

ABSTRACT

A Critical Look at Jesuit Legal Education

Jesuit law schools seek to distinguish themselves from other schools by defining their special mission as “the promotion of justice.” References to this goal and the related goal of forming “men and women for others” litter the mission statements and other self-descriptions of these institutions.

The problem is that these schools almost invariably point to the clinical opportunities that they make available to students as proof of their commitment to justice and the fulfillment of their mission. Although clinical legal education is surely a necessary component of Jesuit identity, it is not a sufficient one. At most, only one of every three students goes through a clinical experience while in law school. Thus it cannot be the means whereby justice is promoted throughout the student body. In addition, clinical education cannot be the distinguishing feature of Jesuit legal education since every law school in the country offers some sort of clinical program that provides legal services to the poor and disadvantaged. Furthermore, to the extent that education about justice does take place in the clinical setting, it is almost entirely affective rather than intellectual in nature. Because *none* of the fourteen Jesuit sponsored law schools require a course in jurisprudence, it is entirely possible for a student to graduate from one of these institutions without ever having thought seriously and rigorously about the nature of justice and its meaning in law.

Instead, the one indispensable feature that a Catholic and Jesuit law school must have in order to be deserving of the name is to bring the Catholic intellectual tradition to bear on questions of law and justice. This must be done both in the classroom through the law school’s curriculum and in the research and other intellectual work supported by the school. Although a Jesuit law school should be open to every point of view -even those inimical to the Catholic faith- if it does not seriously engage the Catholic intellectual tradition and invite its students to do the same, then it should cease to engage in the pretense of being either Catholic or Jesuit. Indeed, absent this kind of engagement, Jesuit law schools will continue to offer “more of the same” rather than the distinctive brand of legal education they claim to provide.