

2023

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Recommended Citation

McMorrow, Judith A. (2023) "Reaching Out Through the Universal: The Powerful and Positive Role of a Jesuit Catholic Law School on the Secular Line," *Touro Law Review*. Vol. 38: No. 4, Article 6.
Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol38/iss4/6>

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**REACHING OUT THROUGH THE UNIVERSAL: THE
POWERFUL AND POSITIVE ROLE OF A JESUIT CATHOLIC
LAW SCHOOL ON THE SECULAR LINE**

*Judith A. McMorrow**

ABSTRACT

There are multiple ways in which Catholic law schools can provide an education that supports and reflects a Catholic vision. Some schools align more closely to an orthodox view in which text and doctrine are the starting lens. Catholic law schools closer to the secular end of the spectrum play a powerful role by actively building bridges with the secular world. These schools, either implicitly or explicitly, start with values framed in more universal terms—a moral or ethical worldview that can implement the common good in the secular world. A Catholic law school that emphasizes the universal generally offers multiple doors into their mission: a door through which faith is the dominant motivator; a door through which embracing the universal values is the dominated motivator; and one through which individuals seeking a good education can enter without regard to faith or universal values. Catholic law schools that emphasize universal values should state those values publicly and are always seeking to bring community members into a shared vision of those values. Members of the community who enter through the universal values door are not “guests” but integral members in the university. Under this vision, you are more likely to see student groups and faculty who promote positions that are

* Professor of Law, Boston College Law School. My thanks to John T. Butler, S.J., Fred M. Enman, J.S., Ann Byrne, Frank R. Herrmann, S.J., Gregory A. Kalscheur, S.J., M. Kathleen Kaveny, Thomas C. Kohler, Randy Lee, Sean O’Connor, Spencer Thompson, and Taylor Bialek of the *Touro Law Review* for their helpful comments on the ideas in this essay. The views expressed herein are my own. My deep thanks also to Professor Thomas Shaffer of University of Notre Dame Law School, who spent much of his scholarly life exploring what it means to be a Christian and a lawyer.

inconsistent with Catholic doctrine. They are pursuing the central goal of a university, which is a place that facilitates the God-given power of reason to explore questions of the common good.

I. INTRODUCTION

What does it *mean* to be a Catholic (or Christian or Jewish) law school? Most religiously affiliated schools align themselves on a spectrum that ranges from more orthodox to more secular. Broadly speaking, orthodox schools tend to align their express mission and daily practice with textual articulation of their religious beliefs.¹ The text often starts with the Hebrew Scriptures or the New Testament, and then branches out to interpretations often honed through hundreds or thousands of years of careful scholarly thought that has developed doctrines to refine the meaning of that faith. On the other end of the spectrum, schools that are aligned with the secular end often link their mission and expression of values in universal terms, expressly identifying and embracing their religious origins, but often giving less focus on founding documents and subsequent doctrinal interpretations. There are many additional layers available in this description, but this preliminary and superficial framing can launch this conversation.

The twenty-nine Catholic law schools in the United States fall along a similar spectrum.² In addition to how they appear to the external world in terms of express connection to Catholic doctrine, PreLaw Magazine identifies law schools that they deem to be more “devout.”³ This interpretation focused on schools that “make efforts to incorporate religion into the law school experience in varying degrees. They

¹ The challenge with the term “orthodox” is that textual interpretations may differ within a tradition. For example, there is strong “orthodox” support for the vision of a Catholic law school that focuses on engagement and conversation with the secular world. See, e.g., Gregory Kalscheur, S.J., *Engaging the Catholic Intellectual Tradition Across the Disciplines: The Importance of Catholicity in Our Current Moment*, 40 J. CATH. HIGHER EDUC. 7 (2021) (the Catholic Intellectual Tradition encourages an uninhibited conversation across a diverse community, talking together in pursuit of truth and wholeness).

² Catholic universities with law schools include: Ave Maria, Barry, Boston College, Catholic University, Creighton, Dayton, DePaul, Duquesne, Fordham, Georgetown, Gonzaga, Loyola (LA), Loyola (Chicago), Loyola (New Orleans), Marquette, Notre Dame, Pontifical Catholic University of Puerto Rico, St. John’s, St. Louis, St. Mary’s, St. Thomas (Miami), San Diego, San Francisco, Santa Clara, Seattle, Seton Hall, Detroit Mercy, St. Thomas (Minneapolis), and Villanova. See generally *Category: Catholic law schools in the United States*, WIKIPEDIA, https://en.wikipedia.org/wiki/Category:Catholic_law_schools_in_the_United_States (last visited Apr. 25, 2023).

³ Mike Stetz, *Most Devout Law Schools*, 22 PRELAW MAG. 20 (2019), <https://cdn.coverstand.com/46781/562351/ec99bc1be5044307fa59c2dcf3543fae18cac93f.1.pdf>.

may have centers and institutions devoted to religious study. Some of their faculty may be of faith.”⁴ The Magazine’s ranking clustered the schools into Catholic and non-Catholic schools.⁵ Among the Catholic schools, the most devout was Ave Maria School of Law, an excellent law school in Florida.⁶ The Magazine noted that Ave Maria “was founded to be an institution where religiously minded students could find commonality.”⁷ This vision is one important role of a Catholic law school—to help community members better discern what it means to be Catholic within a community of faith.

Catholic law schools that align closer to the secular end of the spectrum play a powerful role as well by actively building bridges with the secular world—looking outward. These law schools facilitate a gentle dialogue on how Catholic thought and practice can be a positive force in our messy, conflict-ridden, and pluralistic society.⁸ These schools, either implicitly or explicitly, start with values framed in more universal terms—a moral or ethical worldview that can implement the common good in the secular world. Come join our worldview—all are welcome!

A focus on universal values is often the first step—and for some the last step—in a faith journey. Universal values draw the Catholic and secular worlds together for a shared vision of what constitutes the common good. As described in more detail below, Catholic law schools that are perceived to be closer to the secular line offer two distinct doors into the mission: a faith door and a secular door that focuses on universal values within the community.⁹ This vision brings both groups together to function for the common good. Schools that frame the starting point of their mission through universal terms generally understand that those who enter the mission from the secular door are not “guests” at the table but participate fully in the mission and community.¹⁰

⁴ *Id.* at 20.

⁵ *Id.*

⁶ *Id.* at 21.

⁷ *Id.*

⁸ See generally Kalscheur, *supra* note 1.

⁹ See discussion *infra* Part III.

¹⁰ Gregory A. Kalscheur, S.J., *Conversations in Aid of a “Conspiracy” for Truth: A Candid Discussion About Jesuit Law Schools, Justice, and Engaging the Catholic Intellectual Tradition*, 43 GONZ. L. REV. 559, 576 (2007) (As Fr. Gregory Kalscheur, S.J., stated to our first-year law students in orientation, “[w]hatever your own

There is one important caveat—I am not a trained philosopher or theologian. This Essay is written from the perspective of my lived experience of growing up Catholic, attending a Catholic college and a Catholic law school, and teaching at a Catholic, Jesuit law school for over thirty years.¹¹ This Essay is a view from the trenches—it scratches the surface of some scholarly work in this area and hopefully is the beginning of a longer journey to engage more deeply in the literature on this topic.

II. THE POWER OF THE UNIVERSAL

Raised in the Catholic faith, my formative years were focused on Catholic practice (Sunday Mass, Catholic school, Catholic youth group, acts of charity, etc.). Philosophical ideas were discussed frequently, but rarely with an express link to Catholic intellectual thought. For years, my father, who taught philosophy at Nazareth College in Kalamazoo, Michigan, would send us off to school with the admonition to “[d]o good and avoid evil.” In my thirties I finally read Thomas Aquinas’ *Summa Theologica*,¹² which I found turgid and tedious, but slogged through. To my shock and delight, Aquinas’ analysis of natural law was summarized in a succinct statement on the content of natural law: *do good and avoid evil*.¹³ I knew that! Implanting the idea as a clear message to a young child and adolescent served as a constant reminder of a core and universal value. Of course, the details of what is good and what is evil need significant development. But this overarching ethic has been the guiding principle in my life.

tradition, whatever our own convictions, whatever your own questions, I am convinced that your presence here this morning is a gift to our community.”).

¹¹ Judith A. McMorrow received her Bachelor’s Degree (B.A./B.S.) from Nazareth College in Kalamazoo, Michigan, founded by the Sisters of St. Joseph, and her J.D. from the University of Notre Dame, founded by the Congregation of the Holy Cross.

¹² There are a multitude of translations of Thomas Aquinas’ *Summa Theologica*, *Question 94: The Natural Law*, with subtle variations. See, e.g., Alfred J. Freddoso, *New English Translation of St. Thomas Aquinas’s Summa Theologica, Question 94: The Natural Law, with subtle variations*, at 652, UNIV. NOTRE DAME (May 23, 2022), <https://www3.nd.edu/~afreddos/papers/st1-2-ques94.pdf> (“Therefore, the first precept of law is that good ought to be done and pursued and that evil ought to be avoided.”).

¹³ *Id.*; see also John Finnis, *Aquinas’ Moral, Political, and Legal Philosophy*, in *THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY*, at § 3.2 (Edward N. Zalta ed., Spring 2021 ed.), <https://plato.stanford.edu/archives/spr2021/entries/aquinas-moral-political/>.

Yes, this can appear as a superficial bromide that was appealing to a child and adolescent. It is also a distillation of an extraordinarily important concept of natural law, from which has blossomed almost a thousand years of scholarship. It has helped launch a secular natural law theory, from which grew international human rights law.¹⁴ St. Thomas Aquinas (1225-1274) was a medieval Italian Dominican friar who has had an enormous analytical and religious influence on Christian thought.¹⁵ As a pre-reformation theologian,¹⁶ Aquinas' ideas are not owned by Roman Catholics; his work can be embraced by all Christians, although some may choose not to.¹⁷

Aquinas' work offers fascinating insights into the functions of law, human flourishing, law as a moral teaching, the limits of law and, of course, natural law. Aquinas also introduced a powerful idea that *reason* can lead us to universal principles.¹⁸ Reason is also a gift from God and guides us in our acts. Reason and "a dynamism of argument and inquiry is truly the heart of the Catholic intellectual tradition."¹⁹ These powerful ideas provide a starting point for universal concepts: we should strive for the common good, and we should use the God given ability to engage in inquiry and reason for the greater good through a process of vibrant inquiry.

¹⁴ As a good starting point, see James V. Schall, S.J., *Natural Law and the Law of Nations: Some Theoretical Considerations*, 15 *FORDHAM INT'L L.J.* 997, 1003-30 (1991) (discussing Aquinas and the crisis of modernity).

¹⁵ See generally DENYS TURNER, *THOMAS AQUINAS: A PORTRAIT* (2013), with excerpts available online at https://books.google.com/books?hl=en&lr=&id=Pi-AAW12hiYQC&oi=fnd&pg=PP2&dq=Thomas+Aquinas+biography&ots=_trweKqv3g&sig=zrAuzi_6fwkdaJp4OSHE0dVErSU#v=onepage&q&f=false.

¹⁶ Pre-reformation refers to the period before the split of the western church into protestant and Roman Catholic branches.

¹⁷ David VanDrunen, *Why Protestants Have Always Stood on the Shoulders of Thomas Aquinas . . . and Still Do*, 12 *CREDO MAG.* (2022).

¹⁸ Anthony Celano, *The Foundation of Moral Reasoning: The Development of the Doctrine of Universal Moral Principles in the Works of Thomas Aquinas and His Predecessors*, 38 *DIAMETROS* 1, 40 (2013) (analyzing Aquinas' approach to reason and prudence).

¹⁹ Kalscheur, *supra* note 10, at 562.

A. What Are Those Universal Values? A Jesuit Understanding

It is not a coincidence that Catholic law schools that are seen to be on the more secular end are often, but not exclusively, sponsored by the Society of Jesus, more commonly known as the Jesuits.²⁰ Education has long been a central mission of Jesuits since the order was founded by St. Ignatius of Loyola in 1540.²¹ Jesuit education is characterized by a passion for quality, a commitment to the humanities and sciences, a focus on ethics and values in both personal and professional lives, a commitment to opening the horizon of students to religious experience, and a focus on the individual.²² It is a commitment to understanding the real world, with the big questions always at the center of the inquiry, and a search for truth that strives to free us from bias.²³ Discernment is a constant and powerful theme. Consequently, it is not surprising that the Ignatian pedagogical approach emphasizes context, experience, and reflection.²⁴ This vision has force both on the individual and institutional levels.

A constant search for the good (for universal values) creates a place for discussion of ideas not in harmony with Catholic thought and doctrine. In the 1960s, when I was a teenager, I tried to become a reader at Mass, but was unable to do so because I was a girl. When I came home to report this event to my mother, who was not a feminist by label, she said that she had always wondered why women were good enough to clean behind the altar but her daughter could not stand in front of it to read. She had a deep faith commitment, but she did not hesitate to question this practice. That issue quickly changed, and women were allowed to be more involved in Mass. Other topics are not so easily subject to change. Through the years, dissent from

²⁰ See generally JOHN W. O'MALLEY, *THE JESUITS: A HISTORY FROM IGNATIUS TO THE PRESENT* (2014); JAMES MARTIN, *THE JESUIT GUIDE TO (ALOST) EVERYTHING: A SPIRITUALITY FOR REAL LIFE* (2010).

²¹ *Id.*

²² Robert A. Mitchell, *Five Traits of Jesuit Education*, in *A JESUIT EDUCATION READER* 111, 111-12 (George W. Traub ed., 2008).

²³ GEORGE W. TRAUB, *A JESUIT EDUCATION READER* 109-10 (2008). The focus on humanities and sciences provides a liberal education that prepares one for living as well as working. A focus on ethics and values includes questions of justice and fairness. And a commitment to the individual assures a person-centered education.

²⁴ John McKay, *Un-Apologizing for Context and Experience in Legal Education*, 45 *CREIGHTON L. REV.* 853, 854 (2011).

doctrinal specifics was a proper subject of discussion in our family and our law school and our university. The ability to use reason *to question* is one of the God-given gifts. And it is particularly important that a university be a place that allows for that to occur.

What if reason leads you to a different conclusion—or prevents obedience—to doctrinal subjects such as the infallibility of the pope, women priests, abortion, etc. The universal religious values stay constant and fully embraced: a commitment to discernment, a loving God, the powerful role of forgiveness and redemption, and the importance of not just faith but also action.²⁵ A person attending Catholic Mass will experience all these core concepts, a constant reminder of the communion that brings us together. A focus on the universal allows individuals who, through free will and reason, question certain doctrinal ideas to still be part of the Catholic family. Of course, those very folks are sometimes dismissively called “cafeteria” Catholics. And dissent from a core doctrine of the catechism may cause the individual to not be in full communion with the church. But the ability to dissent has a long and storied place in Catholic thought.²⁶ The core, universal, commitment to the pursuit of truth and, of course, the recognition that there is such a thing as “truth,” is a right and duty of any thinking person.

There are likely many challenges to this “big tent” approach. A commitment to a pluralistic educational environment is not the same as relativism.²⁷ A Catholic law school must set out its universal principles to identify to the world what values it embraces.

What might a law school Mission Statement that focuses on core values derived from Catholicism look like? Because it is the model I know best, I will use Boston College Law School’s Mission

²⁵ One of the few sermons I recall from childhood was given by Fr. Palmer at St. Ambrose Catholic Church in Parchment, Michigan sometime in the late 1960s:

Mr. Bigdome went to church.
He never missed a Sunday.
Mr. Bigdome went to hell
for what he did on Monday.

The Author of this pithy poem is unknown.

²⁶ See, e.g., CHARLES E. CURRAN, *LOYAL DISSENT: MEMOIR OF A CATHOLIC THEOLOGIAN* (2006); Margaret O’Gara, *Shifts Below the Surface of the Debate: Ecumenism, Dissent, and the Roman Catholic Church*, 56 *JURIST* 361, 369 (1996) (noting that the Catholic Church’s practice when confronting dissent is “in sharp contrast with the theory”).

²⁷ *Id.* at 364.

Statement.²⁸ The first paragraph articulates the goal of the “highest quality law education.”²⁹ I have put the first paragraph in a footnote because we recognize that a quality legal education is the goal of all law schools. The subsequent paragraphs provide one example of a focus on universal values in the Catholic tradition;

Rooted in the Jesuit Tradition

Boston College and its law school are rooted in the Jesuit tradition of service to God and others. In that tradition, we believe that the purpose of higher education is both the search for knowledge and the preparation of women and men who are moved to a constructive, responsible, and loving use of their knowledge. The Law School recognizes its commitment to social and economic justice, and strives to advance this commitment both through its curricular offerings and in the extracurricular projects that it supports.

We encourage our students to develop their own individual commitment to others and to explore those themes that are central to the Jesuit tradition: the dignity of the human person, the advancement of the common good, and compassion for the poor. We seek to train a diverse student body not merely to be good lawyers, but to be lawyers who lead good lives, and who will be prepared to seek and to find meaningful work in service to others that will enrich their communities.

²⁸ *History & Mission*, BOS. COLL. L., <https://www.bc.edu/content/bc-web/schools/law/about/history-mission.html#tab-mission> (last visited Mar. 24, 2023).

²⁹ *Id.* (“Boston College Law School is committed to the highest quality integrated graduate and professional education, recognizing its obligations as a national law school both to the academic and professional worlds. Our commitment is to foster new insights through research and scholarship, to impart knowledge and analytical skills through instruction of the highest caliber, and to critically evaluate the role of law and legal institutions. We are also committed to developing those qualities and skills that our students will need to become successful practitioners; toward this end, we search for ways to combine theory and practice in our instruction, and for opportunities to instill in our students the moral and ethical values that underlie a rational and just application of law.”).

Respect for Each Individual

We stand out nationally among other law schools because we respect and are concerned for each individual. We strive to reflect the world's rich diversity and work together to create a community of growth and learning. We believe that such a diverse, supportive community provides the best possible environment for instruction and learning. Just as importantly, it represents the model for the types of intellectual and professional interaction that we hope to instill in our alumni who are engaged in the practice of law.³⁰

I doubt any secular law school commits to “the preparation of women and men who are moved to a constructive, responsible, and loving use of their knowledge.”³¹ In the current political climate, some secular law schools may be pressured *not* to expressly commit to social and economic justice. And encouraging our students “to develop their own individual commitment to others and to explore those themes that are central to the Jesuit tradition: the dignity of the human person, the advancement of the common good, and compassion for the poor”³² is an unapologetic statement of universal values that infuse the educational environment. And why have a diverse and supportive learning environment? It comes from the universal value of the inherent dignity of the human person and a commitment to educate the whole person, not just the mind. This vision is, in the words of Gregory Kalscheur, S.J., a vision of virtue ethics that seeks to encourage “a *way of living* that promotes the common good.”³³

These are not just words; we are evangelical in support of these values. Our faculty and students can commit to these values whether they tap into the deep theological and philosophical foundations or not. I know many law professors of deep faith from a range of religious traditions who have embraced and lived these values on a personal level at both Boston College Law School as well as secular law

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Kalscheur, *supra* note 10, at 567 (emphasis added).

schools. If they teach at a Catholic law school, they know those values are also *institutional* commitments.

III. UNIVERSAL VERSUS UNIQUE

A common theme through the years is to ask whether there is something *unique* or *distinctive* about a Catholic law school—present in those schools that is absent in other secular, or other religiously-affiliated law schools that are committed to social justice.³⁴ As noted above, I think it is unlikely that a secular law school would have our mission statement. But the focus on being distinct or unique gives short shrift to the powerful role of the search for and promotion of universal values that the secular world can embrace.³⁵ Certainly it is appropriate to constantly ask if we are doing a good enough job living these universal values. We care if we are falling short because these values are powerful and have a claim to be universal, not because they are unique.

³⁴ John Breen and Lee Strang have written a series of critiques of Catholic law schools to probe this question. See, e.g., John M. Breen & Lee J. Strang, *A Light Unseen: The History of Catholic Legal Education in the United States: A Response to Our Colleagues and Critics*, 59 J. CATH. LEGAL STUD. 1 (2020); John M. Breen & Lee J. Strang, *The Road Not Taken: Catholic Legal Education at the Middle of the Twentieth Century*, 51 AM. J. LEGAL HIST. 553 (2011); John M. Breen & Lee J. Strang, *The Golden Age That Never Was: Catholic Law Schools From 1930-1960 and the Question of Identity*, 7 J. CATH. SOC. THOUGHT 489 (2010) [hereinafter “The Golden Age”]; John M. Breen, *The Air in the Balloon: Further Notes on Catholic and Jesuit Identity in Legal Education*, 43 GONZ. L. REV. 41 (2007); John M. Breen, *Justice and Jesuit Legal Education: A Critique*, 36 LOY. U. CHI. L.J. 383 (2005). We are all indebted to their work to advance a conversation on the best mission of Catholic law schools. See also Thomas M. Mengler, *Why Should a Catholic Law School Be Catholic*, 7 J. CATH. SOC. THOUGHT 211, 213-14 (2010).

³⁵ See generally William M. Treanor, *Reflections on a More “Catholic” Catholic Legal Education*, 58 J. CATH. LEGAL STUD. 99 (2019); Robert K. Vischer, *How Distinctive Should Catholic Law Schools Be?*, 58 J. CATH. LEGAL STUD. 117 (2019); see also Vincent Rougeau, *Reflections on a Light Unseen*, 58 J. CATH. LEGAL STUD. 89, 91-92 (2019) (from the beginning, Catholic law schools who served the marginalized immigrant populations focused on “engagement with the world”).

IV. MULTIPLE DOORS INTO THE MISSION

Catholic Law Schools that are seen as closer to the secular line generally embrace a model that there are multiple doors into our mission. I will describe three.

The first door to a Catholic, Jesuit legal education is through a faith commitment. It may be Catholic, Protestant, Jewish, Muslim or Buddhist. As Fr. Fred Enman wrote, the link between faith and justice has strong biblical roots, leading some lawyers to embrace law as their ministry.³⁶ Those who enter from the faith door, or who are questioning the role of faith in their lives, hopefully find a place that will give them room to discern these questions. This should be facilitated through multiple avenues such as curricular offerings that provide a space to think about moral questions in law—which is hopefully almost every class—and the link between faith and lawyering. They hopefully find faculty mentors who they can connect with on their faith journey, whatever that faith might be, and have space for worship in their own tradition. And most of all, they will find a place that respects being part of a faith community in an increasingly secular world. Some faculty, staff, and students of faith from other traditions, such as Orthodox Jews, Seventh Day Adventists, and evangelical Christians, hopefully feel comfortable joining a Catholic law school because they see a place that will respect the centrality of faith in their lives.

A second door into the mission is through a commitment to the universal values of our mission statement—often summarized as a commitment to social justice and the inherent dignity of the human person. Of course, the devil is in the details and which aspects of social justice one encourages can make a big difference. A school closer to the secular line will be very attentive to the idea that once a person joins the law school community, they are a full member of that community. There are not “core members” and “guests,” there are not “more valued” or “less valued” members, or “right” or “wrong” members. Hence you might expect Catholic law schools closer to the secular line to allow student groups that are pro-choice, or support gay marriage, and faculty who engage in scholarship on these issues. These are either disputed in the secular world (*e.g.*, abortion), or increasingly

³⁶ See generally Fred M. Enman, *Law as Ministry: A Perspective from the Judeo-Christian Tradition*, 35 CATH. LAW. 97 (1991).

accepted as appropriate, even though Catholic teaching may provide a different answer.³⁷ As a member of the community that is committed to the use of reason in the search for truth, those ideas can be explored in a university setting. The ability to do so is at the heart of the Catholic intellectual tradition.³⁸

The third door is entering law school solely the interest in a good legal education—without regard to faith or service. Those students are welcome too, although we are always trying to convert them to the core values of our mission statement. We are evangelists for the universal!

As Professor Amelia Uelmen has noted, law schools that function closer to the secular world can reduce the emphasis on Catholic and Jesuit in order to be more pluralistic and accepting.³⁹ This is a very fair observation. For a time, I fell into the fallacy that if we strongly pronounce the faith door, it would serve “other” folks who embrace a social justice vision or just want an education. Especially where one group is the founder, emphasis on those who belong to the founding faith might create the appearance of a two-tier membership: those who belong and those who are guests. But failing to expressly encourage and embrace those who enter through a faith door can diminish their personhood. Expressly recognizing two doors into our mission (and trying to bring the third group into the fold) makes individuals equal members of the community where each honored and supported and nurtured to be the best manifestation of our mission. Our founders, the Jesuits, and some of our faculty, staff, and students do it expressly for the greater glory of God. Some do not add that phrase when asked why they do what they do. All are vital members of the community; all are important ambassadors of the core values.

V. COMPLICITY IN WRONGDOING?

One undercurrent in the universal model, which actively engages in the secular world, is a concern of complicity in wrongdoing

³⁷ John T. Noonan, Jr., *Abortion and the Catholic Church: A Summary History*, 12 NAT. L.F. 85 (1967). *But see* DANIEL A. DOMBROWSKI & ROBERT DELTETE, A BRIEF, LIBERAL, CATHOLIC DEFENSE OF ABORTION (2000).

³⁸ Kalscheur, *supra* note 1, at 12-14.

³⁹ Amelia J. Uelmen, *An Explicit Connection Between Faith and Justice in Catholic Legal Education: Why Rock the Boat?*, 81 U. DET. MERCY L. REV. 921, 924-25 (2004).

when the school actively engages in topics on which the church has a strong doctrinal position. Some Catholic law schools will never allow or honor a speaker who supports abortion.⁴⁰ Others will have such speakers and protect faculty whose work may conflict with Catholic doctrine.⁴¹ Catholic law schools that engage on these disputed issues of law, despite the church's position, are not engaged in formal or material cooperation.⁴² The intent of allowing the conversation is to support the fundamental vocation of the law school and the university: a place for open discussion of issues, the pursuit of knowledge, and freedom of inquiry.

Even if there were a question of complicity, the same question exists for those Catholics who, through reason, are not persuaded by the Church's position on some issues, such as preventing women priests, condemnation of gay marriage, or abortion. Are you complicit in the denigration of women or LGBTQ individuals by staying Catholic? A commitment to the universal values reflected in the Catholic Mass, provides one compelling reason to stay.⁴³ Of course, a strongly orthodox view might assert that unless you are in full communion with the full doctrinal pronouncements, you are not in full communion with the church and should step back. This tension is an inevitable consequence of the God-given power of reason.

VI. WE NEED CATHOLIC LAW SCHOOLS ON THE SECULAR LINE MORE THAN EVER

The current culture wars challenge the concept of wokeness, a term that is largely undefined in popular culture. One definition is to be "awake" to hearing the perspective of the marginalized. It can include a commitment to promote social justice and consider institutional responsibility for harm. Professors in some states have had to

⁴⁰ See generally Richard W. Garnett, *Whom Should a Catholic University Honor? "Speaking" with Integrity*, 49 J. CATH. LEGAL STUD. 233 (2010).

⁴¹ E.g., Canon law declares procuring an abortion as a sin that subjects the person to automatic excommunication. 1983 Code c.1398. As such, one who supports abortion supports an act in direct opposition to Catholic doctrine.

⁴² See generally CATHLEEN KAVENY, *LAW'S VIRTUES: FOSTERING AUTONOMY AND SOLIDARITY IN AMERICAN SOCIETY* 249-50 (2012) (discussing justifications for material cooperation with evil).

⁴³ For another audience, this essay might be titled "Why I Stay Catholic Despite My Disagreements with Some Church Doctrine."

change their courses or cancel them because of new laws or policies that impair a discussion of these topics.⁴⁴ This may be a temporary reaction in response to perceived liberal agendas at universities. While this continues, it will inevitably have some impact on the decision of professors and administrators to go to institutions or to stay if they cannot fully discuss social justice and the importance of understanding and addressing the concerns of the marginalized.⁴⁵ As a Catholic, Jesuit law school, it would be a direct denigration of our core values if we did not support exploration of these topics. We need big-tent Catholic law schools that fully embrace the power of the universal values. They welcome, they support, they explore those values.

VII. CONCLUSION

A focus on the universal values that build bridges to the secular world is not ornamental, it is central.⁴⁶ It also serves a faith mission. Was it a coincidence or divine intervention that while writing this essay a student reached out to me to be his sponsor for membership in the Catholic church? I have worked closely with the student as a teacher and advisor and he served twice as a teaching assistant in a course. I did not know he was on this journey, although I knew of his deep interest in philosophy. It turns out he chose Boston College Law School in part because it was a Catholic school. He was on the secular, Catholic line, and could, during his three years, assess whether entrance into the church was right for him. That is a process of discernment; it is likely that any institutional signals he received were soft. But sometimes the best invitation is an open door. He has now chosen to walk through that faith door. He is drawn to the lived values of the

⁴⁴ Daniel Golden, *Muzzled by DeSantis, Critical Race Theory Professors Cancel Courses or Modify Their Teaching*, PROPUBLICA (Jan. 3, 2023), <https://www.propublica.org/article/desantis-critical-race-theory-florida-college-professors>.

⁴⁵ See, e.g., Josh Moody, *Florida's Failed Searches*, INSIDE HIGHER EDUCATION (Dec. 2, 2022), <https://www.insidehighered.com/news/2022/12/02/why-does-florida-have-so-many-failed-leadership-searches> (quoting critics who see the failures in hiring “as fallout from Florida’s thorny politics”).

⁴⁶ Catholic law schools that are closer to the secular line have been described as bleached out Catholicism, or have a Catholic identity as an “ornamental decoration” or having mere “vestiges and scattered traces” of a more robust vision. See Breen & Strang, *The Golden Age*, *supra* note 34, at 491-92.

Catholic faith. In his words, “I’m not concerned about the technicalities.” He is drawn to the universal.