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The Law School Must Embody a Special Culture

Many of our students may not have given a great deal of thought to our schools' Jesuit character before deciding to enroll

By Gregory A. Kalscheur, S.J.

Any effort to imagine what might be distinctive about Jesuit legal education should begin by remembering that Jesuits got into education – including university education – out of a desire to form a certain kind of person committed to serving the common good of society. Understood in this way, our desire to embody the Jesuit mission in the context of legal education challenges us to take seriously the question of what sort of people our students become during their time in our law schools. Do our students leave our law schools more responsive to the needs of humanity, or less so? Do our students come to embody a commitment to justice? This is obviously much easier said than done, but I think this is where our primary attention needs to be focused as we strive to embody in our law schools an authentically Jesuit concern for justice and engagement with the Catholic intellectual tradition.

At the beginning of the 2005-2006 academic year, I was invited by my law school's dean to give a talk about the Jesuit tradition in education during new student orientation. I tried to introduce the incoming students to the idea of a life that embodies justice by asking the students to consider two questions: First, what are the hopes and desires of my heart that have called me to enter law school? Second, who am I becoming as a person as I enter more deeply into the life of the law?

I began my talk about the tradition of Jesuit education in that way because it is my conviction that this tradition at its best hopes to keep us faithful and attentive to those questions: faithful and attentive to the desires that call us forward, faithful and attentive to the truth of who we are as people, faithful and

attentive to whom that truth and those desires are calling us to become as people. What we're talking about here is the idea of discernment, and the enterprise of Jesuit education should help our students discern well, so they can make good choices about their paths in the world.

Good discernment requires an integration of intellect and affect, of mind and heart, of reason and love. Accordingly, Jesuit legal education should never separate the mastery of legal technique from a passionate concern for the people and the values that the law is serving. We can't allow ourselves or our students to become amoral legal technicians inattentive to the way real human beings are affected by what we do with the law. In the words of Judge John Noonan of the U.S. Court of Appeals for the Ninth Circuit, what we do in the classrooms of our law schools should

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"contribute to the moral education essential to the professional preparation of lawyers, who are to be formed less as social engineers than as the charitable creator of values."

Those words are drawn from Judge Noonan's book entitled *Persons and Masks of the Law*. The book grew out of his recognition that lawyers,

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A statue of Saint Ignatius on the campus of Santa Clara University.

judges, and law professors often used the law to create masks that prevent us from seeing the persons whose lives are affected by the law. Noonan observed that "neglect of persons... ha[s] led to the worst sins for which American lawyers were accountable." This led Noonan to assert that "the central problem of the legal enterprise is the relation of love to power." He explained that "We can often apply force to those we do not see, but we cannot, I think, love them. Only in the response of person to person can Augustine's sublime fusion be achieved, in which justice is defined as 'love serving only the one loved.'"

Law is not just about rules, and justice isn't purely an intellectual problem. Instead law is a living human process through which we as a community

structure human relationships and shape human lives, including our own lives as lawyers. As we engage in the rigorous intellectual analysis that must be at the heart of legal education, our Jesuit mission challenges us to strive to try to keep our moral imaginations alive to the whole persons whose lives are affected by the law.

This mission challenges us to expose our students in a more systematic way to the questions that the Catholic intellectual tradition poses to the often unexamined assumptions about what it is to be a human person that underlie much of American law. The rich Catholic vision of the person and society is sometimes at odds with the exaltation of the autonomous individual frequently accepted as the analytical starting point in the contemporary American legal tradition. How good a job are we doing in unmasking these assumptions and revealing to our students a different vision of the person, the law, and the legal profession? When this question is absent from our Jesuit law school conversations, we fail to live up to the challenge to enrich our moral imaginations that lies at the heart of our Jesuit educational mission.

A law school animated by the Jesuit way of proceeding ought to embody a particular kind of culture. The culture of a Jesuit law school should be committed to justice and the common good. This commitment to the promotion of justice should be manifest in the way we study, the questions we raise in class, the things we write about as scholars, and the opportunities for action that are part of the life of the law school. The ways we relate to one another in all that we do in the law school should manifest respect and reverence for the human dignity of each person present in this community.

Jesuit law school should be an intellectual community in which the whole universe of authentically human questions is part of the intellectual conversation, including questions of faith. The Jesuit law school should be a place where the Catholic intellectual tradition is at home and is taken seriously as an important voice in an intellectual conversation open to a wide range of other voices, other traditions, and other ways of looking at the world. And a Jesuit law school should be a place where every member of the community can explore the question of how to integrate faith with intellectual and professional life.

Finally, a Jesuit law school should be a culture of dialogue, diversity, and inclusion. The Jesuit

tradition of education is not interested in creating a sectarian environment. Instead, it's a tradition that seeks to foster an environment in which a diverse community of people can learn from one another through speaking to one another and through really listening to one another, in a dialogue that is open to, and respectful of, the experiences of all. This is a dialogue that challenges us all to have our minds and hearts transformed by what we learn from our shared conversation.

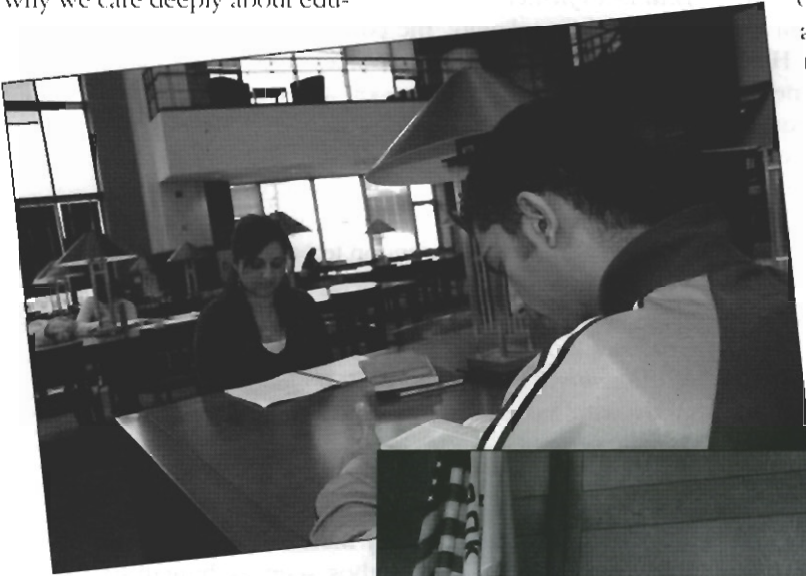
Some of our students and faculty colleagues come to Jesuit law schools after going to Jesuit colleges and high schools. They may already feel at home in the world of Jesuit education, and they may have come to our law schools in part to experience legal education given life by that tradition. Others may arrive without much knowledge about who Jesuits are or why we care deeply about edu-

cation. Many of our students may not have given a great deal of thought to our schools' Jesuit character before deciding to enroll.

But wherever our students and faculty colleagues find themselves along that broad spectrum, we need to remember that each of them brings much needed gifts, insights, and experiences to the challenging and much-needed conversation about what it can mean to be a

Jesuit law school. In the words of philosopher Alisdair MacIntyre, a living tradition (as opposed to a dead traditionalism) is an argument or a conversation extended over time about the goods at stake in the life of the tradition. A living tradition is a not-yet-completed story that draws from the past in order to give life to the future. All of our students and colleagues are part of the not-yet-completed story of Jesuit legal education; all need to be part of the conversation that is the living tradition of Jesuit education. We all have much to learn from one another. ■

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Students from Loyola University Chicago engage in study at the law library, and right, practice their courtroom skills.

