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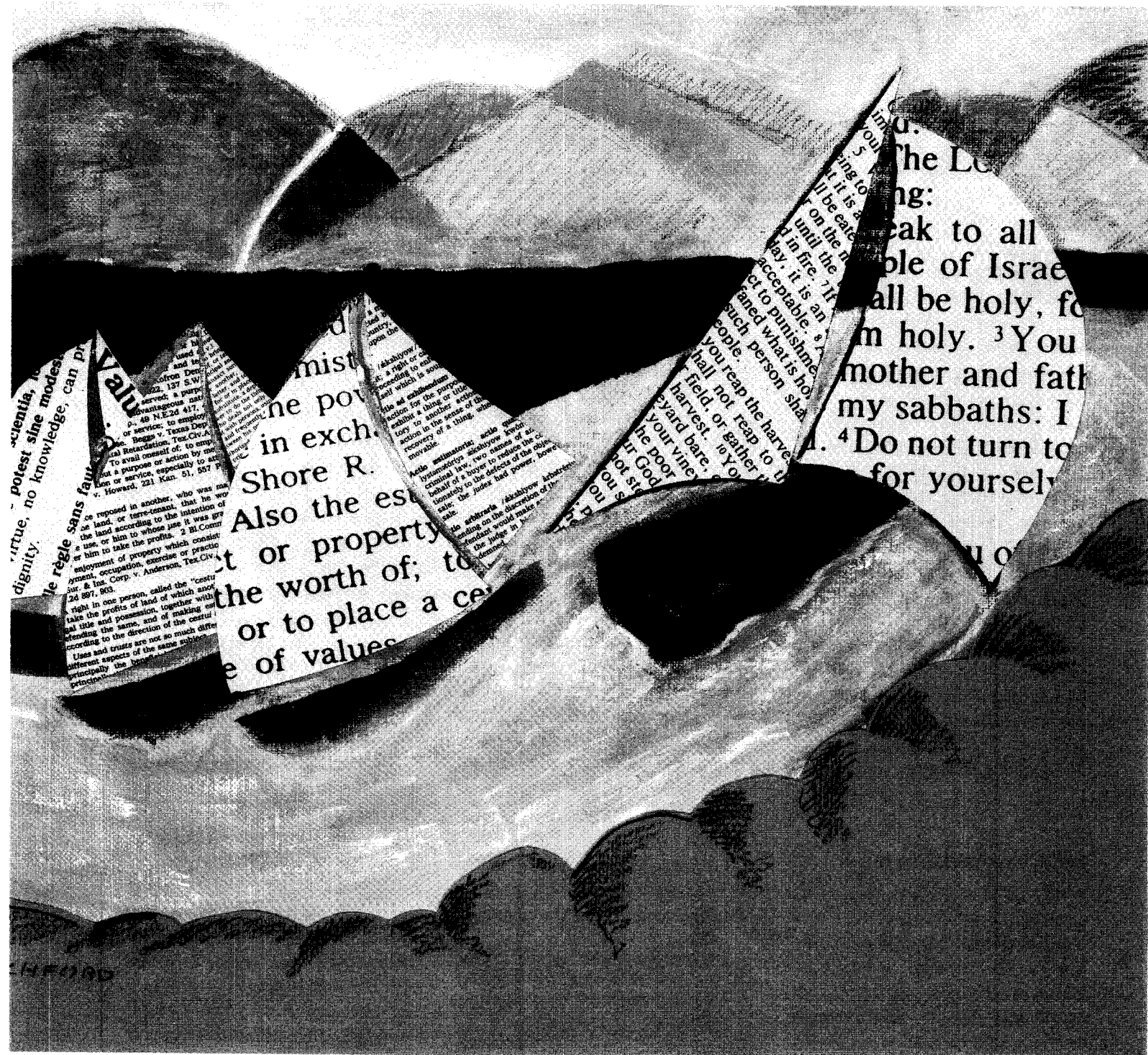
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*The purpose of Jesuit legal education must be to train lawyers of competence and conscience who can relate to the human needs of their clients, who are professionally and socially responsible, and who are willing and able to confront the contemporary legal culture.*

# Jesuit Law Schools: Challenging the Mainstream

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**I**n today's mainstream of legal education, to claim a religious orientation is to become suspect.<sup>1</sup> Religiously affiliated law schools are suspected of being less than rigorous in their academic programs, compromising in their approach to intellectual and academic freedom, and insensitive to the value of diversity, among other deficiencies.<sup>2</sup> It is frequently suggested that a law school cannot be both prominent and religious at the same time, and that there is no appropriate role for religion in the law school.<sup>3</sup> Many prestigious law schools that were religiously affiliated at their founding are no longer so affiliated. Most religiously affiliated law schools are religious in official affiliation only; religion rarely works its way into the life of the law school.

At the same time, noticeable levels of "spiritual" malaise exist among law students and lawyers. Many law students are morally troubled and dismayed by what they encounter in law school, and students are often more concerned about social issues when they enter law school than when they graduate.<sup>4</sup> Knowledgeable and respected legal educators, such as Cornell's Professor Roger C. Cramton, lament the "ordinary religion" of the contem-

porary law school classroom, a religion characterized by a "moral relativism tending toward nihilism, a pragmatism tending toward amoral instrumentalism, a realism tending toward cynicism, an individualism tending toward atomism, and a faith in reason and democratic processes tending toward mere credulity and idolatry." In this context, "religion" is not used in a theological sense. Rather, it is understood to refer to the unarticulated (and usually unexamined) value system of legal education. "It includes not only the more or less articulated value systems of law teachers but also the unarticulated value assumptions communicated to students by example or by teaching methods, by what is not taught, and by the student culture of law schools."<sup>5</sup>

An increasing number of lawyers express dissatisfaction with their careers,<sup>6</sup> and complaints are heard about the decline of professionalism within the legal profession.<sup>7</sup> The public continues to be generally unhappy with lawyers. They are perceived as "hired guns" or "social engineers" who are insensitive to the human needs of clients and who show little concern for the social order.<sup>8</sup> Justice seems to be defined merely in terms of procedures and formalities.<sup>9</sup>

*Endnotes for this article begin on page 27*

This essay takes as its premise the belief that a religious orientation is compatible with quality in legal education and, for some law schools, can help provide definition to the concept of quality. Furthermore, it will demonstrate that the educational tradition perpetuated by the Society of Jesus, the religious order whose members are commonly called Jesuits, provides insights on how the “ordinary religion” of the law school classroom might be minimized and how law schools might send into the world “good” lawyers who are better prepared to confront the difficult moral and ethical problems they will encounter.<sup>10</sup> After some general observations about the religious orientation of Jesuit and Catholic law schools and a partial historical explanation of the current state of affairs, this essay will identify and discuss six essential characteristics of the Jesuit educational tradition that are relevant to legal education, characteristics which should distinguish Jesuit law schools from the mainstream.

### **Jesuit Law Schools**

In simplest terms, a Jesuit law school is any law school that has some type of formal relationship with the Society of Jesus and that claims to be a part of the spiritual and educational tradition that originated with St. Ignatius of Loyola, the sixteenth-century Spanish nobleman-turned-priest who founded the Jesuits.<sup>11</sup>

Since the founding of the Society of Jesus in 1540, educational and missionary work have been its two preferred apostolates.<sup>12</sup> Ironically, the original purposes of the Society did not include education. Ignatius wanted the Jesuits to be free to move wherever the need was greatest; he was convinced that institutions such as schools would tie the Jesuits down and prevent mobility.<sup>13</sup> Ignatius was, however, persuaded by his companions that education was an effective means for human and spiritual development, and he included educational principles in the Jesuit Constitutions.<sup>14</sup> Although the original purpose of the Society’s schools was to train Jesuits, the

purposes were expanded to include non-Jesuit students as well.<sup>15</sup> By the time of his death in 1556, Ignatius had personally approved the founding of forty schools.<sup>16</sup> Except for the period from 1773 to 1814, when the Society was suppressed by the pope, there has been a steady growth in the number of Jesuit schools. Today there are over two thousand Jesuit educational institu-

tions. Ten thousand Jesuits work in close collaboration with approximately 100,000 lay people, providing education for more than a million and a half students in fifty-six countries.<sup>17</sup> There are now 177 Jesuit colleges and universities, 28 in the United States. Among them are the law schools at the following universities: Boston College, Creighton University, University of Detroit Mercy, Fordham University, Georgetown University, Gonzaga University, Loyola University of Chicago, Loyola University of New Orleans, Loyola Marymount University, Marquette University, Saint Louis University, University of San Francisco, and Santa Clara University.

Although all Jesuit schools were once staffed and controlled by Jesuits, today’s Jesuit universities are autonomous institutions run by independent boards of trustees. The statutes and bylaws of each university define Jesuit authority therein.<sup>18</sup> The entire academic community is responsible for the work of the university; and both Jesuits

and lay people contribute their experiences of spirituality, family, social and political life, as well as expertise in academic and administrative areas.<sup>19</sup>

The thirteen Jesuit law schools in the United States are as different and diverse as law schools can be; thus it is difficult to make generalizations about them. All of these law schools are parts of universities that are members of the Association of Jesuit Colleges and Universities, but they are independent of each other. Founded between 1870 and 1929, the law schools are located primarily in large cities.<sup>20</sup> They vary greatly in size and they have very few Jesuit teachers on their faculties.<sup>21</sup> Significant num-

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bers of students, faculty, and administrators at Jesuit law schools are neither Catholic nor Christian. With the exception of occasional elective courses and extracurricular activities, Jesuit law schools show relatively little objective evidence of their religious affiliation. For the most part, Jesuit law schools, and most Catholic law schools, for that matter, are virtually indistinguishable from their secular counterparts.<sup>22</sup>

Depending on one's perspective, these comments might be either compliments or criticisms. They are compliments if interpreted to mean that Jesuit law schools have become full participants in the mainstream of legal education, such that they have diversified student bodies and faculties and are not forced to defend themselves against charges of sectarianism. They are criticisms, on the other hand, if they suggest that the schools have little connection to their Jesuit, Catholic, or Christian traditions.

Although each Jesuit law school has a unique history, general historical studies suggest that many of the Catholic law schools faced similar problems and concerns at their founding and encountered similar pressures as they developed.<sup>23</sup> An understanding of these factors can help explain some of the current characteristics of these law schools, particularly those characteristics related to their religious orientation.

Jesuit universities started law schools for reasons that were ultimately theological but were also manifestly sociological and political. The Roman Catholic Church had a great legal tradition grounded in natural law, Thomistic philosophy, and canon law.<sup>24</sup> The Jesuits, and other Catholic educators, felt that they could make important contributions to the law and to society.<sup>25</sup> These educators recognized the important role of the legal profession in American life and wanted to participate in preparing its members.<sup>26</sup>

American Catholic colleges also started law schools because they sought recognition as true universities; graduate and professional schools were needed to claim this stature. When compared with medical schools and engineering schools, law schools were relatively inexpensive and easy to add. Classroom space, a relatively small library, and access to a few law teachers (who could also be practitioners) were all that was needed.

Furthermore, Catholic universities started law schools in reaction to the significant levels of nativism and anti-Catholic prejudice that existed at the end of the nineteenth and the beginning of the twentieth centuries.<sup>27</sup> "Catholics were smeared as foreigners, whose final loyalty was to the pope, and as persons who could not be trusted with any degree of power or influence."<sup>28</sup> By establishing law schools, Catholic universities provided Catholics and

other immigrants with the opportunity to achieve upward mobility by means of the legal profession, from which they would otherwise have been excluded for lack of funds or on some other grounds.<sup>29</sup>

Professor Thomas L. Shaffer of Notre Dame made these observations:

These were Catholic law schools in the sense that Catholics went to them, and went with a sense of being involved in the common enterprise of getting a share of the aristocratic power that American lawyers enjoy. Students in them were not learning about their faith; they were getting ahead. They were not studying Aquinas or Augustine or Pope Leo's encyclical on social justice; they were studying casebooks, written at Harvard, Yale, and Columbia, just like everybody else. If these educational communities were religious, it was because they sometimes provided convenient religious services for their Catholic students and, occasionally, a chaplain to talk to.<sup>30</sup>

Whatever religious motivations existed for their founding, Catholic law schools were from the beginning pushed toward secularization by their faculties, by their reactions to prejudice, and by their desire to become a part of the mainstream of legal education.<sup>31</sup>

In order to achieve status, Catholic law schools tried to attract teachers who had some reputation in the law. In some cases this meant appointing non-Catholics to the law faculty and the consequent anomaly which resulted from such a practice: the school was committed to purveying a Catholic philosophy of law, but its wisest and most prominent teachers were neither intellectually nor emotionally equipped for this task. Because the heritage of Catholic schools of law was so meager and so brief, legal scholars and teachers who were Catholics were not easy to find. Usually the law schools attracted a judge or a well-known lawyer to teach the courses in law. Most legal faculties [of Catholic law schools] were part-time.<sup>32</sup>

The faculties of Catholic law schools were rarely willing to integrate themselves into the life and work of their universities, and these law schools were able to achieve a high degree of independence. The law schools were often self-supported by tuition and were successful at fund raising. Consequently, it was impractical for university administrators to control the law schools in the same ways that they controlled other departments and colleges.<sup>33</sup> Catholic law schools wanted to be fully accredited participants in the mainstream of legal education, but the anti-Catholicism of the period caused these schools to defend themselves against charges of sectarianism and pressured them to adopt secular models of legal education.<sup>34</sup>

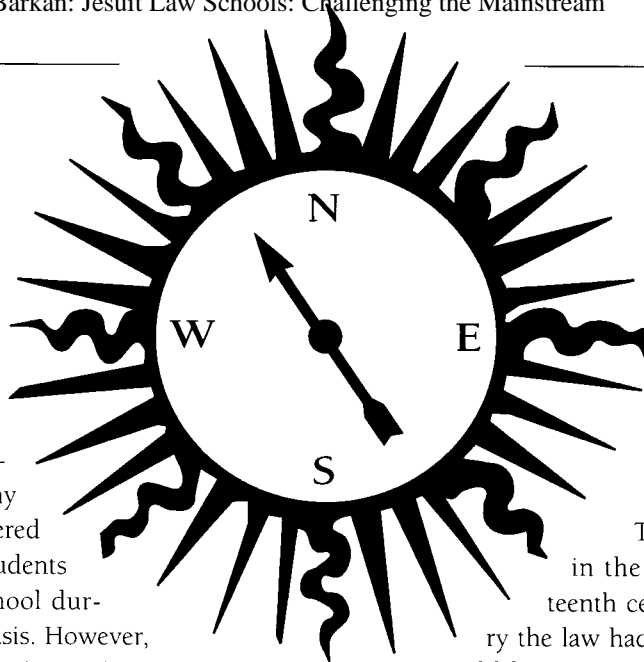
This prejudice was manifested in the efforts of the American Bar Association and the Association of American Schools to professionalize the bar and to standardize legal education.<sup>35</sup> Many of the Catholic law schools offered evening programs to attract students who could not attend law school during the day or on a full-time basis. However, the opening of the legal profession to immigrants and their offspring through part-time education exposed these schools to criticism from the bar, which wanted to maintain the elite position of the profession.<sup>36</sup> As one scholar noted, “the foreign-born, grouped in urban areas and swarming into the night law schools in those cities, were perceived as a distinct threat to professional values based upon Anglo-Saxon Protestant culture.”<sup>37</sup>

The A.B.A. and the A.A.L.S., in turn, “strove for higher standards to keep out the poorly educated, the ill-prepared, and the morally weak candidates”<sup>38</sup> and to eliminate “their common enemy: the night law schools and the immigrants who crowded into them.”<sup>39</sup> “Considering such schools inferior, the associations’ leadership sought to close them. The ardor of their efforts intensified as these schools achieved spectacular growth compared to the accredited law schools.”<sup>40</sup>

In contrast, the night law schools saw themselves as operating in the democratic tradition by making legal education available to people from all walks of life.<sup>41</sup> Paradoxically, the mainstream which the Catholic law schools sought to join represented the antithesis of their tradition. Prior to the end of the nineteenth century, law was thought to have a religious dimension: law was related to divine providence and there was a divinely inspired order to the universe.<sup>42</sup> By the end of the nineteenth century, however, legal education had become fully secularized. Law was perceived as a self-contained science, independent of religion. Law and religious values were completely separated, and religion became a private affair.<sup>43</sup>

In the 1920s, legal realism came to dominate American legal education.<sup>44</sup>

Legal realism sees law as simply a means to implement whatever social values and behavior are desired by a society at any given time. Realists therefore reject the idea of permanent rules or principles that have authority to determine what ought to be



the outcome of a given case. Rather, they say, the outcome of a case depends largely, if not entirely, on the predilections of the judge who happens to be deciding it.<sup>45</sup>

The roots of legal realism were in the legal positivism of the nineteenth century.<sup>46</sup> Under positivist theory the law had little to do with morality and could legitimately promote what is immoral.<sup>47</sup>

The law is the law. The law has no reference point other than itself. That which is within the law is presumably permissible; that which is not within the law is presumably not permissible. To the extent that values are involved, they are individualistic preferences that are not intrinsic to the law.<sup>48</sup>

Given the prejudices of the times and the pressures that existed to join a mainstream of legal education that was grounded in secularism, positivism, and realism, it is easy to understand why Jesuit and other Catholic law schools adopted secular models of legal education and drifted from their religious traditions.<sup>49</sup> Furthermore, if positivism, realism, and secularism are perceived to continue—albeit with modifications and refinements—to dominate the mainstream of legal education, it is also easy to understand why patterns that were set in the early years persist.<sup>50</sup>

### ***A Vision of Jesuit Legal Education***

Other than having a corporate relationship with the Society of Jesus, what should it mean to be a “Jesuit” law school? What should it mean to reflect the spirit of Ignatius and to be a part of the Jesuit educational tradition? It need not mean that students are taught a distinctively Catholic approach to law, although courses that explore the relationship between law and theology and cover subjects such as ethics, canon law, and church-state relations are certainly appropriate; or that the faculty produces legal scholarship from a Catholic perspective, although this type of scholarship should be fostered by the Jesuit law school;<sup>51</sup> or that students and faculty are predominantly Catholic, although there should be enough Catholics among the students and faculty to represent the tradition.<sup>52</sup> It should have little to do with crucifixes on

classroom walls, law school liturgies, or priests serving as teachers. This is certainly not to denigrate these characteristics, for they can add much to the life of the law school; it is only to say that they should not be viewed as the essence of Jesuit education.<sup>53</sup> Most importantly, claiming to be a Jesuit law school need not mean that the structure of the curriculum, the standards for scholarship, the diversity of the students and faculty, and other objective attributes are significantly different from those of any other mainstream law school.

Claiming to be a part of the Jesuit educational tradition should mean, rather, that a distinctive spirit marks the Jesuit law school which on a subjective level distinguishes it from the mainstream. The distinctive spirit refers to the way of proceeding: the inspiration, motivation, values, attitudes, and style which affect the teach-

ing, scholarship, and environment of the law school.<sup>54</sup>

At the most essential level, six characteristics should mark the spirit of Jesuit legal education. In summary form, Jesuit legal education is (1) conducted in a religious context, (2) world-affirming and focused on action, (3) value-oriented, (4) person-centered, (5) broad-based and interdisciplinary, and (6) devoted to excellence. Although these characteristics can be discussed separately, they must also be considered as a whole, because it is the synergism of these principles that creates the distinctive spirit of Jesuit legal education. This discussion, which is stated in ideal terms, is not intended to describe any of the Jesuit law schools. One can hope that each Jesuit law school will recognize its own characteristics in the description.

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## **1** *Jesuit legal education exists in a religious context.*

For Ignatius, God is Creator and Lord, Supreme Goodness, the one Reality that is absolute; all other reality comes from God and has value only insofar as it leads us to God. This God is present in our lives, "laboring for us" in all things: He can be discovered through faith, in all natural and human events, in history as a whole, and most especially within the lived experience of each individual person.<sup>55</sup>

**R**eligion should permeate the program of the Jesuit law school. In contrast to the "ordinary religion" of the mainstream, however, this form of religion is more than merely a system of unarticulated and unexamined value assumptions. It is, moreover, a faith that the God of Israel lives and works in the world and calls believers to articulate, evaluate, critique, and act upon their assumptions and values.

This religious dimension is at the same time the most fundamental and the most problematic characteristic for Jesuit law schools. It is the most fundamental because it is the characteristic from which other characteristics flow. It provides the motivation for the participants and the foundation upon which the program is built. If we do not consider the religious context in which the Jesuit law school exists, the other characteristics and goals of the law school lack coherence.

The religious dimension is also the most problematic characteristic. Because the law school is a professional

school (therefore obligated to teach designated disciplines and skills to meet the standards of external authorities) with a diverse and pluralistic student body and faculty (including significant numbers of non-Catholics, non-Christians, and non-believers),<sup>56</sup> the religious mission of the law school must be addressed with great care, sensitivity, and subtlety.

As an academic and professional community with the primary mission of teaching, studying, and learning about the law, a Jesuit law school will go about its work in a particular way. Because it is not primarily a religious association, the law school community must not impose adherence to particular religious beliefs as a condition for full participation.<sup>57</sup> This does not mean that religious beliefs are unimportant in the law school, for surely the opposite is true. Nor does it mean that Catholics should refrain from practicing their religion or from pursuing the implications of their faith. Rather, it means that on an institutional level religion must be presented in a way that brings people of various beliefs together to appreciate their common values and goals. "The purposes and ideals of members of other faiths can be in harmony with the goals of the Jesuit school and they can commit themselves to these goals for the development of the students and for the betterment of society."<sup>58</sup> In the Jesuit law school, religion must be a force for unity.



## 2 *Jesuit legal education is world-affirming and focused on action.*

Ignatius believed that God is present and is working in all creation, and the Ignatian spiritual tradition speaks of the hidden but discoverable presence of God in even the most secularized and apparently unjust and godless situations.<sup>59</sup> Jesuit legal education, therefore, affirms the radical goodness of a world in need of transformation and tries to develop in students the ability to know and critically evaluate reality.<sup>60</sup> The Jesuit law school must avoid the isolation of the proverbial ivory tower.

Jesuit legal education stands for the belief that persons and social structures can change for the better and fosters the commitment to work for these changes. The educational objective of the Jesuit law school is to assist in the

formation of men and women for others—"servant leaders" who will put their beliefs into practice in the real world.<sup>61</sup>

In the Jesuit law school, knowledge should not be acquired for its own sake. Rather, knowledge should be put to use for the betterment of society. While remaining idealistic—in the sense of being committed to the highest ideals—students and faculty must confront the realities of the times through research and through academic and extracurricular programs. The academic community of the law school must be concerned about the social community of which it is a part.

## 3 *Jesuit legal education is value-oriented.*

Among the characteristics of the "ordinary religion" of the mainstream law school classroom is the belief that "[c]are should be taken to insure that affirmations of value (our desires concerning what ought to be) do not intrude upon thought and knowledge and fact concerning what is."<sup>62</sup> According to the mainstream, the law school classroom should be neutral and value-free. In the absence of a mode of proof or verification, an assertion cannot be taken as true.<sup>63</sup>

Although a "skeptical attitude toward generalizations, principles and rules is doubtless a desirable attribute of the lawyer," this skepticism too often, as Professor Cramton notes, "deepens into a belief in the meaninglessness of principles, the relativism of values or the non-existence of an ultimate reality."<sup>64</sup> In short, in the mainstream law school classroom, value-skepticism and value-nihilism often predominate. Law teachers typically avoid the explicit discussion of values and confront fundamental issues by avoiding them.<sup>65</sup>

Jesuit education is value-oriented; therefore, Jesuit legal education challenges the mainstream.<sup>66</sup> Religiously affiliated law schools are expected to be concerned with issues of ethics and professional responsibility, but a value orientation involves much more than developing the professional-responsibility curriculum. Value orientation

means developing an awareness of the moral and ethical implications of the law and a methodology for approaching legal problems from a moral perspective. This methodology includes the ability to reason reflectively, logically, and critically,<sup>67</sup> to discover prejudice and limited vision on the one hand, and to evaluate relative goods and competing values on the other.<sup>68</sup>

Father James R. Pollock SJ has written that

our goal, stated simply, is to facilitate growth in the life of virtue. To avoid moral paralysis in the face of conflict, it is desirable that a person have the ability to set aside certain values when they must, in fact, cede to others, or better, to be able to realize as many of the values as possible in a given situation.<sup>69</sup>

In a 1989 speech at Georgetown University, Father Peter-Hans Kolvenbach, superior general of the Society of Jesus, noted that "there is no aspect of education, not even the so-called hard sciences, which is neutral. All teaching imparts values ..."<sup>70</sup> Values are not the exclusive domain of moralists; they are the proper domain of any academic discipline.<sup>71</sup> Values are inherent in the law, because law is an effort to regulate, apportion, and enforce values. Even the attempt to separate values from the law is a statement about the importance of the values involved.



Many of the problems that arise in discussions about how to integrate values into the law school classroom result from confusion and misunderstanding about what it means to provide value-oriented education. Those who are skeptical of value-oriented legal education typically see it as a form of proselytizing and interpret it as suggesting that there are specific values—Christian values, Catholic values, humanistic values, for example—to be taught and learned, and that, based on these values, there are “correct answers” to the moral and ethical questions that come up in the course of learning the law. Hence, the student would be taught the Catholic, or at least that teacher’s, response to problems. There is little wonder that most law teachers are unwilling to engage in this pedagogy.

Nevertheless, a reluctance to proselytize cannot obviate the law teacher’s responsibility to students. As Professor Thomas D. Eisele, of the University of Tennessee’s College of Law, has so eloquently written,

to teach is to ask others to follow, and thus to risk misleading others. To turn students loose, without example and without direction, in the name of neutrality or tolerance, so that these students must find themselves on their own, if and when they can, is not a better or truer alternative to setting an example for them. It is an abdication of our responsibility for leadership.<sup>72</sup>

Simply put, value-oriented education should not require the law teacher to indoctrinate students with either moral principles or correct answers to specific problems. A value-oriented legal education, rather, requires acknowledging that the subject of values has a place in the law school classroom, thereby dispelling the delusion that by avoiding a discussion of values the resulting model of law is neutral and value-free. It is only by acknowledging the value-laden nature of law that the teacher can expect to paint a realistic picture for students.

Furthermore, the refusal to indoctrinate students with principles, applications, and answers does not mean that specific values may not be brought into the classroom and preferred over others. Moreover, there are at least three core values which are so basic to Judeo-Christian ethics and to the mission of the Society of Jesus that they must be considered inherent themes of Jesuit legal education and a suitable context for discussion.

First, the dignity of the individual must be given the highest priority. Each man and woman is personally known and loved by God, and the human effects of every encounter and transaction must be considered and evaluated.<sup>73</sup> For lawyers this basic value will influence relationships with clients and relationships with other lawyers. It shows a concern with how we treat people and for how our actions, and the law itself, affect people.

Second, a commitment to justice, which is premised on the dignity of the human person, must be pervasive.<sup>74</sup>

Justice issues are no longer issues merely of political balance, competitive group interest, and legal prudence. They are issues of faith. They are issues of love. Housing, food, clothing, prison, and distribution of wealth are not some merely liberal programmatic. . . . [T]hey are the very criteria against which the final moral evaluation of men and women will be made.<sup>75</sup>

The people, policies, and programs of the Jesuit law school must give concrete witness to justice and give counterwitness to the values of the consumer society.<sup>76</sup>

The commitment is not merely to legal, or formal, justice, but to fundamental fairness in individual and corporate affairs and to equitable distribution of resources and opportunities.

Third, Jesuit legal education must promote a special concern, or a “preferential option,” for the poor and disadvantaged. This includes those without economic means, the handicapped, the marginalized, and all those who are, in any sense, discriminated against or are unable to live a life of full human dignity.<sup>77</sup> A preferential option for the poor means more than just helping the poor. It means asking questions from the perspective of the poor to bring, as Jesuit Father Jon Sobrino suggests, the poor into the law school and to offset the tendency of the law school to situate itself in the world of power.<sup>78</sup>

Notre Dame professors Shaffer and Rodes offer this explanation:

The reason we must do this is not that the poor are more valuable in God’s eyes than other people. They just need more help. Also—and this is the most important point for . . . teachers and scholars—they are less visible. We are so far the victims of false consciousness that we will not notice the poor unless we go out of our way to do so. If we set out to deal evenhandedly between rich and poor, we will inevitably end up favoring the rich. If we set out to do no more for the poor than justice requires, we will end up doing less.

We must steadily ask . . . what effect legal transactions have on the people underneath them. How does our real estate law affect people who need

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places to live? How does our law on corporate mergers affect working people and their families? How does our criminal justice system affect the ability of the urban poor to walk out on their streets? How does the first amendment affect their ability to teach their children to live decent lives?<sup>79</sup>

Although the application of values to specific cases must be open to discussion and debate, questions like these, and the values that give rise to them, reflect the essence of value-oriented legal education in the Jesuit law school. Values must always be proper subjects for discussion in the classrooms of Jesuit law schools. Students should be encouraged to identify and, if necessary, chal-

lenge the values that are inherent in the law. Teachers must be people of values; and, if they are not comfortable talking about their own values, they have, at a minimum, the obligation to point out that values are at stake.

God is especially revealed in the mystery of the human person, "created in the image and likeness of God;" Jesuit education, therefore, probes the meaning of human life and is concerned with the total formation of each student as an individual personally loved by God. The objective of Jesuit education is to assist in the fullest possible development of all of the God-given talents of each individual person as a member of the human community.<sup>80</sup>

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## 4 Jesuit legal education is person-centered.

Jesuit education insists on individual care and concern for each person, and assists in the total formation of each individual.<sup>81</sup> The purpose of the educational process is the formation of balanced men and women with personally developed philosophies of life<sup>82</sup> who will put their beliefs and attitudes into practice throughout their lives.<sup>83</sup>

*Cura personalis*, or concern for the individual person, is reflected both inside and outside the classroom.<sup>84</sup> Teachers in Jesuit law schools should focus on students rather than on academic disciplines. This distinction is more than a semantic one; it is a matter of educational philosophy.

Jesuit schools must give attention to the personal needs of students. There should be an appreciation of the uniqueness of each student and an understanding that

the law school experience can be a difficult one. It is a time when values are challenged, self-esteem is jeopardized, family relations are strained, competition is accentuated, and pressures are increased. The Jesuit law school must recognize that the individual student is of primary importance and must receive as much personal attention and support as is humanly possible.

A concern for the individual does not mean that the academic program is either soft or not rigorous, that standards are lowered, or that skills and competencies are compromised. It means, rather, that rigor and strength are applied at the proper times and in the correct places, and that all efforts are directed toward helping the student achieve his or her maximum potential.

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## 5 Jesuit legal education is broad-based and interdisciplinary.

Jesuit secondary schools, colleges, and universities have traditionally insisted upon liberal, or diversified, educational programs regardless of what specializations they might offer.<sup>85</sup> Similarly, the academic program of the law school must be broad-based and diversified. By requiring a wide range of subjects and discouraging narrow specialization, the curriculum should provide a liberal education in the law and a range of perspectives. It must explore the history and theory of law, as well as the

economic, political, and social effects of the law on society. Because most future legal problems are yet to be identified and because competence will be determined both now and in the future, students must be prepared to be open to a lifetime of growth and learning, rather than for particular jobs.<sup>86</sup>

As part of a university the law school's understanding of law must be informed by the university's other disciplines, such as, theology, philosophy, science, economics,

business, sociology, psychology, languages, politics, and history. Father Kolvenbach notes that no

single academic discipline can legitimately pretend to offer comprehensive solutions to real questions like those concerning genetic research, corporate takeovers, definitions concerning human life—its

start and its end, homelessness and city planning, poverty, illiteracy, developments in medical and military technology, human rights, the environment and artificial intelligence.<sup>87</sup>

All of the resources of the Jesuit university must be brought to bear on the law's questions.

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## 6 Jesuit legal education strives for excellence.

Jesuit law schools, like all law schools, must seek quality in their educational programs and set demanding standards for students and faculty. For the Jesuit law school, however, the motivation for excellence is a matter of religious commitment. "Repeatedly, Ignatius insisted on the 'magis'—the more. The concrete response to God must be 'of greater value.'"<sup>88</sup> The essential activities of the law school—teaching and scholarship—must be done well. Indeed, "only excellence is apostolic."<sup>89</sup> Jesuit education aims "at ever greater, more profound, more universal service."<sup>90</sup>

The "more" of which Ignatius spoke requires the ongoing evaluation of goals, programs, resources, and methods in an effort to be more effective, and the creation of an environment in which excellence is demanded and promoted.<sup>91</sup> It does not imply that excellence is determined simply by comparison with the mainstream.<sup>92</sup> Rather, it suggests taking from the mainstream the appropriate objective standards that it can provide—going beyond them when necessary—without permitting the mainstream to undermine and subvert the distinctive and authentic—and, admittedly, subjective—dimensions of the law school.<sup>93</sup>

### Conclusion

Karl Llewellyn, one of the great law teachers of the twentieth century, is quoted as follows: "Compassion without technique is a mess; and technique without compassion is a menace."<sup>94</sup> In the last analysis, the purpose of Jesuit legal education must be to train lawyers of competence and conscience who can relate to the human needs of their clients, who are professionally and socially responsible, and who are willing and able to confront the contemporary legal culture.<sup>95</sup>

Father Wilfred LaCroix SJ of Rockhurst College, writes as follows:

The disciplined and professional transmission and acquisition of knowledge is never enough of a goal in any classroom. It is always a required goal, but it is never the only goal. What makes any educational tradition distinctive are the other goals it has and how these other goals shape the acquisition of knowledge. The Jesuit tradition has been that its other goals are discerned from what is needed in any period for graduates to affect their world with

the spirit of Ignatius. And these goals are not tacked on, but are directly expressed and met in the way of proceeding toward the acquisition of knowledge in a subject.<sup>96</sup>

In the Jesuit tradition it is impossible to teach law "without conveying to the students, at least indirectly, a context of how the subject matter fits into human life in society and, consequently, how the subject matter fits into the goals of human life itself."<sup>97</sup>

Merely claiming a religious purpose will not make the education provided in the law school more virtuous; it is only through the attitudes and actions of the students, faculty, and administration that such a purpose can be realized. The Jesuit educational tradition is not the only way to achieve these goals, but the Jesuit tradition does provide an authentic vision that can give direction and meaning to the enterprise.

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*Endnotes for this article begin on page 27*