INTEGRATING RELIGION, FAITH, AND MORALITY IN TRADITIONAL LAW SCHOOL COURSES

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"Moral transformation at its purest form is the impartation of knowledge . . . . We cannot accept moral leveling—that very act is an affront of moral tradition."[1]

—*Justice Antonin Scalia*

I. INTRODUCTION

Teaching is the formation and preparation of a student for a calling. Maintaining educational operations within the bounds of secular academic regulations frequently causes religious schools to receive criticism for creeping secularism. Yet if religious law schools are encouraged, even required, to integrate faith in traditional law school courses, law schools may need to prepare for a revolution—a revolution of virtue in the legal profession. Teaching at a religiously affiliated law school means preparing students for their spiritual calling to serve in the legal profession.

St Mary's Law School, in San Antonio, presents one example of how a religiously affiliated law school is attempting to prepare its students both spiritually and academically. "For nearly ten years, St. Mary's has been a haven for morality-based legal education. To this university, turning out attorneys is meaningless unless they have been exposed to the ideal of restorative justice and the practice of lawyering for clients the bar usually ignores."[2] Some religious law schools may already have a reputation for teaching virtue, while others can follow a well-set example, and still others can improve on the paradigm.

When students have been prepared for that spiritual calling, they shine on the job as professionals. "On hearing years later that . . . they're using their skills to decrease pain in people's lives and to increase justice, I go back and reread their papers. I can't claim that they are

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[1] Associate Justice Antonin Scalia, Address to the Conference of the Association of Religiously Affiliated Law Schools, Regent University (Sept. 1998).

[2] Colman McCarthy, *A pro bono life*, 62 THE PROGRESSIVE 30 (May 1, 1998)(discussing clinical programs focused on restorative justice at St. Mary's School of Law in San Antonio, TX, and Georgetown University Law School).

better lawyers for having written about unlawschoolish topics but I will wager a billable hour that they are better people. And what does the legal profession need more than that?"[3]

We have found that integrating spiritual values and principles with traditional law school courses enriches both teacher and student, yielding a lawyering product that is priceless to society. This article focuses on three key areas. Section I, the most critical part of the article, consists of our organized presentation, given at the recent symposium for the Association of Religiously Affiliated Law Schools, held at Regent University. In this section, we demonstrate that there are at least nine viable techniques for integrating faith into legal education on a daily basis in traditional law school courses. The next two sections reflect the rich discussion that conferees shared in the wake of our presentation. Section II discusses the need for virtue and mission oriented legal education, demonstrating how the standards of academic freedom protect the freedom to pursue these teaching methods and positions. Section III discusses the combination of faith and reason, demonstrating that faith and reason are not only completely compatible, but mutually interdependent. We conclude that not only is integration of faith and learning legitimate, but that these virtues will positively affect people's lives when solidly sown into any plan of building leaders for a great civilization.

A. Models of Faith Integration in Teaching

A recent faculty retreat at Regent University focused on the topic "Integrating Faith and Learning."[4] A university committee,[5] consisting of faculty members, introduced the Nine Models of Faith Integration as the most strategic techniques for integrating faith and learning.[6] The mission of Regent University requires its professors to engage in a continuous effort to integrate biblical principles into all of its courses.[7]

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[3] *Id.* "One of the truths about progressive educators is that no matter where they are teaching, students need them." *Id.*

[4] *See generally* 1998-99 Faculty Retreat, Regent University (Aug. 27, 1998).

[5] Namely, the Faith and Learning Integration Committee ("FLIC").

[6] *See FLIC Typology Report: The Report of the Typology Subcommittee*: Joseph N. Kickasola, chairman, Mary Scarlato and Cliff Kelly, to the Faith and Learning Integration Committee (FLIC), Ralph Miller, chairman, Apr. 14, 1998, at 1-3 for a discussion on how the subcommittee arrived at the nine models of integration.

[7] The Mission and Educational Philosophy of Regent University is as follows:
The mission and educational philosophy of the University is to provide education of excellent academic quality within the context of its Christian heritage and with particular attention to Christian values. As a private institution under the control of an independent Board of Regents, the University from its beginning has maintained a close relationship with the

These models, which extended along a continuum from directed to non-directed, resulted from the university committee's study on how Regent University faculty members integrate faith into instruction.[8] A major concern of the faculty at Regent University is that we model what we teach, follow through on what we have been called to, and remain focused on our mission.

Ranging from least to most directive and derived from the input of more than forty-nine faculty members,[9] the nine models of faith integration that emerged from the Faith and Learning Integration Committee's work were: (1) the Student Directed Model, (2) the Spontaneous Model, (3) the Devotional Model, (4) the Textbook Model, (5) the Christian Professional Model, (6) the Experiential Model, (7) the Lexical Model, (8) the Institutes Model, and (9) the Moral Formation Model.[10] These models are instructional tools, and each strongly encourages a prayerful foundation and undertaking. What follows is a description of each, with student pre-requisites for use and a delineation of the steps and/or instructional climate necessary for applying each particular model.

1. Student Directed Model of Faith Integration

In the Student Directed Model the students themselves integrate faith with learning.[11] In this model, students must possess certain prerequisites which include: (1) a desire to know the Truth, (2) a knowledge of faith and its power to inform and transform their lives and profession, and (3) a mind that continually interacts with data, assessing

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Churches of Christ. Supportive individuals with a variety of religious backgrounds comprise the faculty, governing board, staff and student body of the School.

The University expects from all its students and employees the highest standard of moral and ethical behavior in harmony with its Christian philosophy and purpose. Engaging in or promoting conduct or lifestyles inconsistent with traditional Christian values is not acceptable.

It is essential to the perpetuation of the University's founding purpose, mission and philosophy that it employ individuals who are able to contribute to the full range of institutional objectives. It is particularly important that the professional and personal lives of professors be above reproach.

REGENT UNIVERSITY FACULTY HANDBOOK, Part F (copy on file with author). This mission was the subject of much litigation, but survived not only the legal context, but the ABA accreditation process as well.

[8] *See FLIC Typology Report, supra* note 6.

[9] *Id.* at 3.

[10] *Id.*

[11] *Id.* at 21.

its veracity by comparing it to the standard that "all knowledge comes from God" and "that which is true never contradicts the word of God."[12]

To implement this faith integration model, the professor facilitates an atmosphere that encourages mutual respect for differing ideas.[13] He or she works to elicit responses requiring students to reflect on issues and connect them with their faith.[14] To accomplish this the professor models respect for differing viewpoints, encourages questioning and debate, and provides instruction that elicits student integration of faith.[15]

2. Spontaneous Model of Faith Integration

In the Spontaneous Model, faith integration flows freely from the professor's personality and chosen medium of instruction, textbook or casebook.[16] Implementing this model requires the professor to be spiritually-minded.[17] A higher motive of sensitivity and boldness guides the professor, who always acts as a "spiritual and moral compass."[18] Students need no prerequisites for this model, although its fruitfulness is contingent upon the extent to which students honestly and diligently search the Scriptures for Truth and allow themselves to be taught by the Holy Spirit.[19]

This model follows a four-step approach. The professor implements the first step at the beginning of a course by establishing a frame of reference in which he or she presents course concepts along with Scriptures that address those concepts.[20] In the second step, the professor establishes class procedures and expectations for active student participation.[21] The instructor then illustrates the spontaneous integration of Biblical principles with examples of professional behavior that comport with scriptural principles.[22] Finally, step four calls for the

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[12] *Id.* at 5.

[13] John Lawing, Address on Student-Directed Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

[14] *Id.*

[15] *Id.*

[16] *FLIC Typology Report, supra* note 6.

[17] Doug Tarpley, Address on Spontaneous Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998). *Psalm* 1 is an exhortation to "delight in the law of the Lord and meditate on His law day and night."

[18] *Id.*

[19] *Id.*

[20] *Id.* This inspires students to think about and discuss professional matters from a spiritual perspective.

[21] *Id.*

[22] *Id.*

professor to structure classes to provide opportunities for students to apply Biblical principles within course discussions and assignments.[23]

3. Devotional Model of Faith Integration

In the Devotional Model, faith integration occurs through the instructor's initial introductory address at the start of class.[24] This model's effectiveness is dependent upon student knowledge of course topics and Scripture, as well as a respect for the Scriptures.[25]

The instructor implements this model using a two-stage preparation-presentation process.[26] The preparation stage is the responsibility of the instructor, involving three steps: (1) prayerful study of the Scriptures to discover Biblical principles and supportive Scriptures relevant to each course topic; (2) examination of books that relate to Biblical integration; and (3) preparation of discussion ideas with colleagues and students.[27] In the presentation stage, then, the professor opens class with a 10-15 minute review or introduction of the class topic(s) and presents related Scriptural principles and verses.[28] During class interactions the professor should reference and then expand this initial Biblical framework to encourage and allow students to integrate the Scriptures with course content.

4. Textbook Model of Faith Integration

The Textbook Model of Faith Integration uses a religious or secular textbook, and the *Bible* itself as a text, to promote or introduce course content.[29] In this model the textbook is viewed as a sign, a metaphor, or a picture of reality which presents the student with a particular worldview.[30] Designed to develop the discipline of study, this model views Scripture as authoritative and encourages students to discern and

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[23] *Id.*

[24] *See FLIC Typology Report, supra* note 6, at 1.

[25] Evie Tindall, Address on Devotional Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

[26] Evie Tindall, Handout accompanying Devotional Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

[27] *Id.*

[28] *Id.*

[29] Mary Scarlato and Lynne Marie Kohm, Handout accompanying Association of Religiously Affiliated Law Schools Session I Discussion, Integration Religion, Faith, and Morality in Traditional Law School Courses (Sept. 13, 1998), at 1.

[30] Gilette Elvgren, Address on Textbook Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

analyze the worldview advanced in any text used in the class.[31] Statements found in secular texts provide an opportunity for the students and the professor to respond to the subject matter from their own faith perspective. To benefit from this model students need an awareness of varied worldviews, knowledge and understanding of Scripture, and the ability to analyze and understand concepts from varied viewpoints.

The instructor implements this model by first informing the students of the professor's own worldview and stating its tenets.[32] He or she also articulates a framework whereby students can recognize that textbooks are written from a particular worldview, and thus, one must interpret their content in light of that worldview. The professor then guides discussion of text content by asking questions about the concepts and ideas communicated by the author, based on the author's worldview. Additionally, the professor asks students to identify how the author's content would differ if he or she were speaking from a Christian viewpoint.[33]

5. Christian Professional Model of Faith Integration

Focusing on the virtuous or ethical professional that the professor seeks to be and hopes students will emulate, this approach is generally done from the professor's own ethos, or character, and his or her own analysis and writings.[34] This clearly has a value-based emphasis where the instructor models for the students how one labors under the faith principles applied. Points of tension between one's faith and the world are emphasized and analyzed, while discussion is pursued to effectively deal with and resolve those tensions in a consistent manner. Students benefit from this approach when they are familiar with Scripture and capable of relating relevant Scriptural themes and principles to the professional circumstances with which they are confronted.[35] Moreover, students will have the opportunity in the context of this form of integration to develop an open, critical, and reflective attitude toward their professional experiences with a tolerance for ambiguity and confidence that they will find God's Truth if they diligently seek it.[36]

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[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] Scarlato, *supra* note 29, at 2.

[35] Ralph Miller, Handout accompanying address on Christian Professional Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998), at 10.

[36] William Hathaway, Handout accompanying address on Christian Professional Model of Faith Integration at Regent University Faculty Retreat (Aug. 27, 1998), at 11.

The professor implements this model using a four-step approach: (1) select and assign secular readings and texts that convey rich content, (2) assign readings from related Christian literature, (3) emphasize points of tension between the two providing opportunities for students to resolve the tension through Socratic dialogue, debate, and discussion groups, and (4) after sufficient student debate and dialogue, the professor reveals his or her own attempts to understand and resolve these tensions,[37] further challenging students to arrive at proper Biblical resolutions to professional situations.

6. Experiential Model of Faith Integration

Designed to develop behavioral consistency, the Experiential Model integrates faith with learning through the students' performing spiritual exercises in a collaborative and cooperative manner in class.[38] For these activities or exercises to be meaningful and relevant, students must have developed the following skills: an understanding of the course concept to be addressed, an understanding of the Biblical concept to be applied, and the ability to use their background knowledge to integrate the Biblical concept during the practice of the course content.[39]

Using this approach the professor (1) analyzes the course and isolates particular content related to interaction, (2) anticipates problems that may emerge as a result of human behavior, (3) identifies how those problems conflict with a Christian call to behavior through Biblical analysis, (4) selects relevant Scriptures, and (5) develops activities that enhance course content.[40]

7. Lexical Model of Faith Integration

The Lexical Model of faith integration presupposes that the *Bible* addresses virtually all of life, applying *Psalm* 24:1, "The earth is the Lord's, and all it contains, the world, and those who dwell in it." In this model the instructor uses word studies, concordances, lexical aides, and language usage encouraging students to develop wisdom.[41] The only prerequisite students need for this model are the fundamental abilities

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[37] *Id.*

[38] *See FLIC Typology Report, supra* note 6.

[39] Elizabeth Aitken, Handout accompanying address on Experiential Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

[40] *Id.*

[41] Scarlato, *supra* note 29, at 2.

and the desire to discover the true meanings of words and ideas according to Scripture.[42]

The professor implements this model using a five-step approach: (1) establish with students the concept that the *Bible* can serve to illuminate conceptual understanding, (2) require students to "double-study" significant concepts and subject matter through both secular and Scriptural sources, (3) have students conduct word studies using concordances and lexical aides, (4) develop class assignments encouraging students to further examine subject matter from the view of Christian Theism (or other faith), though not always requiring them to quote Scriptures to make their points, and (5) encourage students to pray before class and assignments, asking God to anoint their work with His knowledge and insight.[43]

8. Institutes Model of Faith Integration

From the Latin *institutiones*, meaning "principles of instruction," this faith integration model is systematic and prophetic, emphasizing authority, revelation, and crucial principles.[44] It relies on the dual revelation of God in nature and Scripture, and develops significant aspects of fortitude, clarity, and a prophetic witness to the truth as revealed in nature and Scripture.[45] The more spiritually and intellectually grounded a student is in the Scriptures, the more effective this model will be.[46]

Application of the Institutes Model requires five steps: (1) engage in regular prayerful study of the Scriptures with an eye towards receiving truth; (2) study legal materials as informed by Biblical principles and when appropriate, refer to the Scriptures in the original languages and traditional interpretations; (3) arrive at and apply appropriate pedagogy for leading students to participate in this integration by such means as assigned readings, questions, discussion, and lectures; (4) as one engages in steps 1-3, consult with colleagues regularly; and (5) discern whether Biblical principles are truly directed towards that particular authority, remembering that the Word of God is a sword rather than a bludgeon.[47]

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[42] Cliff Kelly, Handout accompanying address on Lexical Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

[43] *Id.*

[44] *See FLIC Typology Report, supra* note 6, at 1. An example of an institutes focus might be the use of Justinian's code to launch the integration of law and faith.

[45] Joseph N. Kickasola, Address on Mission and Vision of the University given at Regent University Faculty Retreat (Aug. 27, 1998).

[46] Craig Stern, Handout accompanying address on The Institutes Model of Faith Integration, given at Regent University Faculty Retreat (Aug. 27, 1998).

[47] *Id.*

9. Moral Formation Model of Faith Integration

In the Moral Formation Model, faith integration is accomplished by instruction and instilling of virtue.[48] The model seeks to inform the learner from a Christian viewpoint while it forms the learner in virtue.[49] Student prerequisites for this model include (1) an awareness and understanding of professional issues, (2) knowledge of Scripture, and (3) an openness to being molded and re-molded by the Holy Spirit.[50]

To apply this model the instructor engages in a three-stage nine-step process. Steps one through six constitute the preparation stage; step seven is the presentation stage; and steps eight and nine, the application stage.

(a) Preparation Stage

During the first step, the professor seeks the Holy Spirit's guidance through prayer and meditation.[51] This guidance lays the foundation for all that follows. In the second step, the professor identifies (1) course foundational ideas and principles, (2) issues in the field pertinent to course content, and (3) character, virtue, and leadership qualities needed to address those issues from a moral perspective.[52] The third step, involves the instructor in a search of the Scriptures for God's thoughts

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[48]   *See FLIC Typology Report, supra* note 6.

[49]   Mary Scarlato, Address on Moral Formation Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998). Scarlato was in a parochial environment and received an education that emphasized the integration of faith with the learning of all subject matter. This education combined excellence in learning with moral formation. Scriptural beliefs and principles were at the core of all instruction. One learned not only subject matter but how to use and apply that knowledge for the glory of God. The goal of such education was formation of the individual in morality, virtue, and knowledge so that he or she might transform society and bring knowledge of God and His love and mercy to others. This parochial educational background strongly influenced the development of the Moral Formation Model referred to in this article.

[50]   Mary Scarlato, Handout accompanying address on Moral Formation Model of Faith Integration given at Regent University Faculty Retreat (Aug. 27, 1998).

[51]   *Id.*

[52]   *Id.* For example, in a course entitled *Foundations of Special Education,* I might consider the following foundational ideas and principles: how does one treat persons with disabilities with dignity and respect; what is appropriate education for persons with various disabilities; how does one develop character in the student. I might the following special education issues: what constitutes adequate content for instruction of persons with disabilities; in what type of instructional settings should content be delivered; how should one function as a member of an educational diagnostic team; how does one conduct accurate and honest assessment; what considerations should be taken into account during the diagnostic decision-making process. In considering the character, virtue and leadership qualities needed by a special educator, I might list the following: prayerfulness, persistence, courage, kindness, respect, honesty, and integrity.

on each of these matters, and for individuals in the Old and New Testament who either display or fail to display relevant character traits or virtues.[53] In the fourth step, the professor uses these Scriptures to develop each class's devotional focus.[54] In the fifth step, the professor then augments each devotion with quotations and ideas from various religious writers.[55] Exposing the students to both the selected Scriptural texts and writings of religious authors encourages students to read and explore the full text from which quotes are taken, thus, encouraging them to further integrate their faith with learning. In the sixth step, the professor develops discussion questions and activities that require students to connect the cited Scriptural thoughts and principles with class content.[56]

(b) Presentation Stage

In the seventh step, the professor opens class with prayer and delivers the devotion, followed by questions that require the students to integrate the Scripture passages with the assigned readings and their

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[53] *Id.* Scriptures that might address the content of the course described in note 52 above include the following: (a) Scriptures that state how cruelty toward persons with disabilities is forbidden and care of such individuals is required, e.g., "You shall not curse the deaf or put a stumbling block in front of the blind." *Leviticus* 19:14, or "Cursed be the one who misleads a blind man on his way . . . ." *Deuteronomy* 27:18; (b) Scriptures that show how God uses disability as a means of sanctification for persons affected by a disability, *see e.g., Acts* 9:3-8 where God leads Saul from blindness to vision, ultimately revealing the Messiah to him; or where God allows Miriam to acquire leprosy during which time her faith is tried but also strengthened, *see e.g. Numbers* 12:10, 15; (c) Scriptures that remind students that God has plans for them and their students and that their instructional planning can serve as a vehicle through which God might work, *see e.g.,* "For I know well the plans I have in mind for you, says the Lord, plans for your welfare, not for woe! Plans to give you a future full of hope." *Jeremiah* 29:11. Additionally, remind them of the roles they will fulfill as a special educator, *see e.g.,* "Before I formed you in the womb I knew you, before you were born I dedicated you, a prophet to the nations I appointed you." *Jeremiah* 1:5. Scriptures might also point to the "shepherding" role that educators possess. Scriptures that serve as a springboard for discussion of that role might be *Psalm* 78:72, "And David shepherded them with integrity of heart; with skillful hands he led them" or Jesus' directives to Peter to "feed my lambs" in *John* 21:13-17. Scriptures that focus on particular virtues might be the following: (a) on obedience (*see e.g.,* Mary's obedience to the Lord in *Luke* 1:26-38); on mercy (*see e.g., Matthew* 5:3-11; *Matthew* 8:1-17; *Luke* 18:35-43); on kindness and compassion, doing what is good at all times (*see e.g., Luke* 14:12-14; *Luke* 13:10-17); on persistence (*Luke* 18:1-8); on faithfulness (*see e.g.,* Daniel's faithfulness to God); on trust in God's power to transform lives (*see e.g.,* "Therefore, if anyone is in Christ, he is a new creation: the old has gone, the new has come!" *2 Corinthians* 5:17).

[54] *Id.*

[55] *Id.* Those writers might include John Paul II, C.S. Lewis, Thomas a Kempis, Jose Maria Escriva, or Ignatius of Loyola.

[56] *Id.*

experiences.[57] The professor at this stage also encourages the students to meditate during the week on the Scriptures cited and to bring further insights to future classes.[58]

(c) Application Stage

At the eighth step, through discussion and class activities, the professor facilitates student application of the Scriptural readings to course content.[59] Additionally, the professor spontaneously augments class discussion and activities with Scriptures and ideas that challenge the students to action. Finally, at the ninth step, the instructor, through outside assignments, encourages students to pray, integrate Scriptural principles into their personal and professional lives, listen for and discern God's voice, make changes in their lives, and serve as facilitators of change in the lives of those whom they serve.[60] Through written assignments, students reflect on their spiritual progress and delineate a plan for future spiritual growth. This technique is by far the most directed approach to moral transformation in students, and at the same time serving to hold the instructor internally accountable to the personal process of transformation within himself or herself.[61]

II. VIRTUE, MISSION, AND ACADEMIC FREEDOM

One of the discussions following our presentation of the Nine Models of Faith integration focused on the conflict between the mission of the religious school and academic freedom. Determining the role and mission of a religiously affiliated law school in light of academic freedom is an interesting query. Certainly, the religiously affiliated law school is free to further the ideals of its affiliation. Conversely, the quest for scholarship and total academic freedom can reduce the school's "affiliation" to a mere technicality,[62] blurring the lines between religious schools and secular schools so that they are indistinguishable. Our postmodern culture seems to allow—even coerce—religious education to

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[57]   *Id.*

[58]   *Id.* Frequently, students either privately or publicly, have communicated to me that particular Scripture passages from class or readings from one of the above-mentioned religious authors significantly impacted their work or had some direct relationship to a matter they were addressing in their profession.

[59]   *Id.*

[60]   *Id.*

[61]   *Romans* 12:1& 2.

[62]   Indeed, as Justice Scalia addressed the conferees, he expressed somewhat of a disdain for the term "affiliated," describing it as effectively relegating religious mission to a mere technicality to a certain degree. Scalia, *supra* note 1.

focus myopically on politics, rather than ideals, and on forbearance rather than virtue.

> With the fullness of time, when all has been said and done in both the heat of the moment and the cooler perspective of experience, what has come to be called "Political Correctness" will be revealed as little more than passionate folly—merely another skirmish in the eternal battle for the minds, hearts and souls of humankind . . . time and experience have amply illustrated the pervasive effect of political correctness on academia.
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> Though in the beginning the academic PC movement infected only language, its proponents later began to identify and proscribe "politically incorrect" conduct and curricula. . . .
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> . . . .
> . . . [T]he abiding effect about PC has always been the stifling effect that coerced civility can have on both creative expression and academic freedom.[63]

Virtue and virtuous development are not outside the realm and authority of the law school, and certainly not of the religiously affiliated law school. Political Correctness can leave disdain for the instillation of virtue in graduate students, but power, however "politically correct,"[64] can be devastated by truth.

However, virtuous development in fact cannot occur in a vacuum. Though many believe that law develops in a vacuum, the contrary is true. For example, if law is an autonomous discipline rather than a normative model, is the integration of any value-laden philosophy possible? Even the integration of ethics or professionalism would be impossible in such a virtue-neutral paradigm. A law school without ethics may be popular, but will not survive for long. Certainly, a large corporation or an institution of higher education will suffer the same fate without a mission driven by virtue.

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[63] *See generally* Kenneth Lasson, *Political Correctness Askew: Excesses in the Pursuit of Minds and Manners*, 63 TENN. L. REV. 689 (1996) (citations omitted). Lasson writes on the problem of political correctness having become the only "right" way to think in the university setting, to the exclusion of all else. *Id.* at n.257 (citing Michael S. Greve, *Do "Hostile Environment" Charges Chill Academic Freedom?*, ABA J., Feb. 1996, at 40.) Lasson makes a good case that high ideals and virtue have been lost to unreasonable (and somewhat arbitrary) politically correct conscious. *See id.*

[64] Professor Lasson concludes that PC is indeed a power play. "Instead of promoting tolerance of different opinions through education and good example, they seek merely to ensure that all ways of thinking pay homage to their own. Too often the call for sensitivity is in truth the pursuit of power, pure and simple—the high-minded rhetoric little more than camouflage . . . . In the long run, tolerating offensive talk should be a small price to pay to ensure the ideals of academic freedom and the liberty of conscience. If the debate is about equality, the lesson for all of us, perhaps, is that allowing everyone to speak their minds—using whatever words they want—assures a healthy measure of common sense in response." *Id.* at 733.

The mission statements for several law schools demonstrate the recognition of this principle. Fordham University's mission is "Rigorous Thought, Justice & Service."[65] Implicit within Fordham's mission statement is the concept of mutuality of respect demonstrated in treatment of others. The charge to do justice is inherent in the mission statement of Capital University, founded on the Lutheran tradition.[66] Notre Dame University's mission statement explicitly states that it is "dedicated to the integration of reason and faith in the study of law and committed to developing Judeo-Christian principles within systems of jurisprudence."[67] Moreover, it seeks "to prepare professionals who have both competence and compassion, who are committed to championing the cause of justice and whose decisions are guided by the ethical values and morality which Notre Dame represents."[68] The American Bar Association (ABA) rules on academic freedom do not bar these mission statements or similar statements. "Some misunderstanding or misinformation exists about the role of the ABA or the AALS in protecting academic freedom."[69] We submit that the American Association of Law Schools (AALS) is equally compelled, under its own standards, to protect academic freedom in a school's mission and virtue, and the pursuit of truth at all law schools, regardless of religious affiliation.

AALS bylaws, defining academic freedom, provide that "[a] faculty member shall have academic freedom and tenure in accordance with the principles of the American Association of University Professors (AAUP)."[70] The AAUP definition attempts to preserve "sound educational policies" and professors' and students' freedom to hold and express personal beliefs without fear of jeopardizing their careers or grades.[71] The ABA defines its commitment to academic freedom in a similar manner:[72]

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[65] Dean John Freerick, Statement at the Second Conference of the Association of Religiously Affiliated Law Schools, Regent University (Sept. 12-14, 1998).

[66] Dean Steven Bahls, Statement at the Second Conference of the Association of Religiously Affiliated Law Schools, Regent University (Sept. 12-14, 1998).

[67] *See* Notre Dame Law School Mission Statement (visited Oct. 20, 1998) <www.ndu.edu>.

[68] *Id.*

[69] Steven R. Smith, *Accreditation and Religiously Affiliated Law Schools*, 78 MARQ. L. REV. 361, 364 (1995).

[70] American Association of Law Schools, Bylaw Section 6 - 8(d).

[71] AAUP, 1940 Statement, and Interpretive Comments, 1970.

[72] ABA Standards 103, 211, and 405(d). The actual ABA provisions on Academic Freedom read as follows:

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties;

Standard principles of academic freedom forbid most interference with the right of faculty members to write, teach, or speak within the limits of their professional discipline in accordance with their own opinions, no matter how pernicious or erroneous those opinions appear to others to be. It is widely assumed that extension of these principles to religious colleges and universities would advance the cause of scholarly inquiry.[73]

Some scholars believe that religious schools face a dilemma because religion in America is highly pluralistic, whereas academia is overwhelmingly secular. The tension between the religious and secular worldviews appears to prevent a comprehensive definition of academic freedom.[74]

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but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has not relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

ABA Standards for Approval of Law Schools, Appendix 1, at 1 (visited October 5, 1998) <http://www.abanet.org/legaled/chapter4.html>.

[73] Michael W. McConnell, *Academic Freedom in Religious Colleges and Universities*, 53 SUM. L. & CONTEMP. PROBS. 303 (1990). McConnell continues by stating that this would likely eliminate "any vestige of creedal orthodoxy," but that both ABA and AALS standards allow religious schools to depart from this standard. Others agree with him. *See generally* Robert A. Destro, *ABA and AALS Accreditation: What's "Religious Diversity" Got To Do With It?* 78 MARQ. L. REV. 427 (1995) (stating that the religious schools exception is not good special treatment, and is fundamentally flawed, working against the religious institution.) Regent University professors depart from these philosophies, and endeavor to show that academic freedom is actually a factor that works in favor of virtuous development and faith integration in traditional law school teaching and scholarship.

We fail to see how anything in this provision prohibits faith integration in learning. Rather, we deem these provisions for academic freedom as controlling and protective of any professor's right and ability to freely and relevantly integrate his or her faith with teaching, without fear of a breach of regulation or infringement of duty.

[74] This tension is discussed by Thomas Shaffer in his article *The Practice of Law as Moral Discourse*, 55 NOTRE DAME L. REV. 231 (1979). Shaffer discusses the concept that there is a moral question at the heart of any controversial issue, and argues that the free choice to operate within the mission of any chosen "religious" law school is indeed a voluntarily one. *See also generally* Thomas L. Shaffer, *A Lesson from Trollope for Counselors at Law*, 35 WASH. & LEE L. REV. 727 (1978), and THOMAS L. SHAFFER, ON BEING A CHRISTIAN LAWYER: LAW FOR THE INNOCENT (1981).

> Academic freedom, as understood in the modern secular university, is predicated on the view that knowledge is advanced only through the unfettered exercise of individual human reason in a posture of analytical skepticism and criticism. In some religious traditions, however, reason is understood to require reference to authority, community, and faith, and not just to individualized and rationalistic processes of thought."[75]

We submit that faith and reason are not inconsistent.[76] Tenets, convictions, and core values of a particular faith may indeed rest on Biblical authority, and the challenge these values present to the academy is an asset. That asset is lost when the school forbids a scholar to believe, state, teach or write a particular belief. Indeed, individuals cannot wholeheartedly address the challenge these values present unless they are challenged to include and integrate values in learning. Academic freedom in any context ought to protect the pursuit of challenging academic premises through the use of integrated values.

Regent University, in addressing the protection of integrated values at its faculty retreat, focused on the intentional integration of faith and learning.[77] As a faculty, we have found, however, that Biblical integration presents a constant challenge. We continually strive to relate our "living faith" to all areas of learning. To this end, the faculty members of Regent University agreed to subscribe to a statement of faith that calls for integrating faith not only within each discipline, but also within all aspects of teaching.[78]

III. INTEGRATING FAITH AND REASON

Another discussion following our presentation concerned the relationship between faith and reason. The writings of early Church Fathers and later theologians plainly demonstrate the necessity of cohesion of faith and reason. St. Anselm, one of the early Fathers,

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[75] McConell, *supra* note 73, at 303-04. He continues with an interesting hypothesis. "If religious ideas and approaches have anything positive to contribute to the sum of human knowledge, we should recognize that secular methodology cannot be universalized. To impose the secular norm of academic freedom on unwilling religious colleges and universities would increase the homogeneity—and decrease the vitality—of American intellectual life." *Id.* at 304. He further discusses the evolving status of secular academic freedom as applied to religious institutions in the context of the two faces of academic freedom, individual and institutional, highlighting that this conflict is most extreme in religious institutions. His reconciliation of these matters focuses on the institutional academic freedom and is quite worthwhile, but beyond the scope of this article.

[76] The invaluable asset of integrating faith and reason is discussed *infra* in Section III as we discuss that this open and encouraged integration allows for a genuine search for Truth.

[77] *See generally* 1998-99 Faculty Retreat (Aug. 27, 1998), *supra* Section I.

[78] *Id. See also* Statement of Faith, Regent University School of Law, Application for Faculty. This Statement of Faith is also included in Student Application packets.

illustrated the connection between faith and reason when he wrote, "Faith seeks understanding."[79] St. Augustine further elucidated this when he said, "I believe in order to understand; and I understand, the better to believe."[80] Both Anselm and Augustine saw faith and reason as not only completely compatible, but mutually interdependent.

St. Thomas Aquinas wrote, "Believing is an act of the intellect assenting to the divine truth by command of the will moved by God through grace."[81] He further stated, "so that the submission of our faith might nevertheless be in accordance with reason, God willed that external proofs of his Revelation should be joined to the internal helps of the Holy Spirit."[82] Aquinas asserted that faith and reason do not contradict each other but rather, reason serves to illuminate faith.[83] External proofs joined with the internal enlightenment provided by the Holy Spirit reveal to us the fullness of truth.

Ignatius of Loyola, the Sixteenth century founder of the religious order of the Jesuits, further illustrates the integration of faith with reason. His rigorous course of study, extending over a minimum of thirteen years, has prepared and continues to prepare men for ordination to the priesthood and excellence in thought and learning. His philosophy of education reveals his belief that no aspect of an individual's development should be neglected.[84]

> [T]hat the pupil should be developed into "the complete man" with all his faculties trained to excellence or virtue . . . . There is concern for the bodily health of the students . . . . There is training of the intellect, throughout the whole curriculum of grammar, the arts, and theology . . . . There is constant exercise in self-expression or eloquence and in disputation . . . . There is training of aesthetic faculties and emotions, through the study of ancient literature, including rhetoric, poetry, and history. . . . There is not merely training of mind concomitantly acquired through mastering these studies, but also through the crowning courses in philosophy and theology, the imparting of an extensive body of knowledge which makes up a scientifically grounded theistic philosophy of life—a philosophy which gives true significance and worth-while meaning to the life of man both in this world and the next.[85]

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[79] CATECHISM OF THE CATHOLIC CHURCH 43 (1994) (citing St. Anselm of Canterbury, Proslogium. Prooemium: PL 153, 225A) [hereinafter CATECHISM].

[80] *Id.* at 43 (citing St. Augustine, Sermon 43, 7, 9).

[81] *Id.* at 42 (quoting 2 THOMAS AQUINAS, SUMMA THEOLOGICA II Q. 2 art. 9; *cf. Dei Filius* 3: DS 3010).

[82] *Id.* at 43.

[83] *Id.*

[84] Larry Poston, *The Educational Philosophy of Ignatius of Loyola: A Reply to James Davison Hunter*, FACULTY DIALOGUE 151 (1994).

[85] GEORGE E. GANSS, SAINT IGNATIUS' IDEA OF A JESUIT UNIVERSITY 176 (1954).

The rigorous thirteen year training required of those entering the monastic order of the Jesuits at the universities Ignatius founded produced men not only expert in knowledge and application of such subject matters as Grammar, History, Rhetoric, Languages, Poetics, Science, Mathematics, Philosophy and Theology, but also men capable of subjecting all knowledge under the light of Theology.[86] In this educational approach Ignatius required faith and reason to work together to produce a man "thoroughly equipped for every good work."[87] Ignatius stated,

> since the end of the Society and of its studies is to aid our fellow men to the knowledge and love of God and to the salvation of their souls; and since the branch of theology is the means most suitable to this end, in the universities of the Society the principal emphasis ought to be put upon it.[88]

The Ignatian model of education fully integrates faith and reason in a rigorous learning process that develops the intellect, heart, body, and soul of each student who prepares for both monastic life and work within society.

One of the greatest American philosophers, George Santayana, discussed an academic environment in the context of faith. Santayana expressed some regret over the lack of (or loss of) traditional faith integration in higher education. In discussing the Calvinist roots of Harvard College, Santayana stated how Harvard's original professors possessed an acute sense of social responsibility "because they were consciously teaching and guiding the community, as if they had been clergymen."[89] His lament continues:

> While the sentiments of most Americans in politics and morals, if a little vague, are very conservative, their democratic instincts, and the force of circumstances, have produced a system of education which anticipates all that the most extreme revolution could bring about; and while no one dreams of forcibly suppressing private property, religion,

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[86] Poston, *supra* note 84, at 151-55. Poston reports that students entered a two year Novitiate where they studied Grammar, Poetics, History, Rhetoric, Latin, Greek, Hebrew, and Arabic along with such works as Cicero, Quintilian, Virgil, Cyprian, Caesar, Sallust, Livy, and Curtius. Monastic vows of poverty, chastity, and obedience followed which in turn were followed by three years of Philosophy and then, four years of Theology. At the end of their fourth year of theology, students reviewed for a full year all that they had learned, re-examining it in light of theology. At the end of that year, suitable candidates were ordained to the priesthood. Once ordained, they entered a three year period where they served as "apprentice teachers" during which time they "re-formulated" knowledge into a "teachable form" so that it would be permanently "sealed" into their minds. *Id.* at 155.

[87] GANSS, *supra* note 85, and *II Timothy* 3:17.

[88] Poston, *supra* note 84, at 154-55 (quoting Ignatius from the Constitutions, IV, ch. 12, n 1).

[89] GEORGE SANTAYANA, CHARACTER AND OPINION IN THE UNITED STATES 43 (1967).

or the family, American education ignores these things, and proceeds as much as possible as if they did not exist.[90]

Furthermore, according to Santayana, any fear of religious dogma is unfounded in both American and University tradition.

> So long as philosophy is the free pursuit of wisdom, it arises wherever men of character and penetration, each with his special experience or hobby, look about them in this world. That philosophers should be professors is an accident, and almost an anomaly. Free reflection about everything is a habit to be imitated. . . .[91]

The tendency to gather and to breed philosophers in universities does not belong to ages of free and humane reflection: it is scholastic and proper to the Middle Ages and Germany. And the reason is not far to seek. When there is a philosophical orthodoxy, and speculation is expected to be a reasoned defense of some funded inspiration, it becomes itself corporate and traditional, and requires centers of teaching, endowment, and propaganda. Fundamental questions have been settled by the church, the government, or the Zeitgeist, and the function of the professor, himself bred in that school, is to transmit its lore to the next generation, with such original touches of insight or eloquence as he may command. To maintain and elucidate such a tradition, all the schools and universities of Christendom were originally found.[92]

A modern American theologian, Charles Colson, describes this fear of religious dogma as a conflict of two different kingdoms, politics and spirituality. "Universities responded by simply changing the goal of education. Where once the object of learning had been the discovery of truth, now each student must be allowed to decide truth for himself. Dogma, not ignorance, became the enemy."[93]

David Hume, an eighteenth century philosopher, exemplified this shift in focus. Skepticism, promoted by the great thinkers of the Enlightenment such as Hume,[94] replaced dogma at any cost. Law,

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[90] *Id.* at 44.

[91] *Id.*

[92] *Id.* at 35-38.

[93] CHARLES COLSON, KINGDOMS IN CONFLICT 213 (1987). Describing the benefits of being a part of the Kingdom, he writes, "the moral standards demanded of the citizen of the Kingdom of God inevitably affect the moral standards of the kingdoms of man. This is not well understood today because of the widespread view that private moral values have no bearing on public conduct. Scripture and history indicate otherwise, as do our own life experiences . . . . Moral values do affect character, and the influence of individual character has an impact on society. Not just with public officials, but in the lives of ordinary citizens." *Id.* at 239.

[94] *See generally* DAVID HUME, ON HUMAN NATURE AND THE UNDERSTANDING (1962), and IMMANUEL KANT, PROLEGOMENA TO ANY FUTURE METAPHYSICS (1977); DAVID HUME, AN ENQUIRY CONCERNING THE PRINCIPLES OF MORALS (1966) (hereinafter ENQUIRY). For example, Hume discusses the general principle of morals in this context: "For if we can be so happy, in the course of this enquiry, as to discover the true origin of morals, it will then

however, is rooted in moral absolutes that do not vacillate with public taste or fashion, contrary to David Hume's writings.[95]

> The moral law is the work of divine Wisdom. Its biblical meaning can be defined as fatherly instruction, God's pedagogy. It prescribes for man the ways, the rules of conduct that lead to the promised beatitude; it proscribes the way of evil which turn him away from God and his love. It is at once firm in its precepts and, in its promises, worthy of love . . . .[96] And furthermore, this is the origin of what we call the rule of law; it stands in stark contrast to modern moral relativism.[97]

Discourses by Descartes and Leibnitz offer postulates based on axioms derived from faith and reason working together to arrive at principles of belief.[98] Even the skeptics conclude that reason enters into moral formation. "One principal foundation of moral praise being supposed to lie in the usefulness of any quality or action, it is evident that reason must enter for a considerable share in all decisions of this kind;"[99]and indeed, many scholars see faith and reason as being mutually dependent.[100] "Both Christians and modernists believe in truth. Postmodernists do not."[101] Postmodern moral relativism, or even amorality, ironically, might have inspired the renewed, yet deeply rooted, human longing for absolute goodness at some point.

We believe this absence of moral absolutes has marked the path and paved the way, for a movement of spiritual faith-based lawyering. "Religious lawyering today has become a full-fledged movement drawing

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easily appear how far either sentiment or reason enters into all determinations of this nature . . . . It is full time they should attempt a like reformation in all moral disquisitions; and reject every system of ethics, however subtle or ingenious, which is not founded on fact and observation." ENQUIRY, *supra* this note, at 6-7.

[95] *Id.* at 92.

[96] CATECHISM, *supra* note 79, at 43.

[97] ENQUIRY, *supra* note 94, at 7. "Without transcendent norms, laws are either established by social elites or are merely bargains struck by competing forces in society."

[98] *See generally* THE RATIONALISTS (1974). In Leibnitz's monodalogy he concludes:

> 38. It is thus that the ultimate reason for things must be a necessary substance in which the detail of the changes shall be present merely potentially, as in the fountain-head, and this substance we call God.
> 39. Now, since this substance is a sufficient reason for all the above mentioned details, which are linked together throughout, *there is but one God, and this God is sufficient.*

Id.

[99] ENQUIRY, *supra* note 94, at 125.

[100] *See* THE INTELLECTUALS SPEAK OUT ABOUT GOD (1984) specifically, Professor Alvin Planting a, "Reason and Belief in God," at 185-201; Peter Kreeft, at 223-29 (discussing C.S. Lewis); Professor William Alston, "From Positivism to Belief in God," at 153-158; and Professor John E. Smith, "The Rationality of Belief in God," at 159-64.

[101] GENE EDWARD VEITH, JR., POSTMODERN TIMES 20 (1994). "Whether modernism or postmodernism will prove the more hospitable to Christianity remains to be seen." *Id.*

upon a sizable and significant body of scholarship, and attracting the attention of a growing number of lawyers and judges."[102] Lawyers have an extraordinary responsibility, and "their work is crucial to determination of truth, administration of justice, and maintenance of peace in our society . . . . Remaking the standard conception of the lawyer's role is the work of the religious lawyering movement."[103] That remaking must begin in law school, where students are (presumably) transformed into lawyers. The Nine Models of Faith Integration encourage that metamorphosis and transformation.

IV. CONCLUSION

Pragmatic techniques integrated into teaching bring about spiritual transformation and deepened character in law students. Religiously affiliated law schools may be in the "reclaiming mode" as one of the conferees suggested. The ABA McCrate Report appears to value the virtues this article wishes to produce: promotion of justice, morality and fairness, assisting lawyers in fulfilling the responsibility to provide legal service to the indigent, and helping the profession pursue its primary resolves.[104] Religious traditions in law schools should not only be respected, they ought to be cherished. Furthermore, the AALS and other academic membership bodies ought to welcome and treasure the diversity among law schools that religious affiliation bears.

Students hunger for what religiously affiliated schools have to offer. Our faith is our greatest asset. By integrating our faith with our teaching, law professors and law schools can dramatically impact our culture through our students.

Academic freedom protects these opportunities. Seizing the moment at hand encourages us to integrate religion, faith, and morality into all of our traditional law school courses. Our society's current hunger for truth, righteousness and moral absolutes offers exciting opportunities for religiously affiliated schools. Academic freedom is necessary to enable these schools to realize their potential and restore truth to academia.

Perhaps Justice Scalia best described our role during his recent visit to Regent University. After an address given to Regent University law students and area lawyers, a student asked Justice Scalia, "What charge do you have for us as future lawyers?" Justice Scalia succinctly replied, "Do good and avoid evil.

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[102] Russell G. Pearce, *Forward: The Religious Lawyering Movement: An Emerging Force In Legal Ethics and Professionalism*, 66 FORDHAM L. REV. 1075 (March, 1998).

[103] *Id.* at 1082.

[104] Smith, *supra* note 69, at 365 (citing Robert McCrate, Report to the American Bar Association). These resolves include justice, public service and professionalism.

To fulfill this mandate it is essential that we train not only our students' intellects, but also their hearts, consciences and souls. What a privilege and opportunity we have to prepare lawyers for this task.