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# ARE RELIGIOUSLY AFFILIATED LAW SCHOOLS OBSOLETE IN AMERICA? THE VIEW OF AN OUTSIDER LOOKING IN

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Throughout their history, religiously affiliated law schools have justified their existence in America in a number of ways. Specifically, such schools have operated to give poor religious-immigrant populations access to a legal education,<sup>1</sup> encouraged the availability of legal services to the poor,<sup>2</sup> provided forums for religious voices in debates of public policy,<sup>3</sup> and guaranteed that religious perspectives will play a part in the formation of future lawyers.<sup>4</sup>

Since 1997, four new Catholic law schools have sought to justify themselves as well. The commitment of individuals and institutions to build law schools at Seattle University, Barry University, Ave Maria, and Saint Thomas University-Minneapolis has ironically both endorsed the need for religiously affiliated law schools and called such schools into question. With the law school applicant pool radically diminished, bar passage rates being tightened, and existing lawyers complaining of a glut of lawyers, many have asked why we need more law schools of

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<sup>1</sup> See Thomas L. Shaffer, *The Catholic Tradition*, 22 VAL. U. L. REV. 669, 670 (1988).

<sup>2</sup> See Robert J. Araujo, S.J., *Legal Education and Jesuit Universities: Mission and Ministry of the Society of Jesus?*, 37 LOY. L. REV. 245, 249 (1991) (referring to Georgetown's clinical programs).

<sup>3</sup> See Leonard J. Nelson, III, *God and Man in the Catholic Law School*, 26 CATH. LAW. 127, 131 (1981).

<sup>4</sup> See Thomas L. Shaffer & Robert E. Rodes, Jr., *A Christian Theology for Roman Catholic Law Schools*, 14 U. DAYTON L. REV. 5, 14-18 (1988) (arguing that a Catholic law school should seek "to form those who are to go into the world to be the presence of the Church").

any kind.<sup>5</sup> The answer that these are to be "Catholic law schools" leaves even some Catholics unpersuaded.<sup>6</sup> Yet, the debate cannot be limited to these four schools. In the diversity-conscious and accommodating America of the twenty-first century, it is not enough to ask whether we need more religiously affiliated law schools in America; today, we must address whether we need any such schools.

For the last seventeen years, I believe that I have had a calling to be a person of faith teaching in two secular law schools. As I reflect back over that time, I must ask myself how my calling differs from those who teach in non-secular schools. As I do so, the work done by religiously affiliated law schools and the traditional justifications for them, do not seem different than my own work.

Do we need religiously affiliated law schools today because only they will guarantee access to a legal education to the poor and to minorities? My current employer, Widener-Harrisburg, recruits minorities, provides them with financial aid, and offers an evening division, as did many of the original Catholic law schools,<sup>7</sup> because it recognizes that, even with financial aid, some students still must work while in law school. My former employer, the University of Pittsburgh, a state-supported school, could offer all of its in-state students a lower tuition than its religiously affiliated counterparts. Thus, the secular law schools of a diversity-conscious America now seem as committed to, and at least as capable of, guaranteeing access to a legal education to the poor and to minorities as are their religiously affiliated counterparts.

Do we need religiously affiliated law schools to encourage the availability of legal services to the poor? The law clinic of my secular law school, a clinic in which close to one-third of our students work, not only provides services exclusively to the poor, but also maintains a presence at a soup kitchen operated by an

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<sup>5</sup> See Pamela Schaeffer, *Wanted: Different Kind of Lawyer: New Catholic Law Schools Emphasize Religion, Ethics, Values*, NAT'L CATH. REP., Aug. 13, 1999, at 3.

<sup>6</sup> Robert F. Drinan, *Pizza Bucks Back Hyper-Catholic Law School*, NAT'L CATH. REP., May 7, 1999, at 18 (noting the implication by Thomas Monaghan, founder of Domino's Pizza and the Ave Maria School of Law, that "the 24 existing Catholic-law schools in America are not Catholic enough").

<sup>7</sup> See Shaffer, *supra* note 1, at 670.

inner-city Catholic church.<sup>8</sup> Upon graduation, a greater percentage of my students work as public defenders, as legal services attorneys, and in lower-paying government service jobs<sup>9</sup> than do the graduates of most leading religiously affiliated law schools. Thus, it would appear that attending this secular law school would encourage lawyers to make their services available to the poor.

Do we need, then, religiously affiliated law schools to provide forums for religious voices in debates of public policy? Certainly, religiously affiliated institutions do provide the forums from which the religious voices of Frederick Gedicks,<sup>10</sup> David Gregory,<sup>11</sup> Marci Hamilton,<sup>12</sup> Samuel Levine,<sup>13</sup> Jefferson Powell,<sup>14</sup> Charles Rice,<sup>15</sup> and Robert Rodes<sup>16</sup> speak. It is at

<sup>8</sup> See Jan Murphy, *Soup Kitchen Dishes Up Free Food and Legal Advice*, HARRISBURG PATRIOT-NEWS, Nov. 10, 1998, at E1, E13.

<sup>9</sup> See ABA APPROVED LAW SCHOOLS: STATISTICAL INFORMATION ON AMERICAN BAR ASSOCIATION APPROVED LAW SCHOOLS 433 (Rick L. Morgan & Kurt Snyder eds., 1998) (noting that over thirty-seven percent of Widener-Harrisburg graduates work in government or public interest jobs).

<sup>10</sup> See, e.g., Frederick Mark Gedicks, *An Unfirm Foundation: The Regrettable Indefensibility of Religious Exemptions*, 20 U. ARK. LITTLE ROCK L.J. 555 (1998). Professor Gedicks teaches at Brigham Young University J. Reuben Clark Law School, which is affiliated with the Church of Jesus Christ of Latter Day Saints. See *The Mission of Brigham Young University* (visited Feb. 17, 2001) <<http://www.byu.edu/about/factfile/mission.html>>.

<sup>11</sup> See, e.g., David L. Gregory, *Dorothy Day, Workers' Rights and Catholic Authenticity*, 26 FORDHAM URB. L.J. 1371 (1999). Professor Gregory teaches at St. John's University School of Law, which is affiliated with the Catholic Church. See *St. John's University: An Introduction* (visited Feb 17, 2001) <<http://www.stjohns.edu/about>>.

<sup>12</sup> See, e.g., Marci A. Hamilton, *The Constitutional Rhetoric of Religion*, 20 U. ARK. LITTLE ROCK L.J. 619 (1999). Professor Hamilton teaches at the Benjamin N. Cardozo Law School of Yeshiva University, which follows the Hebrew tradition. See *Yeshiva University Main Page* (visited Feb. 17, 2001) <<http://www.yu.edu>>.

<sup>13</sup> See, e.g., Samuel J. Levine, *The Broad Life of the Jewish Lawyer: Integrating Spirituality, Scholarship and Profession*, 27 TEX. TECH L. REV. 1199 (1996). Professor Levine, a rabbi, formerly taught at St. John's University School of Law, which is affiliated with the Catholic Church.

<sup>14</sup> See, e.g., H. JEFFERSON POWELL, *THE MORAL TRADITION OF AMERICAN CONSTITUTIONALISM* (1993). Professor Powell teaches at Duke University School of Law, which was originally affiliated with the Methodist Church. See *Duke at a Glance 2000, History* (visited Feb. 17, 2001) <<http://www.dukenews.duke.edu/Glance/history.html#anchor46337480>>.

<sup>15</sup> See, e.g., Charles E. Rice, *Some Reasons for a Restoration of Natural Law Jurisprudence*, 24 WAKE FOREST L. REV. 539 (1989). Professor Rice teaches at the University of Notre Dame Law School, which is affiliated with the Catholic Church. See *About Notre Dame: History, Profile & Mission* (last modified June 15, 2000) <[http://www.nd.edu/aboutnd/about/history\\_mission\\_profile.shtml](http://www.nd.edu/aboutnd/about/history_mission_profile.shtml)>.

secular institutions, however, where the religious voices of Teresa Collette,<sup>17</sup> Anthony Fejfar,<sup>18</sup> Timothy Floyd,<sup>19</sup> Robert George,<sup>20</sup> Mary Ann Glendon,<sup>21</sup> and Andrew McThenia<sup>22</sup> all speak. In fact, I was asked by the Dean at secular Widener to review Joseph Allegretti's book *Faith in Lawyering: Christian Faith and Legal Practice*.<sup>23</sup> Thus, one could hardly say that the demise of religiously affiliated law schools would rob religious voices of their role in public discourse.

Finally, do we need religiously affiliated law schools to guarantee that religious perspectives will play a part in the formation of future lawyers? Both secular law schools where I have worked have had active student chapters of the Christian

<sup>16</sup> See, e.g., ROBERT E. RODES, JR., *THE LEGAL ENTERPRISE* (1976). Professor Rodes teaches at the University of Notre Dame Law School. Professor Rodes has been described by Tom Shaffer as "a rendition of traditional natural law that is faithfully Catholic, and deep, and creative." Shaffer, *supra* note 1, at 671.

<sup>17</sup> See, e.g., Teresa Stanton Collett, *Heads, Secularists Win; Tails, Believers Lose—Returning Only Free Exercise to the Political Process*, 20 U. ARK. LITTLE ROCK L.J. 689 (1999). Professor Collett teaches at South Texas College of Law, which is affiliated with Texas A&M University. See *A Chronological History* (visited Feb. 17, 2001) <[http://www.stcl.edu/75th/75th\\_history.html#15-23](http://www.stcl.edu/75th/75th_history.html#15-23)>.

<sup>18</sup> See, e.g., Anthony J. Fejfar, *Beyond Babel: A Critical Realist Reflection on Tom Shaffer's Legal Ethics as Ethics*, 19 CAP. U. L. REV. 1009 (1990). Professor Fejfar teaches law at Widener University School of Law-Harrisburg Campus.

<sup>19</sup> See, e.g., Timothy W. Floyd, *The Practice of Law as a Vocation or Calling*, 66 FORDHAM L. REV. 1405 (1998). Professor Floyd teaches at the Texas Tech University School of Law.

<sup>20</sup> See, e.g., ROBERT P. GEORGE, *MAKING MEN MORAL: CIVIL LIBERTIES AND PUBLIC MORALITY* (1993). Professor George teaches at Princeton University, which admittedly has a religious heritage. See *A Princeton Timeline* (visited Feb. 17, 2001) <<http://www.princeton.edu/pr/facts/profile/00/47.htm>>. The fellowship of Catholic Scholars honored Professor George with the 1999 Cardinal Wright Award for rendering "outstanding service to the church by integrating the faith into scholarship of the highest quality." *Fellowship of Catholic Scholars: News & Information* (visited Feb. 17, 2001) <<http://www4.allencol.edu/~philtheo?FCS/RobertGeorge.html>>.

<sup>21</sup> See, e.g., MARY ANN GLENDON, *THE TRANSFORMATION OF FAMILY LAW: STATE, LAW, AND FAMILY IN THE UNITED STATES AND WESTERN EUROPE* (1989). Professor Glendon led the Holy See's delegation to the Beijing Conference and teaches at Harvard University, a secular institution with religious roots. See *The Pope's New Feminism* (visited Feb. 17, 2001) <<http://www.catholic.net/rcc/periodicals/crisis/Mar97/glendon.html>>.

<sup>22</sup> See, e.g., RADICAL CHRISTIAN AND EXEMPLARY LAWYER: HONORING WILLIAM STRINGFELLOW (Andrew W. McThenia, Jr. ed., 1995). Professor McThenia teaches at Washington and Lee School of Law.

<sup>23</sup> See JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE* (1996). For the resulting review of Allegretti's book, see Randy Lee, *Faith Through Lawyering: Finding and Doing What Is Mine to Do*, 11 REGENT U. L. REV. 71 (1998-99).

Legal Society, the Jewish Law Students Association, and the Saint Thomas More Society. While at the University of Pittsburgh, my students and I could walk across the street from the law school and attend daily mass at Heinz Chapel, which is a part of the university campus. For a time at Widener, mass on Holy Days of Obligation was offered in one of the school's classrooms and classes were canceled on Jewish Holy Days. At Widener today, I frequently discuss with students and alumni, at their invitation and in the quiet of my office, how their faith must shape their practice. Thus, today's law student of faith can find, at least at some secular schools, supportive peers, supportive professors, and institutional accommodation.

Yet, even if the traditional justifications for religiously affiliated law schools seem outdated, in the end, I consistently conclude that the case for religiously affiliated law schools has never been better. The religiously affiliated law school of today, however, must be more than a school open to all God's people and tolerant of His voice. It must pursue a radical vision of faith and of community. It must not be content to use federal laws or ABA standards as an excuse for religious timidity. It must seek the limits of religious identity; while remaining true to its function as a law school, it must strive to grow in its mission of faith.

Thomas Shaffer tells a story from his days as Dean of Notre Dame Law School that highlights what a religiously affiliated law school is tempted to be but cannot become. One day, a Notre Dame student came to Dean Shaffer to question the crucifixes on the classroom walls and the prayers that began some classes.<sup>24</sup> No doubt such expressions of faith could leave non-Christian students feeling out of place. In today's "community" of diversity-consciousness and accommodation, a dean would recognize the need to respond to those feelings and end such practices. Dean Shaffer, however, informed the student that the practices were hardly "remarkable" at a Catholic law school named for the Mother of God.<sup>25</sup> In fact, one might well have wondered whether Christian students who had come to such a school because of the prayer and crucifixes would have felt out of place if those things had suddenly disappeared.

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<sup>24</sup> See Thomas L. Shaffer, *Erastian and Sectarian Arguments in Religiously Affiliated American Law Schools*, 45 STAN. L. REV. 1859, 1863 (1993).

<sup>25</sup> See *id.*

This exchange holds two lessons for religiously affiliated law schools. First, community, particularly religious community, is more than a place where everyone tolerates everything. In the early Christian Church, community was a place where "[t]he community of believers was of one heart and mind, and no one claimed that any of his possessions was his own, but they had everything in common;"<sup>26</sup> where "if [one] part suffers, all the parts suffer with it; if one part is honored, all the parts share its joy;"<sup>27</sup> and where all sought to be formed by their beliefs in one image.<sup>28</sup> This did not mean that there were no questions to be pondered or solved in this community,<sup>29</sup> nor did it mean that everyone always agreed.<sup>30</sup> These differences, however, were not the goal of the community, but challenges to be worked through with common beliefs and a common objective.<sup>31</sup> This vision of community based on bonds of common faith in action is hardly uniquely Christian, but is reflected in many faiths.

Today's religiously affiliated law school must seek to reflect this notion of community.<sup>32</sup> Some law students of faith are called upon to be lights in secular institutions, and there are secular institutions to serve them. Others, however, are called upon to be educated within their faith tradition, and religious law schools should be prepared to serve these students. These schools can and should teach law with a focus on the unique questions the law poses to their particular community; but even more, they must also teach community. As law students see the depth of community around them in law school, they can begin to imagine how they, as a lawyers, might build community in the world or rebuild it in the Church. As students begin to

<sup>26</sup> Acts 4:32.

<sup>27</sup> 1 Corinthians 12:26.

<sup>28</sup> See John 15:12 ("[L]ove one another as I love you.").

<sup>29</sup> See Acts 15:1-2 (acknowledging the debate within the early Church on the need to circumcise the Gentiles). Professor Powell points out that communities, in fact, are united as much by "the problems they think important as the answers they think correct." POWELL, *supra* note 14, at 30.

<sup>30</sup> See 1 Corinthians 3:3 ("While there is jealousy and rivalry among you, are you not of the flesh, and behaving in an ordinary human way?").

<sup>31</sup> See Acts 15:6-21 (describing the early Church's process for resolving the disagreement on the application of Mosaic law to Gentile Christians). For an application of this in present day context, see Thomas L. Shaffer, *Maybe a Lawyer Can Be a Servant; If Not . . .*, 27 TEX. TECH L. REV. 1345, 1354 (1996); see also POWELL, *supra* note 14, at 29-33.

<sup>32</sup> Dean Shaffer has provided his vision of how such a school would operate. See Shaffer, *supra* note 24, at 1872-78.

dream such dreams, the community of their religious law school can build them up and encourage those dreams, rather than merely tolerate them.

This certainly does not make the religiously affiliated law school exclusionary. All are welcomed at the school, just as all are welcomed in the Church. It does, however, mean that students must be willing to accommodate the religious community of the school rather than expecting the community to accommodate them. When one comes to the nuisance, one discredits her cause of action,<sup>33</sup> and when in Rome, one should at least accept the Romans, even if she chooses not to do as they do.

One does not disserve the secular student by expecting her to accommodate the tradition in which she places herself. This brings us to the second lesson to be learned from Dean Shaffer's exchange: religious faith, "if it does not have works, is dead."<sup>34</sup> If religious law schools do not conduct themselves in a way that expresses their religious faith, they teach their students, both secular and non-secular, that a person's beliefs need not be reflected in that person's actions. Conversely, when a religious law school maintains that it must be different because of the beliefs upon which it is built, it teaches its students that the one who is "blessed in what he does" is "the one who peers into the perfect law of freedom and perseveres, and is not a hearer who forgets but a doer who acts . . . ." <sup>35</sup>

When I was growing up a non-Catholic, my Catholic friends never sought to convert me. Still, I was struck every Friday when they would abstain from eating meat. I learned from their example that what one believed could affect what one did. It was many years before I wanted to embrace that lesson, but when I was ready for it, their example was still with me. Religiously affiliated law schools must be willing to allow their actions to teach that same lesson.<sup>36</sup> They must show through

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<sup>33</sup> For an explanation of "coming to the nuisance," see RICHARD A. EPSTEIN, TORTS § 14.6.2 (1999).

<sup>34</sup> *James* 2:17.

<sup>35</sup> *James* 1:25.

<sup>36</sup> Mother Teresa echoed the words of Saint Francis in saying: "We are supposed to preach without preaching not by words, but by our example, by our actions. All works of love are works of peace." MOTHER TERESA, WORDS TO LOVE BY 72 (1983).



their actions that one's religious identity must impact how one does business.<sup>37</sup>

As they seek to teach this lesson, religiously affiliated law schools must take care to "not let your left hand know what your right is doing."<sup>38</sup> They must not succumb to the temptation to believe that because they are religious, they are holy. "No one is good but God alone,"<sup>39</sup> and religious institutions can be no better than the individuals who make them up.<sup>40</sup> Thus, religious law schools must show their students that part of acting out one's faith is growing in one's faith, rather than growing complacent. Just as in Jesus' parable of the Pharisee and the tax collector, the personnel of religious law schools should never seek to exalt their school for where it is or what it does.<sup>41</sup> Thus, they should not be content to begin each day by saying, "Look, we're religious; we have a chapel;" or "Look, we have prayers;" or "Look, we have retreats." Instead, those personnel should constantly seek to find additional ways to help their school grow closer to God. If they so seek, their students will learn that they, as individuals, must also seek to grow in God as well.

It has been argued that American legal society has lost the meaning of the religious concepts that make justice possible: concepts like forgiveness, redemption, love as sharing and not

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<sup>37</sup> See *Luke* 19:8-9 (describing the salvation of the tax collector Zacchaeus and the consequent change in his business practices).

<sup>38</sup> *Matthew* 6:3.

<sup>39</sup> *Luke* 18:19.

<sup>40</sup> See Rich Mullins, *Introduction to "The Just Shall Live," on 20: The Countdown Magazine Remembers Rich Mullins* (Communion Communications 1997) (visited Feb. 17, 2001) <<http://www.kidbrothers.net/rmml/rmml189.html>> ("A thousand corrupt minds are just as evil as one corrupt mind.").

<sup>41</sup> See *Luke* 18:9-14.

He then addressed this parable to those who were convinced of their own righteousness and despised everyone else. "Two people went up to the temple area to pray; one was a Pharisee and the other was a tax collector. The Pharisee took up his position and spoke this prayer to himself, 'O God, I thank you that I am not like the rest of humanity—greedy, dishonest, adulterous—or even like this tax collector. I fast twice a week, and I pay tithes on my whole income.' But the tax collector stood off at a distance and would not even raise his eyes to heaven but beat his breast and prayed, 'O God, be merciful to me a sinner.' I tell you, the latter went home justified, not the former; for everyone who exalts himself will be humbled, and the one who humbles himself will be exalted."

merely giving, and even community.<sup>42</sup> Religiously affiliated law schools are uniquely situated to teach their students to reinvigorate the law with these concepts. To do so, however, these schools must be more than merely religiously affiliated. They must be law schools built on communities of faith, prepared to teach and support by example and action.

If this is the future of America's religious law schools, then I believe that they are poised to profoundly impact American society. I believe that we will see them contribute to an era of justice and mercy in America the likes of which this nation has never seen before. But if religious law schools choose to be less than what their names indicate they are, I fear that we will be left to ask, again and again with increasing levels of ambivalence, whether such schools are obsolete.

Religiously affiliated law schools are not the first of God's creations to find themselves confronted with a moment of such feast or famine. In this way, such schools are like Saul, the first king of Israel.<sup>43</sup> Unfortunately, however, Saul failed in his crucial moment. Theologian Adrienne von Speyr described Saul as a man who sought himself rather than offering himself;<sup>44</sup> a man who ultimately forsook his mission and thus his kingship, as the prophet Samuel had presented it to him. Saul abandoned his mission because he sought to be "something not allotted to him—although something greater would have been his lot if he had found the courage to regard obedience as grace and belief as a reward."<sup>45</sup>

One may remember Saul as the ungrateful, bitter, and malicious king who stalked his loyal servant David throughout his kingdom.<sup>46</sup> This persona, however, is the consequence of Saul's abandonment of his mission rather than the cause of it. God had stripped Saul of his kingdom long before Saul encountered David.<sup>47</sup> Instead, Saul's downfall was that he was one who acted "autonomously when strictest obedience [wa]s

<sup>42</sup> See Randy Lee, *Reflections on a Rose in its Sixth Season: A Review of H. Jefferson Powell's The Moral Tradition of American Constitutionalism*, 32 CREIGHTON L. REV. 1205, 1245–59 (1999).

<sup>43</sup> See 1 *Samuel* 10:17–27.

<sup>44</sup> See ADRIENNE VON SPEYR, *THE MISSION OF THE PROPHETS* 52 (David Kipp trans., 1996).

<sup>45</sup> *Id.* at 55.

<sup>46</sup> See 1 *Samuel* 19:1–24.

<sup>47</sup> See 1 *Samuel* 15:26–28; 16:19–21.

required. He start[ed] remonstrating with God about the test to which he [wa]s being put. He sense[d] the concrete, earthly stresses, but not the supernatural assistance, his being held by God above the course of events."<sup>48</sup> For God, the last straw was when Saul failed to wipe out the nation of Amalek, "men and women, children and infants, oxen and sheep, camels and asses."<sup>49</sup> Instead, Saul spared Agag, Amalek's king,<sup>50</sup> and "the best of the fat sheep and oxen, and the lambs."<sup>51</sup> In so doing, Saul failed the Lord in two ways that were subtle yet profound.

First, Saul failed because he sought to do what he thought best for God's people, rather than doing what God had assigned him to do.<sup>52</sup> Although God labels such "presumption" as "the crime of idolatry,"<sup>53</sup> one can still empathize with Saul. It was tempting for him to look over the vast, captured wealth of Amalek and say, "Lord, there's a lot of stuff here that can be put to good use, stuff that can ultimately bring You glory. I can't just destroy it." It is equally tempting today for religiously affiliated law schools to say, "Lord, if You and I do this my way, we can move up a tier in the *U.S. News* survey, and that will ultimately bring You glory." But God does not ask us to invent a mission for ourselves that we think will glorify Him. He asks that we embrace His will,<sup>54</sup> act as an instrument in His hand,<sup>55</sup> and pursue the mission He has created us for. In God's eyes, "[o]bedience is better than sacrifice, and submission than the fat of rams."<sup>56</sup> Thus, as religiously affiliated law schools seek their

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<sup>48</sup> VON SPEYR, *supra* note 44, at 53.

<sup>49</sup> 1 *Samuel* 15:3.

<sup>50</sup> *See* 1 *Samuel* 15:8-9.

<sup>51</sup> 1 *Samuel* at 15:9.

<sup>52</sup> Today, it is generally understood among the followers of Judaism that God was right and Saul was wrong. The nation of Amalek was a particularly cruel, treacherous, and irreverent persecutor of the Jewish people. *See* ALAN UNTERMAN, *DICTIONARY OF JEWISH LORE AND LEGEND* 18-19 (1991). It is believed that King Agag used the brief opportunity presented by Saul's mercy to conceive a child, and the nation of Amalek continued to trouble Israel in the centuries that followed. *See* *THE ENCYCLOPEDIA OF THE JEWISH RELIGION* 26-27 (R.J. Zwi Werblowsky & Geoffrey Wigoder eds., 1966). In fact, Haman, who sought to wipe out all the Jewish people in *Esther* 3:7, is considered to have descended from King Agag. *See* *THE ENCYCLOPEDIA OF THE JEWISH RELIGION, supra*, at 27.

<sup>53</sup> 1 *Samuel* 15:23.

<sup>54</sup> *See, e.g., Matthew* 6:10 (The Lord's Prayer); 26:39 (The Agony in the Garden).

<sup>55</sup> *See Peace Prayer of Saint Francis of Assisi, in* *DAILY PRAYERS* 34 (Priests and Brothers of the Sacred Heart ed., 1987).

<sup>56</sup> 1 *Samuel* 15:22.

mission, they must seek God's mission for them, rather than seek their own, even if their own is a mission with God's glory in mind.<sup>57</sup>

Second, Saul failed because he allowed the self-interests of others to influence his vision of his mission from God. Saul justified his behavior to Samuel by explaining: "In my fear of the people, I did what they said."<sup>58</sup> The religiously affiliated law school today might balk at its mission as well, were it to ask: "What will employers, alumni, students, applicants, or even other law schools say?" Yet, such balking can serve religiously affiliated law schools no better than it served Saul. Such schools are not called to see as men see, but as God sees.<sup>59</sup> This does not mean that the views of the various constituencies of a religiously affiliated law school do not matter. Certainly, Dean Shaffer has explained persuasively the value of Christians, for example, meeting together to determine God's will.<sup>60</sup> The important distinction is that we must listen to these constituencies to help us hear God, rather than listening to them in place of listening to Him. Thus, religiously affiliated law schools must have the courage to seek their mission in the pleasure of God rather than in the pleasure of men.

What then does an outsider have to say about religiously affiliated law schools realizing their mission:

(1) that such schools must be more than kind and accommodating;

(2) that such schools must inspire within their students the recognition of the strength of religious community and the need to be ever growing in such community;

(3) that such schools must remain humble;

(4) that such schools must seek their mission in God's will and not in their own; and

(5) that such schools must take courage in God's grace and not succumb to influences and pressures of this world.

After a moment's reflection on this list, one might well conclude that this outsider has very little to offer on the subject. At best, he is nothing more than the preacher for a traveling

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<sup>57</sup> For a discussion of how one discerns God's mission for one's life, see Lee, *supra* note 23, at 105–11.

<sup>58</sup> 1 *Samuel* 15:24.

<sup>59</sup> 1 *Samuel* 16:7.

<sup>60</sup> See Shaffer, *supra* note 31, at 1349–51.

salvation show who rolls into town, whips the locals into a religious frenzy, and then leaves them on their own to cope with the realities of daily life. It is one thing to talk faith community and the ignoring of earthly pressures; it is quite another to have to live it and still pay the bills. Yet, if I have learned anything in all my musings on this topic, I have learned this: that we are no more outsiders and insiders than the early Church was made up of "Greek and Jew, circumcision and uncircumcision, barbarian, Scythian, slave, [and] free."<sup>61</sup> Rather, we are all together children of God.<sup>62</sup> What I offer here, I offer not as an outsider really, but as a brother called to a different mission, but still a brother who will suffer when you suffer and rejoice when you rejoice.<sup>63</sup> As you seek to realize your mission, I will pray for you, as much as I hope you will pray for me as I seek to realize mine.

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<sup>61</sup> *Colossians* 3:11.

<sup>62</sup> See *Colossians* 3:11.

<sup>63</sup> See *1 Corinthians* 12:26.