

## A Light Unseen: A History of Catholic Legal Education in the United States

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**SYMPOSIUM**

**A LIGHT UNSEEN:  
A HISTORY OF CATHOLIC LEGAL  
EDUCATION IN THE UNITED STATES**

**INTRODUCTION**

ANTHONY NANIA<sup>†</sup> & MATT DEAN<sup>††</sup>

What does it mean to be a Catholic law school? Where did the idea of Catholic legal education begin, where does it currently stand, and where is it heading? Professors John M. Breen and Lee J. Strang have worked to answer these questions, among many others, in their forthcoming book *A Light Unseen: A History of Catholic Legal Education in the United States*.<sup>1</sup> In their book, the professors argue persuasively that Catholicism is “a set of ideas” that has informed, sculpted, and birthed numerous social structures, institutions, and teachings.<sup>2</sup> If this is so—if Catholicism is a wide-ranging, far-reaching system of ideas that touches upon nearly all aspects of humanity<sup>3</sup>—it makes sense to imagine that a law school claiming to be Catholic would keep and follow these ideas, the Catholic intellectual tradition, at the core of its existence.

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<sup>1</sup> John M. Breen & Lee J. Strang, *A Light Unseen: A History of Catholic Legal Education in the United States* (Jan. 20, 2020) (unpublished manuscript) (on file with the *St. John’s Law Review*).

<sup>2</sup> *Id.* at 7–8.

<sup>3</sup> *Id.*

Yet Professors Breen and Strang observe that nearly all Catholic law schools tend to mimic their secular peers. Most, if not all, treat their Catholic identities as afterthoughts. Most, if not all, have allowed their Catholicism to “languish” until the “vestiges that do remain are largely symbolic or ornamental in nature.”<sup>4</sup> These schools are certainly successful law schools—but are they successful *Catholic* law schools? For Professors Breen and Strang, the answer is a resounding “no.” Modern Catholic law schools have failed to be Catholic, and *A Light Unseen* seeks to explore this failure, to examine the reasons behind it, and to ask if this has always been, and must continue to be, the case.<sup>5</sup> Ultimately, the book asks whether there could be an “intellectually distinctive” Catholic legal education here in the United States and argues that the Catholic intellectual tradition possesses both the reason and the resources to achieve such a feat.<sup>6</sup>

On February 14, 2020, the *Journal of Catholic Legal Studies*, together with the Center for Law and Religion at St. John’s University School of Law, proudly hosted a symposium to discuss *A Light Unseen*. The symposium brought together five deans and five professors of law from Catholic law schools across the country; these ten panelists represented a variety of diverse viewpoints and perspectives about Catholic legal education. Moderated by the Honorable Richard J. Sullivan of the United States Court of Appeals for the Second Circuit and St. John’s Law Professor Margaret V. Turano, the two participant panels delved into *A Light Unseen* to explore the past, the present, and the future of Catholic legal education.

But why should anyone think about the law in Christian, or specifically Catholic, terms anyway?<sup>7</sup> During this global pandemic, much has been taken from us, but we have been given time to reflect. It is important to remind ourselves who we are and where our values and priorities lie. As students of Catholic law schools, we can and should explore the Catholic convictions that allow us to interact with one another as people endowed with human dignity. In the words of Professor Barbara Aldave, “We have the

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<sup>4</sup> *Id.* at 8–9.

<sup>5</sup> *Id.* at 9–10.

<sup>6</sup> *Id.* at 26–27.

<sup>7</sup> For an in-depth discussion of Christianity’s role in law schools and legal theory, see generally William J. Stuntz, *Christian Legal Theory*, 116 HARV. L. REV. 1707 (2003) (reviewing CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Michael W. McConnell et al. eds., 2001)).

opportunity to live our religious faith openly and authentically, and to demonstrate that it not only can coexist with intellectual and professional excellence, but can inspire us to be all that we can be, and to do all that we should do.”<sup>8</sup> That is why *A Light Unseen* is so important and timely—identity, values, and mission tie together not only individuals but also institutions, especially during times of crisis and critical self-assessment. And the panelists highlighted their own experiences and perspectives of Catholic legal education, the difficulties associated with maintaining such education, and their definitions of what it means to be, well, Catholic.

Of course, the idea of a Catholic law school may be cutting against the cultural trends of modern America and the broad secular law school culture.<sup>9</sup> How many students choose a Catholic law school because it is Catholic? When prospective law students are “shopping” among law schools, how much weight do they give to those schools’ religious identities, as opposed to other appealing metrics such as *U.S. News* rankings or bar passage rates? Once a prospective student steps into the halls of a Catholic law school like St. John’s, does the school’s bar passage rate win her heart, or does the school’s Catholic character carry the day?

It may well be a combination of all these factors, but the question remains: What is the role of Catholic legal education in today’s United States? Despite declines in religious affiliation, a number of Catholic law schools remain in this country, claiming to provide such education to generations of law students. For what that means, the reflection pieces that follow provide myriad answers, raising additional questions and challenges to our identities as Catholic law students, professors, and administrators.

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<sup>8</sup> Barbara Bader Aldave, *The Reality of a Catholic Law School*, 78 MARQ. L. REV. 291, 295–96 (1995). Professor Aldave served as the dean of St. Mary’s University School of Law from 1989 through 1998.

<sup>9</sup> See generally *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RSCH. CTR. (Oct. 17, 2019), <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/> (detailing the decline of American adults who describe themselves as Protestants and Catholics, as well as the increase of self-identified “nones”—religiously unaffiliated individuals) [<https://perma.cc/735S-UKPL>]; Mark L. Movsesian, *Defining Religion in American Law: Psychic Sophie and the Rise of the Nones* (European Univ. Inst. Working Paper Series, RSCAS 2014/19, 2014), <https://core.ac.uk/download/pdf/45683971.pdf> (exploring the recent development of religion in America and the dramatic increases in the number of individuals who claim no religious affiliation) [<https://perma.cc/6VKU-HT4C>].

In many ways, these pieces shed additional light upon what Professors Breen and Strang are in the process of uncovering. And these discoveries cannot come fast enough.

Thank you to Professors Breen and Strang for their thoroughgoing and painstaking work on this important topic. Thank you to all our symposium contributors and moderators for their thoughtful and insightful contributions to this project and topic at large. We enjoyed working together and learning from each of you, and we truly appreciate everyone's saint-like patience during these difficult times.

We also extend our gratitude to the codirectors of the Center for Law and Religion, Professor Mark Movsesian and Professor Marc DeGirolami, for their generous sponsorship, which made this symposium possible. Professor DeGirolami also serves as our journal's faculty advisor, and we could not have asked for a better mentor. It has been wonderful working together with both professors on this symposium throughout the year.

We hope that this symposium will raise awareness about Catholic legal education in our country and lead to further discussion and problem solving about the issues that Catholic law schools face. We look forward to seeing the further developments to *A Light Unseen* and believe it will be a book widely read once it is published. And we are humbled and honored to contribute to the life of the *Journal of Catholic Legal Studies*, memorializing a wonderful gathering together to celebrate Catholicism, education, and law. Finally, with a sense of hope and confidence, we gladly entrust the journal to a new set of editors and staff, ever optimistic about its future.