The Resurrection of Trust in American Law and Public Discourse

Bruce Ledewitz

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The Resurrection of Trust in American Law and Public Discourse

Bruce Ledewitz*

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I. INTRODUCTION

This symposium—Shall These Bones Live? The Resurrection of Truth in American Law and Public Discourse—is about truth. The reference to possible resurrection suggests that something has happened to truth in America. There has been a death.

The title of the symposium also refers to American law and public discourse, suggesting that what happens to truth has serious consequences for our lives together.

Perhaps most fundamentally, the title poses a question—Shall These Bones Live? This question implies that law and public discourse in America today are only a skeleton—no longer the living body they once were—but that they still retain a possible promise of a future return to full life.

Recognizing this death while still retaining hope for a healthy future is the origin and goal of this symposium. The question is how

* Professor of Law, Duquesne University School of Law. My thanks to my research assistants, Joshua Allenberg and Megan Malone for their assistance in the preparation of this paper. Duquesne is a place of open dialogue, so it is difficult to single out people here for thanks. But I do want to acknowledge Richard Gaffney and John Rago for their comments, Ron Ricci for a 35-year dialogue across the political aisle, and, especially, Jane Moriarty, who closely read, and made crucial suggestions on, each draft of this paper—some of which I accepted. Jane embodies all the qualities that you would want in a Dean of Scholarship. I also want to note the legacy of my friend and teacher Robert Taylor, whose habits of mind, even after his retirement, continue to mold Duquesne University School of Law.
to move forward in concrete ways that honor the seriousness of our crisis and yet address the future that may still be ours.

My contribution to the symposium responds to the task of going forward by asking four questions: what is the death of truth?; what are its origins?; what can be done?; and what will the resurrection of truth accomplish?

I will state my conclusions at the outset. The death of truth is not about truth as such at all. It is about trust—trust both in each other and in the universe. We lack truth in public life because we lack trust. Lying politicians did not cause this lack of trust. Such politicians are beneficiaries of it. So, to resurrect truth in American law and public discourse, we must restore trust. Restoring trust is ultimately a spiritual issue, which, given our society's secularization, will require a new understanding of the nature of religion and spiritual life, and a new willingness among secular people to be open to this realm. This spiritual path is the way to restore democratic life—to regain self-government.

II. WHAT IS THE DEATH OF TRUTH?

When Time Magazine asked on its April 3, 2017 cover Is Truth Dead?, it was asking a question on the minds of many of us. But, it turns out that the death of truth is not what it appears to be at first.

The story accompanying the cover assumed that the death of truth has to do with President Trump's ability to get away with telling lies. So, for example, President Trump would say that his inauguration crowd was larger than that of President Obama or that he would have received a higher popular vote total then Hillary Clinton if only illegally registered voters had not been permitted to vote—obvious untruths—yet his supporters accept what Trump says as true. In a way, Time Magazine agreed with President Trump's statement to the magazine that "[t]he country believes me."

The New York Times in a June 4, 2017 article illustrated this understanding of the death of truth as the inability to identify a lie, in a story about a high school teacher in Wellston, Ohio—Trump

3. Id.
country—where, the headline proclaimed, students were stubbornly rejecting the facts of climate change. In the story, general skepticism about climate change is exhibited by the students and a straight-A student bolts from class rather than watch a documentary that explained the science of global warming. Afterward, this student said, “It was just so biased toward saying that climate change is real...And that all these people that I pretty much am like are wrong and stupid.”

The New York Times story played up all the elements of the death-of-truth narrative that is the current conventional wisdom. The point of the story was that Trump supporters in red-state extraction industry areas reject obvious and accepted scientific findings. From this perspective, the death of truth would seem to be merely a problem of educating the ignorant—a sort of home-grown colonial project.

Except that the story did not actually exhibit that lesson. Eventually, most of the students in the class, seemingly including the student who had bolted, could see perfectly well that humans were changing the planet’s climate and that something had to be done about it. So, ultimately, the early skepticism about global warming represented simple resistance to a narrative that would undermine the prospects for industries that support the local economy.

That should not be called the death of truth, but a lack of trust that climate change proponents will take the interests of this community into account. That is why the theme of disdain-shown-to-people-like-me is so important.

There is nothing here that could not be overcome by sharing the burden of fighting climate change rather than crowing about closing coal mines. Those students knew who was going to pay the price of fighting global warming. It was not going to be people in New York City. It was going to be their communities that paid the price.


6. It is not clear whether the student who had bolted acknowledged that humans are to blame for global warming or whether she only acknowledged that others in her circle of friends so believed. See id. (stating, perhaps ambiguously, that the student responded, “I know,” when informed that her circle of friends, including her prom date, believed that humans are to blame for global warming).

7. Lauren Carroll, In Context: Hillary Clinton’s Comments About Coal Jobs, POLITIFACT (May 10, 2016, 12:01 PM), http://www.politifact.com/truth-o-meter/article/2016/may/10/context-hillary-clintons-comments-about-coal-jobs/. In context, Hillary Clinton’s statement about closing coal mines was not really callous. But it was politically disastrous: “So for example, I’m the only candidate which has a policy about how to bring economic opportunity using clean renewable energy as the key into coal country. Because we’re going to put a lot of coal miners and coal companies out of business, right?” Id.
Why should they not be hostile to such a message? Thus, what is called the death of truth is often actually a failure to earn people’s trust. It may not be the case that the President is believed. Plenty of Trump supporters may know, for example, that most steel and coal jobs are gone for good.\textsuperscript{8} But they trust Trump not to betray them—to do the best for them that he can. They don’t necessarily believe his claims.

But isn’t there a great deal of acceptance of untruth in American public life? There is, but it still represents a failure of trust. Trump supporters hang on to untruthful narratives because they don’t trust his critics. A Trump supporter, Al Ameling, perfectly illustrated this distrust in another article in the New York Times, when he stated, referring to the media criticism of then President-elect Trump, “The way it is nowadays, unless I see positive proof, it’s all a lie.”\textsuperscript{9} This insistence on irrefutable proof from those we don’t trust can lead to the acceptance of false ideas, because no proof contrary to one’s already established preference will ever be “positive” enough.

Distrust works this way on the political left as well. Consider the resistance to scientific reassurances about vaccines and genetically modified food.\textsuperscript{10} Or, consider the insistence by her supporters that the Clinton Campaign join in election recounts when, before the election, all official sources had declared that hacking the vote was impossible.\textsuperscript{11} Or the distrust of Fox News, as if Fox never could get anything right.\textsuperscript{12} But in September, I read about a new batch of pay-to-play emails involving the Clinton State Department on the Fox News Website\textsuperscript{13} that I don’t remember seeing in the New York Times.

The unwillingness of the left to take charges against Secretary Clinton seriously looks to supporters of President Trump like the

\textsuperscript{11} See generally Tal Kopan, No, the Presidential Election Can’t Be Hacked, CNN (Oct. 19, 2016), http://www.cnn.com/2016/10/19/politics/election-day-russia-hacking-explained/index.html.
very same kind of unreasonableness that the left attributes to supporters of President Trump. And in the case of Fox News, the reason for the unwillingness to take anything reported by Fox seriously is a distrust of Clinton’s critics very similar to that expressed by Mr. Ameling. Unless there is positive proof from Fox—and no proof would ever be positive enough—it is considered all lies.\textsuperscript{14}

Truth and trust are intimately related because without trust, truth is impossible to attain. As the Jesuit Philosopher Bernard Lonergan points out, the scientist does not recheck all prior results, but mostly relies on prior science to be true.\textsuperscript{15} As Jurgen Habermas might say, dialogue requires a shared trust that my opponent is not simply manipulating the conversation.\textsuperscript{16} If nothing that is not absolutely reliable is true, then nothing—not values, not assurances, not even facts—can be true.\textsuperscript{17}

At its deepest level, the death of truth even reaches the question whether we can trust reality to yield truth. I have not yet said what truth is, exactly, because I do not have a definition as such.\textsuperscript{18} I mean to indicate by the word, truth, the acceptance of binding authority from which all of us might come to shared meaning and common ground.\textsuperscript{19} Truth is binding because it represents the whole of reality. Or, as C.S. Lewis explained in describing objective values, it is “the belief that certain attitudes are really true, and others really false, to the kind of thing the universe is and the kind of things we are.”\textsuperscript{20}

That of course is not a definition of truth at all. All we can really say, a la Wittgenstein, is that truth is what is the case.\textsuperscript{21}

\begin{thebibliography}{9}
\bibitem{14} See, e.g., Bob Cesca, \textit{Benghazi Is a Fox News Farce: What the Witch Hunt Reveals About the Right’s Most Cherished Lies}, SALON (Oct. 20, 2015), \url{https://www.salon.com/2015/10/20/benghazi_is_a_fox_news_farc...veals_about_the_rights_most_cherished_lies/} (discussing the left’s view of Fox News’ coverage of the Benghazi issue).
\bibitem{15} \textsc{Bernard J.F. Lonergan}, \textsc{Method in Theology} 42 (2013).
\bibitem{16} See generally \textsc{Jürgen Habermas}, \textsc{The Theory of Communicative Action} 286-95 (Thomas McCarthy trans., 1984).
\bibitem{17} As Hilary Putnam argues, if all values are subjective, so are all facts because establishing facts depends on values such as reasonableness, consistency and simplicity. See Mario De Caro & David Macarthur, \textit{Hillary Putnam: Artisanal Polymath of Philosophy, in Philosophy in an Age of Science: Physics, Mathematics, and Skepticism} 15 (Marion De Caro & David Macarthur eds., 2012).
\bibitem{18} Putnam thought a theory of truth might not be possible. \textsc{Hilary Putnam}, \textsc{Words & Life} 152 (James Conant ed., 1994) (1981).
\bibitem{19} See \textsc{Hilary Putnam}, \textsc{The Collapse of the Fact/Value Dichotomy and Other Essays} 88 (2002) (comparing reasons why truth is binding).
\bibitem{20} C.S. Lewis, \textit{The Abolition of Man} 18 (Harper Collins 2001) (1944).
\bibitem{21} See \textsc{Philosophy in an Age of Science: Physics, Mathematics, and Skepticism, supra note 17, at 340.} The actual Wittgenstein quotation, given by Putnam, is “the world is all that is the case.” But since the project of realism is to bring truth and the world into consonance, this seems an acceptable alteration. \textit{Id}.\end{thebibliography}
But what if we now doubt that there is that kind of truth about reality or that we could know it if there were? What if there is no necessary connection between our language and reality?\textsuperscript{22}

What happens to public discourse if there is a widespread feeling that there is no truth in this ultimate sense? When a person sees truth as possible, it can lead to the healthy political attitude “that objective reality exists, that people of good will can perceive it and that other people will change their views when presented with the facts of the matter.”\textsuperscript{23} But, when that understanding of truth, and of truth’s power of persuasion, is absent, there is no point in trying to convince my opponent of anything. Thus, the death of truth is also the death of rational politics.

In other words, if nothing is binding in the sense that it represents what is real, and everything depends solely on my preference, then my opponent and I have nothing in common. If all points of view are arbitrary, we can assume that my preferences represent whatever is a benefit to me. From this perspective, politics can be nothing more than hostile camps opposing each other on grounds of tribal self-interest and identity.\textsuperscript{24} That is a fair description of where we are today.

Is it any wonder that, under these conditions, there is such a widespread attitude of hopelessness and fatalism in our culture? Is it any wonder that democracy has deteriorated into contests of turn-out of the base, as opposed to attempted persuasion? Is it any wonder that we now see rage and political violence?\textsuperscript{25}

The willingness to resort to violence arises out of the absence of trust in the power of truth and the corresponding emphasis upon winning at all costs. Whereas Gamaliel says in the New Testament that if the new Christian movement is not from God, it will not succeed and if it is, it should not be opposed,\textsuperscript{26} few people today are willing to trust reality that way—allowing reality to judge one’s own

\begin{itemize}
  \item \textsuperscript{22} Putnam, supra note 19, at 100 (criticizing Richard Rorty for disputing “the ordinary idea that our thoughts and beliefs refer to things in the world”).
  \item \textsuperscript{24} For a description and critique of identity politics on the left, see Mark Lilla, The Once and Future Liberal: After Identity Politics (2017). It is unfortunately beyond my scope here to show that it was New Atheists like Lilla who helped destroy the very notion of a common good to be pursued by political action that led us to the point he now decries and takes no responsibility for bringing about. See Bruce Ledewitz, Toward a Meaning-Full Establishment Clause Neutrality, 87 CHI.-KENT L. REV. 725, 742 (2012).
  \item \textsuperscript{25} See, for example, the shootings of Representative Steve Scalise and four others on June 14, 2017 and the car attack that led to one death in Charlottesville on August 12, 2017.
  \item \textsuperscript{26} Acts 5:34-39.
\end{itemize}
commitments. Whereas Karl Barth said that in Christ is “the end of the whole friend-foe relationship, for when we love our enemy he ceases to be our enemy,”27 today we have nothing but enemies. Whereas Shakespeare wrote that “truth will out,”28 we no longer believe that our fellow citizens are sufficiently capable of self-government that they will eventually realize the truth and act on it.

Democracy requires reasoning about fundamental matters in public life. If such reasoning is impossible because our ends are incommensurate and there can only be winning as an exercise of power, then there can be majority rule, but there cannot be democracy. As Hilary Putnam explained, “We may come to think of history and politics as nothing but power struggle, with truth as the reward that goes to the victor’s view. But then our culture—everything in our culture that is of value—will be at an end.”29

These trends of the loss of trust in dialogue also manifest in law. In law, where we do still purport to give reasons for decisions, increasingly, two hostile ideological blocs on the Supreme Court face each other across an unbridgeable divide that is no longer rationally addressed.30 The effort is still made to appeal to objective factors—precedent or original public meaning or whatever—but no one expects persuasion or common ground to emerge.

It is not surprising that confirmation hearings for Supreme Court Justices have become a tissue of lies. Justice Thomas falsely denied he was a natural law thinker.31 Justice Kagan falsely claimed to be

30. See generally Bruce Ledewitz, Has Nihilism Politicized the Supreme Court Nomination Process?, 32 BYU J. PUB. L. 1 (2017); Neal Devins & Lawrence Baum, Split Definitive: How Party Polarization Turned the Supreme Court into a Partisan Court, 2016 SUP. CT. REV. 301 (2016).
31. Charles H. Cosgrove, The Declaration of Independence in Constitutional History: A Selective History and Analysis, 32 U. RICH. L. REV. 107, 160 n.328 (1998) (“During the confirmation hearings on his appointment to the Supreme Court, however, Thomas virtually denied that he was committed to a natural law approach to constitutional decision-making.”).
an originalist. Justice Gorsuch stated that his values do not matter in deciding cases and then, in his first big case—Trinity Lutheran Church—he voted to protect religious believers in a thoroughly non-originalist way. His values mattered a lot. And we supporters of these nominees just accept these false and misleading statements and say nothing about them because if "we" were honest and candid, "they" would just take advantage. Our candidate would get "Borked."

Similarly, in law schools, the trends of political partisanship and the breakdown of dialogue are increasingly present. The notion of law as a set of eternal principles that could be searched for, reasoned about and discovered, is absent. It is not even clear any longer what knowledge in law school would consist of. Instead of a resource that might assist society in resolving its current divides, law school increasingly just represents the same divides in a different setting.

So, the absence of trust leading to the death of truth is a catastrophe on many levels. How did the loss of trust come about? That is the subject of the next section.

III. HOW DID THE ABSENCE OF TRUST THAT LEADS TO THE DEATH OF TRUTH COME ABOUT?

If truth died because of a loss of trust, then we have to ask how that loss of trust happened.

32. Josh Blackman, Originalism at the Right Time?, 90 TEX. L. REV. 269, 271 n.8 (2012) ("During her confirmation hearing, then-Solicitor General Elena Kagan remarked that 'we are all originalists.'").
36. Harold Berman saw this coming a while ago. See Harold J. Berman, The Crisis of Legal Education in America, 26 B.C. L. REV. 347, 349 (1985) ("Rarely does one hear it said that law is a reflection of an objective justice or the ultimate meaning or purpose of life. Usually it is thought to reflect at best the community sense of what is expedient; and more commonly it is thought to express the more or less arbitrary will of the lawmaker.").
37. Compare the anguished comment of Judge Wilkinson: "It may no longer be possible to judge a Supreme Court ruling by anything other than result." J. Harvie Wilkinson III, Of Guns, Abortions, and the Unraveling Rule of Law, 95 VA. L. REV. 253, 257 (2009).
Some people might say that trust disappeared because we were in fact lied to. Didn’t Secretary of State Hillary Clinton lie about her email account? And the reader may remember that during a 2009 Address to a joint session of Congress, Republican South Carolina Rep. Joe Wilson yelled out “You lie!” when President Obama said Obamacare would not mandate coverage for undocumented immigrants. And what about President Bill Clinton, claiming he did not have sex with that woman?

Or was it President Bush and weapons of mass destruction in Iraq? Or President Nixon and Watergate? Or, as George Will claims, was it the lies by the government during the Vietnam War that taught us distrust?

But why did this lying not lead to the public insisting on truth? Why did it lead Mr. Ameling to believe that it is all lies? Why did it lead us to abandon dialogue rather than improve it?

It has been suggested that America has been all about untruth, exaggeration and unreality from the beginning of our history. From the Pilgrims to Buffalo Bill to Hollywood, it is said, America has never been in touch with the real. President Trump’s outrageousness is just the latest iteration.

I understand this claim, but I cannot accept it. It is a kind of fatalism. No. Someone like President Trump could never have been elected before. That is a fundamental change.

Something prepared the ground for our current, all-encompassing skepticism. Perhaps it was technology generally, because under the reign of technology, from Photoshop to special effects to virtual reality, nothing is what it seems. Technology taught distrust as early as the War of the Worlds radio broadcast in 1938.

But distrust has an even deeper foundation than that. The deep, encompassing trust that we lack, but need, requires that one feel at home—with oneself, one’s fellow citizens and, ultimately, in the universe. To trust, we must have an idea of who we are and why we are here. That is what is now lacking.

Distrust on this level has been present in the West from the beginning of modernity.\textsuperscript{42} In the 17\textsuperscript{th} century, Rene Descartes employed radical doubt as a methodological starting point in his search for certainty.

There was room in Descartes for trust only at one, crucial point. Descartes felt he could prove his own existence through the very act of questioning it—the famous cogito ergo sum. But what about the world around us? What about the existence of other people?

Descartes hypothesized that an evil demon might be fooling us into believing that there is an outside world.\textsuperscript{43} For Descartes, only God, whom he could trust, could guarantee the reality of the outside world.

But then, that God died. Not for those religious believers who live in perfect trust even today. Such persons are not the consciousness of this culture.

God died in the sense that the culture, as a whole, including many so-called religious believers, could no longer relax in the unselfconscious certainty that love and goodness lie at the heart of reality. The universe was no longer beneficent and caring. There was no satisfying answer to the question, what is the point of all this?

Art reflects our fundamental unease. In Daniel Quinn’s 1992 philosophical science fiction masterpiece \textit{Ishmael}, a student expresses his deepest feeling that somehow, in everything modern civilization professes, he is being lied to.\textsuperscript{44} And in the 1999 science fiction movie, \textit{The Matrix}, the audience actually watches Descartes’ brain-in-a-vat scenario, come to life on the big screen.\textsuperscript{45}

With the Death of God, the West set about attempting to regain a reliable foundation for reality in nature: nature around us or human nature. Two great traditions—science and what would come to be known as the various forms of humanist existentialism—began the quest for a reliable foundation for reality—a replacement for Descartes’s guarantee from God.

In the sciences, distrust spurred a search for a completely reliable foundation for reality in materialism. In this understanding, the universe is composed of forces—blind, indifferent and cold, but real. Tables and chairs are really empty space. Algorithms using big data can predict human behavior. Brain science can account for

\textsuperscript{42} Distrust of reality could be placed much earlier. After all, even the resurrection of Jesus Christ does not quite undo the expulsion from the Garden of Eden.

\textsuperscript{43} See discussion in HILARY PUTNAM, NATURALISM, REALISM AND NORMATIVITY 218 (Mario De Caro ed., 2016).


\textsuperscript{45} For a discussion by Putnam of the scenario and its relation to the movie and Descartes, see PUTNAM, supra note 43.
consciousness. Evolution accounts for love. Our mania for facts resides here. We imagine facts to be reliable.

What becomes unreal in this scientific account is what Husserl called the lifeworld—our human scaled world with its meaning and consequence. From the perspective of a certain kind of science, that human world is illusion. As Richard Dawkins starkly explained in 1995, “The universe we observe has precisely the properties we should expect if there is, at bottom, no design, no purpose, no evil and no good, nothing but blind, pitiless indifference.”

In the non-scientific account of reality, distrust spurred the same search for a reliable foundation, but the “foundation” that eventually emerged was human will in various forms of subjectivity.

In this view, there is nothing fixed in human nature. There is no objective morality or meaning to existence. Everything is interpretation and text. And our interpretations are incommensurate. We are courageous, existential travelers making up our world. Under this view, humans are free and unconstrained. This is the humanist/existentialist tradition. Capitalism roots here, as does our mania for choice.

In this tradition, as in science above, the communal lifeworld is unreal. Only the individual’s will is real.

The emphasis on the individual leads to incommensurate lifeworlds. It is not only that each person makes her own meaning, but that you make your meaning and I make mine.

46. See Daniel R. Williams, After the God Rush—Part II: Hamdi, The Jury Trial, and Our Degraded Public Sphere, 113 PENN ST. L. REV. 55, 95 (2008) (describing the lifeworld sphere as “those domains in life that we experience with our family and friends, our cultural life, our political life outside of organized politics (especially party politics), and our voluntary associations”).

47. RICHARD DAWKINS, RIVER OUT OF EDEN: A DARWINIAN VIEW OF LIFE 133 (1995).

48. In this short essay, I am leaving out any reference to Kant’s insistence that we are bound by a law we give ourselves through reason. See MICHAEL J. SANDEL, JUSTICE: WHAT’S THE RIGHT THING TO DO? 109 (2009). I do that not because I denigrate Kant’s great achievement, but because faith in reason to ground even values no longer reflects a cultural consensus. Even in John Rawls, Kantian reason has deteriorated into the principles that we choose in an original position. See JOHN RAWLS, A THEORY OF JUSTICE 18 (1971).


51. See Peter C. Schanck, Understanding Postmodern Thought and Its Implications for Statutory Interpretation, 65 S. CAL. L. REV. 2505, 2510 (1992) (“Both in commonsense, everyday understanding and in Western philosophy, including traditional jurisprudence, the bedrock assumption has been that we are capable of representing reality more or less precisely and that some knowledge transcends particular perspectives and contexts. This is exactly what postmodern thought rejects.”).
This understanding of the ontological primacy of the individual achieves its perfect expression in the famous Gestalt Prayer of Fritz Perls:

I do my thing and you do your thing. I am not in this world to live up to your expectations, And you are not in this world to live up to mine. You are you, and I am I, and if by chance we find each other, it’s beautiful. If not, it can’t be helped.52

The fact/value dichotomy rests in both these forms of scientific and non-scientific positivism.53 Under materialism, values are unreal. Facts are real. Under subjectivism, values are also unreal. They are posited by the individual as expressions of opinion or will and ultimately of power. In both the scientific and non-scientific accounts, values are not something one could have knowledge about. Under these forms of positivism, morality cannot be objective and cannot be binding. The image of human beings reasoning toward moral truth is regarded as an illusion.

One way that the binding power of morality is undermined is the linkage of human beings to the brutally animalistic—although actual animals are not particularly brutal. Humans are said to be ‘Exceptionally Rapacious Primates’ in the title of a recent review by David Bromwich of John Gray’s book, The Soul of the Marionette: A Short Inquiry into Human Freedom.54 The quote in the title of the review is from the book and is said to illustrate the false human aspiration to rise above animal nature.

A similar point about humans was made more dramatically a year before in a review essay by Daniel Smith of Elizabeth Kolbert’s book, The Sixth Extinction: An Unnatural History,55 in Harper’s Magazine. The title of that review was Consume, Screw, Kill: The origins of today’s mass extinction.56 This is how Smith describes the book’s core teaching about humans: “And there you have it, on page two: consume, screw, kill. The Homo sapiens way.”57

Books like these combat what is considered to be an ingrained human illusion. Since humans are animals, and thus not unique,
the sense of ourselves as unique, which we retain, should be jettisoned. Bromwich refers to “Gray’s image of man as a fantasy-haunted being that hungers after illusion.” That illusion is “the uniqueness of human life,”58

The illusion of human significance could also be described as the illusion of meaningfulness—not just of our meaningfulness, but of the idea of meaningfulness itself. The universe is said, as in Dawkins above, to have no intrinsic meaning.

Often, the criticism of this human illusion is voiced by critics of traditional religion. Here is one famed culturally iconic source, Neil deGrasse Tyson, in the 2014 Cosmos series, explaining this erroneous human tendency:

We hunger for significance. For signs that our personal existence is of special meaning to the universe. To that end, we are all too eager to deceive ourselves and others. To discern a sacred image in a grilled cheese sandwich.59

One of the most beautiful scientific invocations of the insignificance of humanity—attempting to counter the illusion of human significance—is the pale blue dot episode from the original Cosmos series by Carl Sagan, which Tyson recalled in the 2014 version. I won’t repeat my description of the episode here60—nor the somewhat different sense in which Nietzsche invoked the same image along the lines of Gray above: humans are nothing special and will soon die out. Sagan and Tyson were trying to show that we must care for the Earth because we are alone and the universe is indifferent. No God will save us. They meant well.

But the effect of such a message is the opposite of what they intended. The effect is to instill hopelessness in the culture.61 There is nothing in the universe to trust.

Law’s experience with the lack of trust and the death of truth can stand as an illustration of what has happened to discourse in public life generally. In the mid-twentieth century, there was confident judicial rhetoric of right and wrong. The Brown desegregation de-

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58. Bromwich, supra note 54, at 55.
60. See id.
cision, for example, was not grounded in history, although it purported to be grounded in empirical findings. That Brown's real ground is right and wrong is made clear by the companion case of Bolling v. Sharpe, which held, with no other justification, that it would "unthinkable" if the federal government could engage in racial discrimination when the States could not. That was a purely moral judgment. Or, think of Skinner v. Oklahoma, with Justice Douglas' unselconscious invocation of the basic civil rights of human beings. Truth was not dead then.

Skepticism really arrived in American law through the post-modernism of the Critical Legal Studies Movement, which built on the insights of Legal Realism. As Dennis Arrow observed in 1999, post-modernism in law mostly consisted of "linguistic, ontological, and epistemological agnosticism." That agnosticism was on display in the debates in the 1980's over objectivity in interpretation.

This value skepticism eventually became entrenched in American Law in the view, accepted by all of the Justices on the Supreme Court in a celebrated five-day period in 1992, which I have called The Five Days in June When Values Died in American Law, that values are merely subjective human constructs. This view led the vaunted icon of traditional values, the late Antonin Scalia, to argue grotesquely that because some cultures exposed unwanted infants, or disposed of the incompetent elderly, no judgment could be made about the humanity of an unborn child.

62. Brown v. Board of Educ., 347 U.S. 483 (1954). The Court stated that the history of the Fourteenth Amendment was "inconclusive," id. at 489, and that "modern authority" in "psychological knowledge" shows that segregation has "a detrimental effect." Id. at 691-92.
64. 316 U.S. 535, 541 (1942) ("We are dealing here with legislation which involves one of the basic civil rights of man.").
65. Previously, there have been scattered suggestions by Supreme Court Justices that value judgments are subjective, but not to the extent of today's unanimous presumption. Perhaps Justice James Iredell expressed the sentiment in its earliest form in Calder v. Bull, 3 U.S. 386, 399 (1798): "The ideas of natural justice are regulated by no fixed standard . . . ." Iredell's view was picked up again by Justice Hugo Black in dissent in Adamson v. California, 332 U.S. 46, 92 (1947), in which he added that Justices invoking natural law principles, "roam at will in the limitless area of their own beliefs." Beyond my scope here is the question of the Constitution itself and whether it does not embody the very distrust we are now experiencing.
68. Ledewitz, supra note 59.
69. See discussion in Ledewitz, supra note 30.
On the left, John Hart Ely anticipated Justice Scalia by twelve years, in his classic book featuring its skepticism in its title, *Democracy and Distrust.* Later, as Robin West has described, in the twenty-first century, “[a]ny theory based on an account of human nature, even loosely understood, appears suspect.”

Quite a lot of the structure and dogmas of constitutional law, including the foundations of originalism and textualism, can be viewed as reactions to the certainty that values are inevitably arbitrary and that reliance on values will lead to the imposition on the country of merely personal preferences by five Justices on the Supreme Court.

Ultimately, in the 2003 *Lawrence* case, the logical conclusion of this legal skepticism was reached: the Court held that morality is not adequate to justify the passage of legislation. In *Lawrence,* the popular moral judgment in question was that homosexual sexual relations are immoral and should be criminalized. The statute at issue was held to fail what is called the rational basis test.

Why is a moral judgment insufficient to uphold a law? At the end of the majority opinion, Justice Kennedy seemed to suggest that the problem was that this particular moral judgment was wrong—that homosexual conduct is not immoral. He wrote that the framers of the Fourteenth Amendment “knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress.” One could then infer that the “truth” is that homosexual relations are, or at least can be, morally proper.

Unfortunately, Justice Scalia’s dissent is surely correct that, taken as a whole, the majority opinion actually decides that no moral judgment can be sufficient to justify a law. That is why Justice Kennedy reached back to the *Casey* abortion case for the proposition that the role of the Court is to define the liberty of all, rather than “to mandate our own moral code.” The implication was that any moral judgment is subjective—that is, merely one’s “own”—and thus not objectively justifiable.

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70. JOHN HART ELY, DEMOCRACY AND DISTRUST: A THEORY OF JUDICIAL REVIEW (1980).
71. ROBIN WEST, NORMATIVE JURISPRUDENCE (2011).
73. *Id.* at 577 (quoting *Bowers v. Hardwick,* 478 U.S. 186 (1986) (Stevens, J., dissenting)) (“The fact that the governing majority in a State has traditionally viewed a particular practice as immoral is not a sufficient reason for upholding a law prohibiting the practice.”).
74. *Id.* at 579.
75. *Id.* at 599 (Scalia, J., dissenting) (“This effectively decrees the end of all morals legislation.”).
76. *Id.* at 571.
Nor is this just the case with abortion. The question of cultural relativism also arises, for example, in something like the practice of female genital mutilation. Can we really say \textit{nothing} about the immorality of this practice just because some societies have engaged in it? That is the moral dead end that Austin Dacey saw coming in 2008 because of the moral relativism of the secular left in America, which he tried to contest by the reinvigoration of \textit{The Secular Conscience}.\textsuperscript{77} This tendency truncates political discourse by robbing it of its revolutionary possibility, which is a criticism denominated in \textit{The Tolerance Trap} by Suzanna Walters.\textsuperscript{78} As Justice Thomas once pointed out, quoting Frederick Douglass, genuine liberation, including genuine equality, depends on substantive justice.\textsuperscript{79} To be liberating, the notion of substantive justice must be full and not merely formal.

In 2004, in \textit{Law's Quandary},\textsuperscript{80} Steven Smith argued that moral judgment in law might survive even in a materialistic culture. He pointed to the gap between truth and our materialist ontology of forces. Smith described law's traditional notion of the rule of law as having to do with right answers to legal questions. His point was that any notion of a legal right answer is inconsistent with our current understanding of reality and thus is a form of nonsense.

But Smith noted that, schizophrenically, lawyers retain both forms of discourse. We still talk about "law" and right answers even though there should only be interests and outcomes given our ontology.

Smith thought that lawyers could just go on despite the gap between what we think we believe about the universe and what we say about law. Given the intensifying ideological split on the Supreme Court, I am not sure that Smith was right about lawyers. It may be that such cognitive dissonance eventually leads to aggression and bad faith.

But, even if Smith was right about the limited craft values of law, his suggestion that we might just soldier on without confronting the harmful ontology that we have accepted plainly does not work with regard to society as a whole. We now see how sick society is. We will not regain political health until we confront the depth of what

\textsuperscript{77} AUSTIN DACEY, \textit{THE SECULAR CONSCIENCE: WHY BELIEF BELONGS IN PUBLIC LIFE} (2008).

\textsuperscript{78} SUZANNA DANUTA WALTERS, \textit{THE TOLERANCE TRAP: HOW GOD, GENES, AND GOOD INTENTIONS ARE SABOTAGING GAY EQUALITY} 179 (2014).


is wrong. Somehow, we must restore trust in ourselves and in the universe.

The reader may ask whether this is not all an exaggeration? Is the loss of trust in the universe really that important? It is, because the absence of trust undermines our capacity to respond fruitfully to all problems. When, under the influence of the lack of trust in the universe, we conclude that the moral arc of the universe does not bend toward justice,\textsuperscript{81} it affects how we approach everything.

To see this, consider a column by Ross Douthat, the New York Times columnist, advising both political parties to abandon debating healthcare in favor of more fundamental matters. Douthat asked, what is the greatest threat today to the American Dream? He answered:

First, an economic stagnation that we are only just now, eight years into an economic recovery, beginning to escape — a stagnation that has left median incomes roughly flat for almost a generation, encouraged populism on the left and right, and made every kind of polarization that much worse.

Second, a social crisis that the opioid epidemic has thrown into horrifying relief, but that was apparent in other indicators for a while—in the decline of marriage, rising suicide rates, an upward lurch in mortality for poorer whites, a historically low birthrate, a large-scale male abandonment of the work force, a dissolving trend in religious and civic life, a crisis of patriotism, belonging, trust.\textsuperscript{82}

The decline of trust is Douthat’s last word. Lack of trust is the American crisis that must be faced. The question is, what can be done to restore trust in reality?

IV. WHAT CAN BE DONE ABOUT THE LOSS OF TRUST THAT LEADS TO THE DEATH OF TRUTH?

In that same column, Douthat had suggestions for each political party going forward. They consisted of the usual bromides—cutting regulations to spur growth, increasing the child tax credit to aid


families, job and income guarantees to promote stability in our communities.83

It does not denigrate Douthat to point out that none of this speaks directly to trust. A spiritual absence cannot be repaired by a materialist response. A spiritual response is needed.

Every culture lives from a story.84 For America, it was originally the biblical story of God’s intervention in Creation to bring salvation. Then for a long time, it was the echo of the biblical story, with democracy and constitutional self-government substituting for the City of God. Those were stories that evinced trust. But they are no longer this culture’s story.

Our default story today is of an accidental universe of uncaring forces that led to humans driven by forces. That story cannot sustain a civilization. It cannot promote trust.

If there is to be a resurrection of truth, it will have to begin with a resurrection of trust in reality. A new story. And it will have to begin with each of us.

The Canadian Jesuit Bernard Lonergan put the question that each of us has to answer very simply:

Is the universe on our side, or are we just gamblers and, if we are gamblers, are we not perhaps fools, individually struggling for authenticity and collectively endeavoring to snatch progress from the ever-mounting welter of decline? ... Does there or does there not necessarily exist a transcendent, intelligent ground of the universe?85

Most of us today answer either that the universe is not on our side or that we cannot know or that the question makes no sense because, under the assumptions of materialism, the universe is not the kind of thing that could be on somebody’s side. Very few of us can wholeheartedly answer, yes, the universe is on our side.

Restoring trust, and thus truth, requires a second look at Lonergan’s question. Certainly, it is a theist’s question. But there is plenty of evidence in nature that the universe is on our side. The big bang shows us there is a tendency toward being. The early galaxies show us there is a tendency toward order. Life shows us there is a tendency in matter toward self-organization. Consciousness shows us there is a tendency toward intellect. Evolution shows us

83. Id.
84. If it is a destructive story, then the people in that culture will be held captive by it. See ISHMAEL, supra note 44, at 35.
85. BERNARD LONERGAN, METHOD IN THEOLOGY 102-03 (1972).
that, with higher intellect, there is a tendency toward tenderness, generosity and care. And history shows that Martin Luther King, Jr., was right—that the arc of the moral universe really does bend toward justice and that yes, it actually has happened that black and white children play together in peace. Of course, we make many mistakes, we lose ground very easily, and racism with all its attendant evils has not been banished. But you would have to be blind not to see moral progress among humanity.

The birth of the Black Lives Matter movement demonstrates our progress. Police shootings now provoke a national response that was never present before. And, when President Trump invited a harsher police response in a July, 2017 speech, police forces across the country said, no thank you.86 Those days are over.

So, what accounts for the lack of trust? It is mostly the old Enlightenment brief against religion as superstition. That brief seems to require hopelessness as a badge of intellectual rigor.87 But I have said nothing here about the supernatural. This is no brief for traditional religion. There are secular, even scientific, sources that can lead us back to trust.

One such source is the late philosopher Hilary Putnam, who spent his whole life charting a middle course between the God’s eye view of traditional theism, on the one hand, and the forces of despair—nihilism, materialism and relativism—on the other. Putnam argued that although we could not know everything, but we could know some things. There could not be one true account of reality, but there could be accounts that are in parts truer than others. Yes, there are different perspectives, but they are not all equal. In other words, we have to actively inquire toward truth and that activity is coherent.

Putnam thought that a relativist like Richard Rorty was really a disappointed believer in metaphysical realism88—that is, in a kind of traditional religion. If Rorty could not have the certainty of traditional theism, then he would have nothing. If Putnam is right, then our lack of trust is in part a fear of commitment to a pursuit of meaning, because we fear it is not true.

I grant the reasonableness of such a fear. There is no guarantee of truth or significance, or of any of the traditional values anymore.


87. The pathos of this position can be seen in PHILIP KITCHER, LIVING WITH DARWIN: EVOLUTION, DESIGN AND THE FUTURE OF FAITH (2007).

88. PUTNAM, supra note 19, at 101.
Yet, when we dare to genuinely inquire, despite the risk of failure, we find deep reasons for trust. E.L. Doctorow, through a character in his novel City of God—Rabbi Sarah Blumenthal—writes that the essence of humanity is the sense that what we do matters: we all pursue a teleology that “has given us only the one substantive indication of itself—that we, as human beings, live in moral consequence.”

Doctorow’s claim that human beings experience a destiny is startling. It sounds like an unprovable tenet of organized religion.

But Doctorow’s claim is not aspirational. It is actual, universal and foundational. Not just Gandhi, but Hitler, Stalin, Pol Pot also lived in moral consequence. All human beings live in moral consequence.

An atheist like Christopher Hitchens, who denies ultimate meaning, shouts out his atheism so that his fellow human beings are not taken in by the lie of God. A postmodernist like Stanley Fish, who says there is no text here, proclaims that with exactitude, expecting to be understood. Both try to live in the truth though they think they deny truth.

Even the scientist like Tyson, who dismisses the sacred as misplaced pattern recognition and an illusionary search for human significance, must ultimately declare that human beings engage in scientific discovery “because it matters what’s true.” Not just matters to us. But actually matters.

In other words, there is no way for a human being to live a life of meaninglessness. The assertion that we do is really just a bad habit.

But what does human moral consequence suggest about the universe? Since this very universe gave birth to beings like us, for whom truth is so important, we may conclude that this universe deserves our trust. The British paleontologist Simon Conway Morris in Life’s Solution is willing to look at evolution itself as evidence of a beneficent universe:

89. E.L. DOCTOROW, CITY OF GOD 256 (2000).
90. ALFRED NORTH WHITEHEAD, PROCESS AND REALITY 351 (corrected ed. 1978).
91. See SANDEL, supra note 48.
92. SIMON CONWAY MORRIS, LIFE’S SOLUTION: INEVITABLE HUMANS IN A LONELY UNIVERSE (2003).
“[G]iven that evolution has produced sentient species with a sense of purpose, it is reasonable to take the claims of theology seriously. In recent years there has been a resurgence of interest in the connections that might serve to reunify the scientific world-view with the religious instinct.”

For many people, this resurgence will not lead back to a personal God. But, if the physicist Werner Heisenberg could speak of the “consciousness” of the universe, then it is not incoherent to assert that the universe wants our truth. As Carl Sagan once put it, humans are “a way for the cosmos to know itself.”

However, if all this is so, why are we in the mess we are in? How could truth have died? And what should we do about it?

The answer is that truth did not die, we just lost our way. But it will be hell to find our way back. We now need the social imagination to rebuild institutions of trust.

Lonergan called what we need, Cosmopolis, “a redemptive community that would motivate people on a cultural level instead of attempting through economics or politics to impose new social structures.” Cosmopolis is not a place or even one institution. It is a loose formation of persons of good will who understand the source of our decline as bad habits of mind and try to embody social health in community. Cosmopolis would expose distrust and irony as, usually, just bad habits. In building Cosmopolis, we defeat distrust through working toward communities of trust.

Where should we begin? We have to start where we are, in the communities and institutions in which we are already situated. Duquesne Law School has helped me begin by hosting this very symposium. And I think, in general, law schools, because of their intense involvement with social problems and their mix of action and thought, are very good candidates, though not exclusive, for a kind of proto-Cosmopolis site. After all, in a constitutional democracy, where else should the people look for hope but to their schools of law?

93. Id. at 328.
98. For more on the role of religious law schools, see Ledewitz, supra note 8.
There is no rulebook for how we should proceed. But there are some guidelines for building Cosmopolis.

First, Lonergan is clear that Cosmopolis does not promote a practical, political/economic/social program. Policy prescriptions are not how decline is arrested. For law professors this is particularly difficult because we pride ourselves on taking positions on important issues and cases. But partisanship is so prevalent today that all such activity is suspect. Every analysis looks like an argument. Every paper looks like a brief. I rarely trust what law professors write, including my own biases. In this era of distrust, we have to prove that we are not lying in our public positions, just to support our “side.”

Second, Cosmopolis is a place for the kind of open inquiry championed by John Dewey. There cannot be shibboleths, taboos, preconceptions of any kind. That goes against the grain today. In some universities, there are topics that can hardly be discussed. Similarly, there are red States in which words like climate change are practically banned from public discourse. The only way to ensure the needed transparency in Cosmopolis is through genuine diversity, not only of race and gender, but of party and viewpoint. There must be conservatives, liberals, capitalists, anarchists, communists—and even religious believers. There must be people in Cosmopolis who can come to the table with the trust of each of our disparate communities.

Third, though not emphasized by Lonergan, there must be more care for language in Cosmopolis than we usually exhibit. Heidegger, echoing Hoderlin: says “poetically man dwells.” It is hard to imagine a poetic law school, but that is the point. A poem expresses truth not only in its ideas but in its form. Our very language must express our reverence for each other and for the universe. There is a practice in some religious law schools of opening each class with a prayer. I think, instead, we have to imagine each class, each encounter, as a prayer. Every occasion a kind of religious holy day.

99. LONERGAN, supra note 97, at 239.
100. My proposal that law professors cease arguing for immediate case outcomes in favor of a longer-term effort to develop a science of human flourishing toward which law could orient itself, see infra, corresponds roughly to the distinction drawn by Robin West between genuine normative jurisprudence and faux-normative jurisprudence that actually argues toward what the law is said already to be. See West, supra note 71, at 181-83.
101. LONERGAN, supra note 97, at 240 (“[I]t must be purged of . . . rationalizations and myths . . .”).
We in law school have to be a community that lives the resurrection of truth. Living the truth is the only way that truth can be resurrected.

But we cannot rest with trust, or even with truth. Finally, we have to ask, what is our ultimate goal? We want to restore trust and truth, but to what end?

V. REGAINING SELF-GOVERNMENT

Self-government is at risk in America today. There is very little realistic, responsible discussion of issues in public life. What passes today for political debate is like a fantasy world.

The effect of the breakdown is perhaps most clearly apparent in the fiscal realm. On the right, huge tax cuts are proposed at a time of already mounting deficits, with the false claim that such cuts, whatever their effect on the economy, will not increase the federal deficit. This is not even defended rationally. Tennessee Senator Bob Corker sounded absurd when the Republican plan was announced: “I’m going to want to believe in my heart that we’re going to be lessening deficits, not increasing.”

Among Democrats, the fiscal irresponsibility is just as great. There are discussions of single payer healthcare without even a mention of the cost and difficulty. There is not any suggestion that entitlement spending might have to be limited. The fact that a Democrat, President Bill Clinton, last balanced the federal budget is not embraced anywhere in the Democratic Party as a model.

Just consider hurricane relief in 2017. Billions of dollars were authorized to be spent and not one second was spent by anyone considering where the money would come from. I don’t mean the money should not have been spent. But, spending without paying is a fantasy, no matter how just the cause.

Deficits are just one example of the political fantasy world in which we live. We cannot have healthy debate about any of the challenges facing us. The capacity for self-government was once America’s gift to the world. Who today would look to America as a model for self-government?

Worse than just our current incapacity, is our skepticism about the very possibility, or even desirability, of self-government. The

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sorry tale of the Republican Party in this regard is well known, but
the negative attitude of the Democrats, because it is not so obvious,
may be even more damaging.

For the Republicans, the notion of convincing a majority of the
American people has given way to efforts to frustrate majority will.
These efforts take the form of occasional outright voter suppres-
sion, but usually are composed of the legal, but dubious, policies
of gerrymandering and voter ID laws. I have actually heard os-
tensibly mainstream Republicans opine that the second-place finish
of President Trump in the 2016 Presidential election is not a prob-
lem because much of Secretary Clinton’s 2,868,691 national vote
lead was brought about by winning California by over 4 million
votes—as if California voters were not part of the American elec-
torate.

We have to be clear about this. Democracy requires majority rule
over the long-term. All those anti-democratic provisions in the Con-
stitution are meant to function as a limit on majority power, not to
substitute permanent minority rule. If one of our major political
Parties now is willing to live with permanent minority rule—or
even to enshrine it by manipulating the already anti-democratic
Electoral College—the American experiment in self-government is
over. Eventually, the military will take power.

What about the Democratic Party? On this side of the aisle, peo-
ple can afford to laude majority rule because they expect to take
power demographically. So, the strategy is just to get Democratic
Party voters to show up at the polls.108

Yet, this is to miss the point of democracy, which is self-rule. Self-
rule requires policy-discussion and conscious choice by the people,
not turnout success. Turning democracy into a function of election
technology not only loses elections—as it lost the 2016 election—
but leads to empty election campaigns. I am still waiting to hear
just what policies the Democrats were offering if elected in 2016. I
know that a major issue that I was voting for in casting a ballot for

105. A few examples, like the misleading robocalls that led to the conviction for election
fraud of Paul Schurick, Campaign Manager for Maryland Republican Governor Robert Ehr-
lieh are given by Pamela Edwards, One Step Forward, Two Steps Backward: How the Su-
preme Court’s Decision in Shelby County v. Holder Eviscerated the Voting Rights Act and
What Civil Rights Advocates Should Do About It, 17 BERKELEY J. AFR.-AM. L. & POLY 174,
106. See discussion at LEDWITZ, supra note 59, at 168-71.
107. 2016 Election Results, CNN, https://edition.cnn.com/election/2016/results (last vis-
ited Apr. 2, 2018).
108. See discussion at LEDWITZ, supra note 59, at 167-68.
Hillary Clinton—efforts to limit climate change—was hardly mentioned on the national stage.

Law school as Cosmopolis is a path to change all this—a path that leads back to self-government. It does not rest at accomplishing the resurrection of truth for itself. Cosmopolis changes the society around it.

The deepest description I know of what a law school can be is from Roberto Unger, who was not using the term, Cosmopolis, but who saw lawyers as the agents who could return productive political debate to the greater society. He wrote this famous opening paragraph in his 1996 book, What Should Legal Analysis Become?:

> The conflict over the basic terms of social life, having fled from the ancient arenas of politics and philosophy, lives under disguise and under constraint in the narrower and more arcane debates of the specialized professions. “There we must find this conflict, and bring it back, transformed, to the larger life of society.”

We can do Unger one better. Law School as Cosmopolis can be the place where a new form of politics is actually practiced—a politics of trust that aims at discovering and implementing a science of human flourishing in a benevolent universe through the use of reverent language. We law professors and our students become that polis. Then that model will be seen and emulated throughout society.

Law schools thus have an inside and an outside responsibility. Within, there must be intense, strictly nonpartisan debate held to the highest standards of intellectual rigor and scientific evidence. But debate must be conducted with care and respect for every member of the community and with genuine faith in the future. There must be total openness and thorough rejection of all the forms of reductionism—starting with relativism, nihilism and materialism. Debate must be open to wonder and not wither under cynical gazes.

With regard to the outside, the greater society, law school as Cosmopolis must enforce clarity and candor in political debate, particularly among political allies. We must not be rubber stamps for our side, but harsh critics of our side. Eventually, the practice of no sides will triumph in renewed human solidarity.

Beyond that, Cosmopolis does not bring about change directly. Cosmopolis practices the wisdom attributed, not quite accurately,

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110. LONE RGN, supra note 97, at 239 (Cosmopolis “provide[s] that witness . . . ”).
to Gandhi—be the change you want to see.111 In our context, the people will only be convinced by seeing law school as something in political life that works.

I know I will be asked what any of this has to do with the primary function of law schools: to train lawyers. The answer is, everything. Lawyers trained in these ways are the only lawyers America needs today. Until now, our best thinking about law school’s potential to serve the common good has been to meet legal needs that are currently unserved.112 That is a worthy goal. But it is far short of what America must have from its law schools today. Today, law school must be the place where the very possibility of a common good is shown to be real.

I don’t know whether all this can actually happen, but there is a kind of historical precedent. It is said that the reason the early church spread within the Roman Empire was because pagans looked on the early church communities and were amazed at how humane and loving they were. Nothing like these churches existed. They were irresistible to a worn out, cynical age.113

Our age is similarly worn out and cynical. Law school as a living experiment in a new politics is the only way I know that we can change that.

VI. CONCLUSION

The Immanent Frame, a well-known collaboration of the Social Science Research Council,114 publishes “interdisciplinary perspectives on religion, secularism, and the public sphere.”115 This is the site of the best thinking that tries to bring naturalism and religion, or the spiritual, or the sacred, into some kind of harmony. For its tenth anniversary, the Immanent Frame invited noted thinkers to answer the question, “Is This All There Is?” on any terms the writer chose.116

111. Gandhi’s actual words were “If we could change ourselves, the tendencies in the world would also change. As a man changes his own nature, so does the attitude of the world change towards him. . . . We need not wait to see what others do.” Brian Morton, Falser Words Were Never Spoken, N.Y. TIMES (Aug. 29, 2011), http://www.nytimes.com/2011/08/30/opinion/falser-words-were-never-spoken.html.
115. Id.
116. Is This All There Is, IMMANENT FRAME, https://tif.ssrc.org/category/is-this-all-there-is/ (last visited Apr. 2, 2018).
The Immanent Frame is asking the same question Lonergan asked above, but with more poignancy. Lonergan, the committed Christian, did not really doubt that there is more than this—that the universe is on our side. By asking the question, he was trying to help the rest of us see that.

The contributors at The Immanent Frame, our contemporaries, are much more uncertain. They are committed to science, to natural explanations for everything, and yet a number of them are beset with longing for something more—what Charles Taylor calls “fullness.”

We know from history that robust faith can build a civilization. We are learning that doubt and uncertainty cannot sustain one. That is why we are in the crisis we are in.

Years ago, in the book Hallowed Secularism, I observed that the statement “This world is all there is’ does not represent closure against a religious view of life.” Even if we are just matter, it turns out that matter comes into existence, self-organizes, develops into life and, ultimately, lives in moral consequence, in us. That is all we can know, but it is also all that we need to know. It is sufficient to restore the trust that we need to go on.

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118. BRUCE LEDEWITZ, HALLOWED SECULARISM: THEORY, PRACTICE, BELIEF 75 (2009).
119. I had hoped here to engage the observation by the Dean of University of St. Thomas School of Law, Robert Vischer, who is a thoughtful and careful practitioner of Christian legal training, and who kindly read an earlier version of the paper that I gave at this symposium, that the early church communities shared a robust conception of life together based on the life of Christ that Cosmopolis cannot have. This very fair critique echoes the fact that Lonergan never put all of his eggs in the Cosmopolis basket but retained a crucial role for the church. See MILLER, supra note 96, at 182-83. I would answer Dean Vischer if I could. But, he is really asking the question I struggled with in the book Hallowed Secularism—how does a genuinely secular civilization survive? We don’t yet know that such a civilization can survive. There has never really been one before. All I can say here is that the starting point for the survival of secular civilization is a rediscovery of trust in the universe and therefore of truth. The rest is a path for the future to forge.