Journal of Law and Religion 35, no. 3 (2020): 519–523 © The Author(s), 2020. Published by Cambridge University Press on behalf of the Center for the Study of Law and Religion at Emory University.
doi:10.1017/jlr.2020.50

Pagans and Christians in the City: Culture Wars from the Tiber to the Potomac. By Steven D. Smith. Grand Rapids: Wm. B. Eerdmans, 2018. Pp. 408. $ 48.00 (cloth); $29.99 (paper); $9.99 (digital). ISBN: 9780802876317.

"No one can say 'Jesus is Lord' except by the Holy Spirit." So wrote the Apostle Paul in I Corinthians chapter 12 (NIV). Paul's simple statement of Christian dogma was written to a group of believers for whom "the earth . . . and everything in it" (Psalm 24:1) primarily mattered—that is, before they confessed that Jesus was indeed Lord of all. At the crossroads of the Mediterranean world, Corinthians went big in everything they did, especially in matters of business and sex. One popular evangelical minister has likened Corinth of Paul's day to present-day New York City, whose pulsating intensity has only been slowed by the novel coronavirus.[1]

"Jesus is Lord," is the simplest, yet most remarkable summary of Christian orthodoxy in the New Testament because it affirms that there is only one Lord over the universe, and it is not the Roman emperor. Further, it affirms that God himself, in the person of the Holy Spirit, is the impetus for declaring Christ's reign. In other words, God fills believers with himself—even these believers in Corinth living in two worlds—to declare his primacy (through Jesus) over all.

The band of Jesus-followers in Corinth did indeed live in two worlds: one of the pure energy that pulsated through the city and the other soaked in fealty to a king they could not see yet who died and rose again so that he could have an everlasting relationship with them. In Steven D. Smith's latest book, *Pagans and Christians in the City: Culture Wars from the Tiber to the Potomac*, Smith brilliantly, if eclectically, captures the liminal state in which Roman and even contemporary American Christians find themselves—at once *in* the world but "not of the world" (John 15:19 RSV). Smith describes the plight of today's orthodox (in the sense of adhering to biblical fundamentals) Christians by comparing postmodern America's loose embrace of religion with that of the ancient Roman republic and empire—a sex-saturated society in which veneration of the gods served to bolster the primacy and stability of the social order.

One of the latest offerings in the Emory University Studies in Law and Religion series published by Eerdmans, under the general editorship of John Witte, Jr., *Pagans and Christians in the City* is really two books under one cover. The book divides into three parts, each of which I discuss in detail below. In the first two parts of the book (chapters 1 through 8) Smith examines Rome using the tools of history, philosophy, and sociology to describe Rome's religion, its sexual practices, and the nascent Christian community's encounter with Rome's dictates, practices, and expectations. As part of his history, Smith describes the Romans' strict devotion to hierarchic order; unlimited, and sometimes abusive, sexual expression (for free men, but not for slaves or married women); and veneration of the panoply of gods, which channeled Romans to be devoted to the state. The third part of the book (chapters 9 through 12) is an account suited to the literatures of religion and politics and religion clause scholarship. In this final part, Smith paints a picture of American Christendom's estrangement from the broader culture. Smith borrows from his description of Romans' patriotism and civic loyalty to compare contemporary American Christianity's cooptation of the symbols and practices of civic devotion (such as the flag) to generate

1 Timothy Keller, "Predestination," sermon (04:00–04:10), Redeemer Presbyterian Church, April 20, 1997, New York, NY, Redeemer Presbyterian Church phone app.

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feelings of devotion and loyalty to the state—in other words, the "civil religion" made famous by sociologist Robert Bellah.[2] The second part of the book also includes Smith's latest thinking regarding both the Free Exercise and Establishment clauses of the Constitution's First Amendment.

In the first third of the book (chapters 1 through 4), Smith sketches approaches to religious piety, sexuality, and slavery and submission that characterized ancient Rome. Smith argues that the Romans were a devoted but not necessarily *devout* people, though veneration of the gods pervaded Roman society. Roman worship of the panoply, Smith asserts, was unlike Christian devotion to the one God manifested in the person of Jesus Christ. Christian worship was borne out of deep appreciation of Christ's life, sacrificial death, resurrection, and sure promise to everlastingly connect with the believer in the afterlife. Roman religious devotion was less about deep belief in a god's salvific goodness (much less that the Roman's eternal soul was dependent on maintaining a devoted relationship with the god). Rather, upper-class Romans routinely worshipped the (literally) dozens of gods as part of maintaining social order; it was expected of them. Although they also participated in rituals of piety to curry favor with gods, or at least diffuse the gods' whimsical anger.

At the end of chapter 4, Smith tidily summarizes the tensions within religious worship in Roman society: "the implausibility of the mythic religion to more educated Romans—of the religion of stories about lustful, vengeful, whimsical gods—created a challenge to believing in the civic religion. But the civic religion was what sustained and consecrated the city—the city of 'shining beauty and grace' that Romans revered, and that gave their lives meaning and purpose and sublimity" (101). Generally, Romans did not believe in the truth of the gods and their actual existence. Nevertheless, their worship of the gods marshaled an impressive esprit de corps—a civic religion—that burnished feelings of unity and patriotism that helped maintain the city.

Even more than religion, sexuality saturated every corner of Roman society. Smith contends that sex served an existential imperative—namely to prevent Rome's demographic collapse. But unlike in the contemporary West, where such a pressing problem would be met by central governments' offering economic incentives to bear and raise children, Rome instead looked benignly on the flooding of its society with all sorts of profane messages, art, and iconography. Consequently, the rituals and acts of sex were to be found in every nook and cranny of society—from baths, brothels, inns, and private homes to the neighborhood tavern with its oversized phallus-pull on the bell that summoned the bartender. Sex was omnipresent in Roman society, and Roman men could acquire it any time they wanted it. Ironically, the same Roman society that prized sexuality demanded that respectable male citizens not let their sexual urges escape their control. Sex was a self-evident good for Roman men, according to Smith, but they were not to let their urges overtake them lest the state be damaged with their indolence.

If sex was pervasive in Roman society, it was also an instrument of domination and control. Many Roman men had relations with both women and men, but "it was disgraceful to be the passive partner in sexual relations" (74), lest they be thought of as a woman. Roman men could purchase sex not only in brothels, for example, but they purchased the possibility of sex at any time, or for any reason, from their slaves. Smith paints an ugly picture that Roman slaves were chattel in the most comprehensive sense of the word: they were property that could be deployed for any of their masters' whims, including satisfaction of their sexual urges. The Roman man did not think twice about abusing his slave in this intimate way, for the slave was just another thing to be exploited for the master's own idiosyncratic purposes.

2 See Robert N. Bellah, "Civil Religion in America," in *Beyond Belief: Essays on Religion in a Post-Traditionalist World* (New York: Harper & Row, 1976): 168–89.

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After reading the first four chapters, the reader could be forgiven for wondering what such a thorough explanation of Rome's religious and sexual habits has to do with postmodern America's culture wars, as teased by the book's title. The answer is found in the next chapter, in which Smith describes the "paganism" of ancient Rome as a religion squarely focused on "*this world*" (108). To wit: "Pagan religion locates the sacred *within* this world. In that way, paganism can consecrate the world from within: it is religiosity relative to an *immanent* sacred. Judaism and Christianity, by contrast, reflect a *transcendent* religiosity; they place the sacred, ultimately, outside the world—'beyond time and space'" (111–12).

Smith extends his "*this world*" / "*the next world*" (108) analogy and applies it to contemporary America in the final third of the book. However, in the second third, Smith explains that for Roman pagans, holiness was found in tangible interaction with the panoply of gods in day-to-day life, and for pagans, tangible interaction with the panoply was most acutely actualized through sex. Sex made manifest the "mysterious, indwelling presence of the gods" (121), and "sexual prodigality was the manifestation of a kind of polytheism" (124)—a polytheism that Romans gladly embraced but Christians could not.

Even though Christians could not embrace unlimited sex as a way of life, on the whole they did think that they could navigate living in the "city" (128) and, at the same time, meet the demands of personal and collective piety called for by their religion. While both Christians and pagans required respect for and obedience to government authorities, Romans went a step further and required Christians in their society to make special demonstrations of fealty to both the panoply and the emperor. This, of course, Christians could not do. Hence, Christians opened themselves up to repression and abuse from the empire because they did not display the respectful "reciprocity" (151) of Rome's religious structure that Romans had given to them.

Smith's most prescient insight in the book's second part is that though Rome's Christians eventually ascended in the face of pagan religion's descent (as evidenced by, for example, the transformation of pagan temples into Christian churches), Christians *did not hate* the world that pagans thought holy. For the Christian, the world was fundamentally acceptable and good. However, unlike the pagan, the Christian did not revere the world (or the practices common to the world, like sex) as *primary*. Christians could live, work, have (married) sex, and otherwise enjoy life—but always within boundaries that focused their religious attention on the life to come.

Smith invests quite a bit of space in the first two thirds of the book building the base for his comparison of ancient Rome to modern America. He delivers on the second part of the analogy in the final third of the book. In the last third of the book, Smith brings down the paganism of Rome to contemporary America. Today, what is most associated with paganism is the *secular*. And yet, Smith argues that to call society secular is deceptive. "Descriptions of the modern world as 'secular' are, it seems, accurate and at the same time profoundly unilluminating, even obfuscating" (253). It is misleading in the sense that people have not turned aside from religion per se. Yes, many in America may have rejected the Judeo-Christian God, but ultimately, everyone worships *something*: "modern political life in particular—is not 'secular' in the modern sense of 'not religious.' Nearly everyone continues to attach 'sacred' status to something or other—if not to God and the angels, then to nature, or to the human person (or at least to some human persons at some stages of development), or to the state, or to some sacralized conception of the course of history, or to something else" (254).

Thus, it is not entirely surprising that Smith sees that the cultural battle has been joined between those who hew to a more traditional Christianity ("orthodox") (263) and those who stick to a more secular worldview ("progressive") (263, 264). Smith argues, as did James Davison Hunter before him in his 1991 magnum opus, *Culture Wars*, "each side 'struggles to *monopolize the symbols of*

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legitimacy'" (265),[3] in other words, the "public symbols" (265), like the Bible and the Constitution. Therefore, Smith's claim that the Supreme Court's Establishment Clause jurisprudence is keen to deem as unconstitutional religious symbols in public spaces that are overtly religious, even Christian, is plausible considering his immanence/transcendence framework.

Further, in this last third of the book, Smith carefully analyzes modern sexual expressions and compares them to their Roman forebears:

> Modern sexual norms run parallel in important respects to ancient pagan attitudes and practices—except that these attitudes and practices have been extended to include women as well as men. Now, as then, in the popular morality growing out of the sexual revolution, the term "sexual morality" is something of a misnomer. That is because, according to the common assumption, sex is a normal, healthy human activity that does not *intrinsically* call for moral restrictions. Indeed, sexual intimacy continues to enjoy a kind of priority or even sanctity: it is not merely a particular kind of activity or pleasure that some people happen to enjoy (like gardening, or golf, or playing a musical instrument), but rather it is something that is central to a complete human life. (286)

Romans viewed sex as the ultimate energizing activity which brought them close to their gods. The modern spirit of the times holds sex as good in and of itself if freely chosen. Smith correctly identifies the ubiquity and constitutional protection of procuring contraception as that which contributed the most to the disassociation of sex from marriage and the begetting and raising of children, to something that can be traded as (merely) pleasurable and life-affirming among consenting adults. There is tension, then, between the religionists who see sex as something set apart for married people, and sexual "immanents"—those who create holiness within themselves, including with the sexual act. It is discouraging for Smith to claim that there will be no end in sight to the abiding tensions (such as contraception, abortion, and same-sex marriage) between the sexually immanent and the sexually transcendent as a continuing focal point for culture war types of issues.

Chapter 11 of the book is one of the best and most succinct historically grounded apologies for an accommodationist vision of the Free Exercise Clause. In it, Smith robustly defends a vision of religious freedom carefully established in a Christian "two cities" (313) framework, where the Christian has loyalties to the temporal realm and the spiritual realm but prioritizes obligations in the spiritual realm. Smith's writing in this chapter is simply one of the tightest, most logically rigorous, and (upon reflection) defensible arguments in favor of an accommodation position available in the contemporary scholarship of the religion clauses.

Space restrictions prevent a fulsome accounting of all of Smith's arguments, but in one particularly deft point Smith ably parries the thrust of anti-accommodationists who claim that religious people who receive an exemption from a generally applicable law are a "law unto themselves" (324): "If the Court were to recognize and grant the exemption, in other words, the believer would be excused *not* because he is a 'law unto himself' but, on the contrary, because the Court itself chose to craft or interpret the community's own law—in these cases, the free exercise clause of the First Amendment—to authorize the exemption" (323–24). As Smith recognizes, the Supreme Court is the authoritative interpreter of the law (Constitution). To the extent that applicants receive an accommodation, they are able to acknowledge that they are "subject . . . to the law of the land (which the Court retains the authority to construe and apply) and, in his own eyes . . . the law of God as well" (324).

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3 Quoting James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York: Basic Books, 1991), 147.

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Pagans and Christians in the City is not for the faint of heart. Steven Smith is on the Mt. Rushmore of contemporary law and religion scholars for a reason: he is an exceptional writer with a long record of incisive scholarship. However, Smith's facility with the written word should not be taken to mean that this book is generally easy to read or understand. Yet for this reviewer, one of Smith's overarching points is that like the Christians in Rome, Christians in twenty-first-century America may live in this city with their lives rich with meaning. But that meaning is not ultimately located in this city, such that the meaning dies when they do. Rather, meaning is found in their longing for ultimate communion with their God in the city beyond space and time. That longing illuminates all their on-the-ground actions, pleasures, and desires—including, yes, their sexual desires. Truly, modern Christians with a transcendent point of view can proclaim "Jesus is Lord," just like the Roman Christians living and working in Corinth, for those Christians, like modern Christians are illumined and empowered by God himself in the person of the Holy Spirit. For a law professor, Smith impressively marshals the history of Rome, along with sociological, religious, and philosophical scholarship to craft an extended point of comparison to the contemporary milieu. He boldly interacts with revered titans like Ronald Dworkin, John Rawls, Luc Ferry, and others to contend for his position. The reader who is willing to do the work to mine the veins of gold in this book will be amply rewarded.

Jeffrey B. Hammond
Associate Professor of Law, Thomas Goode Jones School of Law, Faulkner University

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