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# Principalities & Powers

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by Samuel Francis

## First Things Last

If the election of 1996 turned out to be an even bigger snore than most citizens anticipated, the fall of the year was nevertheless enlivened by a dangerous outbreak of something resembling actual cogitation on the American right. Given the mentally paralytic cast of the Dole-Kemp campaign and much of the party that nominated it, the continuing sparkle of neurons among conservatives was surprisingly refreshing, not least because it immediately provoked a hostile response from some of the major illuminati of the “conservative movement.” The November issue of the neoconservative journal *First Things* published a collection of essays that tried to raise some serious questions about the future of American government. The illuminati don’t much like serious questions, let alone serious answers, and for several weeks afterwards, it seemed that organized conservatism in America was about to experience yet another of its periodic purges in which those who commit Thought-Crime are quickly and quietly removed to the American equivalent of Siberia.

*First Things* is a journal devoted to the discussion of religion and public affairs, founded and edited by Father Richard John Neuhaus, a gentleman in better days associated with The Rockford Institute who more recently has buzzed about the neoconservative hive in Manhattan. Father Neuhaus and his colleagues have long been preoccupied with the role of religion in public life and more particularly with such issues as abortion, euthanasia, and sexual morality. The November symposium concerned itself with these very subjects, but in a way that was distinctly out of character for neoconservatives.

The symposium consisted of an introductory essay by Neuhaus himself and other contributions by Robert Bork, Catholic legal scholar Russell Hittinger, Hadley Arkes of Amherst, Robert George of Princeton, and Charles Colson, once of Watergate but now called to a rather more ethereal vocation as the chairman of Prison Fellowship, an evangelical organization that preaches the

Good News to convicted felons. Concentrating on recent Supreme Court decisions on abortion, euthanasia, and homosexuality, the symposium proceeded to raise some very hard questions about what the contributors kept calling “the legitimacy of the regime.”

As Neuhaus himself rather breathlessly phrased it in his introduction, “The question here explored, in full awareness of its far-reaching consequences, is whether we have reached or are reaching the point where conscientious citizens can no longer give moral assent to the existing regime.” The general conclusion of the symposium is yes, we are reaching that point, and the closer we get to it, the more seriously we have to address the next question, what are we supposed to do about it?

We are approaching that point—of the illegitimacy of the American government or at least of its judicial branch—for several different reasons. Judge Bork seems to have reached the point for largely procedural reasons—that the courts are handing down blatantly false interpretations of the Constitution and imposing them in blatantly illicit ways. The other participants tend to dwell on the substantive content of the decisions themselves. Thus, Russell Hittinger, in what is perhaps the most closely reasoned contribution, argues that not only do recent court rulings violate traditional religious and moral taboos on abortion, euthanasia, and homosexuality but indeed go much further and insinuate that any law or policy based on religious or moral principles is illegitimate. Professor George argues that the courts’ rulings on abortion “have imposed upon the nation immoral policies that pro-life Americans cannot, in good conscience, accept.” Mr. Colson perhaps goes even further in arguing that in the event of the legalization of homosexual marriage, “Christians . . . would be forced to live under a government whose actions violate the biblical ordering of social life and threaten the first institution ordained by God,” that the Supreme Court’s upholding of a ruling prohibiting states from preventing euthanasia would mean “that the medical murder of the sick and elderly has become our government’s

national policy,” and that President Clinton’s veto of the partial birth abortion bill last summer “is tantamount to the affirmation of infanticide.” “It would be hard to imagine,” writes the man who once expressed willingness to murder his grandmother for Nixon, “that a Christian in good conscience could swear to uphold the Constitution or laws of a nation that practices the horrendous offense against God of taking the defenseless lives of the weakest among us: babies, the elderly, and the sick.”

The symposium at once caused a fit of hiccups, not least because such desperate conclusions are not typical of the rather humdrum ruminations that habitually fill the pages of *First Things*, but more especially because of the reaction the symposium immediately provoked among the magazine’s senior editors. Gertrude Himmelfarb, Peter Berger, and Walter Berns, three major neoconservative figures and longtime collaborators of Neuhaus, at once sent in their resignations and removed themselves from the magazine’s masthead. Even more significantly, Norman Podhoretz, the Old Man of the neoconservative Mountain and long Neuhaus’s major patron among neoconservative bigwigs, also wrote a quite snotty letter to Father Neuhaus about the symposium.

Himmelfarb and Berger as well as Podhoretz all wrote letters to Neuhaus elaborating their objections, which consist of three main points: (a) the symposium uses the term “regime” to describe the current system of government in the United States, (b) the symposium concludes that the “regime” is “illegitimate,” and (c) Neuhaus in his essay had suggested a comparison of the contemporary and future United States with Nazi Germany. “America,” Neuhaus wrote, “is not and, please God, will never become Nazi Germany, but it is only blind hubris that denies it can happen here and, in peculiarly American ways, may be happening here.” Berger wrote to Neuhaus that this is “the most offensive passage” and “perhaps the most convoluted sentence you have ever written.” In the words of the Great Pod himself, “I am appalled by the language the two of

you [Neuhaus and Colson] use to describe this country, especially your own reference to Nazi Germany; by the seditious measures you contemplate and all but advocate; and by the aid and comfort you for all practical purposes offer to the bomb throwers among us.”

Recriminations among neoconservatives are always amusing, if only for the polemical nastiness with which they are conducted, and the whole dispute reminds us that one of the great pleasures of being a paleoconservative is that you don't have to receive letters from Norman Podhoretz. Yet the significance of the controversy reaches well beyond mere irony. Its meaning was to some extent elucidated by an article in the November 11 issue of the *Weekly Standard* by one of its senior editors, David Brooks, who generally sympathizes with the Podhoretz camp. Entitled “The Right's Anti-American Temptation,” the article noted that the Neuhaus symposium exuded “a tone of crisis, a sense that history itself is moving in the wrong direction,” and that this “is a tone mainstream conservatives have not used in a long while.”

Of course, what Brooks means by “mainstream conservatives” is neoconservatives. Among paleoconservatives, the view that history is moving in the wrong direction is and always has been a commonplace, from Whittaker Chambers' mordant jeremiads to Richard Weaver's philosophical dissection of modernity. The very titles of the books of major paleoconservative figures—e.g., Hayek's *The Road to Serfdom*, Burnham's *Suicide of the West*, Robert Nisbet's *The Twilight of Authority*, among others—suggest that the older school of the right never entertained a particularly Pollyannish view of history. One of the basic assumptions of almost all schools of paleoconservative thought has always been that something—in America, the West, or the Modern Age—has gone wrong.

This is not true for the neocons, whose adoption of a species of conservatism is predicated on the essential rightness of modern American government and society, the direction of its historical course, and the Modern Age in general. Indeed, it was the anti-American thrust of the New Left that precipitated the neocons' break with the left, and as Podhoretz's letter and Brooks' title (as well as several other remarks and comments by other neocons over the

years) make clear, the neoconservatives are unable to distinguish the anti-Americanism of the left from the conservative and fundamentally patriotic critique of American history and culture mounted by paleoconservatives. At peace with the direction of history, the neoconservatives emerge not as serious critics of the current regime, but rather as its inveterate defenders and apologists. Thus their contributions to political debate have been largely limited to policy prescriptions that merely build on or seek to ameliorate the current structures of the American state and society, and anyone, on the left or on the right, who suggests a more radical deviation from those structures is denounced as an “extremist,” a “bomb-thrower,” and an “anti-American.” Neoconservatism is thus fundamentally a defense of the status quo, a political formula with which the dominant left can be content because it does not seriously challenge the premises and power structure that the left has constructed and uses for its own hegemony.

When the neocons at *First Things* arrive at the conclusion that something really is wrong in America, and when they start muttering about the possible “illegitimacy” of the “regime,” then, what they are driving toward is something very close to paleoconservatism. What the dispute reveals is the emergence of a paleoconservative tendency among the neoconservatives at Neuhaus's magazine, and what the hysterical reaction of the senior neocons to the symposium represents is a determination to squelch this tendency before it begins to blossom into a full-blown paleoconservative defection that would leave the neocon sages perched on the roofs of their own wigwam while the waters of right-wing dissidence swirl ever higher and ever closer to their noses. When Podhoretz writes to Neuhaus that “I did not become a conservative in order to be a radical,” that he has no intention of discussing the legitimacy of the regime—“not again, not twice in a single lifetime, not after going around and around that track 25 and 30 years ago”—he is not talking merely about his break with the left but also about his and his fellow neocons' decade-long effort to housebreak the American right into a tame running dog of history.

Yet, to be sure, Podhoretz and his friends have a point. A good deal of the discussion of “legitimacy” in the *First Things* symposium is careless, if not out-

right ignorant, of elementary political theory. In the first place, the whole symposium is couched in terms of the Henry David Thoreau-William Lloyd Garrison-Martin Luther King concept of legitimacy, whereby any deviation of a political order from a privately perceived and vaguely defined “higher law” or “dictate of conscience” justifies disobedience, if not outright resistance. Throughout its pages the symposium sports sidebars of quotations from King and Garrison, and several of the contributors assume the validity of a dubious equivalence between abortion and slavery or segregation. Most of them seem to be unaware that in classical political philosophy, such subjective standards for resistance are impermissible. Classical as well as traditional Christian political theory holds that disobedience is incumbent on the subject only when the regime commands *him* to violate generally known and accepted divine, natural, or human law, and instances of such passive disobedience are known in both history and literature—Socrates, commanded by the Thirty Tyrants to commit murder, simply ignored their order and went home; Antigone, in Sophocles' tragedy, insisted on obeying the divine law of burying her brother, despite Creon's explicit command not to do so; Sir Thomas More, commanded to take the Oath of Supremacy to Henry VIII, refused and was executed; and in our own time one might cite the example of Private Michael New, who, ordered to wear a foreign military uniform, refused to obey on the grounds that doing so would violate his own oath of loyalty to the U.S. Constitution.

In none of these cases did any of the principals mander on about the “legitimacy of the regime,” try to instigate general disobedience, or seek to raise rebellion against it. In all of them they did what they believed God and law commanded and refused to violate those commands at the behest of earthly powers, and all of them were willing to pay the price of their disobedience. As More himself put it on the scaffold, “I die the King's good servant—but God's first.”

Nowhere does the Neuhaus symposium dwell on the important distinctions between these cases and those of contemporary America. Today, no one is commanded to have or perform an abortion or to suffer or perform euthanasia. The laws to which the *First Things* symposiasts object are permissive, not com-

pulsive, and how one might “resist” such permissive laws is never clear. Pour chicken blood on abortion clinics? Kill abortionists? By embracing the subjectivist doctrine of disobedience of Garrison and King (to whom Neuhaus himself was an aide), the *First Things* contributors come very close to embracing the very dangerous logic of that position. Once you have decided that the state does not conform to the “higher law” as revealed to your own conscience (which is easily confused with your own interests, preferences, and passions) and that you have the duty to make it conform, then there is no limit to how far you will go. Thoreau and Garrison lead ineluctably to the terrorism of John Brown; King leads unavoidably to the real bomb-throwing of the Weathermen.

Finally, for all the tremulous insinuation of desperate deeds in the Neuhaus symposium, none of the contributors bothers to explore very seriously the obvious legal and political remedies for the woes of which they complain. Judge Bork does indeed comment on the futility of both reason and reform in trying to restrain the courts in recent decades, and he suggests some constitutional amendments to correct the courts, but he is none too sanguine about the prospect of doing so. Yet in truth there are many corrective measures that neither the neo-conservatives nor the Republican Party

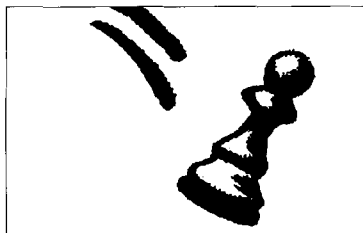
has even attempted to sponsor. They could seek to limit the appellate jurisdiction of the courts; they could encourage governors and local officials simply to ignore and disobey illicit court mandates; they could impeach justices and judges; they could even muster more opposition to judicial nominations than the Republicans in the two years of their majority in Congress have shown any disposition to do; and they could also make life very unpleasant for the courts, reducing judges to salaries of one dollar a year, terminating their clerical support, and throwing them out of their offices into the streets. The fact is that the judges, like the Pope, have no battalions, no instruments of force with which to back up their decrees, and without such instruments, they can construct a tyranny only with the passive or active cooperation of the slaves they seek to rule.

Indeed, many of the complaints lodged against the courts by the *First Things* crowd are hardly new. The courts have been abusing the Constitution and handing down illicit commands to states and localities for at least 50 years, and while paleoconservatives have developed an extensive and sophisticated critique of these trends, neoconservatives have been largely silent. Where was Richard John Neuhaus when conservatives were peppering the countryside with billboards demanding the impeachment of Earl Warren? He was at the side of “Dr.”

King, helping that fanatic destroy the fabric of constitutional government at the behest of the Warren Court and its twisted reading of the Constitution. If it’s an “illegitimate regime” you’re looking for, you don’t have to wait for court decisions on abortion and euthanasia; we have had nothing but an illegitimate regime in the United States for the last 50 years, a government dedicated to destroying the Constitution, gutting the restraints on federal power, and subverting the cultural norms and institutions of American society. Now, when the courts have at last touched on the religious dogmas that Father Neuhaus and his symposiasts find untouchable, they have finally concluded that the “regime” really is illegitimate and are full of all sorts of ill-considered instructions as to what they and the rest of us must do about it. But the principles of constitutional subversion invented by the Warren Court in its decisions of the 1950’s (and indeed the New Deal Court of the 1930’s and 40’s) are the very same principles applied in the cases to which Neuhaus and his colleagues object today. It’s about time they arrived at what should have been clear and was clear to many Americans years ago. Their stumbling perception that something is wrong is welcome, but to tell the truth it’s just a few decades too late.

Nevertheless, it is a perception to which more and more Americans, conservatives or not, are being driven. Father Neuhaus’s neoconservative critics no doubt sense this and know where such perceptions will eventually lead, and that is why their response to the symposium sounds so much like the shrill screaming of a trapped and dying animal. The value of the *First Things* debacle is that it once again rips the mask away from the real face of the movement to which the American right has attached itself, and it offers some hope that in the future those who remain wedded to that movement will be exposed as the apologists for the regime that they are. As the socially destructive and politically repressive character of the federal leviathan becomes increasingly obvious to more and more Americans and to more and more “mainstream conservatives,” those who insist on standing with Podhoretz and his allies as defenders of a power structure that everyone else has come to reject will find their footholds increasingly slippery and their company increasingly small. c

## LIBERAL ARTS



### SIR DICK, DAME JANE

In an effort to boost the self-esteem of underachieving 16-year-olds, the British government has approved a new examination. According to the *Sunday Telegraph*, the new test awards points to students for getting their names, the names of their schools, and the date correct. In the math section, teenagers are shown five pencils and asked to count them and identify the longest one. Nick Seaton of the Campaign for Real Education said: “This exam is hopeless. An average seven-year-old should be able to do it. It is a waste of time and totally stupid, just part of the ‘all must have prizes’ syndrome.”

## Letter From London

by Derek Turner

### Peking-on-Thames

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Cross Shaftesbury Avenue going south toward Leicester Square, and you leave homosexual London for Peking-on-Thames. Decorative oriental-style iron gates, like in some 18th-century pleasure garden, mark the various entrances to the small area which is officially designated "Chinatown." Oriental shops, restaurants, hairdressers, travel agents, and apothecaries selling Chinese medicines are crammed along and spill over Chinatown's permeable borders, like a medieval city whose population has grown too large. It is as if the inhabitants are seeking *Lebensraum* in the expensive *purlieu* of "Theatreland." The old De Hems Coffee House—now a bar—right outside the northern gate, is like a customs post, and seems immediately threatened with absorption into a greater Chinatown.

In this little rectangle bordered by Shaftesbury Avenue, Charing Cross Road, Leicester Square, and Wardour Street, first developed by Nicholas Barbon (son of the infamous "Praise-God Barebones") as an aristocratic residential neighborhood, the London air is filled with the smell of Chinese food and the sound of Chinese talking and laughing. The street signs are bilingual. (Not so obviously, a large part of Westminster Lending Library beside the Garrick Theatre is devoted to Chinese-language books and periodicals.) Shops, greengrocers, and restaurants line the pedestrianized streets, and every window displays massive jars of exotic roots, internal organs, and other "medicines," posters and publications in Chinese characters, bright red chickens depending from hooks, and overly pale, quivering piles of dead crustaceans and invertebrates. A solitary live eel (£1.95/lb.) waves his rear end apathetically in a large yellow barrel, awaiting his impending doom.

Dotted in amongst the Chinese shops and restaurants are occasional British

survivals—Ladbroke's betting shop, the King's Head pub, with its quietly smiling faces and homely lamps painted disconcertingly onto the glass of the first floor windows, a shop selling secondhand pop records, tapes, and CDs, Council litter bins and occasional Westminster Borough notices pasted up on lampposts or on the windows of briefly untenanted premises. One could easily imagine oneself in Shanghai International Settlement or modern Hong Kong, a notion reinforced by the sight of Metropolitan policemen and women on patrol, and besuited, white, male office workers towering over gesticulating Chinamen and women, walking along Gerrard Street down toward Charing Cross station and trains home to Kent. Visitors from Japan or China photograph themselves excitedly in front of the Chinese sculptures and shop-fronts. Bewildered European and American tourists wander through, looking as though they had been expecting something else. Starlings pick at squashed things in the gutters, and fly off toward their winter roosts in Leicester Square when disturbed. Groups of provincial "lads" out for the night stumble drunkenly but good-humoredly in search of the strip bars of Soho, and shaven-headed homosexuals with rucksacks hurry through the throng to cross Shaftesbury Avenue in the opposite direction.

This part of the city does not seem to remember its past glories. The Turk's Head tavern in Gerrard Street, Chinatown's main thoroughfare, where Johnson, Reynolds, and the others started The Club, is now the Loon Moon Supermarket, and pictures of topless Chinese girls cut from the magazines on sale inside are pinned to a noticeboard outside the door. Former residents of Gerrard Street include John Dryden, Edmund Burke, James Boswell, James Gibbs the architect, and Charles Kemble the actor, and Chesterton and Belloc first met in 1900 at the old Mont Blanc restaurant.

But it is not all doom and gloom. In 1850, Friedrich Engels lodged around the corner, in Macclesfield Street, now also almost entirely Chinese. He, at least, has gone. Some of what is now Chinatown has undoubtedly improved in the last 100 years, particularly what is now Newport Court, formerly known as

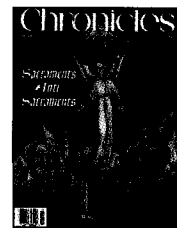
"Butchers' Row," described in 1872 as a "fountain of foul odors." The old Newport Market was described in an 1880's police report as "a veritable focus of every danger which can menace the health and social order of a city." The report's authors concluded that "it would be an act of true philanthropy to break up this reeking home of filthy vice." Even the recently documented presence of major criminal Tong activity in Chinatown does not permit modern Chinatown to qualify as a "reeking home of filthy vice."

It is very different from the old Chinese settlement in Limehouse in the East End, recorded so memorably in the works of Sax Rohmer and Thomas Burke, the latter himself an East Ender. Begun in the 1890's by sailors, colonization centered in what is now the remarkably characterless road called Pennyfields, just north of the tower at Canary Wharf. It probably only ever had a maximum of 2,500 inhabitants at any one time, but the perfervid Victorian imagination seized upon half-romantic, half-fearful notions of opium dens (opium smoking was only banned in 1916), gambling houses and illegal drinking shops populated by cruel, mustachioed, pigtailed, yellow men with masks for faces. The classic example of this popular image is Rohmer's Fu Manchu, who hatched many of his plots for world domination in secret bases beneath the

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