

Duquesne University

Duquesne Scholarship Collection

Hallowed Secularism

The Collective Works of Bruce Ledewitz, Adrian
Van Kaam C.S.Sp. Endowed Chair in Scholarly
Excellence and Professor of Law

5-19-2009

May 19, 2009: For the Establishment of Religion

Bruce Ledewitz

Duquesne University, ledewitz@duq.edu

Follow this and additional works at: <https://dsc.duq.edu/ledewitz-hallowedsecularism>



Part of the [Constitutional Law Commons](#), and the [Law and Philosophy Commons](#)

Repository Citation

Ledewitz, B. (2009). May 19, 2009: For the Establishment of Religion. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/286>

This Article is brought to you for free and open access by the The Collective Works of Bruce Ledewitz, Adrian Van Kaam C.S.Sp. Endowed Chair in Scholarly Excellence and Professor of Law at Duquesne Scholarship Collection. It has been accepted for inclusion in Hallowed Secularism by an authorized administrator of Duquesne Scholarship Collection. For more information, please contact beharyr@duq.edu.

Title: For the Establishment of Religion

Date: 2009-05-19T10:54:00.004-04:00

5/19/2009--While my manuscript For the Establishment of Religion is still being considered by publishers, I can introduce readers here to its essential argument: Government should be permitted to endorse a set of related ideas that constitute the common core of all the world's religions as well as the common core of the beliefs of most secularists. These ideas include the objectivity of values and the meaningfulness of history.

These ideas are by no means universally held. They are opposed by materialists, humanists, relativists and nihilists. Government should be allowed to disagree with these persons and to say so.

The above position is not actually controversial. The book goes on to argue, however, that in endorsing these ideas Government should be allowed to utilize traditional religious imagery and symbols. These religious objects and phrases are used not to endorse religion but to endorse these ideas.

This proposal is highly controversial. So I want to illustrate here how it works. Here is the opening of the Introduction by Professor Robert F. Cochran, Jr., to the just-published Pepperdine Law Review symposium issue, *Is There a Higher Law? Does it Matter?*

"When I was a law student at the University of Virginia in the mid-1970's, my jurisprudence professor Calvin Woodward used the law school's architecture to illustrate the twentieth century's major jurisprudential shift. Above the columns at the entrance to Clark Hall, where I spent my first year of law school, carved in stone was the statement: 'That those alone may be servants of the law who labor with learning, courage, and devotion to preserve liberty and promote justice.'

From the front, we walked into a massive entry hall, adorned on either side with murals. On one side was Moses presenting the Ten Commandments to the Israelites. On the other was what appeared to be a debate in a Greek public square. As we gazed up at the larger-than-life figures, they seemed to represent the higher aspirations of the law."

The rest of Professor Cochran's Introduction makes it clear that the essence of the jurisprudential change was skepticism or relativism concerning justice and related notions. Simply put, the authors of the entryway believed that justice was real. Many in the legal academy no longer do.

The reader can see that the University of Virginia endorsed the view that justice is real, and not just a temporary invention, and used two scenes—one religious one secular—to illustrate this commitment. The Ten Commandments scene was not meant to endorse the particular theology of the Old Testament, but to make a point about values that sidestepped revelation.

I claim in my book that government in general may do what the University of Virginia did here.