least for Christendom?

II. ACADEMIC QUESTIONS

Christians working in the academy face these questions, as well as others more specific to the academic environment. The primary purpose of institutions of higher learning is often thought to be the pursuit and dissemination of knowledge and understanding. A secondary purpose, in many universities anyway—and a purpose that can often displace the primary purpose—is the promotion of the good life (or of what academicians take to be the good life), and in particular the advancement of social justice (or of what academicians take to be social justice).¹⁸ In this context, the devout Christian academic may believe that he or she has in the Christian tradition something that speaks powerfully to both of these purposes.

Just to mention one possibility: relatively few people today, and relatively few Christians, may entirely subscribe to the grand intellectual synthesis reflected in the *Summa Theologica*,¹⁹ and yet, is there anything in the secular world that comes close to offering as comprehensive and insightful an understanding of the cosmos in all its dimensions (and not just in its material aspects)? And in a world in which depression, despair, and suicide are becoming epidemic,²⁰ is there anything as inspiringly hopeful as, say, the Apostles' Creed?: *The forgiveness of sins. The resurrection of the body. The life everlasting.*²¹ Seriously, in what other philosophy or creed or ideology or worldview can you find anything approaching the hopefulness of these affirmations?²²

17. See *Reconquista: Iberian History*, ENCYCLOPEDIA BRITANNICA (Aug. 19, 2019), <https://www.britannica.com/event/Reconquista>.

18. For criticism of this tendency, see generally STANLEY FISH, *SAVE THE WORLD ON YOUR OWN TIME* (2008) (criticizing the tendency of higher education to elevate the promotion of the good life over the pursuit and dissemination of knowledge and understanding).

19. THOMAS AQUINAS, *SUMMA THEOLOGIAE: A CONCISE TRANSLATION* (Timothy McDermott ed., 1989).

20. See Francie Hart Broghammer, *Death by Loneliness*, REAL CLEAR POLICY (May 6, 2019), https://www.realclearpolicy.com/articles/2019/05/06/death_by_loneliness_111185.html; Aaron Kheriaty, *Dying of Despair*, FIRST THINGS (Aug. 2017), <https://www.firstthings.com/article/2017/08/dying-of-despair>.

21. *The Apostles Creed*, REFORMED CHURCH AMERICA, <https://www.rca.org/resources/apostles-creed> (last visited Oct. 24, 2019).

22. For an exploration along these lines, see E.L. MASCALL, *THE CHRISTIAN UNIVERSE* (1966).

To be sure, non-Christians may regard Christianity as, at best, as Stephen Carter once observed, a sort of peculiar hobby that some people happen to have—like stamp collecting.²³ At worst, they regard it as a pernicious delusion.²⁴ But the devout Christian will have a different view. He or she will likely regard the faith as a rich intellectual and spiritual tradition—a comprehensive worldview and practice—that has much to teach about truth, justice, and the good life. The problem is that this view is difficult or impossible to present openly in a university context. The notion of Christianity as a source of truth is peremptorily ruled out by the naturalism that has been the overbearing orthodoxy in the modern university.²⁵

So, what is the Christian academic to do? Check his or her faith at the door upon entering the office or the classroom? Attempt to sneak disguised Christian truths into his or her scholarship, or to translate those truths (likely in diluted or distorted form) into some more acceptable academic vocabulary—Kantian, maybe, or Rawlsian, or Marxist? Openly present his or her religious perspectives, in defiance of academic conventions and expectations, and thereby risk marginalization or even denial of tenure?

These also are difficult questions. How is the Christian academic to answer them?

III. ANSWERS AND VACILLATIONS

There are Christians who think they know, or at least who offer, answers to such questions. Often these answers are subtle and thoughtful, and any

23. See Stephen L. Carter, *Evolutionism, Creationism, and Treating Religion as a Hobby*, 1987 DUKE L.J. 977, 978 (“The great risk lying a bit further down this path is that religion, far from being cherished, will be diminished, and that religious belief will ultimately become a hobby: something so private that it is as irrelevant to public life as the building of model airplanes.”).

24. See generally CHRISTOPHER HITCHENS, *GOD IS NOT GREAT: HOW RELIGION POISONS EVERYTHING* (2009) (arguing that religion is an attempt to delude ourselves).

25. With respect to philosophy, for example, Hilary Putnam explains:

[P]hilosophers . . . announce in one or another conspicuous place in their essays and books that they are “naturalists” or that the view or account being defended is a “naturalist” one; this announcement, in its placing and emphasis, resembles the placing of the announcement in articles written in Stalin’s Soviet Union that a view was in agreement with Comrade Stalin’s; as in the case of the latter announcement, it is supposed to be clear that any view that is not “naturalist” (not in agreement with Comrade Stalin’s) is anathema, and could not possibly be correct.

Hilary Putnam, *The Content and Appeal of “Naturalism,”* in *NATURALISM IN QUESTION* 59, 59 (Mario de Caro & David MacArthur eds., 2004).

quick characterization I might give here will not do them justice. But, generalizing and simplifying, we might say that some of the answers fall into the “retreat” or “withdrawal” category.²⁶ The “Benedict Option” has become a sort of slogan for this strategy (although, again, it is simplistic and misleading to characterize Rod Dreher’s book²⁷ of that name as advocating mere withdrawal²⁸). In a somewhat similar vein are suggestions that the church should simply “be the church” and refrain from trying to influence (or from contaminating itself with) politics.²⁹ This position may be accompanied by complaints against “Constantinianism” and the prescription that Christians ought to regard themselves as “resident aliens.”³⁰

Other proposals fall more into the *reconquista* category—albeit *reconquista* in a cultural or spiritual, not a military, sense.³¹ One variation on this position sees a close and cordial relationship between Christianity and basic American principles,³² and it urges a return not to Christendom or to Christianity *per se* but rather to those basic principles (which would include or at least be happily compatible with Christianity).³³ Other advocates in this general category are more suspicious of American constitutionalism, and of “liberalism”; they may favor more a subtle infiltration approach that would ultimately seek to reestablish a more “integralist” relationship between government and Christianity.³⁴

Most of these proposals are concerned with Christianity and Christians in general, not with Christians in the academy *per se*. But there are occasional

26. ROD DREHER, *THE BENEDICT OPTION: A STRATEGY FOR CHRISTIANS IN A POST-CHRISTIAN NATION* 2, 73 (2017).

27. *See id.*

28. *See* Rod Dreher, *On Misreading The Benedict Option*, AM. CONSERVATIVE (Apr. 17, 2017), <https://www.theamericanconservative.com/dreher/misreading-the-benedict-option>.

29. Chip Ingram, *What’s the Role of the Church When it Comes to Politics?*, LIVING ON EDGE, <https://livingontheedge.org/2019/01/24/whats-the-role-of-the-church-when-it-comes-to-politics/> (last visited Oct. 24, 2019).

30. *See, e.g.*, STANLEY HAUERWAS & WILLIAM H. WILLIMON, *RESIDENT ALIENS: LIFE IN THE CHRISTIAN COLONY* (1989).

31. *See, e.g.*, RUSSELL R. RENO, *RESURRECTING THE IDEA OF A CHRISTIAN SOCIETY* (2016).

32. A classic text in this vein is JOHN COURTNEY MURRAY, *WE HOLD THESE TRUTHS: CATHOLIC REFLECTIONS ON THE AMERICAN PROPOSITION* (1960).

33. *See, e.g.*, PETER AUGUSTINE LAWLER & RICHARD M. REINSCH II, *A CONSTITUTION IN FULL: RECOVERING THE UNWRITTEN FOUNDATION OF AMERICAN LIBERTY* (2019).

34. *See, e.g.*, Adrian Vermeule, *A Christian Strategy*, FIRST THINGS (Nov. 2017), <https://www.firstthings.com/article/2017/11/a-christian-strategy>.

calls for a more overtly Christian element or perspective in scholarship, including legal scholarship.³⁵ If it is permissible for scholars to take Lockean, Marxist, Freudian, or Lacanian approaches to their subjects, to mention just a few, why should it not be permissible to take an unapologetically Christian approach?

For myself, I am embarrassed to report that I vacillate among these various proposals. I sincerely appreciate the efforts of a spectrum of Christian thinkers to work through and address some very difficult and timely questions. In different moods, I find myself in tentative agreement with almost all of them. And yet there seem to be grave difficulties—both historical (or whatever the forward-looking reverse of “historical” is, as “eschatological” seems too strong) and theological—that make it difficult to join up whole-heartedly with one or another of the camps.

This waffling admittedly seems weak and unworthy. Aren’t people of faith supposed to make a choice?³⁶ To take a stand?³⁷ And yet, for me at least, the uncertainties cannot just be banished by an act of will, or a leap of faith.

And indeed, there can be something about an aggressively confident proposal that seems just faintly . . . well, not quite Christian. Should a Christian be so confident in his or her judgments in the political and historical realm? Don’t Christians (going back to Jesus’s own disciples) have a dubious track record when it comes to this kind of judgment?³⁸ Wouldn’t it be fitting to trust more to the mysterious workings of a Providence that transcends our finite comprehension?

And yet, faced with the questions I have described, a person has to do *something*—to make some kind of choice. Because *not* to choose is to choose by default (and, mostly likely, to choose poorly). So, is there any alternative?

35. See, e.g., GEORGE M. MARSDEN, *THE OUTRAGEOUS IDEA OF CHRISTIAN SCHOLARSHIP* (1997) (calling for enhanced role for religious faith in today’s scholarship). For an effort to facilitate Christian teaching in the legal curriculum, see PATRICK MCKINLEY BRENNAN & WILLIAM S. BREWBAKER III, *CHRISTIAN LEGAL THOUGHT: MATERIALS AND CASES* (2017).

36. Cf. *Joshua* 24:15 (“[C]hoose you this day whom ye will serve . . .”).

37. The classic example is, of course, Martin Luther’s “I cannot do otherwise, here I stand,” although these may not have been the exact words. MARTIN MARTY, *MARTIN LUTHER* 68 (2004).

38. According to the New Testament accounts, Jesus’s closest disciples continued to believe in him as a triumphant political messiah right up until his death and resurrection, despite his repeated attempts to instruct them otherwise. See, e.g., *Mark* 8:27–33; *Mark* 9:33–34; *John* 12:16; *Acts* 1:6.

IV. THE PATH OF HUMILITY

Professor Robert Cochran—which is too stiff a term for a friend, so I will call him Bob—has addressed these kinds of questions throughout his long and prolific career as an exemplary and unapologetically Christian legal scholar.³⁹ In both his writings and his example, we may perceive an alternative to both the retreat and the *reconquista* strategies—an alternative that does not embrace, nor necessarily preclude, either of those strategies.

Among Bob's numerous publications, many of them bring Christian perspectives to bear on the practice of law. Professional responsibility is not a subject that I have taught (or that I took in law school), so I have no competence to assess this work. I *have* benefitted from writings discussing the importance of a higher law⁴⁰ and from writings applying biblical teachings to legal subjects including tort law and institutional religious freedom.⁴¹ But the item in Bob's corpus that speaks most directly to the questions I have raised here (or at least the one that I am acquainted with) is a short essay in a book on *Christian Perspectives on Legal Thought*⁴² that Bob helped prepare and edit. Bob's specific essay is entitled *Christian Traditions, Culture, and Law*.⁴³

The essay draws upon H. Richard Niebuhr's classic *Christ and Culture*.⁴⁴ Niebuhr organized the various attitudes that Christians have taken with respect to culture into five main positions, which Bob briefly summarizes.

39. See, for example, some of Bob's works on different issues spanning across several years: Robert F. Cochran, Jr., *Jesus, Agape, and Law*, in AGAPE, JUSTICE, AND LAW: HOW MIGHT CHRISTIAN LOVE SHAPE LAW? (Robert F. Cochran, Jr. & Zachary Calo eds., 2017); Robert F. Cochran, Jr. and Dallas Willard, *The Kingdom of God, Law, and the Heart: Jesus and the Civil Law*, in LAW AND THE BIBLE: JUSTICE, MERCY AND LEGAL INSTITUTIONS (Robert F. Cochran, Jr. & David VanDrunen eds., 2013); Robert F. Cochran, Jr., *Introduction: Can the Ordinary Practice of Law Be a Religious Calling?*, 32 PEPP. L. REV. 373 (2005); and Robert F. Cochran, Jr., *Introduction: Three Approaches to Moral Issues in Law Office Counseling*, 30 PEPP. L. REV. 592 (2003).

40. See, e.g., Robert F. Cochran, Jr., Symposium Introduction, *Is there a Higher Law? Does it Matter?*, 36 PEPP. L. REV. i (2009); Connie S. Rosati, *Is There a Higher Law? Does It Matter?*, 36 PEPP. L. REV. 615 (2009).

41. See, e.g., Robert F. Cochran, Jr., *Church Freedom and Accountability in Sexual Exploitation Cases: The Possibility of Both Through Limited Strict Liability*, 21 J. CONTEMP. LEGAL ISSUES 427 (2013).

42. CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Michael McConnell, Robert F. Cochran, Jr. & Angela C. Carmella eds., 2001).

43. Robert F. Cochran, Jr., *Christian Traditions, Culture, and Law*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT 242 (Michael McConnell, Robert F. Cochran, Jr. & Angela C. Carmella eds., 2001).

44. H. RICHARD NIEBUHR, CHRIST AND CULTURE (1951).

Some Christians, whom Bob describes as “synthesists,” hold that “culture is good, but Christ has things of value to add to it.”⁴⁵ He cites Thomas Aquinas as a leading exemplar of this view. A second group, whom Bob calls “conversionists,” John Calvin being a leading representative, sees culture as “radically sinful” and in need of transformation by Christian virtues and ideals.⁴⁶ “Separatists” perceive a similar sinfulness but are not sanguine about the possibility of transformation; they thus advocate withdrawal from the world.⁴⁷ Anabaptists (like the Amish of *Wisconsin v. Yoder*) are the classic case; whatever Rod Dreher may intend by the term, the *Benedict Option* would seem an apt label for this category among the currently discussed alternatives.⁴⁸

By contrast, Christian “dualists” reduce or dissolve the opposition between Christianity and culture not by either transforming or reconciling the two, but rather by placing them in different spheres or on different planes, each with its own distinct “set of ground rules.”⁴⁹ This is presumably the attitude taken by many Christian academics, perhaps without a great deal of reflection. When in church on Sunday, one professes one’s Christian faith; when teaching or doing scholarship on Monday through Friday, one teaches and researches and writes according to standard academic criteria, just as any other teacher or scholar would do.

The final group, the “culturalists,” likewise seek to eliminate tension—not by separating Christianity from culture, though, but rather by identifying and melding them.⁵⁰ Culturalists “draw[] no distinction between Christ and culture.”⁵¹ The risk here, Bob observes, is that “we will merely call some aspect of culture ‘Christian’ without viewing it critically.”⁵² He suggests that many Christians may fit into this category, even if they would be loath to admit as much:

Those within the National Council of Churches and those within the Christian Coalition would both identify themselves as Christ-trans-

45. Cochran, *supra* note 43, at 243.

46. *Id.* at 244–45.

47. *Id.* at 245–47.

48. See *Wisconsin v. Yoder*, 406 U.S. 205 (1972); Dreher, *supra* note 27.

49. Cochran, *supra* note 43, at 247–48.

50. *Id.* at 248–49.

51. *Id.* at 248.

52. *Id.* at 249.

forming-culture Christians. But when the press releases of the National Council of Churches are indistinguishable from those of the Democratic Party and the press releases of the Christian Coalition are indistinguishable from those of the Republican Party, one wonders who is transforming whom.⁵³

So, of these various Christian attitudes toward culture, which is the right one? Bob follows Niebuhr in suggesting that there is no single correct position, and that the proper attitude may vary with time and place depending on the culture that a particular Christian happens to inhabit.⁵⁴

But what about *our own* time and place? Bob offers no definitive prescription, but he does make two suggestions that seem cogent to me.

First, he suggests that, even “[w]ithin the same culture, God might call some to play one role and others to play another.”⁵⁵ Different people have different callings. In biblical times, Bob reminds us, God called David to be king and Nathan to prophetically challenge David’s abuse of his royal power.⁵⁶ A similar idea may hold for contemporary America. It is possible that

God calls synthesisists to look for common ground with the surrounding culture, conversionists to seek to improve the culture through Christian transformation, separatists to build communities outside of the culture that might draw others to Christ, and dualists to work within the existing culture. It may be that, as Niebuhr suggests, Christ’s answer to the question of culture “transcends the wisdom of all his interpreters yet employs their partial insights and their necessary conflicts.”⁵⁷

This suggestion, I think, contains a good measure of wisdom for our present time. Take the much-discussed conflict between religious freedom and “civil rights”—LGBTQ rights in particular. Should Christians dig in and resist legal proposals that, however currently framed, may well expand to impinge on the ability of Christians to live in accordance with their convictions?

53. *Id.* at 248–49.

54. *Id.* at 251.

55. *Id.*

56. *Id.*

57. *Id.* at 252.

Or should Christians be looking for acceptable compromise or middle ground positions? There are advocates and scholars whom I respect (and indeed with whom I am associated, in work or in worship⁵⁸) who take both views. I am, once again, uncertain—my own limited contributions to the discussion have come down, typically and tentatively, on both sides of the divide.⁵⁹ But the larger truth, I suspect, is that if there is any realistic possibility of working out a viable and equitable *modus vivendi*, it will be the result of a variety of actors pursuing a variety of strategies.

Beyond suggesting the value of a variety of positions and callings, Bob also suggests, and exhibits, humility in the face of our perplexities. “I must confess,” he says, “that I move in my thinking between the options suggested above. It may be that we live in a time of transition, when no one knows in what direction our culture will go or what response a Christian should make.”⁶⁰ This also seems to me a valuable and accurate observation.

But is this confession of uncertainty merely an excuse for inaction and indecision? It could be; but Bob’s career demonstrates, I think, that it need not be. I have not been a student in Bob’s classes, so I am not sure whether or how he brings Christian perspectives into the classroom. But I have benefitted from his prolific scholarship, often explicitly applying Christian perspectives to legal issues. I have also benefitted from the many conferences he has organized, bringing together people of various faiths and perspectives to discuss contemporary and perennial issues. And I participated in an interfaith blog—*Law, Religion, and Ethics*—that Bob organized, in which people of various faiths, both Christian and non-Christian, engaged each other civilly and constructively over a period of years on topics of current importance.⁶¹

All of these efforts, in my observation, have had an obvious and often

58. I have occasionally worked with the Alliance Defending Freedom, which tends to take a “no compromises” view. See, e.g., *Marriage Is Our Future*, ALLIANCE DEFENDING FREEDOM, <http://www.adflegal.org/issues/marriage/marriage-is-our-future>. Conversely, my own Christian affiliation is with the Church of Jesus Christ of Latter-Day Saints, which has advocated compromise under the heading of “Fairness for All,” and which helped to bring about the so-called “Utah Compromise.”

59. Compare Steven D. Smith, *Die and Let Live? The Asymmetry of Accommodation*, in RELIGIOUS FREEDOM AND GAY RIGHTS: EMERGING CONFLICT IN THE UNITED STATES AND EUROPE 181 (Timothy Samuel Shah et al. eds., 2016), with Steven D. Smith, *Against “Civil Rights” Simplism: How Not to Accommodate Competing Legal Commitments*, in RELIGIOUS FREEDOM, LGBT RIGHTS, AND THE PROSPECTS FOR COMMON GROUND (William N. Eskridge Jr. & Robin Fretwell Wilson eds., 2018).

60. Cochran, *supra* note 43, at 251.

61. *Law, Religion, and Ethics: A Multi-Faith Dialogue*, L. RELIGION & ETHICS, <https://web.archive.org/web/20120414164446/http://lawreligionethics.org/> (last visited Oct. 24, 2019).

explicit Christian character—one that is neither triumphalist, defeatist, nor retreatist. The outstanding features, rather, have been the virtues of humility, charity, openness to truth wherever it may be found, and respect for people of good will whatever their faith or persuasion. That, I think, is another way of being a Christian, and a Christian academic, in a confused and troubled world. It is an approach that Bob has exemplified not only in his work but in his person.

V. CONCLUSION: LEAD, KINDLY LIGHT

There is an expression of this approach in a hymn, beloved among many Christians, written by John Henry Newman not long before his conversion to Catholicism.⁶² “[A]mid the encircling gloom” (and that description might be applied by many Christians to our own time), Newman asked not “to see [t]he distant scene,” or the larger picture, but instead to be led one step at a time.⁶³ He contrasted this approach with a different one that he had formerly taken—an approach in which he had “lov[e]d the garish day” and had “lov[e]d to choose . . . [his] path.”⁶⁴ He now perceived that approach, however, as one in which “[p]ride rul[e]d [his] will.”⁶⁵ Better, he now understood, to trust God to lead him “[o]’er moor and fen, o’er crag and torrent, till [t]he night is gone.”⁶⁶

Newman’s perspective is not, I think, a prescription against trying to discern “the signs of the times” as well as we can. Still, given our exquisitely limited powers of discernment, it seems that faith, hope, and charity allow for the faithfully trusting tentativeness and openness reflected in Professor Bob Cochran’s scholarly efforts and example.

62. For a description of the circumstances that led Newman to write the poem, see OWEN CHADWICK, *THE SPIRIT OF THE OXFORD MOVEMENT: TRACTARIAN ESSAYS* 86 (1990).

63. John Henry Newman, *The Pillar of the Cloud*, in *A VICTORIAN ANTHOLOGY*, 1837–95, at 59 (Edmund Clarence Stedman ed., Houston, Mifflin & Co. 1895).

64. *Id.*

65. *Id.*

66. *Id.*