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## Fides Quaerens Iustitiam Socialem: A Jesuit Law School Perspective

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# ***FIDES QUAERENS IUSTITIAM SOCIALEM:*<sup>1</sup> A JESUIT LAW SCHOOL PERSPECTIVE**

*Robert W. Scholla, S.J.\**

## I. INTRODUCTION

In the late evening of March 12, 1977, Oscar Romero, who had become Archbishop of San Salvador only three weeks earlier, joined hundreds of *campesinos* gathered in the parish church of Aquitares to pray by the bodies of their pastor, Rutilio Grande, S.J., and two of his traveling companions, seventy-two year-old Manuel Solorzano and fifteen year-old Nelson Rutilio Lemus.<sup>2</sup> Some hours before, while on their way to celebrate Eucharist in El Paisnal, the three had been murdered by right-wing militia.<sup>3</sup> In the church that night, another Jesuit, Jon Sobrino, witnessed the new archbishop in the midst of the sorrow and anger of his people. Later, Sobrino tried to articulate the real drama—an interior transformation—that seemed to have occurred within Romero on that occasion.

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1. The title for this Essay is adapted from the expression, *fides quaerens intellectum*, which Anselm of Canterbury used in the eleventh century to describe the task of theology as the fundamental human quest for intelligibility and meaningfulness. This search is understood by Anselm as being animated by faith. Moreover, this same quest—this endeavor of faith—unfolds in the human labor for civil rights and social justice.

2. See DOUGLAS MARCOUILLER, *STUDIES IN THE SPIRITUALITY OF JESUITS, ARCHBISHOP WITH AN ATTITUDE: OSCAR ROMERO'S SENTIR CON LA IGLESIA* 22–23 (2003).

3. See *id.* at 22.

I don't know whether I interpret well what passed in those moments through the heart of Monseñor Romero, but I believe that he must have experienced that those *campesinos* had made an option for him, that they were asking him to defend them. And the answer Monseñor Romero gave was to make an option for the *campesinos*, to become their defender, to become the voice of the voiceless.<sup>4</sup>

Two years before the death of Rutilio Grande, S.J., in 1975, the Jesuits concluded their Thirty-Second General Congregation.<sup>5</sup> This assembly of Jesuits from around the world was called together in order to evaluate the state of the Society of Jesus and its service in the Church and world.<sup>6</sup> More specifically, it was hoped that this gathering would give "juridical expression" to the vision of Ignatius Loyola and that this declaration might effect "a conversion of the whole Society."<sup>7</sup> In one of its most notable and challenging documents, Decree 4, entitled: "Our Mission Today: The Service of Faith and the Promotion of Justice," the Thirty-Second General Congregation articulated the desire of Jesuits not only "to promote justice," but also "to enter into solidarity with the voiceless and the powerless."<sup>8</sup> Through this decree the congregation challenged Jesuits worldwide to make a rigorous "political and social analysis" of their particular apostolic settings, and from this analysis, to discern how they would respond to the pastoral and practical needs

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4. *Id.* at 23 (quoting JON SOBRINO, MONSEÑOR ROMERO 17 (4th ed., San Salvador: UCA Editores 1997)).

5. "A general congregation is the highest legislative authority in the Society of Jesus beneath the Pope. Even the superior general [of the Jesuits] is bound by its decrees," and while a general congregation is in session, the general's ordinary governance is limited to administering the meetings. INST. OF JESUIT SOURCES, THE CONSTITUTIONS OF THE SOCIETY OF JESUS 294 n.1 (George E. Ganss trans., 1970) [hereinafter CONSTITUTIONS]. This historic assembly of Jesuits was the thirty-second such gathering since the foundation of the Society in 1540. Two hundred and thirty-six Jesuits participated in this congregation which took place in Rome from December 2, 1974 until March 7, 1975. See INST. OF JESUIT SOURCES, DOCUMENTS OF THE THIRTY-FIRST AND THIRTY-SECOND GENERAL CONGREGATIONS OF THE SOCIETY OF JESUS 348-92, 557 (Jesuit Conference trans., John W. Padberg ed., 1977) [hereinafter GC 32].

6. GC 32, *supra* note 5, at 345-46.

7. *Id.* at 346.

8. *Id.* para. 42, at 426.

of their people.<sup>9</sup> Profoundly aware of the struggles of humankind, and particularly conscious of Jesuit history, the congregation also acknowledged that “[a]ny effort to promote justice will cost us something,” but that a “cheerful readiness to pay the price will make our preaching of the Gospel more meaningful and its acceptance easier.”<sup>10</sup>

As the El Salvadoran war escalated, Archbishop Romero himself was assassinated as he celebrated evening Mass on March 24, 1980.<sup>11</sup> Nine years later, on November 16, 1989, six more Jesuits were killed together with their housekeeper, Elba Ramos, and her sixteen year-old daughter, Celina.<sup>12</sup> What can be learned from the deaths of these Jesuits and from those who shared in their spirituality and participated in their daily life and labor? Can these deaths shed any light on the Jesuit commitment to social justice? Specifically, what particular indicia might be identified as distinctive to the Society of Jesus’ labor for justice?

9. *Id.* para. 44, at 426–27.

10. *Id.* para. 46, at 427.

11. See MARCOULLER, *supra* note 2, at 17–18. Because of his support of the Jesuits, Romero was accused of being manipulated by them. Romero studied under the Jesuits at the Gregorian University in Rome, and his pastoral and personal itinerary were profoundly shaped by the Spiritual Exercises of Ignatius Loyola. See *id.* at 2. In 1980, shortly before his assassination, Romero spent four days engaged in *Spiritual Exercises*. His prayer attended to *Spiritual Exercises* [95–98], in which he meditated on the reign of God and the call of Christ, and strove to discern God’s way through the pastoral and political pain before him. See *id.* at 17; *The Spiritual Exercises, in* IGNATIUS OF LOYOLA: THE SPIRITUAL EXERCISES AND SELECTED WORKS 113, paras. 95–98, at 147 (George E. Ganss ed. & trans., 1991) [hereinafter LOYOLA SELECTED WORKS]. The resolve arrived at from his prayer can be heard in the following:

I entrust to [Christ’s] loving providence all my life and I accept with faith in him my death, no matter how difficult it be . . . . To be happy and unafraid, it is enough to know surely that in him are my life and my death, that, in spite of my sins, in him I have put my trust and I shall not be put to shame, and others will carry on with greater wisdom and holiness the works of the church and of the nation.

MARCOULLER, *supra* note 2, at 17.

12. INTER-AM. COMM’N ON HUMAN RIGHTS, ORG. OF AM. STATES ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS 1989–1990: EL SALVADOR, at <http://www.cidh.oas.org/annualrep/89.90eng/chap4b.htm> (May 17, 1990). The Jesuits killed were: Ignacio Martín Baró, S.J., Ignacio Ellacuría, S.J., Joaquín López y López, S.J., Segundo Montes Mozo, S.J., Juan Ramón Moreno, S.J., and Amando López, S.J. *Id.*

Three distinct elements in this labor will be described in this Essay. The first emerges from the conversion experience and spiritual doctrine of Ignatius Loyola, and is characterized by a personal and communal habit of ongoing conversion. This Essay will specifically consider the Jesuit commitment to social transformation as it is shaped by Ignatius' *Spiritual Exercises*, and as it animates Jesuit education. The second essential characteristic of the Society of Jesus' work for social justice is manifest in the Jesuits' solidarity with the poor. The call to care for the poor, the disenfranchised, and the powerless finds its roots deep within the traditions of Judaism and Christianity, and this care is meant to be emblematic of Jesuit service. The commitment to dialogue is the third element of the Jesuit labor for social justice. From the sixteenth century to the present day, Jesuits have passionately involved themselves in the cultural and religious traditions of the peoples with whom they work. Throughout its history, the desire to listen and to learn from others has enlivened the Society of Jesus as well as its institutions.

This Essay will attempt to identify a continuity between the contemporary Jesuit commitment to social justice and the initial labors of the Society of Jesus four and a half centuries ago. It is hoped that an examination of the three elements will be helpful not only in clarifying what constitutes the Jesuit labor for social justice, but also in shedding some light on important aspects of the mission and identity of Jesuit institutions of higher education. Finally, the conclusion of this Essay will strive to reach beyond the spiritual and apostolic interests of Jesuits and modestly contribute to the conversation about social justice that can occur within Jesuit law schools.

## II. ONGOING CONVERSION AND THE PROMOTION OF JUSTICE

From the beginning of their educational endeavors in 1548, the Jesuits embraced the optimism of Renaissance humanism that counted on "the power of education to form or reform the *mores* of individuals and entire societies."<sup>13</sup> The contours of Jesuit education and the Jesuits' labor for social transformation emerge from the life-altering experiences of Ignatius Loyola. In his autobiography,

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13. JOHN W. O'MALLEY, *THE FIRST JESUITS* 210 (1993).

Ignatius recounts seventeen “pilgrim” years which began abruptly in 1521 with the battle of Pamplona and ended in 1538 with his arrival in Rome.<sup>14</sup> In dictating this work, he seems to have had no intention of offering a complete description of his life struggles or accomplishments. Rather, Ignatius describes how God directed and shaped his life-transforming pilgrimage.<sup>15</sup>

Born Iñigo López de Loyola, the early career of this thirteenth and last child of a Castilian-speaking Basque family was that of a courtier and caballero.<sup>16</sup> From 1507 to 1517, he served in the household of the royal treasurer, Juan Velazquez de Cuellar.<sup>17</sup> In 1517, “with a great and foolish desire to win fame,”<sup>18</sup> he entered military service under the Duke of Nájara, Viceroy of Navarre, and became a soldier in the army of Charles V, the Holy Roman Emperor who had recently succeeded to the throne of his grandfather, Ferdinand, King of Spain.<sup>19</sup> While the French victory at Pamplona on May 20, 1521 had little lasting military import, the injuries that Iñigo incurred during that battle and his subsequent recuperation at his ancestral home of Loyola bore lasting significance.<sup>20</sup> During these months, Iñigo began to experience an interior conversion which

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14. See *The Autobiography*, in LOYOLA SELECTED WORKS, *supra* note 11, at 68–111. . . Saint Ignatius reluctantly dictated his autobiography, contained in this book, to Luis Gonçalves de Câmara, who had an excellent memory, and who tried to preserve Ignatius’ own words and expressions. See *id.* at 67–68. In this autobiography, Ignatius speaks of himself in the third person and often refers to himself as “the pilgrim.” *Id.* paras. 94, 96, at 108–09. The theme of “pilgrimage plays an important role in most of the world’s religions.” Peter W. Mason, *Pilgrimage to Religious Shrines: An Essential Element in the Human Right to Freedom of Thought, Conscience, and Religion*, 25 CASE W. RES. J. INT’L L. 619, 638 (1993). As part of the initial probation, a candidate for the Society of Jesus is challenged to make a pilgrimage, so that “through abandoning all the reliance which he could have in money or other created things, [he] may with genuine faith and intense love place his reliance entirely in his Creator and Lord.” CONSTITUTIONS, *supra* note 5, para. 67, at 97.

15. See LOYOLA SELECTED WORKS, *supra* note 11, at 28–29, 58.

16. *Id.* at 13–14.

17. See *id.* at 14.

18. *The Autobiography*, *supra* note 14, para. 1, at 68.

19. See LOYOLA SELECTED WORKS, *supra* note 11, at 13–14; WILLIAM V. BANGERT, A HISTORY OF THE SOCIETY OF JESUS 4 (1972).

20. *The Autobiography*, *supra* note 14, paras. 1–9, at 68–71.

left him with the strong desire "to go to Jerusalem as soon as he recovered."<sup>21</sup>

In late February of 1522, Iñigo began his pilgrimage by paying homage to the Black Madonna at the Benedictine monastery of Montserrat in Catalonia.<sup>22</sup> After some days of prayer at this shrine, however, he broke off his journey and retired to the hill country outside of the town of Manresa.<sup>23</sup> There he began a prolonged period of prayer, fasting, and doing penance.<sup>24</sup> The next eleven months were decisive for Iñigo's conversion and would radically alter the life and labor of "the pilgrim." From a vantage point of more than thirty years, as he directed a new religious community in a multitude of apostolic labors, he recalled these months of inner struggle and spiritual instruction at Manresa, and told how "God treated him at this time just as a schoolmaster treats a child whom he is teaching."<sup>25</sup>

Fifteen years would pass from the pilgrim's departure from Manresa to his arrival in Rome, years that included a journey to Jerusalem and a program of rigorous studies in the universities in Alcalá, Salamanca, and Paris.<sup>26</sup> However, it was his eleven months at Manresa that formed Ignatius Loyola and fashioned his spiritual doctrine and apostolic project for the world. His months at Manresa taught him many things. Through his experience of interior struggle with times of desolation as well as blessing, Ignatius came to understand God's intimate labor in his life, and how God desired to instruct and to give to each person according to his or her particular needs, "since God our Lord knows our nature infinitely better than we do."<sup>27</sup> He also learned that "what fills and satisfies the soul consists, not in knowing much, but in our understanding the realities

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21. *Id.* This desire was embraced by Ignatius' first companions and made explicit in their vows, which they pronounced at Montmartre on August 15, 1534, when they promised to go to Jerusalem and, once there, to "spend their lives for the good of souls." *Id.* para. 85, at 104.

22. *Id.* paras. 13-18, at 73-75.

23. *Id.* para. 18, at 75.

24. *See id.* paras. 19-37, at 76-83.

25. *Id.* para. 27, at 79.

26. *See id.* paras. 38-97, at 83-109. In order to be free from the continual investigations of the Inquisition, Iñigo left Spain for the University of Paris in early 1528. *Id.* paras. 58-72, at 92-99. It was during the course of his studies in Paris that he adopted the name Ignatius. *See BANGERT, supra* note 19, at 3.

27. *The Autobiography, supra* note 14, para. 89, at 145.

profoundly and in savoring them interiorly.”<sup>28</sup> It is from Ignatius’ experience of conversion—of interior transformation—that the multiplicity of works that Jesuits have undertaken finds its origin.

.An enduring result of Ignatius’ time at Manresa is his text of *Spiritual Exercises*.<sup>29</sup> As anyone who has ever picked up the *Spiritual Exercises* will attest, it is not a book to be read, but to be experienced. This collection of meditations and exercises in contemplation was arranged by Ignatius into a director’s manual that assists a person to accompany another through a time of intense prayer and personal discernment, resulting in a renewed commitment to serve God and neighbor.

Through structured prayer and rigorous self-examination, Ignatius’ *Spiritual Exercises* offers a means by which individuals—with the grace of God—might “overcome themselves” and live life in greater freedom, without making decisions under the influence of unacknowledged attachments.<sup>30</sup> In an age when people showed their heroism in battle and through new world conquest, Ignatius identified a more critical battlefield on which life’s struggles occur daily.<sup>31</sup> Through *Spiritual Exercises*, a person contends with his or her inner conflicts and confronts those attractions that influence everyday choices as well as life-defining decisions.<sup>32</sup> In doing this, the individual begins a conversion to reform and to amend his or her life and profession, in order to participate more freely in the life and labor of God and the tasks of social transformation.<sup>33</sup>

Conversion commonly refers to a change in religious observance. However, in its truest sense, conversion urges a person beyond religious practice. Bernard Lonergan, S.J. identifies conversion as “an ongoing process, at once personal, communal, and

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28. *Id.* para. 2, at 121.

29. *See The Spiritual Exercises*, *supra* note 11, at 113–214.

30. *Id.* para. 21, at 129, para. 23, at 130.

31. *See id.* paras. 136–48, at 154–56.

32. *See* LOYOLA SELECTED WORKS, *supra* note 11, at 389–90.

33. *See The Spiritual Exercises*, *supra* note 11, para. 189, at 165 (articulating this interior transformation is articulated as “to improve and reform his or her life and state, by setting before them the purpose of each one’s creation, life, and state of life: the glory and praise of God our Lord and the salvation of their own soul.”)



historical.”<sup>34</sup> Living religion is “conversion in its preparation, in its occurrence, in its development, [and] in its consequents,” as well as “in its incompleteness, its failures, its breakdowns, [and] its disintegration.”<sup>35</sup> Conversion is “not merely a change or even a development; rather, it is a radical transformation upon which follows, on all levels of living, an interlocked series of changes and developments.”<sup>36</sup> Consequently, “[a] changed relation to God brings or follows changes that are personal, social, moral, and intellectual.”<sup>37</sup> Therefore, while spiritual renewal is an aspect of this change, genuine conversion reaches down to the very roots of a person. It shapes one’s dreams, choices, and work. Conversion touches the inventive, affective, moral, and socio-political dimensions of a person that are interwoven into the fabric and rhythm of daily life. It involves a foundational transformation by which an individual comes to fresh insight into self and the urgencies of the world.

Through the pedagogy of *Spiritual Exercises*, people become acquainted with methods for the “[d]iscernment of [s]pirits,” and establish habits of discernment by which they may discover for themselves where God may be calling them and what God may be asking of them.<sup>38</sup> Ignatian spirituality is a spirituality realized in the world. Its goal is to form persons who possess habits of prayer and reflection which enable them to enter more deeply into their own humanity with its gifts as well as its ambiguities.<sup>39</sup> Rather than calling one away from the world, Ignatian spirituality challenges a person to participate more fully in the struggles of humanity and the possibilities for social change.<sup>40</sup> Through prayer, an individual comes to attend to the presence of God.<sup>41</sup> However, in the words of

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34. Bernard Lonergan, *Theology in its New Context*, in RENEWAL OF RELIGIOUS THOUGHT 34, 45 (L.K. Shook ed., 1968).

35. *Id.*

36. *Id.* at 44.

37. *Id.*

38. See *The Spiritual Exercises*, *supra* note 11, paras. 313–36, at 201–07. In an age before the advent of modern psychology, Ignatius’ approach to the inner life demonstrates insight and practicality. In his *Spiritual Exercises*, Ignatius offers two sets of rules for the “[d]iscernment of [s]pirits.” See *id.*

39. See *id.*

40. See *id.*

41. See *id.*

the Thirty-Second General Congregation, a person is invited through *Spiritual Exercises* to take “a constructive part in the reform of social and cultural structures.”<sup>42</sup>

Throughout the history of the Society of Jesus, the *Spiritual Exercises* have provided the foundation for a Jesuit’s vision of, and engagement in, the world.<sup>43</sup> Consequently, one would expect to find its influence in the program for studies—the *Ratio Studiorum*—that the Society of Jesus formulated for its schools in 1599.<sup>44</sup> However, while “the *Ratio* shows tremendous respect for secular principles and procedures,” Joseph Tetlow, S.J., observes that it “offers no religious

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42. GC 32, *supra* note 5, para. 58 at 431.

43. See generally O’MALLEY, *supra* note 13 (describing the *Spiritual Exercises* as setting the pattern and goals of all the ministeries in which the Society of Jesuits engaged).

44. ALLAN P. FARRELL, THE JESUIT CODE OF LIBERAL EDUCATION: DEVELOPMENT AND SCOPE OF THE RATIO STUDIORUM [sic] 314–37 (1938). The following reflection on aims and methodology of the *Ratio Studiorum* comes from Luis Martín, S.J., superior general of the Society of Jesus in the late nineteenth century. When Martín speaks of “human faculties,” he is referring to memory, intellect, and will. This address was given on January 1, 1893, to the Jesuit scholastics at Exaaten in Holland.

Some have thought that though formerly the *Ratio Studiorum* was of value, it is so no longer. A statement of this sort, in my opinion, betrays a lack of understanding of the *Ratio* by taking account only of its curricular regulations and not of its spirit. It is true that today [sic] we are not free as regards courses; their content is prescribed for us. But we are still free as regards the spirit and method of our teaching. And therein is the *Ratio* distinctive rather than in its curriculum. In what does the distinction consist? In many individual elements, of which two only can be touched upon here: first, that activity be demanded of the students, and secondly, that insistence be placed on the genuine formation of the human faculties rather than on the amassing and learning of facts. The mere acquisition of knowledge is not enough; our special obligation is to develop the natural talents. Though knowledge itself is a gain, nevertheless the highest achievement of education is this moulding and developing of talent. For the whole value, fruit and object of study lies in the cultivation of all the faculties, which will then be fitted for every phase of life and activity.

*Id.* at 402; see also THE JESUIT RATIO STUDIORUM: 400TH ANNIVERSARY PERSPECTIVES (Vincent J. Duminuco ed., 2000) (providing a contemporary discussion on the *Ratio Studiorum*).

or spiritual rationale, no philosophy of education.”<sup>45</sup> How might this be explained?

In engaging the work of education, Jesuits were confident in the place that reason has in a life of faith. Critical thinking has always been integral to their pedagogy. In fact, it has been central in Jesuit education for students to think—or, more accurately, to argue—their way to personal and societal convictions.<sup>46</sup> Jesuit education has made an effort to integrate the academic and religious formation of its students—a task that has always been difficult and that remains so today.<sup>47</sup> Nonetheless, I would argue that the *raison d'être* of Jesuit education has not been indoctrination, but formation—that is, forming within the students a habit of ongoing, multi-leveled conversion.

Just as *Spiritual Exercises* elicits conversion on various levels—inventive, affective, moral, religious, and socio-political—so too an academic conversion invites the whole person to fresh insights into self, society, and the world. In striving to effect an academic conversion, the educational program of the Jesuits not only forms an intellectual habit of rigorous questioning, but sparks a desire within the students for personal and societal improvement.<sup>48</sup> For this

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45. Joseph A. Tetlow, *Intellectual Conversion: Jesuit Spirituality and the American University*, in *SPIRIT, STYLE, STORY: ESSAYS HONORING JOHN W. PADBERG*, S.J. 93, 96 (Thomas M. Lucas ed., 2002).

46. Similar to the education that he received at the University of Paris, Ignatius wanted students not only “to hear capable lecturers,” but also “to debate and discuss the matter in small ‘circles.’ They were also to write, practice stylistic excellence, deliver declamations and speeches, and engage in public disputations.” GEORGE E. GANSS, *SAINT IGNATIUS’ IDEA OF A JESUIT UNIVERSITY: A STUDY IN THE HISTORY OF CATHOLIC EDUCATION* 187 (1954).

The pedagogical methods, which were applied in those first Jesuit schools, find a strong parallel in the commitment to Socratic method and energetic argumentation which are so central to legal education and the culture of law school. See O’MALLEY, *supra* note 13, at 215–27.

47. See David J. O’Brien, *Conversations on Jesuit (and Catholic?) Higher Educ.: Jesuit Sì, Catholic . . . Not So Sure*, in 6 *CONVERSATIONS ON JESUIT HIGHER EDUCATION* 4, 9–10 (1994) (arguing that Catholic education “aims at graduating persons who have made their religious and moral commitments intelligible”).

48. Imbued with the spirit of emulation, Jesuit education has always rewarded students who surpassed mediocrity and who defended their ground with erudition and facility, and, in doing so, demonstrated themselves as qualified to profess the material that had been studied. In 1548–1551, at the first Jesuit school in Messina, we hear that “one part of the class [was] pitted

reason, Jesuit education involves an appropriation of knowledge, undertakes an evaluation of the personal and social ramifications of the content that is learned, and discerns new ways for this content to be put into action.<sup>49</sup>

Renaissance historian John O'Malley, S.J., observes that, "like their contemporaries,"<sup>50</sup> the first Jesuits were convinced "that humanistic studies formed upright character, *pietas*."<sup>51</sup> *Pietas* might best be defined as a political virtue that emerges from relational

against the other, and sometimes the majority of the pupils against one or two. Nor was this done on a rare occasion, but daily. . . ." FARRELL, *supra* note 44, at 291.

49. While committed to inventive excellence, the framers of the *Ratio Studiorum* understood academic development to be incomplete and dangerous unless the will was informed by and strengthened in the good. Consequently, Jesuit education always strove to engage the mind and spirit, and to educate the whole person. It was never the goal of Jesuit education merely to produce learned individuals, but to form persons of virtue and character. See Howard Gray, *Soul Education: An Ignatian Priority*, in SPIRIT, STYLE, STORY: ESSAYS HONORING JOHN W. PADBERG, S.J., *supra* note 45, at 117.

50. O'MALLEY, *supra* note 13, at 212. A common ground for pedagogy in the sixteenth century is found in the work of the Roman rhetorician, Quintilian. Between 1470 and 1539, forty-three versions of Quintilian's *Institutio Oratoria* were produced. Theral Mackey, *Quintilian*, at <http://www.lcc.gatech.edu/gallery/rhetoric/figures/quintilian.html> (last visited Mar. 28, 2004). Farrell observes that while the early Jesuits "drew ideas from the Roman schoolmaster," they attributed their "teaching methods and organization" to the University of Paris. FARRELL, *supra* note 44, at 358-59.

Following in the rhetorical tradition of Cicero, Quintilian strove to form the *vir vere civilis* who were to serve such public virtues as defending the truth, protecting the innocent, and deterring criminal activity. See QUINTILIAN ON EDUCATION 114 (William M. Smail trans., 1938). In his *Institutio Oratoria*, Quintilian identifies the qualities of an orator, stating that he must be:

a good man and such a man cannot be conceived without moral excellence; moral excellence, though it derives certain impulses from nature, must yet be perfected by training. Before all else the orator must in his studies cultivate morality, and he must deal with all subjects that touch upon the honourable and the just, for without these no one can be either a good man or skilled in speaking.

*Id.* at 120.

51. O'MALLEY, *supra* note 13, at 212. O'Malley distinguishes *Christianitas* from *pietas*: *Christianitas* refers to an understanding imparted to students by way of catechesis, while *pietas* refers to the impact of the entire curriculum upon a student's behavior and world-view. See *id.*

loyalty and that fosters human solidarity and social justice.<sup>52</sup> The labor of *pietas*, like that of social justice, is realized in undertaking the obligations of a citizen to create social patterns and structures that foster mutuality and the participation by all citizens in the life of society.<sup>53</sup> In contrast to a perception of society as oppressive or forsaken, where the individual must stand over and against societal structures and institutions, Catholic tradition perceives community not only as necessary, but—inasmuch as human relationships recognize the fundamental dignity of persons and encourage mutual accord—as bearing similitude to the union of divine persons.<sup>54</sup> Moreover, well-ordered human relations that foster life and promote the common good disclose human aspiration for divine beatitude. Consequently, Jesuit education aspires to form persons by way of ongoing conversion to *pietas*. While all learning places rigorous demands on students, Jesuit education strives to move students beyond self-concern and self-interest, and to form within them a habit of *acting-for-others*,<sup>55</sup> for there can be “no genuine conversion to the love of God without conversion to the love of neighbor and, therefore, to the demands of justice.”<sup>56</sup>

### III. A PREFERENTIAL OPTION FOR THE POOR

In undertaking “the service of God” and selecting their apostolic works, the Jesuits often serve the powerful who could influence and change society.<sup>57</sup> At the same time, Jesuits have dedicated

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52. See CHARLTON T. LEWIS, A LATIN DICTIONARY FOUNDED ON ANDREWS' EDITION OF FREUND'S LATIN DICTIONARY 1374–75 (impression 1998) (1879).

53. See *id.*

54. See U.S. CATHOLIC CONFERENCE, CATECHISM OF THE CATHOLIC CHURCH 459 (1994).

55. “A Jesuit university must be outstanding in its human, social, spiritual, and moral formation, as well as for its pastoral attention to its students and to the different groups of people who work in it or are related to it.” INST. OF JESUIT SOURCES, DOCUMENTS OF THE THIRTY-FOURTH GENERAL CONGREGATIONS OF THE SOCIETY OF JESUS para. 11, at 193 (John L. McCarthy ed., 1995) [hereinafter GC 34].

56. GC 32, *supra* note 5, para. 28, at 421.

57. The *Constitutions of the Society of Jesus* recommend that special attention be given to working with “important and public persons,” whether they are “laymen such as princes, lords, magistrates, or ministers of justice,” or are “clerics such as prelates.” CONSTITUTIONS, *supra* note 5, para. 622(e), at 275. This option for the powerful was influenced by a confidence that, in

themselves from the beginning to “reconciling the estranged, in [compassionately] assisting and serving those who are found in prisons or hospitals, and indeed in performing any other works of charity, according to what will seem expedient for the glory of God and the common good.”<sup>58</sup> Jerónimo Nadal, S.J., one of the first generation of Jesuits and principal interpreter of the CONSTITUTIONS OF THE SOCIETY OF JESUS, describes the vocation of the Society as serving “those souls for whom either there is nobody to care or, if somebody ought to care, the care is negligent. This is the reason for the founding of the Society. This is its strength. This is its dignity in the Church.”<sup>59</sup> Therefore, the apostolic work of the Society of Jesus has always had a double-perspective: at once serving the powerful who could effect and shape society, while at the same time laboring with the poor and powerless.

In choosing to work with those in the best position to effect social transformation, the Jesuits demonstrated their desire to enhance the common good. In his recent work, *THE COMMON GOOD AND CHRISTIAN ETHICS*, David Hollenbach, S.J., observes that “Ignatius Loyola’s vision of the common good was extraordinarily expansive in scope.”<sup>60</sup> Beyond the city-state of Aristotle’s Greece, or the medieval dominion of Aquinas’ Europe, “Ignatius saw the common good as the good of the whole of humanity, extending to the ends of the earth.”<sup>61</sup> In the CONSTITUTIONS OF THE SOCIETY OF JESUS, Ignatius declared that “the more universal the good is, the more is it divine.”<sup>62</sup> In undertaking their global mission, the Jesuits were challenged from the earliest days to move across cultural and

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offering spiritual and moral improvement to secular and religious leaders, they would “become a cause which can spread the good accomplished to many others who are under their influence or take guidance from them.” *Id.* para. 622(d), at 275.

In adopting this stance, the Society of Jesus accepted the notion that the ruling elite stand for social order and stability. O’Malley observes that this decision often led the Jesuits to form alliances which “in the short or long run compromise them.” O’MALLEY, *supra* note 13, at 72.

58. CONSTITUTIONS, *supra* note 5, para. 3, at 67.

59. O’MALLEY, *supra* note 13, at 73 (quoting JERÓNIMO NADAL, *ORATIONIS OBSERVATIONES* para. 316 (Miguel Nicolau ed., 1964)).

60. DAVID HOLLENBACH, *THE COMMON GOOD AND CHRISTIAN ETHICS* 5 (2002).

61. *Id.* at 5–6.

62. CONSTITUTIONS, *supra* note 5, para. 622(d), at 275.

religious boundaries.<sup>63</sup> While their dramatic endeavors in the Far East and in South America are noteworthy, Jesuit dedication to the poor must not be overlooked.

This Jesuit dedication was renewed in response to the Second Vatican Council,<sup>64</sup> and more specifically to the 1971 Synod of

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63. See generally JONATHAN D. SPENCE, *THE MEMORY PALACE OF MATTEO RICCI* (1984) (chronicling the efforts of Matteo Ricci to bring the Jesuit order to China); PHILIP CARAMAN, *THE LOST PARADISE: THE JESUIT REPUBLIC IN SOUTH AMERICA* (1976) (providing a study of the Jesuit State of Paraguay). In the decades which followed its founding in 1540, the Society of Jesus revealed itself to be a new intellectual and spiritual force in the world. BANGERT, *supra* note 19, at 46, 96. During this period, two significant ministries claimed its attention: schools and foreign missions. *Id.* at 96. By 1580, nearly 5,000 Jesuits ran 144 colleges and numerous missions which stretched around the globe from Europe to Japan, and wound their way through the East Indies, Africa, and Latin America. *Id.* at 46.

Whether engaging scholars in China or aboriginal peoples in the new world, the Jesuits were challenged to accommodate their life and labor to diverse cultures and foreign customs. Moreover, their work of evangelization was not restricted to religious conversion and indoctrination. See *id.* at 55–96 (discussing the work of the early Jesuits in Italy, Spain, Portugal, France, Germany and Central Europe, Poland, England, the New and Far East, Brazil and Spanish America, and Africa). Usually the Jesuit proclamation of Gospel took place alongside an intellectual and cultural exchange, which could involve astronomy, mathematics, science, music, and the arts. See DOUGLAS LETSON & MICHAEL HIGGINS, *THE JESUIT MYSTIQUE* 32 (1995). Thus, from their earliest decades the way of the Jesuits was set: they would draw energy and insight from the cultures and peoples with whom they labored, while their fortunes were dependent upon the political and social structures in which they lived and worked. See O'MALLEY, *supra* note 13, at 72–73, 76–79. This latter aspect augured future crisis and pain.

64. From a Church that seemed to have changed little since the Council of Trent (1545–1563) and to have been so silent before the horror inflicted upon humanity two decades earlier, the Second Vatican Council (1962–1965) proclaimed faith as shedding “a new light on all things.” Vatican II, *Gaudium et Spes, Pastoral Constitution on the Church in the Modern World* [hereinafter *GS*], in VATICAN II: THE CONCILIAL AND POST CONCILIAL DOCUMENTS 903 para. 11, at 912 (Austin Flannery ed., 1987). Yet, while the Church desired to be a leaven within human societies, its own institutions cried out for *aggiornamento*—for “bringing-up-to-date” and for “incarnating the Gospel” in the contemporary world. *GC* 32, *supra* note 5, para. 56, at 430.

In undertaking this apostolic *aggiornamento*, the Council called the Church to share in the struggles of peoples and “to be loving and just especially towards those in need.” *GS, supra*, para. 21, at 921. Furthermore, rather than promising an otherworldly resolve to this world’s problems, the Council challenged the faithful to seek solutions which were “fully human” and proclaimed that our “expectancy of a new earth should spur us on, for it is

Roman Catholic Bishops. In the Synod's momentous document, *Justice in the World*, the Bishops declared that "[a]ction on behalf of justice and participation in the transformation of the world" are constitutive of proclaiming the Gospel and intrinsic to "the Church's mission."<sup>65</sup>

Six years after the close of the Second Vatican Council, the 1971 Synod addressed the economic and socio-political crises of the world, where "a network of domination, oppression and abuses" restricts human development and keeps "the greater part of humanity from sharing in the building up and enjoyment of a more just and more fraternal world."<sup>66</sup> Through the work of this Synod, the bishops strove to articulate the complex global injustices that "give rise to great numbers of 'marginal' persons, ill-fed, inhumanly housed, illiterate and deprived of political power as well as of the suitable means of acquiring responsibility and moral dignity."<sup>67</sup> In undertaking this formidable task, the bishops tried to identify foundational Christian principles for social justice, by which a greater mutuality and respect among persons might be established, and through which existing social systems and possible models for change might be evaluated.<sup>68</sup> In dynamic ways the Synod of 1971 called the entire Church to a profound conversion and a pursuit for justice that was to be rooted in solidarity with all people, especially the poor.

Four years later, the Jesuit's Thirty-Second General Congregation responded to the challenges of the 1971 Synod and acknowledged the painful truth that, while it was seemingly "within human power to make the world more just," forces within humanity lead "to division rather than union, to alienation rather than communication, to oppression and domination rather than to a greater respect for the rights of individuals or of groups."<sup>69</sup> However, while the Jesuits identified the "cult of money, progress,

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here that the body of a new human family grows, foreshadowing in some way the age which is to come." *Id.* para. 11, at 912, para. 39, at 938.

65. Synod of Bishops, *Convenientes ex universo, Justice in the World* [hereinafter *Justice in the World*], in VATICAN COUNCIL II: MORE POSTCONCILIAR DOCUMENTS 695, 696 (Austin Flannery ed., 1982).

66. *Id.* at 695.

67. *Id.* at 697.

68. *See id.*

69. GC 32, *supra* note 5, para. 27, at 420-21.



prestige and power” as elements of institutionalized injustice,<sup>70</sup> they did not exonerate themselves from the causes of injustice. Instead, the Jesuits acknowledged that they themselves shared “in the blindness and injustice of our age,” and that they too were “in need of being evangelized.”<sup>71</sup> The congregation conceded that the Jesuits could “no longer pretend that the inequalities and injustices of our world must be borne as part of the inevitable order of things.”<sup>72</sup>

As a matter of urgency, the Thirty-Second General Congregation called the Jesuits, as a worldwide body, to recommit themselves to the labor for justice as integral to, and as an “absolute requirement”<sup>73</sup> for, their life of faith.<sup>74</sup> They were not to undertake the promotion of justice merely as “one apostolic area among others,” but were to embrace it as the central concern of their entire lives and an essential aspect of all their apostolic endeavors.<sup>75</sup> Thus, the Thirty-Second General Congregation called Jesuits “to walk with the poor,” and to learn from them.<sup>76</sup> Yet, how this commitment to journey with the poor is to be realized—both individually and as a

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70. *Id.* para. 29, at 422.

71. *Id.* para. 23, at 418.

72. *Id.* para. 27, at 421.

73. *Id.* para. 2, at 411.

74. The Thirty-Second General Congregation described the “mission of the Society” as being in:

the priestly service of the faith, an apostolate whose aim is to help people become more open toward God and more willing to live according to the demands of the Gospel. The Gospel demands a life freed from egoism and self-seeking, from all attempts to seek one’s own advantage and from every form of exploitation of one’s neighbor. It demands a life in which the justice of the Gospel shines out in a willingness not only to recognize and respect the rights of all, especially the poor and the powerless, but also to work actively to secure those rights. It demands an openness and generosity to anyone in need, even a stranger or an enemy. It demands towards those who have injured us, pardon; toward those with whom we are at odds, a spirit of reconciliation. We do not acquire this attitude of mind by our own efforts alone. It is the fruit of the Spirit who transforms our hearts and fills them with the power of God’s mercy, that mercy whereby he most fully shows forth His justice by drawing us, unjust as we are, to His friendship. It is by this that we know that the promotion of justice is an integral part of the priestly service of the faith.

*Id.* para. 18, at 416 (citation omitted).

75. *Id.* para. 47, at 427.

76. *Id.* para. 50, at 428.

society—continues to be not only a matter for reflection, discussion, and exploration,<sup>77</sup> but a challenge for the Society of Jesus and for its apostolic institutions.

The call to care for the poor and the powerless is essential to the Gospel and to the experience of God as conveyed through Catholic traditions.<sup>78</sup> Three points underscore the importance of this choice—this preferential option—to care for victims of injustice. First, the Scriptures themselves do not address injustice in abstract terms nor discuss it as an ethical or moral problem. The Scriptures present injustice as something that is real. Injustice is disclosed as a social cancer that brings chaos to human relations and to the distribution of our earth's goods.<sup>79</sup> Thus, the Scriptures convey the painful reality of the poor and forgotten, and proclaim what it means to act justly.

Second, in the Scriptures, the care or lack of care given to the poor, the widows, the orphans, and the aliens discloses the truth about societal relations and a community's dedication to justice.<sup>80</sup> In religious terms, when God's little ones are exploited or forgotten, there can be neither true worship nor true knowledge of God. In secular terms, attention to the care or lack of care for the poor and disenfranchised reveals a multitude of social, political, and economic truths that would otherwise be ignored. By attending to the poor—acknowledging the disparity between haves and have-nots, the profound crisis in medical care and social services, and the exploitation of undocumented workers—the deeper truths of society are laid bare. For this reason, in both Jewish and Christian traditions,

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77. The Second Vatican Council observed that “social order requires constant improvement: it must be founded in truth, built on justice, and enlivened by love: it should grow in freedom towards a more humane equilibrium. If these objectives are to be attained there will first have to be a renewal of attitudes and far-reaching social changes.” *GS, supra* note 64, para. 26, at 927 (citation omitted). However, social reform and renewal will not come about through our human labor alone, but will be realized through the “Spirit of God, who, with wondrous providence, directs the course of time and renews the face of the earth.” *Id.*

78. Through the Spiritual Exercises, a person is invited to accept—or merely to have the desire to accept—genuine poverty as a way of living aligned with Jesus. See *The Spiritual Exercises, supra* note 11, para. 98, at 147, para. 116, at 150, paras. 146–47, at 155–56.

79. See, e.g., *Leviticus* 19:11–18.

80. See, e.g., *Deuteronomy* 10:12–22.

the poor become a source of social revelation, in that they expose the blindness, failures, and abuses of the urban, national, and international community.<sup>81</sup> Thus, the poor must become an object of attention and care, not only from God and the faithful, but from all who are committed to social reform and human development.

Third, when human justice fails, God's justice endures. In the Scriptures, when people forget their foundational relationships with God and with one another, divine justice discloses the crisis. Not only does God call people to conversion, but it is God who actively restores the harmony and intervenes on their behalf, by forgiving them for their offenses and saving them from bondage.<sup>82</sup> Therefore, since God is revealed as actively working to secure the rights and goods of the poor and the oppressed, the Jesuit promotion of justice is not undertaken merely to create social harmony. Rather, it is

81. See HOLLENBACH, *supra* note 60, at 3–17; David G. Dalin, *Judaism's War on Poverty*, J. AM. CITIZENSHIP POL'Y REV., Sept.–Oct. 1997, at 29 (discussing the application and interpretation of biblical laws concerning the poor and needy), available at <http://www.policyreview.org/sept97/judaism.html>.

82. *Exodus* 3:7–8 (recording God's compassionate intervention on behalf of those who are powerless and enslaved: "Then the LORD said, 'I have observed the misery of my people who are in Egypt; I have heard their cry on account of their taskmasters. Indeed, I know their sufferings, and I have come down to deliver them from the Egyptians, and to bring them up out of that land to a good and broad land, a land flowing with milk and honey . . . .'").

God as the agent of justice is recounted in both the Jewish and Christian scriptures. See *Psalms* 103:6–7 ("The LORD works vindication and justice for all who are oppressed. He made known his ways to Moses, his acts to the people of Israel."); *id.* 140:12 ("I know that the LORD maintains the cause of the needy, and executes justice for the poor."); *id.* 146:7–9 ("The LORD sets the prisoners free; the LORD opens the eyes of the blind. The LORD lifts up those who are bowed down; the LORD loves the righteous. The LORD watches over the strangers; he upholds the orphan and the widow. . . ."); *Isaiah* 28:17–18 ("And I will make justice the line, and righteousness the plummet; hail will sweep away the refuge of lies, and waters will overwhelm the shelter. Then your covenant with death will be annulled, and your agreement with Sheol will not stand; when the overwhelming scourge passes through you will be beaten down by it."). Paul also portrays God's agency in the "handing-over" that God—the Father—offers "for us" in *Romans* and that which the Son undertakes "for me" in *Galatians*. *Romans* 8:31–32 ("If God is for us, who is against us? He who did not withhold his own Son, but gave him up for all of us, will he not with him also give us everything else?"); *Galatians* 2:20 ("[T]he life I now live in the flesh I live by faith in the Son of God, who loved me and gave himself for me."). See *The Spiritual Exercises*, *supra* note 11, para. 116, at 150, para. 234, at 176.

actively engaged as a way of participating in the life and labor of God and of humanity.<sup>83</sup>

Catholic traditions seek their ground in a God of love and strive to be renewed and enlivened by way of ongoing conversion.<sup>84</sup> Through compassionate love, God is revealed “as the liberator of the oppressed and the defender of the poor.”<sup>85</sup> As a call to social conversion, the Church challenges its members to turn “from self-sufficiency to confidence in God and from concern for self to sincere love of neighbour.”<sup>86</sup> Out of love for the poor, God enters into covenant with sojourners and aliens.<sup>87</sup> For this reason, our response to God and our response of love for and solidarity with the poor are inseparable. Victims of injustice arouse the believer to “God’s absolute demand for justice and love.”<sup>88</sup>

The ancient phrase, *suum cuique*, to each what is due, aptly describes the exercise and restrictions of human justice. By its nature, the labor of justice takes place within limits and stops where rights and duties terminate. While the societal frameworks of justice are necessary, they are not enough. Legal obligations cannot elicit

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83. The human response to God’s action—to God’s work of justice on our behalf—is recorded in *Deuteronomy*. “So now, O Israel, what does the LORD your God require of you? Only to fear the LORD your God, to walk in all his ways, to love him, to serve the LORD your God with all your heart and with all your soul. . . .” *Deuteronomy* 10:12. A similar response to God can be heard throughout the Jewish and Christian scriptures. See *Exodus* 22:21–22 (“You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt. You shall not abuse any widow or orphan.”); *Psalms* 82:3–4 (“Give justice to the weak and the orphan; / maintain the right of the lowly and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked.”); *Isaiah* 58:6–7 (“Is not this the fast that I choose: / to loose the bonds of injustice, to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke? Is it not to share your bread with the hungry, and bring the homeless poor into your house; when you see the naked, to cover them, and not to hide yourself from your own kin?”); *John* 15:9–11 (“As the Father has loved me, so I have loved you; abide in my love. If you keep my commandments, you will abide in my love, just as I have kept my Father’s commandments and abide in his love. I have said these things to you so that my joy may be in you, and that your joy may be complete.”). See *The Spiritual Exercises*, *supra* note 11, para. 234, at 176–77.

84. See *Justice in the World*, *supra* note 65, at 701.

85. *Id.*

86. *Id.*

87. See *id.*

88. *Id.* at 701–02.

dedication from citizens. Consequently, the demands for social justice require generous and dedicated persons to aid those in need, to participate in maintaining the public good, and to share in the efforts of creating institutions that foster mutuality and reciprocal respect. Dedicated persons—persons converted to *pietas*—are required to establish and maintain a truly human community. For the betterment of societies, persons need to be formed through ongoing conversion, to go beyond justice and to exercise charity. As the 1971 Synod of Bishops acclaims, “[j]ustice attains its inner fullness only in love.”<sup>89</sup> Like every virtue, charity aims at growth. It creates an openness for further discovery, for fresh insights and contemporary applications. Charity engages a person in his or her entirety and adds an interior, transcendental dimension to the human labor for justice.

The promotion of social justice is the first step to charity. Catholic social teaching acknowledges that dedication to social justice must be animated by love, and ultimately is realized in the offer of one’s whole self.<sup>90</sup> Ignatius talks about this conversion toward greater personal involvement and dedication at the conclusion of *Spiritual Exercises*, where he recommends that love “ought to manifest itself more by deeds than by words.”<sup>91</sup> For him, love is realized in giving and sharing, in a mutual exchange of gifts.<sup>92</sup> For Ignatius, service is nothing less than the gift of one’s self, as a necessary response to divine love.<sup>93</sup> Therefore, the commitment to labor for social justice is a service of love—a gift of one’s self—in return for love.

In March of 1980, some two weeks before his assassination, Archbishop Romero clearly understood this connection between the gift of one’s self and the labor for social justice. He expressed it at the University of Louvain.<sup>94</sup> On that occasion, he said, “To give life to the poor, one has to give of one’s own life, even to give one’s life

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89. *Id.* at 702.

90. *See The Spiritual Exercises, supra* note 11, paras. 230–312, at 176–200.

91. *Id.* para. 230, at 176.

92. *See id.* paras. 230–31, at 176.

93. *See id.* para. 234, at 176–77.

94. *See* Oscar Romero, *Faith and Liberation, reprinted in* FOUNDATIONS OF THEOLOGICAL STUDY: A SOURCEBOOK 307, 307–19 (Richard Viladesau & Mark Massa eds., 1991).

itself. The greatest sign of faith in a God of life is the witness of those who are ready to give up their own life.”<sup>95</sup>

#### IV. JESUIT LAW SCHOOLS: A COMMITMENT TO DIALOGUE

In a time when religious and doctrinal differences could result in imprisonment and death, Ignatius Loyola was confident that spiritual conversation between persons could be “of greater help and benefit to each other.”<sup>96</sup> As a prerequisite for meaningful dialogue, Ignatius underscored the necessity for a person to presuppose the good of the other and “to be more eager to put a good interpretation on a neighbor’s statement than to condemn it.”<sup>97</sup> Furthermore, even if the other were to be “wrong,” Ignatius recommended that one should correct the other in love, and “if this is not enough, one should search out every appropriate means through which, by understanding the statement in a good way, it may be saved.”<sup>98</sup> For Ignatius, the real labor of communication is realized in listening. Ignatius’ defense of his neighbor’s propositions and his genuine desire for dialogue with those whose thoughts and convictions were different from his own disclosed a two-fold truth: they at once manifest a respect for the independence of human reasoning, and reveal a confidence that all human inquiry is fundamentally oriented toward truth and greater meaning.

While many religious reformers of the sixteenth century viewed humanity and human nature in a negative light, Ignatius attended to the human person as a site of divine revelation.<sup>99</sup> Centuries before the Second Vatican Council extolled a spirit of ecumenism, the apostolic experience of the Jesuits opened them to cultures and spiritual practices that were—at least externally—radically different

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95. *Id.* at 317.

96. *The Spiritual Exercises*, *supra* note 11, para. 22, at 129.

97. *Id.*

98. *Id.*

99. The spirit of the Presupposition—that is, presupposing the good of the other—permeates the Spiritual Exercises. In working with another during Spiritual Exercises, Ignatius believes it is “far better that the Creator and Lord himself should communicate himself to the devout soul,” than it is for the spiritual director to encourage a person in one way or another. *Id.* para. 15, at 125. For this reason, Ignatius recommends that one “allow the Creator to deal immediately with the creature, and the creature with its Creator and Lord.” *Id.*

from their own.<sup>100</sup> While it would be historically inaccurate to assert that all of these encounters bore the marks of mutual respect or of religious and cultural toleration, many were fruitful and remain hallmarks of Jesuit tradition. Based upon their historical commitment to inter-religious and cross-cultural dialogue, contemporary Jesuits continue to seek “closer collaboration with other members of the local churches, Christians of other denominations, believers of other religions, and all who hunger and thirst after justice; in short, with all who strive to make a world fit for men and women to live in.”<sup>101</sup>

In a world where secular and private universities often overshadow religiously affiliated colleges and universities, many religious institutions have shed their denominational character.<sup>102</sup> Jesuit universities and professional schools have sought a different route and have tried to invigorate their institutions by recovering what is distinctive about their mission and identity. For almost three decades, the promotion of justice has been acknowledged as constitutive of the individual and corporate works of the Society of Jesus.<sup>103</sup> However, if the promotion of justice were the exclusive goal of Jesuit law schools, their character would be virtually indistinguishable from many other schools. In recent years, most law schools have instituted clinical programs and public service externships in order to expose students to the plight of the poor and the disadvantaged; *pro bono* work is now encouraged in many law schools, if not mandated.<sup>104</sup> This raises the question as to how the uniqueness of a Jesuit law school might be more actively and productively engaged.

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100. GC 32, *supra* note 5, para. 37, at 424–25.

101. *Id.* In this way, all people—whether they are non-believers or believers—are invited to engage in this dialogue and be united “through that same love which will descend from the Divine Goodness.” CONSTITUTIONS, *supra* note 5, para. 671, at 291.

102. *E.g.*, JAMES TUNSTEAD BURTCHAELL, *THE DYING OF THE LIGHT* (1998); JON H. ROBERTS & JAMES TURNER, *THE SACRED AND THE SECULAR UNIVERSITY* (2000); GEORGE M. MARSDEN, *THE SOUL OF THE AMERICAN UNIVERSITY* (1994).

103. *See* GC 32, *supra* note 5, para. 47, at 427.

104. *See* AALS PRO BONO PROJECT, *A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS* 7–8 (June 2001), at <http://www.aals.org/probono/probono.pdf>; Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 *FORDHAM L. REV.* 2415, 2416 (1999).

The three marks of the Jesuit commitment to education and social justice help reinforce the academic and professional excellence of Jesuit law schools. First, Jesuit educational institutions have the freedom as well as the mandate to move students beyond knowledge and professional expertise, and to encourage them to pursue personal and societal improvement. The project of training students who are knowledgeable of the law and capable in its practice can be enlivened by our human longing for a more meaningful and just society. In a unique way, Jesuit law schools afford the possibility of creating an environment where women and men in the legal community might engage the ongoing conversion to *pietas* and labor for social transformation.

Second, Jesuit institutions are called to enter into greater solidarity with the poor and the voiceless. As such, Jesuit law schools are particularly challenged to produce professionals who are knowledgeable of the complex economic, sociopolitical, and cultural conditions of their own social settings and the wider global community. The quest for social justice invites persons to move beyond the interests of success and profit, and to dedicate themselves to the needs of others, in particular, to the needs of the poor and the powerless.

Finally, the challenge to listen to and to learn from others encourages Jesuit law schools to commit themselves to conversation regarding the character of these institutions. For Jesuit universities and professional schools, as with most Catholic institutions of higher learning, it remains a controversial and profoundly difficult task to engage the issue of faith.<sup>105</sup> For this reason, a modicum of attention needs to be given to a possible understanding of this highly contested term.<sup>106</sup>

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105. In 1995, the most recent congregation of the Jesuits, the Thirty-Fourth General Congregation, acknowledged that the “promotion of justice has sometimes been separated from its wellspring of faith.” GC 34, *supra* note 55, para. 2, at 39. Moreover, the congregation admitted the painful truth that, when engaging the task of “faith seeking justice,” Jesuits often treated each other as “adversaries” rather than as “companions.” *Id.* para. 2, at 40. Furthermore, the congregation confessed that Jesuits themselves were “timid” in challenging both themselves and their institutions to the full realization of this mission. *Id.*

106. The Jesuit’s Thirty-Fourth General Congregation observed that:

[T]he promotion of justice takes place in a world in which the problems of injustice, exploitation, and destruction of the environment



Catholic theological traditions maintain that the quest of faith and the labor for justice are grounded in divine initiative. Faith—in its most foundational sense—could be defined as that confidence which is born in the human as a result of God’s love. This love—that floods the heart, the mind, and the will—awakens the human to the transcendent value of existence. This more implicit faith can be distinguished from faith that professes explicit beliefs: for while the latter manifests itself in the particular religious affirmations, the former contains the value for accepting religion itself. Consequently, every person might be described as a pilgrim, who restlessly seeks the deepest meaning in historical events, and who strives to respond confidently to contemporary challenges.

Whether it is acknowledged or not, this foundational faith engages every academic discipline and can enliven every profession. Moreover, Jesuit universities and professional schools are proud that they have long welcomed scholars and students of all religions and cultures. The diverse and respectful environment of an institution like Loyola Law School offers unique opportunities for fruitful dialogue about the labor for justice. That dialogue might address many institutional challenges, for example:

assisting students not only in engaging ethical issues that are pertinent to their future professional responsibilities, but also challenging them with as yet unanswered legal questions involving matters of conscience;

promoting a sustained dialogue between faith and culture by continuing to foster programs that encourage social transformation and addressing issues of civil rights and social justice;

providing a public forum for issues of law and religion, which might engage our alumni and friends in the legal

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have taken on global dimensions. Religions have also been responsible for these sinful elements. Hence our commitment to justice and peace, human rights, and the protection of the environment has to be made in collaboration with believers of other religions. We believe that religions contain a liberating potential which, through interreligious collaboration, could create a more humane world . . . . Hence commitment to integral human liberation, especially of the poor becomes the meeting point of religions.

*Id.* para. 8, at 72–73.

community; and sparking collegiality and shared responsibility within our own academic community, by inviting persons from different faith traditions to engage in addressing questions about a Jesuit law school's identity and mission.

How an institutional commitment to faith laboring for social justice can be realized remains a challenging matter for reflection, discussion and exploration. However, it is an invitation that lies at the heart of the Jesuit project. While the undertaking may be daunting, the pilgrimage toward social-transformation has already been disclosed to us in the life and labor of a Gandhi, a Dr. King, an Oscar Romero or an Itzhak Rabin. For this quest emerges when powerful and foundational convictions of meaning are identified, and is undertaken when these convictions are applied to historic circumstances.

