

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

1-26-2019

January 26, 2019: Why There is No Left Federalist Society

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. (2019). January 26, 2019: Why There is No Left Federalist Society. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/1221>

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: Why There is No Left Federalist Society

Date: 2019-01-26T15:27:00.000-05:00

1/26/2019—This question was put on Politico by Evan Mandery and then responded to on the Mother Jones blog by Kevin Drum. Mandery correctly points out that the lack of a large idea is a problem. Drum disputes this. The direct reason for no liberal Federalist Society is that there is no such thing as liberal constitutional theory. But why is that? Why is there no organized alternative to originalism? Liberal, or Left, constitutional theory is not hard to imagine. You just merge the pragmatism of the framers about the size of government—big enough to counter private power—with an intention to protect human rights, written and unwritten. So, why is this simple formulation never, never communicated? Because it would require the Left to come clean about rights. The framers thought rights were real—that is, independent of human formulations about them. (think the arc of the moral universe and justice). But the Left today is anti-essentialism. You cannot say what human nature is or what the universe is. Rights are just made up. No one wants to admit that the approach of the Left to rights is the same pragmatism as the approach to government power. So, no discussion of Left constitutional theory.