

IT SOUNDED GREAT IN THE GLOSSY BROCHURE. .SO WHERE IS IT? CARRYING OUT THE MISSION AT A MISSION DRIVEN SCHOOL

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I. INTRODUCTION: THE CHALLENGE OF THE MISSION STATEMENT

PERHAPS you are like me, a devotee of law school brochures. I love them. They look fantastic; each describes a school that is absolutely unique and thoroughly excellent. My assistant just rolls her eyes now as we go through the mail and I admire the brochures and say, “Wow! We ought to have something like that.”

It reminds me of something NYU Law Dean John Sexton once said. He related that he was known to experience life 15% better than it was, and describe it 10% better than that. Our brochures can be like that too. We must be vigilant against the danger that the law school we describe looks a good deal better than the one students see when they arrive expectantly in August or September. Rightly, each of us seeks to set our school apart, and our statements of mission and purpose vary greatly. Some emphasize curricular or philosophical focuses; some are directed toward a particular view of the legal profession; some direct attention to a religious perspective or tradition.

The statements are vital. They also must be matters of great attention for any dean. It is in these statements that we try to reveal the core of who we are—the compass that guides all else—and they may determine where a student will ultimately enroll. We always want to be somewhat aspirational in the public descriptions of our schools, but those descriptions had better match reality as well. If we describe a thoroughly unique school, students rightly expect a thoroughly unique experience.

The issue of carrying out the mission is particularly acute at the religiously affiliated school. Unlike a particular curricular emphasis or view of the legal profession, a religious mission goes to the heart of what is often a matter of deepest concern for students and the defining element in their lives. That is certainly the case at my school, Regent University School of Law, where the mission is explicitly religious and is frequently *the* reason why students attend the school. Students come with high expectations.

In the remainder of this short piece, I will describe how we have recently approached the issue of mission fulfillment at Regent, and then finish with some general thoughts about how the approach could be applied at any school, religiously affiliated or not.

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II. REGENT'S APPROACH TO MISSION FULFILLMENT MISSION-RELATED FACULTY TRAINING

Regent's mission statement makes some very strong claims. We identify ourselves as a Christian school with two vital aims: (1) To integrate biblical principles into the substance of the law we teach; and (2) To train and mentor students to bring a Christian perspective to bear on the way they live and practice law. This mission is the core of who we are; indeed, the school was founded only because of this mission.

Both prongs are a challenge to carry out, but the first, integration of faith and learning in the substance of what we teach, particularly requires a lot from our curriculum and our faculty. It shapes the curricular focus in general and in each course. It means emphasizing issues like:

- ▶ “Why”—not just “what.” Why do we have the legal system we have? How has Christian theology helped to shape the law from the beginning of the common law to today? So, for instance, our first year course equivalent to the traditional Legal Method or Elements of the Law is called “the Common Law.” It introduces students to the historical roots of English and American law. The course encourages students to ask “why?” Why do we enforce contracts? Why do we punish crime? Why do we forbid the taking of life, liberty, and property without due process of law? The course explores history, philosophy, and theology, and confronts the influence of Christian thinking on much of our substantive law and legal institutions. For instance, we trace the development, thoroughly supported by Christian theology, of the rule of law in English and American history. This focus on “why” also affects each individual course. Thus, in Criminal Law our students learn that many of our current concepts like *mens rea* and retributive theories of punishment were significantly developed in the canon law of the medieval church before being encapsulated in the secular law of Western nations.
- ▶ “Ought”—not just “is.” Regardless of what the law looks like today or has looked like in the past, does Christian theology guide us as to what the law should look like in the future? For example, again in Criminal Law, we would discuss the considerable biblical support for restitution to victims of crime. Or, in Family Law, we would consider theologically sound alternatives to no-fault divorce that would better value and preserve the family.

Few law school catalogs promise this! And this mission dramatically affects our enrollment. Though we are a young law school in Virginia Beach, Virginia, we draw students from all across the country and world. We draw students with a wide variety of academic backgrounds. Some come because their GPA/LSAT combination fits our entering average profile. Others have 4.0 UGPAs and 175 LSATs. They could go to any school in the country, but they come to us because of the biblical perspective we offer. We promise a lot, and we better deliver.

Who are the faculty members who do this? While the university has an evangelical, charismatic background, the faculty members come from very different

traditions and denominations within the Christian church. I attend a Presbyterian church. Others are Baptist, Roman Catholic, Episcopalian, Pentecostal, and Mennonite. We are a broad representation of the Christian church. We all subscribe to a basic statement of faith and are united in a belief in the inspiration and authority of scripture.

Now, right from the start, we face a major challenge. Our own law school training did not exactly prepare us to provide the kind of education we offer. At the University of Chicago I was offered the opportunity to take some jurisprudence and legal history—and I certainly would have taken more of those courses and less Corporate Finance had I known then what I would be doing today. I had a great course on Religion and the First Amendment, but that mainly focused on key constitutional cases dealing with the religion clauses of the First Amendment and, like the rest, did not prepare me to integrate law and theology in the thoroughgoing way Regent's prospectus promises.

And I am not alone. In fact, our faculty members bring widely divergent backgrounds and experience to this endeavor. Some have theological training; others have, through their own reading and study, given a great deal of thought to the integration of faith and law; several have published extensively in the field. But others of us are fairly new to the endeavor. This poses at least two major dangers. The first is that we do very little real integration. We might simply provide traditional legal training with a shallow religious veneer so we can say we have followed through on our promise. The second is that we integrate faith and learning badly. We might look at scripture in a superficial way, find some seemingly relevant verse, and apply it with little relevance or understanding. Take the following instruction given to the nation of Israel in *Leviticus* 19:19: "Keep my decrees Do not wear clothing woven of two kinds of material." If approached without considering the purpose for such a law in Old Testament Israel or grappling with how Old Testament law is to be approached today, one could end up with the Federal Anti-Cotton/Polyester Blend Law of 2001. Despite the silly example, I believe this is the more serious danger of the two. As scholars, it would be far better to make no reference to the Bible or Christian theology than to do it shallowly or mistakenly.

When I became interim dean two years ago, having both grown and struggled in the task of integration in my own classes, it seemed to me and others that this was a good time to assess how we, as a faculty, were doing in the integration of faith and learning—and to approach the project of integration in an intentional and collective way. We held a faculty retreat devoted entirely to the religious mission of the school. We asked these questions: What do we promise in our mission? How are we carrying it out now? How can we do it better? Some very concrete ideas came out and were presented at the retreat.

Even more helpful was a talk given some months later to the faculty by Professor David Smolin of Cumberland Law School. Coming with fresh eyes, Professor Smolin challenged us with an approach by which the faculty could carry out its mission in a collective way. This last year, we took on his challenge.

The first step of the plan called for us as a faculty to gain a basic understanding of the rich body of literature that already exists on the relationship between law and Christian theology. Leading thinkers in the Christian Church have written on the

intersection of law and theology for two thousand years. Some faculty members were thoroughly conversant with this literature; others were only marginally so or not at all. We determined that at a minimum, the whole faculty must have a baseline knowledge of the historic teachings of the Church in the field. We therefore took on the challenge of studying Roman Catholic, Lutheran, Calvinist, and Anabaptist teachings on law and theology as they have been developed and presented throughout the history of the Church. It was a huge task, but a necessary one if we are to approach the field in a scholarly way, and a fruitful one if, as we believe and teach, Christian theology has had an impact on the development of the law throughout history.

How to gain this understanding was another matter altogether. The project called for a major faculty investment of time and energy. We built the program around four days of presentations and discussions led by Professor Smolin. We hired him as a consultant and he led us in eight 2-hour sessions on topics like "Christianity and Forms of Civil Government" and "The Content of Civil Law: What Laws Should Be Enforced by the State?" While several members of our faculty had the same level of expertise in the subjects covered, we thought having someone from outside the faculty put everyone on the same footing and brought a helpful outside view. We held the sessions for two days before the start of each semester.

The seminars were just the beginning. As scholars, we knew we needed to grapple with and understand the original source materials. So we had monthly reading assignments consisting of many of the greatest historical works on law and theology: Augustine's *The City of God*, Aquinas' *Treatise on Law* from his *Summa Theologica*, as well as excerpts from John Calvin's *Institutes on Christian Theology*, Luther's political writings, and others (both historical and contemporary). To regularly interact with the readings and each other, we met monthly to discuss the readings as a faculty. Different faculty members led the discussion.

All of this required great commitment and dedication by the faculty. We had near unanimous participation. This was in part because of everyone's understanding that the enterprise was central to our mission. It was also in part because of a generous offer by our then-Provost George Selig. My biggest concern was that faculty would want to participate, but would feel overwhelmed by adding this training to their already full plates of teaching and scholarship. Excited about our plan, Selig offered anyone completing the training an extra year to complete the scholarship requirements toward tenure or post-tenure review. The support was extremely helpful.

It is still early to evaluate the results. Our last discussion meeting was only two months ago, but two benefits were apparent. The first we have begun to enjoy but will enjoy more fully in the future: we will be better at doing what we say we do in the Prospectus. The training will make us better teachers and better scholars.

Second, we have already experienced another very significant benefit: the joy of getting together as a faculty to talk about things that go to the heart of who we are as a school. Quite simply, it was fun to spend serious time talking about the things that matter, the things that unfortunately often get squeezed out of faculty meetings by talk of budget challenges and grade appeal petitions and committee reports. It sounds funny to say, but the training of students and future publications aside, we are already a better faculty for having gone through the training.

We really have just begun. While we will not approach the project with the intensity each year that we did this last year, we intend for integration training to be a permanent part of our life as a faculty. New faculty will go through the training we have gone through. All of us will continue the monthly meetings to take the next step—to discuss, again together, how to apply what we have learned in general to our particular fields of torts, contracts, and environmental law.

III. MISSION-RELATED FACULTY TRAINING AT OTHER SCHOOLS

There is no doubt that the faculty training project I have described was tailored specifically to further Regent's mission. But some of the principles could be applied elsewhere to further other schools' unique missions.

An obvious application would be to other religiously affiliated schools. A school affiliated with the Roman Catholic Church might, for example, decide that all of its professors, even those who do not come from Catholic backgrounds, should be familiar with Church social teaching or with the basic natural law theology of Aquinas. As many students will come to the school because of its Catholic affiliation, they will benefit from being taught by a faculty that, even if it does not affirmatively present this theology as part of its instruction, is familiar with it and can effectively dialogue with students who are interested. Similarly, a religiously affiliated school whose mission calls for it to train lawyers in light of particular ethical standards could provide its faculty with basic training in ethical theory in addition to the model rules. Especially useful would be exposure to the ethical teaching of the particular church with which the school is affiliated.

Even those schools whose religious affiliation is more a matter of historical interest could find some faculty training in that history useful. An understanding of how the religious affiliation shaped the institution in the past might empower faculty members to think creatively about how the theological background might affect the school or the law now. This would benefit not only the faculty itself, but also those students who continue to come to the school specifically because of the affiliation.

It is not only religiously affiliated schools that benefit from training related to the mission or history of the school. Take a school like the Louis D. Brandeis School of Law at the University of Louisville, for instance. The school's identity and mission are in some sense shaped by or at least enriched by the tie to its famous namesake. I was impressed that when Laura Rothstein first became dean at Brandeis, she began reading biographies of Louis Brandeis, knowing that his life and work was relevant to the kind of school that Brandeis sought to be. A school like Brandeis, or Marshall-Wythe School of Law at the College of William and Mary, or others might find it very useful for the faculty to have a collective understanding of their heritage. The learning could spur scholarship and sharpen the mission of the institution.

Indeed, this kind of mission-related training could be useful at any school. Let's say a school emphasizes a particular jurisprudential or curricular focus. That focus may be one of its main draws for prospective students. All faculty, not just those teaching jurisprudence or courses in the area of the school's focus, ought to be familiar with the basic issues related to the area of focus.

In all of these cases, the benefits of mission-related faculty training are great. The faculty is energized by spending time together on the things that matter. The training spurs creativity in scholarship and teaching. It also ensures that our glossy brochures not only sound fantastic, but that they sound exactly like the schools we have—schools sharply focused on their missions.