

SOME THOUGHTS ON INTEGRATING CATHOLIC SOCIAL THOUGHT INTO THE LAW SCHOOL CURRICULUM

Mark A. Sargent*

I would like to begin with a conclusion: Catholic Social Thought (CST) can and should have a place in a Catholic law school's curriculum. The road by which I reach that conclusion, however, presents some obstacles. I will begin this essay by focusing in Part I on the principal obstacles to integration of CST and how they may be overcome. In Part II I consider some of the advantages of and possibilities for the creative use of CST in the law school curriculum.

I. OBSTACLES TO INTEGRATION

A. The Problem of Legitimacy

The biggest obstacle in many Catholic law schools to the integration of Catholic Social Thought into the curriculum is doubt about whether it belongs there at all. The presumption that CST should have a place in a Catholic law school is by no means universally shared among faculty and students in those law schools. All but a few Catholic law schools have been almost entirely secularized, and often have far more attenuated Catholic identities than the colleges and universities of which they are a part.¹ Many members of Catholic law school communities are

* Dean and Professor of Law, Villanova University School of Law. Many thanks to Kathleen Brady, Barbara Wall and Steven Frankino for their comments on a draft of this paper.

¹ There are, of course, two new Catholic law schools that presumably will not have this problem of legitimacy, because they were self-consciously Catholic in their founding and orientation, and have not been secularized. They may experience, however, some of the other problems identified in Part I, and so they may find my discussion of those problems helpful. I also hope my colleagues at St. Thomas and Ave Maria find the discussion in Part II of how CST may be integrated into the curriculum useful. How serious the problem of legitimacy would be in the other, older Catholic law schools will vary, depending upon the configuration of the faculty and extent to which the faculty regards the institution as meaningfully Catholic. If the faculty is

suspicious of or even hostile to the notion that any aspect of Catholicism (or any kind of religion) should play a role in the law school. They may be motivated by an antipathy to Catholicism or particular Catholic doctrines, or they may take the principled position that an institutional attempt to express Catholic identity is incompatible with academic freedom. They may fear a power grab by “the Church,” or they may believe that the school’s being “too Catholic” will scare talented people away and render the school second rate. How Catholic legal education got to this point is an interesting historical question, as is the question of what should be done about it, but it is not my goal here to try to answer those questions. I have written elsewhere about why it is entirely legitimate, and important, for a Catholic law school to express its Catholic identity and why such expression is fully consistent with academic freedom.² I will not rehash those arguments here, but rather presume for the sake of this discussion that it is indeed legitimate for a Catholic law school to integrate CST into its curriculum, and will focus on the practical question of how it should be done.

B. The Problem of the “Practical”

How does one integrate CST into a Catholic law school’s curriculum? The question of implementation is almost as difficult as the question of legitimacy, and is not one that can be presumed away. Most Catholic law schools, at least on the surface, seem not to be welcoming environments for explicit consideration of CST. The problem is not so much that CST is a faith-

broadly unsympathetic to the idea that the law school’s Catholic identity should play a role in curricular and faculty hiring decisions, then there will be little chance of systematic integration of CST. At schools where the faculty remains committed to the expression of Catholic identity in legal education the possibilities are much greater.

² See Mark A. Sargent, “An Alternative to the Sectarian Vision: The Role of the Dean in an *Inclusive* Catholic Law School,” 33 U. Toledo L. Rev. 171 (2001).

based discourse (although that can be a problem), but that law schools often have difficulty teaching anything not perceived as “practical” or, to put it another way, not “about” law. Law schools exist, after all, to prepare students to become lawyers and to support faculty in their scholarship in and about the law. Law students, in particular, are relentlessly oriented to learning as much as they can about what the law is, how it works, and how they can use it in their careers. They can be very sophisticated in their understanding of what is practical, but they tend to be impatient with any approach in the classroom that does not seem immediately relevant to the business of learning to be a lawyer. Some law professors share this perspective.

This attitude is not just a problem for the integration of CST. It presents a problem for anyone who attempts to introduce anything not clearly “practical” into the law school program. While many legal academics have made great strides in integrating the insights of economics, social science, philosophy, history and various forms of critical theory into their teaching, they often have difficulty persuading students that these insights are important. Students struggling with learning the substance of the law and with legal language and reasoning often fail to see how these insights can influence not only their understanding of the law and its possibilities, but also their very conception of what it means to be a lawyer. They also often do not recognize how such non-legal approaches provide an understanding of the social or moral context of law that will be crucial when many of them move beyond law practice to roles as decision makers and policymakers. An attempt to integrate CST into the curriculum, despite its considerable implications for law and public policy, will have to contend with this problem.

One of the consequences of the law school’s tendency to devalue modes of analysis not strictly “legal” is the marginalization of that type of analysis in “perspective” courses, typically small enrollment seminars or other types of electives. Typically called the “Law and ...” courses,

they sometimes can represent an attempt to expose a few students to these perspectives on the law, but without mucking up the doctrinal courses such as contracts, torts or constitutional law. More and more, however, law faculty are integrating different analytical, political and moral perspectives into all of their courses. Basic courses in business associations, for example, are made more sophisticated by a thorough admixture of economic analysis; students develop a richer understanding of rape law and its effects through the application of gender theory in the basic criminal law course; critical race theory opens up new avenues for equal protection analysis in constitutional law. The same thing would be done with CST in a wide variety of courses, as I will suggest below. A sophisticated attempt to introduce CST pervasively into the curriculum could indeed overcome the tendency to overemphasize the narrowly “practical.”

C. The Problems of Values

The problem of values is related to the problem of legitimacy. Law schools (including Catholic law schools) typically struggle with values, and not just religious values in particular. While they often give lip service to the proposition that they somehow stand for values such as justice, equality and diversity, and that they are committed to producing practitioners with “values,” they have trouble agreeing about what any of that means. Law faculties have for the most part agreed that while “values” (loosely defined) are important and that we should incorporate them into our teaching, we could not possibly agree among ourselves about *which* values are important, and thus should not attempt to impose any (or at least many) specific values on our students or each other. Ironically, while allegedly value-neutral, faculties typically regard the values of academic freedom as *the* paramount value preventing law schools from defining and teaching from an *institutional* value system. The result is that the law school

presents a values smorgasbord, with all values treated as of equal dignity. This compromise leaves most faculty perfectly happy, because they are left alone to express (or not express) such values as they see fit. That is usually fine with students, who typically possess the common attitude that “values” are an entirely private, subjective matter, not open to reasoned analysis and criticism, and certainly not to be challenged by a law school’s paternalistic infliction of its values.

All of this is supported by a strangely persistent mythology that law school teaching should be somehow neutral on value questions, and that it should strive to avoid “ideology” in the classroom. This mythology has been long exploded by the critical theorists (and common sense), who showed that the mask of neutrality was itself an ideology that hid unarticulated ideological positions that implicitly defined them as normative and not contestable.

Nevertheless, it often remains as an obstacle to serious consideration of value in the classroom.

In any event, law schools’ problem with values bode ill for any attempt to integrate something as heavily value-laden as CST into its curriculum and overall educational philosophy. The problem is not just that CST is “religious,” but that it is clearly a value-system. The easy comfort of law faculties’ compromise over values, and students’ “hands off my values!” attitude, present perhaps the most serious obstacle to taking CST seriously within the law school. On the other hand, if the faculty of a Catholic law school decides that it is indeed legitimate to integrate CST seriously, then it will have made a value choice and will have helped the law school get beyond the type of moral and ethical vacuity that dominates so many schools today, and prevents them standing for much of anything. It must be understood, however, that a school that make such a decision will have, in effect, decided that the particular set of values embodied in CST is to at least some extent privileged. It is by no means so privileged as to prevent open, respectful

and serious consideration of different or competing values. But the *institutional* emphasis on this particular set of values would have to be acknowledged as a repudiation of the dominant ethos in most law schools: those “values” are somehow important, but that the institution must remain neutral with respect to competing values, and not subject anyone’s “personal” values to criticism or analysis. If the institution is to *live* CST principles as well as teach them, it must overcome the sort of value neutrality that precludes pursuit of the common good.

D. The Problem of Competence

Assuming a law school wants to have CST integrated into its curriculum, who is it going to find to do it? Relatively few faculty members at most Catholic law schools are familiar enough with the body of thought to teach it seriously. To teach it seriously in a law school setting, one would have to be familiar not only with the historical context of CST’s evolution, the key encyclicals and bishops’ utterances, and the extensive scholarly literature, but also with its implications for different fields of law. There are relatively few in the Catholic legal academy today who fit that description. Many faculty could develop an expertise, but persuading faculty in mid-career to immerse themselves in a new and perhaps uncongenial topic so that they can get up to speed enough to teach it is not easy.

This problem, however, is not insurmountable. Some Catholic law schools are already focusing on the need to recruit entry-level faculty not only committed to the mission, but already literate in Catholic thought, including CST, or at least willing to develop an expertise. Existing faculty are also not a lost cause. As the law and economics movement has shown, the use of intensive “summer schools” to familiarize law faculty with microeconomics and law and economics has dramatically increased the penetration of that approach into the legal academy.

This offers a possible model for the expansion of familiarity with CST among the faculty of Catholic law schools.

II. POSSIBILITIES OF INTEGRATION

A. CST and Other Modes of Catholic Thought

Before considering the possible uses of CST, it is important to note that a Catholic law school also can find other ways of integrating Catholicism into the way it educates students and carries out its scholarly mission. The natural law tradition obviously generates a major set of possibilities for the way a Catholic law school can approach the law, although adoption of such an approach would be a radical sea-change in most law schools, including most Catholic ones. Natural law has been so thoroughly eclipsed in American jurisprudence that most American legal academics are either consciously (or unconsciously) heirs of the realist, positivist, post-modern/critical or utilitarian (i.e., law and economics) traditions. Natural law thinking has been kept alive (barely) only in a few law schools, and exploration of how a natural law approach can influence the shape and focus of a modern law school curriculum has only just begun. If natural law were taken seriously, however, it would provide a broad theoretical framework that would influence many aspects of the law school curriculum. For example, a natural law perspective on the origin and nature of human and property rights, the limits of political authority, the relationship of law and morality and the scope of international law would be easily integrable into a wide variety of law school courses and would involve primarily the development of long-standing natural law concepts. Natural law's relevance to the regulatory and business/finance-related courses so important in the law school curriculum, however, is less easy to discern, and remains to be developed.

Catholic moral theology also can play a fundamental role in the way a law school conceptualizes its approach to several important courses. It has an obvious relevance, for example, to courses in family law, law and medicine, law and bioethics and constitutional law. In particular, it provides a moral basis for critiquing the normative assumptions of modern family law, the valorization of individual autonomy in the legal structure for end-of-life decisions, the rigid separation of Church and State, and the erosion of constitutional support for regulation of morality. All of this could be fruitfully explored in a Catholic law school in a way that would not likely be welcomed in many secular law schools.

CST, of course, draws on both natural law and Catholic moral theology, so the integration of CST into the curriculum is an indirect, but still vital way of bringing to bear the insights of both of those traditions. Indeed, it might be regarded as a kind of *socially-applied* or *concretized* version of natural law and moral theology, and thus particularly useful for understanding legal questions and lawmaking.³ Even more useful from the perspective of law students and faculty, however, is CST's vitality and plasticity, as it invites us to examine prudential judgments about constantly changing social issues in light of eternal verities. Its adaptability to social change, while guided by core beliefs, makes it useful for understanding and criticizing law in its changing forms and applications. As law is constantly recreated, so is the

³ Catholic or, more generally, Christian ethical thought also has been shown to be very useful as a way of adding moral seriousness to law school teaching of professional ethics. Legal academics such as Thomas Shaffer, Richard Rodes and Joseph Alegretti, for example, have written eloquently on the question of how a person of faith can be a lawyer. Is a believing person free to accept the role-obligations of advocacy without limitations? When should a Christian lawyer not do what professional ethics permit, or even require them to do? How does the lawyer's faith influence or change the relationship with a client? What are the obligations of a Catholic lawyer in a legal system that authorizes abortion, divorce or capital punishment? These issues can and should be considered in the Catholic law school, and not just in specialized courses on professional responsibility.

prudential application of CST, and as Catholic lawyers and scholars, we can share in those acts of creation.

B. The Bridging Effect of Catholic Social Thought

For a law school to express its Catholicism, building bridges is necessary. First, a bridge must be built between a religion with a comprehensive world-view and an utterly secular legal system and legal profession. Religion and law are fundamentally “about” different things. Their purposes are different; their ways of knowing are different. CST, however, provides both a moral framework and set of substantive principles that can influence how we think about law’s purpose and how it should be applied. Put more broadly, CST, in its comprehensive elaboration of the meaning of the Gospel in the world, elaborates a concept of justice that law can serve. Through CST, religion and law can find a common ground: the “just-ness” of human society.

CST’s concept of how the value of human dignity should influence the meaning of work, for example, raises not just philosophical questions about the proper relation of labor and capital, but about how the labor law should structure that relationship. Its conception of the business corporation as a community bound by mutual obligations provides a basis for a critique of the legal rules for corporate governance that insist upon the maximization of shareholder value at the expense of all other interests. The principle of subsidiarity establishes an organizing principle that could determine the rules governing bureaucracies and hierarchies, both public and private. The preferential option for the poor, of course, has vast implications for everything from tax policy to welfare policy to health care policy and the laws that implement them. Other examples of convergence between the concerns of CST and major legal issues should easily come to mind. In many ways, law and CST are “about” the same things. CST thus provides a way to build a

bridge between the Catholic religious world-view and the legal world-view.

CST is also a way for building bridges between believers and non-believers among faculty and students in Catholic law schools. While a Catholic law school need not apologize about expressing its Catholic identity, it must also express its willingness to address the concerns of those members of the community who do not share a commitment to Catholicism. Many who fit that description, however, share many of the values embodied in CST, although they may derive them from other religions or entirely secular premises. In particular, CST is a useful means of forging alliances with the many liberal/left faculty who dominate most law schools. While CST certainly cannot be situated on a conventional left-right axis, and some of its values are in profound tensions with core aspects of liberal thought, much of the CST agenda can appeal to liberal and left-oriented law faculty. The introduction of CST concepts and values thus may appear less threatening, and more interesting to faculty who might otherwise regard Catholicism as inherently anti-liberal or anti-progressive.

C. A Place to Begin: Clinical Legal Education

Perhaps the easiest place to begin is with the potential relationship of CST and clinical legal education. This is the place in the curriculum where CST can be meaningful in several ways.

On the most fundamental level, the law school's decision to devote substantial resources to clinical education (as opposed to other ways of using law school resources) is, in effect, an exercise of the preferential option for the poor. Law School clinics serve poor people directly; they can effect legal change that benefits the poor broadly, and not just individual clients; they train students to serve the poor; and they help students internalize the value of service to the

poor. Law School clinics thus not only add their small contribution to the legal needs of the poor. They leverage their contribution by producing generations of lawyers committed to serving the poor as part of their professional vocations. The motto of our clinics at Villanova Law School is St. Thomas of Villanova's statement that "The Lord Hears the Cry of the Poor." A law school clinic is thus a tangible manifestation of the law school living the principle of solidarity.

The CST principle of human dignity is also embodied in the practice of insisting that clinic students work directly with clients who are poor. This is a way of leading them to recognize the face of Christ in people vastly different from themselves, to reject their otherness, and to understand that the right to equality before the law is more than something granted by the state, but a consequence of the human person's God-given dignity.

A law school's choice of the type of clinic it wants to pursue can also be built upon the particular concerns of CST. At Villanova, for example, we chose to establish an asylum clinic and a farm workers' clinic. Each clinic operates in an area of concern in which the bishops, Catholic Charities, various orders and other Catholic institutions have developed ministries reflecting CST's elaboration of the rights of migrants, the right to work, and the right to be free of religious and political repression.

There is, of course, nothing distinctively Catholic about clinical legal education. Many non-Catholic schools have adopted it because of entirely secular convictions about equal justice or the educational value of clinical experience. But it would be distinctly *non*-Catholic for a Catholic institution *not* to commit itself to clinical education; a commitment to clinical education is perhaps the best way for a Catholic law school to *live* CST as well as teach it. CST-inspired clinical education can be a way to challenge students both professionally and spiritually, and can

offer examples of unifying belief and practice that can be a model for all in the community.

D. A Course in CST and the Law

But we should indeed also teach it. One way to do so, of course, is in a course specifically on “Catholic Social Thought and the Law.” At Villanova Law School we have a seminar with precisely that title, taught by a philosopher and a legal academic, both well-grounded in CST. The course begins with a survey of the historical and intellectual origins of CST, using a mix of primary and secondary sources, and with a detailed consideration of the core CST concept of the common good. The key documents considered in these opening classes are *On the Condition of Labor* (Leo XIII 1891), the *Declaration of Religious Freedom* (Paul VI 1965), the *Pastoral Constitution of the Church in the Modern World - Part I* (Vatican II 1965), the *Social Concerns of the Church* (John Paul II 1987) and *The Common Good and the Catholic Church’s Social Tradition* (Catholic Bishops Conference of England and Wales). These sessions give the students a sense of the intellectual and historical origins of CST, and begins to raise the question of how the CST view of the world can influence the way we look at law.

The course then moves on to examine how CST can change the way we look at specific legal problems. For example, it looks at environmental law through the lens of *The Ecological Crisis: A Common Responsibility* (John Paul II 1990) and several statements of bishops’ conferences in the United States, Australia, the Philippines and England and Wales on the environment. Applying the theological notion of God in creation and the moral imperative of stewardship, CST elaborates a very strong environmental ethic and a basis for a stringent system of environmental laws emphasizing mutual responsibility for the common good. CST’s sensitivity to the impact of lawmaking on the poor creates an imperative for an environmental

justice regime that protects the poor from their disproportionate vulnerability to environmental degradation.

The core of the course is an extended consideration of the similarities and differences between the CST human rights tradition and secular human rights traditions, including those expressed in the United States Constitution and federal human rights legislation, and in international statements on human rights by the UN, the European Economic Community and the Organization of American States. Discussion of key CST documents such as *On the Condition of Labor* (Leo XIII 1891), the *Reconstruction of the Social Order* (Pius XI 1931) and *Peace on Earth* (John XXIII) 1963) creates an awareness of the reciprocity of rights and duties in the Catholic tradition. The CST concept of rights emphasizes human interdependence rather than the radical autonomy of the individual, and thus is in some tension with the liberal rights tradition. The course thus asks how this tension effects the way law should adjudicate disputes over the scope of rights. That same communitarian perspective also allows the course to raise interesting questions about the adequacy of the secular legal framework establishing the rights of women.

CST's sense of the contingency of rights in property also provides a useful basis for comparison to secular legal concepts that also impose limits on property rights. Does CST propose a more robust conception of the common good as a limit on property rights than secular legal traditions? The implications of the preferential option for the poor as a constraint on the rights of property are also explored. CST's emphasis on the dignity of work similarly provides an analytical framework for the course's discussion of labor and employment law, drawing on *On Human Work* (John Paul II 1986), *On Social Concerns* (John Paul II 1988) and *Christianity and Social Progress* (John XXIII 1961). The principles of human dignity, solidarity and the

preferential option for the poor are then used in the course to examine U.S. tax policy and the legal structures facilitating globalization.

We believe that this course provides a useful “one stop” introduction to CST’s meaning for the law. More important, it provides a blueprint for going beyond a single course to teaching CST pervasively in the law school curriculum.

E. CST Pervasively

The ideal would be to find ways to introduce CST into most courses in some serious way. The trick, of course, is to find ways to do it that are more than just providing interesting asides that provide a little “perspective,” but that somehow make CST central to the course. Otherwise, relentlessly “practical” law students won’t pay much attention. There are, however, ways to take CST seriously. This brief paper cannot consider all of the possibilities, but perhaps it can provide a starting point, by identifying some of the ways in which key courses in the law school curriculum can incorporate CST concepts. For example:

- **Constitutional Law.** A major focus of every constitutional law course is the examination of the constitutional rights of the individual. This is perhaps the most important forum for exploring the tension between modern “rights talk” and the CST concepts of the reciprocity of rights and duties and the primacy of the common good. Similarly, our legal system’s emphasis on the political rights guaranteed by the Constitution, as distinct from the economic rights central to CST, can be critiqued. An even more searching critique can be applied to the valorization of individual autonomy in constitutional privacy rights jurisprudence by emphasizing the CST (and more broadly Catholic) principles of human fallibility, dependence on God, the sacredness of life, obligation to others and sacrificial love, which may require us to

regard privacy in a way that does not make individual choice the paramount value to be supported legally. Outside of the rights arena, the CST concept of subsidiarity can be explored as a way of understanding the principle of federalism, the other central focus of constitutional law courses.

- **Business Associations.** CST provides a way of asking “what is a corporation *for*?” Does it exist only to maximize shareholder value (the prevailing norm in current economic and legal theory)? How does the answer to that question affect the legal rules governing corporate governance? Does it require the directors of corporations to consider the interests of persons other than shareholders in corporate decision-making? Does respect for the dignity of labor require employee participation in corporate governance? Does it make sense to talk about the public corporation as a community of persons, given its highly fluid nature as a constantly shifting nexus of contracts? Shifting from the question of whether the corporation should constitute a community itself, the course could ask what CST tells us about the corporation’s responsibilities to the broader community in which it is situated. Should the rules of corporate governance promote a broader conception of corporate social responsibility as a way of ensuring attention to the common good?

- **Torts.** How does the CST concept of human dignity influence our understanding of the goals of tort law? Is the tort law a way of preserving the inviolate nature of that dignity? Does it do so effectively? Is the tort law system consistent with the innate desire to establish social ordering of community, or is it excessively adversarial? What do Catholic conceptions of the nature of suffering tell us about the valuation of suffering in tort law?

- **Property.** What does CST tell us about the nature of property and property rights? Would the CST concept of the common good impose more stringent restraints on the exercise of

property rights than secular legal principles?

• **Taxation.** The preferential option for the poor raises profound questions of tax policy. It provides a thumb on the scales in evaluating the effects of any allocation of tax burdens. But does the option for the poor mandate tax policies that would effect a significant redistribution of wealth? Is a highly progressive tax system necessarily in the interest of the poor?

• **International Law.** Does CST contemplate a true system of international law? Is there a transnational common good? How does the principle of subsidiarity affect the jurisdiction and scope of international law? Does the structure of international law disadvantage poor countries? Indeed, is present international law an artifact of racism and colonialism? Do the legal structures of economic globalization violate the principle of solidarity with the poor? For example, does international labor law permit the exploitation of labor in poorer countries inconsistent with CST assumptions about the dignity of labor? How should CST principles favoring migration of labor effect immigration law and the treatment of migrant workers in foreign countries? Do international statements of human rights (and means of adjudicating human rights disputes) adequately reflect the CST conception of human rights (particularly its emphasis on economic rights)?

• **Labor and Employment Law.** How does the basic CST tradition of support for unionization translate into a set of positions on modern labor law? Does the highly adversarial nature of labor-management relations fit with the CST preference for cooperative pursuit of the common good? Moving from traditional labor law to employment law, it can be asked how CST's communitarian ethos should inform the employment relation. Would it call for a broader conception of employee rights than contained in employment law, or does rights-based discourse undermine the sense of the workplace as a community? Should the law encourage the adoption

of mediation rather than reliance on adversarial proceedings to resolve employment disputes involving discrimination?

These are just a few examples of the ways in which CST can be integrated into important courses within the law school curriculum. Those who teach those courses surely can conceive of other points of connection and more specific means of introducing CST into the classroom. Those with greater familiarity than I with other fields can imagine its potential applicability to other courses and areas of the law.

F. What CST Adds

CST is obviously not a body of legal doctrine or mode of legal reasoning. The foregoing discussion of the applicability of specific CST concepts in specific courses, however, suggests that its pervasive introduction within the law school curriculum can add something valuable to the way students learn the law.

First, CST can provide a *moral and spiritual framework*, directly relevant to a wide range of social concerns, within which law can be understood to operate. Close attention to CST will remind students the law is not entirely self-referential, self-justifying, and detached from moral constraints.

Second, CST can provide a coherent and consistent basis for *critique* of specific legal doctrines, public policies and entire legal structures. To the extent that CST embodies values not expressed in the law, or inimical to values the law does express, CST can be regarded as a critical philosophy similar in some respects to other critical legal philosophies. As such, it provides a set of principles that can guide law reform in a coherent manner.

Third, it will encourage students to form a meaningful *professional self-definition*. By situating law within a coherent set of moral and spiritual concerns, countering the impression that law is simply a set of techniques and rules, that practicing law is merely a business, and that meaning must be sought outside of a soul-less profession.

III. CONCLUSIONS

This preliminary essay on the role of CST in the law school curriculum obviously leaves much uncovered and unsaid. A movement from the highly general nature of CST principles to specific applications is needed. Many more concrete examples of how CST can be applied to actual legal problems in particular courses need to be developed. The points of both intersection with and departure from the liberal tradition that animates American law need to be charted more precisely. Plans for transforming CST from a means of understanding and critiquing law into an instrument of legal change need to be developed. All of that can and should be done. Once it is done, the Catholic legal academy will make a distinctive and important contribution in the legal public square.