

**Simon Greenleaf University
Strategic Planning Committee**



Justice with the Love of God

REPORT OF THE LAW SCHOOL SUBCOMMITTEE

Samuel B. Casey, III
Gerald R. Thompson

I.

Overview

A.

INTRODUCTION

In order to discover the rules of society best suited to nations, a superior intelligence beholding all passions of men without experiencing any of them would be needed. This intelligence would have to be wholly unrelated to our nature, while knowing it through and through; its happiness would have to be independent of us, and yet ready to occupy itself with ours; and lastly, it would have, in the march of time, to look forward to a distant glory, and, working in one century, to be able to enjoy in the next. It would take gods to give man laws.¹

God, "gods," or man - who is the ultimate source of law? The answer most law professors give today is "man" and "man alone." To other educators, the question itself is meaningless because they do not believe they are studying *law* so much as the political/legal use and abuse of power. However, most people still believe that law is real and that its real purpose is to render justice to all people.

It is ironic that as our culture becomes more dominated by legal regulation, legal counsel which is competent, affordable and truly Christian in its perspective becomes less available. Many view the legal profession to be in a state of moral decline that is accelerating a moral decline in the culture. The individuals within the legal profession in turn have been greatly influenced by their teachers - the law schools of America. Yet, modern legal education has little moral guidance to offer future students other than more of the same positivistic, relativistic and humanistic ideals which many believe lie at the heart of the problem.

As a voice crying out in the wilderness, Christian legal education seeks to understand and explain the truth that God is the ultimate source of law. It further declares that to believe otherwise will inevitably destroy the life, liberty and prosperity of Western culture, if not that culture itself. Just as the belief in Christ is necessary for the salvation of the individual, so to is a Christ-centered biblical perspective of law, government and public policy necessary for the reformation of Western culture.

So who will do justice with the love of God? How can it be done? To answer these questions, we present the case for Christian legal education.

1. Jean Jacques Rousseau (1712-1778), Social Contract, Book 2, Chap. 7.

B.

THE STATE OF THE PROFESSION

Questions about justice are fundamentally religious. This is naturally denied by those who think that the separation of church and state is a doctrine providing them with the means to structure the political order to the exclusion of Christian belief. But there is no such thing as law that does not assume a particular configuration to reality, which does not at least pretend to tell what kind of values are to be considered ultimate. That is why the establishment of justice as the aim of biblical world view must encompass the changing of the political system.²

There are over 700,000 licensed lawyers in the United States, or one lawyer for every 430 Americans, with about 90,000 lawyers in California. California is the home for more schools of law than any other state: 16 schools accredited by the American Bar Association, 18 schools accredited by the State Bar of California, and 25 unaccredited schools approved by the State of California's Department of Education. Altogether, there are about 210 schools of law in the United States (174 accredited by the American Bar Association), graduating about 40,000 attorneys per year. Never before has America been more law-oriented, yet skeptical of law, or more in need of justice, yet doubtful of its attainment.

One might think with the great number of lawyers we have in America that the legal profession is exerting a positive influence to change society for the better. Sadly, this is not the case. According to recent polls, Americans rate being a lawyer as one of the "sleaziest ways to make a living." Recent Gallup polls also indicate that most Americans think America lacks moral leadership, everyone is becoming a "law" unto themselves, and that the country is headed in the wrong direction. Many lawyers, judges, law students, law professors, and government officials, regardless of their philosophy, share this discontent, They are wondering what has happened to the "soul" of the legal industry as it tries to help society, but is perceived as only contributing to the problem.

With the official tolerance of public pornography, abortion, gay rights, divorce on demand and growing taxation, and intolerance of religious and other liberties, it is no wonder that the institutions of society, especially the family, are in a state of accelerating breakdown. What were once accepted social norms and honored traditions are now viewed by lawmakers as outdated stigmas of the Dark Ages. Public officials commonly decry the breakdown of society, but the fact is too few even know

2. Herbert Schlossberg, Idols for Destruction (1984).

what a "whole" society would look like. Many officials simply want to reshape society according to their own ideals without regard for any objective standards. Their desire is understandable in an educational system that has taught them there are no absolute standards they can rely on except themselves.

As if these social ills weren't enough, public officials, many of whom have been legally trained, are experiencing varied crises of personal and professional integrity. Political candidates for the nation's highest offices admit to having extramarital affairs. Officials of all kinds are reported to be selling votes for sexual favors. The keeping of professional ethics standards is at an all-time low. Lawyers of every kind are reported to be having difficulty enforcing or obeying legal ethical standards. It is popularly perceived that an unprincipled lawyer will do whatever serves his or her momentary self-interest just to be competitive in the legal marketplace. This is moral corruption in the highest degree, and its impact on the way people legislate, enforce and judge laws is very real. Consequently, lawyers are to a large degree perceived to be contributing to the problems of society, rather than solving them.

Of the lawyers in America, about 3900 are members of the Christian Legal Society, 390 of which (or about 10%) practice in Southern California. While no formal survey has been conducted, CLS roughly estimates that there may be as many as 40,000 Christian attorneys in the United States. However, these Christian attorneys are hardly turning the moral tide of the legal profession. Indeed, many of these attorneys report a struggle between their faith and the practice of law and are a long way from resolving this struggle. Indeed, for many skeptical Americans, the thought of a "Christian lawyer" seems the classic oxymoron, a contradiction in terms.

Of the 30 American law schools operated by organizations with a religious mission (mostly Roman Catholic), only two are dedicated to the integration of law and biblical theology from a Christian perspective in their formal curricula and institutional character: Simon Greenleaf School of Law in Anaheim, California and Regent University Law School in Virginia Beach, Virginia. These are the only institutions which are committed to training attorneys with the understanding that legal practice is a Christian work that can and must be daily practiced with the love of God and neighbor and the example of Christ as its highest duty.

If even a portion of this perception is true, reform of the legal industry is long overdue. Such reform must necessarily include, if not begin with, legal education. Thus, it is the goal of the School of Law to openly proclaim the distinctive and beneficial features of a biblical perspective of law, and the differences it makes in the practice of law and government.

C.

CHANGES IN LEGAL EDUCATION

"Woe to you Pharisees, because you give God a tenth of your mint, rue and all other kinds of garden herbs, but you neglect justice and the love of God. You should have practiced the latter without leaving the former undone."³

For if Christ is not only truth, but the truth of life and all creation, then Christians belong in the political arena, just as they belong in all legitimate fields and activities, that the "blessings of God might show forth in every area of life." Indeed, it is the Christian's duty to see that God's standards of righteousness are upheld in the governing process. This may be accomplished from within the structures themselves or from the outside by organizing public pressure to influence the system.⁴

From America's beginnings in the 17th century to its establishment in the late 18th century, many of its leaders sought to found the nation's legal and political systems upon biblical principles which they believed to have been given by God to man to order his social relations. In their colonial charters, the settlers often relied upon the Great Commission to justify under international law their intrusion into the New World. In 1776, the Declaration of Independence cited the "laws of nature and of nature's God" as the legal authority for the new nation. The form of state and federal constitutions were "social compacts" patterned after the divine covenants revealed in the Bible. And, the founders intentionally adopted the English common law, largely purified from the rules contrary to God's law, to govern the daily affairs of the people. It was the codification of these common laws that formed the bases for the first statutory laws in the United States, including the statutory laws of California.

Not surprisingly, America's earliest efforts to educate its people for leadership in law and politics focused upon the laws of God. America's lawyers were educated by reading Sir William Blackstone's Commentaries on the Laws of England and Chancellor James Kent's Commentaries on American Law. Blackstone explained that Man, as a creature of God, is entirely subject to the laws of the Creator, and that he should always conform to his Maker's will, also called "the law of nature." Human laws which violated this law of nature were not valid.

3. Luke 11:42.

4. Charles Colson, Loving God, at 168.

Not only did students study legal treatises based on a biblical understanding of law, but they studied the Bible itself as a source book of the foundational rules of property, torts, contracts and crimes. The question was not whether biblically-based legal education was needed, but why anyone would want to approach legal studies any other way. It was commonly accepted that the true nature of America's legal and political system could not be understood except by studying its biblical roots.

A watershed year in American legal education came in 1870 when C.C. Langdell became dean of the Harvard Law School and introduced the "case method," which revolutionized the study of law throughout the United States. The importance of this change is that it introduced students to a new faith about law, namely, that man could "engineer" law to suit his needs as they changed from time to time. As a result, the belief in evolution (not creation) and in man (not God) as the source of law has come to dominate legal education in America. This belief about law is called "positivism," and holds that social engineering through law is the key to the salvation of society.

This belief has caused considerable problems for legal scholars, educators and judges. While attempting to prove to society that law was something fixed and settled, whose authority was therefore beyond question, these same people must allow for the law to undergo constant readjustments and occasional radical changes. It is for this reason law school catalogs today have almost completely dropped any promise that the student will learn the law after several years of study. The new goal is usually stated in terms of training students to "think like a lawyer."

Along with positivism, the "case method" spawned a form of legal relativism which views law as being constantly in flux and capable of being changed at will. It rejected the prevailing biblical opinion that although facts change, the basic legal principles are fixed, uniform and universal. Rather than learning a framework of legal rules, law students were encouraged to glean the "true" legal principles by a process of inductive reasoning after the study of many appellate cases. Cases were no longer viewed as a reflection of the law by its application in a given situation, but were seen as the primary source of law. The judge was no longer the law's discoverer, but its creator.

Having eliminated God's perspective from the typical law school curriculum, educators are left with no guiding principle for legal instruction apart from a weak consensus of their peers or their own personal desires for reform. This prevailing wind of humanism has weakened, rather than strengthened, the ability of graduates to function as lawyers in society. Business lawyers are often unable to advise their clients how to plan for the future because the laws may change at any time. Trial lawyers are often unable to distinguish relevant case precedent from irrelevant and aberrational cases. Public officials have no basis upon which to distinguish constitutional law from the rulings of the U.S. Supreme Court.

The effects of a system of legal education based upon humanism has spilled over into all of society. Law and order have rapidly deteriorated in the United States because its citizens have been taught that man is the measure of all things and that laws are merely a way for some people to get other people to do what they want. Since people and laws are subject to no higher law than what the people in power want, it is no wonder that a contempt for courts and social order results. This is the state of legal education in America today.

D.

THE BETTER SOLUTION

The [church-related law school] has a unique opportunity in at least two respects: it is totally independent, and it is free to emphasize that there is indeed a moral basis for our fundamental law; and it is free to examine and explore whether it is sound educational policy to train people first in the skills of a professional monopoly and leave it to some vague, undetermined, unregulated, undefined future to learn the moral and ethical precepts that ought to guide the exercise of such an important monopoly in a civilized society.⁵

We know that the law is good if one uses it properly.⁶

Is legal thought or legal service (including politics) in any way incompatible with the Great Commission that Jesus Christ established for His followers? Can we hope to teach all God has commanded without reference to law or justice? Should people who follow Christ be consigned to seeking legal education from a faculty that sees no real relevance for such education in the study of biblical truth? We think not.

In contradistinction to a pragmatic or instrumental approach to determining whether law works, the School of Law has been established to teach its students to know the biblical principles of law and to apply these principles with the daily study and practice of law. Graduates are equipped to view the practice of law as a ministry dedicated to public service and private assistance, particularly for those people Christ is especially concerned, the poor, the widow, the elderly, and the unjustly treated.

A Christian law school should restore the framework of law based on biblical principles as a means of opposing modern positivism. The practice of law is a good work which a lawyer cannot be adequately prepared for apart from instruction in the Word of God. Accordingly, the Bible is used as a text which informs the subject matter, directly or indirectly, of all courses of the curriculum. Based upon this foundation, the School of Law seeks to influence the restoration of America's legal and political systems upon the law of God as revealed in the Bible, and thus foster a reformation in American jurisprudence. The first fruits of this restoration will be restoration of religious liberty, the protection of the right to life, the preservation of the conditions under which the traditional family can flourish, and the reduction of taxation as the civil government relinquishes

5. The Honorable Warren E. Burger, Chief Justice of the United States, "The Role of the Lawyer in Modern Society" [given at the dedication of the J. Reuben Clark Law School, Brigham Young University, September 5, 1975].

6. 1 Timothy 1:8.

social programs which properly belong in the private sector.

Through the careers of its graduates and the efforts of its faculty, the School of Law purposes to contribute to the restoration of justice and liberty to America. As America has strayed further from its biblical roots, it has perverted justice and been held in legal bondage, unable to extricate itself from the legal quagmires of abortion, pornography, sex crimes, divorce and the criminal justice and penal systems, among others. Of primary importance is dispelling the myth that a biblical view of law brings legalism, persecution, and repression in a society. Rather, only Christ is capable of bringing true liberty to the land - the freedom to do the will of God. Only Christ can restore justice truly - by requiring the equal application of the laws, just as Christ treats all men equally.

To countermand the humanism of conventional law schools, the School of Law will not only prepare graduates for distinctive professional service, but train them in moral precepts so that they can be effective witnesses, or "salt and light," for Christ in the world.

"Oh God, we pray for Liberty!" These are the stirring words of a popular song often heard on Bulgarian radio in the summer of 1991 as more than a half-century of totalitarian rule slowly gave ground to the incoming tide of democracy - rule by the people. But how shall the people rule? "By majority rule," say the communists still in majority control of the Bulgarian Parliament. "By the popular will of the people," shout the still-disenfranchised democracy protestors enduring a hunger strike against the new constitution in the park across the street from the Bulgarian Parliament.

But if our rights truly come from only people, communists, republicans or democrats, are not such rights better understood to be mere privileges that can be taken from us on another day by the same human hands that gave them? Are we condemned to an understanding of law wholly dependent only upon the wisdom or whim of its subjects - people? For the freedom-loving Bulgarians and Christians around the world, the answer to this question must be a resounding "no!" As the signers of the American Declaration of Independence were careful to instruct those whom they called to a revolutionary expression of freedom, God Himself is the source of all true and inalienable rights, including the rights to life and liberty.

This is the same answer given by President John F. Kennedy at his First Inaugural Address, January 20, 1961, the year that the Berlin Wall was constructed by the communists as a symbol of their asserted power to crush liberty. President Kennedy stated, "the world is very different now...And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe - the belief that the rights of man come not from the generosity of the state, but from the hand of God."

This answer - that the source of true law is God, as He has revealed himself in the Bible - is the foundation stone upon which the Christian perspective on law and justice rests. We must be ever vigilant to retain our liberty to assert God's sovereignty over ourselves or any power or jurisdiction that He has assigned to any human institution, particularly the State. Such vigilance is impossible without educational institutions dedicated to overcoming that ignorance in every generation most responsible for the loss of such God-given liberty.

E.

A UNIQUE APPROACH

No generation can bequeath to its successor what it has not got . . . If we are skeptical, we shall teach only skepticism to our pupils, if fools only folly, if vulgar only vulgarity, if saints sanctity, if heroes heroism . . . We shall admit that a man who knows no Greek himself cannot teach Greek . . . but it is equally certain that a man whose mind was formed in a period of cynicism and disillusion, cannot teach hope or fortitude. A society which is predominantly Christian will propagate Christianity through its schools; one which is not will not.⁷

The School of Law will seek to propagate the biblical message of God's perspective of law, justice and liberty to its students and around the world as God provides the ways and means to do so. In so doing, we will seek to become the foremost depository of international legal information useful to the mission enterprise of the evangelical Christian church throughout the world. In order to fulfill these purposes, the School of Law must not capitulate to the modern conventions and methodology of legal education in America. We offer distinctives in the areas of instruction, dissemination and discipleship.

Our goal is to fully integrate biblical theology with legal curriculum. This will not be done merely by adding theology courses to the curriculum, by praying or giving personal devotions during class time, or by making chapel services available on campus. Some of these steps may be done from time to time, but the chief feature of an integrated curriculum is an extensive use of the Bible as an actual legal textbook. In addition, historically accepted treatises consistent with the Bible will also be used, such as Blackstone's Commentaries and Kent's Commentaries, to supplement available textbooks. The use of casebooks will still be employed, but not for the purpose of inculcating the evolutionary presuppositions of the casebook method. Rather, casebooks will be used primarily to compare actual decisions with biblical principles of law and to familiarize students with legal trends in the nation. The School of Law offers unique course additions and requirements. For example, students are required to take courses in the Biblical Principles of Law, Alternative Dispute Resolution, Family Law, Jurisprudence, and the Church and the Law.

The goal of the School of Law is to competently train lawyers to serve Christ as emissaries in the fields of law and government. Thus, we intend to be an innovator in educational methods based

7. C.S. Lewis, God in the Dock, "On the Transmission of Christianity" (1946).

upon the principle that it is the responsibility of the teacher to cause the student to learn well the information being communicated, while at the same time teaching the student the critical thinking skills that will be needed to have the discernment commanded of the follower of Christ. Such innovation in teaching methodology is sorely needed in legal education.

A logical and eventual product of a fully integrated curriculum will be the production of new and complete textbooks for each course subject from a biblical perspective. Once published, these texts can be distributed nationwide for the purpose of presenting a truly Christian law text alternative where none presently exists in the hope of influencing other educators to reconsider their teaching materials. Other materials and resources will flow from the development of these textbooks, such as legal study outlines, a full law review, and treatises on various legal topics. The goal is to create and disseminate information to be used in various forms by Christian law students at other law schools, Christian professors at other law schools, and Christian lawyers who never had formal training in a biblical view of law.

Through courses like the "Biblical Principles of Law" and "Law and Professional Responsibility," supervised clinical practice, and biblical mentoring by faculty members and other University resources, the School of Law will seek to disciple its students as to the behavior, attitudes and other considerations which may be involved as the lawyer seeks to obey Christ's command "to do justice with the love of God."

Thus, students will be shown how to follow Christ's example as the prototypical lawyer: advocate, counselor and mediator. They will be trained to "think like a lawyer," not after the world's pattern, but after the pattern of the true disciple of Christ - "wise as serpents and harmless as doves" (Matthew 10:16). Our goal is to take all the thoughts of law and education captive to the obedience of Christ, and to show students how to think critically and to discern false teachings, but without becoming skeptics.

In addition, the School of Law purposes to rediscover the legal roots of America and the unique place American law has had in the history of nations. Among but a handful of nations, such as England and Israel, the United States is a covenant people, a free society governed by the consent of that people in national covenant before God. We believe the American legal system cannot be fully understood except by a thorough examination of its legal roots in the origin of the English constitution and common law, the colonial charters and compacts, the rights and liberties of Englishmen, the documentary road to Independence, various state constitutions, the Declaration of Independence and the Constitution of the United States, among other historical documents. These documents follow a pattern consistent with the principles and rules of the laws of nature and of nature's God, and explicitly acknowledge their permanent and unchanging nature. Thus, we will work to reclaim America's heritage of fixed legal principles.

F.

THE CHALLENGE

Christianity is qualitatively different or it has nothing distinctive to offer the world. The real arena in which we are to work and witness and win others is the world, or we have ceased to be light, salt and leaven. . . . Christian duty requires courageous participation at the frontiers of public concern - education, mass media, politics, law, literature and the arts, labor, economics and the whole realm of cultural pursuits. We need to do more than sponsor a Christian subculture. We need a Christian counterculture that sets itself alongside the secular rivals and publishes openly the difference that belief in God and his Christ makes in the arenas of thought and action. . . . Each of us must find his or her proper station and platform in the "fight of the day" and use our God-given talent to reflect the truth and justice of God in to the world of public affairs. Have you enlisted, winsomely and courageously, in what Paul calls "the fight of the day?"⁸

Christian reform of legal education will not come without cost. To establish the School of Law as a first-rate Christian law school graduating 100 lawyers a year by the year 2000 will require substantial capital investment over the next few years. The actual cost will vary, depending upon the size and permanence of the facility built, the size and quality of the library and faculty maintained.

Some of our immediate needs include the hiring more full-time faculty members, expansion of the library, and the development (by Fall, 1993) of an initial treatise on the principles of Christian jurisprudence for review and comment within the Christian legal community.

Only a committed, strategically located Christian law school like the School of Law, can best accomplish the critical task of truly preparing Christian lawyers for the professional practice of law. Such an institution can prepare lawyers to be able to minister justice on behalf of their clients and the nation. Such an institution can prepare lawyers to follow the example of Jesus Christ as an Advocate, Counselor and Mediator. Such an institution can creatively influence the entire development of international law towards the biblical pattern of rights and duties owed to God and man that are the well-spring of true freedom and liberty under God.

For this reason, we believe that the School of Law will render truly unique benefits among all other existing law schools, not only in the United States, but in the world.

8. Carl Henry [see CLS Quarterly].

II.

Mission / Integration

A.

UNIVERSITY MISSION

The University is a Christian graduate school offering both traditional academic degree and certification programs in Law, Christian Apologetics, and International Human Rights. The University, through its faculty, staff and graduates, is dedicated to influencing public opinion towards a biblical perspective by preparing its graduates to practice public justice, service, and Christian love in the areas of law, education, public policy, business, communications, government, ministry, and many other occupations.

The University is to be a university in the full traditional meaning of the term, with all of its component parts committed to the Lordship of Christ, so that the true knowledge and understanding of all things may be generated and disseminated for the common good of students, faculty and the public at large. The University is committed to continually develop the cognitive, affective and moral faculties of both students and faculty to their highest potential for their mutual benefit and the benefit of the greater society in which they live and work. What makes the University different from secular schools is its commitment to teaching, discussing and doing scholarship from the perspective of a truly Christian world view that recognizes the primacy of Christ and the Scriptures in all areas of human endeavor.

The mission of the University is to engage in, and train others to engage in, a reasoned defense of the historic Christian faith which proclaims revealed transcendent truth and moral absolutes. This mission serves as the all-encompassing framework and integrating basis for the entire content and conduct of the University. In fulfilling its mission, considerable emphasis is placed upon the scholarly integration of biblical faith with all of the fields of learning. The members of the faculty are diverse in their backgrounds, professional attainments and personalities. Yet, they are unified by their commitment and desire to work out the practical interrelationships and interdependencies that Christian faith and practice should have upon the curriculum and the life-styles of those within the community of this University.

One of the distinctives of the University is its apologetic thrust. "Apologetics" is the scholarly and practical implementation of 1 Peter 3:15, to "*sanctify Christ as Lord in your hearts, always being ready to make a defense to every one who asks you to give an account for the hope that is in you, yet with gentleness and reverence.*" Accordingly, the apologetic task, broadly stated, is to defend the teachings of Christ and the truths of the Bible. With respect to the mission of the University, the apologetic task is to defend these teachings and truths to the extent they inform the academic disciplines of law, human rights, and theology.

The University's apologetic thrust means that we apply the truth of God's revelation to every endeavor, unmasking falsehood, and bringing every thought captive to the obedience of Christ. In so doing, we unmask the lie that there is no source of universal values to which we can appeal to determine the justice of man's laws. We may do well to consider the words of C.S. Lewis, one of the foremost apologists of this century:

One of the great difficulties is to keep before the audience's mind the question of Truth. . . . One must keep pointing out that Christianity is a statement which, if false, is of *no* importance, and if true, is of infinite importance. The one thing it cannot be is moderately important.

The University has a unique niche among Christian educational institutions because the three degrees it offers are rare in that world. The University has the opportunity to develop a special learning environment where the students, faculty, and ideas of the three schools can intermingle to create new insights. There is a need for Christian attorneys and human rights specialists. In these times there is also a great need for the training of both amateur and professional apologists.

One of the recurrent errors in the history of thought in the West has been the radical compartmentalization of life and ideas. The exaltation of specialization has taken place at the expense of perspective, consistency and character. Just as the Christian liberal arts colleges have attempted to fight these errors in the field of learning they address, so School of Law has the opportunity to carry on this battle at the graduate level. It is this rejection of the notion that a discipline or system such as law can exist in isolation - without ethics, epistemology, history, or any justification - which cries out for the integration of law and theology, as well as the cross pollination of learning and ideas, between the schools of our University.

B.

LAW SCHOOL MISSION

The specific mission of the School of Law is to glorify God by obeying His command to all of mankind set forth in Scripture "to do justice, to love mercy and to walk humbly with your God" (Micah 6:8), as well as the Great Commission to all followers of Jesus Christ to make disciples of all the nations, teaching them to observe all that He commanded His disciples to observe.

The mission of the School of Law is accomplished by providing a traditional program of legal education in conformance with the requirements established by the State Bar of California, to prepare its graduates for the professional practice of law. Such preparation envisions that students will be trained to excel in the legal profession and legal scholarship so that they will not only serve the public well, but will also be agents for reformation in the legal profession and government. Students will also be given special insight into legal issues concerning human rights, especially those related to issues of religious freedom, and encouraged to see their profession from the wider perspective of international and comparative law.

The School of Law provides a thorough study of the moral foundations of our common law jurisprudence, tracing its roots to a belief in a divine Creator and the Judeo-Christian principles set forth in the Bible. Therefore, the School of Law grounds students in high ethical standards in the practice of law, trains them in conflict resolution, and encourages them to pursue "justice and the love of God." (Luke 11:42). This moral foundation is also made available to law students at other schools, practicing lawyers, judges, legislators, government officials, educators and other interested persons.

An essential part of fulfilling the mission of the School of Law is training students to be able to articulate a sound Christian philosophy of law, to employ apologetic techniques to defend the revelation of God from which it is derived, and to equip the student to refute positivistic legal philosophies. Such training will also include a survey of the integration of theology and law in order to help the student understand how the Bible and various theological systems can inform and reform the content and practice of law.

This view of law is the one espoused from Bracton to Blackstone. It is also the view held by the statesmen lawyers of America's founding period as evidenced by their reference to the "laws of nature and of nature's God" as the source of the inalienable rights claimed in the opening paragraph of the Declaration of Independence.

The pursuit of legal knowledge and the preparation for the legal profession at the School of

Law is governed by the promise of God that if a student abides in the words of Jesus Christ, he shall know the truth and the truth shall make him free. John 8:32. In reliance upon God's promise that He will guide into all truth, no relevant teaching or opinion is excluded from consideration or debate, particularly the teachings of Jesus Christ. But, the search for truth in law or in the life of the student or the faculty member does not end with a survey and an assessment of different teachings and opinions. Rather, that search ends only when God confirms the truth in each person's heart. This reliance upon God not only creates an atmosphere of moral discourse and true academic freedom, but also prepares the student for the practice of law through development of persuasive skills and legal strategies consistent with the student's ethical commitments.

Additionally, the School of Law recognizes that the American legal system, including legal education, has moved in an ever accelerating fashion away from a legal foundation based upon an understanding that God is the source of law. The School of Law seeks to reverse this deterioration in the foundations of the American legal system. As accurately summarized by Law Professor John A. Eidsmoe in his doctoral field study, June 1985:

many leading thinkers contributed to the erosion of the American legal foundation, among them Rousseau . . . Comte . . . Darwin . . . Spencer, Langdell and others who applied evolutionary and positivistic thought to the legal system. As a result, the American legal system is floundering on a sea of evolutionary positivism which regards law as man-made and ever-changing rather than based upon any absolute and unchanging principles of the law of God. As a consequence, human rights are insecure, human responsibilities are downplayed, laws do not carry respect, and there is no check against tyranny since there is no longer any agreement upon or observance of the higher laws of God by which man's laws are to be judged.

Finally, the School of Law nurtures and encourages students to receive eternal life through Jesus Christ, and then mature in that life by exercising the gifts of God and showing the fruits of a personal relationship with Jesus Christ in their personal and professional lives.

C.

UNIVERSITY INTEGRATION

The mission, purpose and objectives of the School of Law achieve, and are integrated with, the overall mission of the University. The principal way in which this is done is by the integration of theology with the study of law, as described in the preceding section on "Law School Mission." Such integration utilizes a biblical Christian world view as the all-encompassing framework and basis for the entire content and conduct of the law program. There are other ways in which the School of Law integrates with the overall mission of the University as well.

The School of Law, through the Joint Degree Program, offers students an opportunity to take advantage of the University's Master of Arts programs in Christian Apologetics or International Human Rights at no additional tuition charge (student fees excluded). Law students may take Master of Arts classes (up to 36 units of work) at no additional charge in any semester in which they are also taking full-time law classes. Alternatively, law students, upon successful completion of the law program, may complete either of the Master of Arts programs (up to 36 units of work) in the four consecutive academic years following graduation.

Within the context of cross-disciplinary studies, the School of Law informs the Master of Arts programs to the extent it trains students in document interpretation, legal history, the rules of evidence, dispute resolution methods, or techniques of oral advocacy, in order to assist those students who choose to pursue legal methods in addition to their theological studies. In turn, the Masters of Arts programs inform law students to the extent it trains them in theology, church history, comparative religion, biblical studies, or apologetics, in order to assist those students who choose to pursue such methods of integration in addition to their legal studies.

The School of Law also fits in with the apologetic thrust of the University by training its graduates to defend the biblical perspective of law, or the "Gospel of Law," before the legal profession. Our law graduates will be interacting with other lawyers the remainder of their professional careers, so it makes sense to train them in a defense of God's law, rather than blindly following man's law. In this way, law graduates will inform the legal community of how to answer the questions, "What is law, where does it come from, and what are its true principles?" These are the great apologetic questions asked by the legal community today. Teaching students to defend the biblical answers to these questions is a unique opportunity for the School of Law.

III.

Goals Statement

OBJECTIVES AND GOALS

- A. By 1997-98 to have at least 200 law students enrolled in the evening division.
- B. During the period 1992-98 to graduate 100 law students.
- C. By 1996-97 to have obtained final accreditation by the State Bar of California, consistent with the School of Law's Statement of Mission.
- D. By 1996-97 to have opened a day division of the School of Law prepared to enroll at least 25 new first year students per annum.
- E. By 1996-97 to have fully developed lesson plans, supplemental materials, examinations and curricula integrating the study of law in the biblical truth in our mandatory subjects.
- F. By 1994-95 to publish at least annually a scholarly review of law with a particular emphasis on a biblical perspective on current legal developments.
- G. During the planning period to develop a full-time law faculty that includes at least four full-time professors including a full-time Dean, each teaching at least nine units per semester for at least nine months per year.
- H. To develop and maintain library resources sufficient to support the mission of the School of Law.

IV.

Curriculum

A.

CURRICULAR GOALS

The curricular goals of the School of Law are to develop in students the attributes of competence, character, and perspective.

COMPETENCE in the practice of law is ostensibly a goal that every law school has for its graduates. "Competence" implies that a lawyer has the requisite legal skill and ability to meet the needs of his or her clients, and is qualified to perform the kinds of representations he or she accepts. The School of Law desires to train graduates who will not only be able to perform legal tasks well, but to do so with excellence and distinction. Necessarily, students must be well acquainted with modern approaches to legal rules, methods and practice.

Among the more immediately practical aspects of this goal is that students gain the skills needed to pass the First Year Law Students' Exam (FYLSX) and the General Bar Exam. The FYLSX must be passed to continue legal studies at the School of Law beyond the first year of study, and the General Bar Exam must be passed to receive a license to practice law. Strangely, some law schools today, among them many of the A.B.A. accredited schools, make no conscious attempt to prepare their students for passing a bar exam. The School of Law, however, consciously strives to prepare its students for the bar exam experience.

CHARACTER is a personal trait that has been devalued in most law schools today. Modern educators believe that a graduate student's character has already been set for life, and incapable of significant molding during the law school experience. One result of the modern approach is that lawyers are held in low regard by our society in matters of personal integrity. The School of Law rejects this modern approach, believing that we can have a demonstrable influence on the character development of our students. There is a need for Christian lawyers to exemplify good moral character, and so to be "salt" and "light" in our culture.

Accordingly, the School of Law emphasizes the teaching of honesty, morality and ethics as a significant component of the curriculum. This includes a strong emphasis on God's revelation of law practice, believing that a lawyer should conform the relational aspects of legal study and practice to the model of Christ as a servant, mediator and counselor. This approach views the law as a form of Christian ministry, and sensitizes students to individual ethical and moral considerations, Christian conciliation, service to the poor, and a concern for public justice.

PERSPECTIVE is the often unstated, or at least understated, goal of every law school. In most law schools, the goal is stated in terms of basic competence: to train students "to think like a

lawyer." Yet, in reality, "thinking like a lawyer" involves a basic perspective on life which is critical, skeptical, relativistic, and intolerant of absolute principles. Furthermore, most law schools communicate to their students, whether expressly or impliedly, that there is only one "real" perspective of law, namely, prevailing current opinion. Other perspectives are rarely, if at all, discussed or even acknowledged. One result of this modern approach is that lawyers are viewed by society as "hired guns" who can, and will (for a fee), argue any position on any issue, whether right or wrong.

The School of Law rejects this modern approach and is firmly committed to presenting students with a different perspective of law, one which is based on the revelation of God. There is a need for Christian lawyers to advocate positions which are truly right according to a biblical perspective, and this can be gained only by a study of the substantive rules of law revealed by God. Thus, it is hoped our graduates will further the gospel by promoting God's kingdom in professional service and help change society for the better as a result of understanding law from a biblical perspective.

B.

CURRICULUM STRUCTURE

Currently, the curriculum structure of the School of Law is confined to an all-evening, four year program of study, as follows:

FIRST YEAR

LA511	Biblical Principles of Law
LA521, 522	Contracts I, II
LA531	Criminal Law
LA541, 542	Torts I, II
LA551, 552	Legal Process I, II

THIRD YEAR

LA701	Corporations
LA763	Family Law
LA776	Federal Courts
LA781, 782	Constitutional Law I, II
LA783	Criminal Procedure
LA791	Jurisprudence
LA853	Trial Practice

SECOND YEAR

LA612	Law & Prof. Responsibility
LA650	Appellate Advocacy
LA661, 662	Property I, II
LA671, 672	Evidence I, II
LA673, 674	Civil Procedure I, II

FOURTH YEAR

LA801, 802	Wills, Trusts and Estates I, II
LA823, 824	Remedies I, II
LA864	Community Property
LA884	Religion and the Law
LA675	Alternative Dispute Resolution
	Elective
	Elective

Currently, all courses in the curriculum are required courses, with room for only two elective courses in the fourth year of study. Courses such as Biblical Principles of Law, Jurisprudence, Family Law, Alternative Dispute Resolution, Religion and the Law, and Federal Courts are deemed by the faculty essential to the development of Christian character and perspective. The courses required by the State Bar of California for admission to practice as an attorney will tend to focus on competency concerns, on the other hand. Some of the courses, such as Biblical Principles of Law, Religion and the Law, and Alternative Dispute Resolution, are unique to only a handful of law schools nationwide.

There are two major goals which ought to be achieved with respect to curriculum structure in the next five years. First, the School of Law should, by 1996-97, open a day division of the School of Law prepared to enroll at least 25 new first year students per annum. This goal is desirable as a means of attracting the "mainstream" of law students who are somewhat younger, who generally attend law school immediately after college graduation, and who do not need to work full-time while

attending school.

The curriculum for a three-year full-time program of law study could be structured around the following model: the focus of the first year curriculum would be on common law subjects (Biblical Principles, Contracts, Torts, Criminal Law, Property, and Legal Process); the focus of the second year curriculum would be on covenant law courses (Evidence, Civil Procedure, Constitutional Law, Criminal Procedure, Family Law, Corporations, Federal Courts, etc.); and the focus of the third year curriculum would be on elective or specialty courses.

The second major goal is to expand the number of courses regularly offered by the School of Law. In addition to the required courses, the University catalog mentions Insurance Law, Law Office Management, Administrative Law, International Law, Debtors' Rights and Creditors' Remedies, Environmental Law, Conflict of Laws, Taxation I & II, and Labor and Employment Law as available elective courses. It would also be desirable to add courses such as Business Planning, Patent, Copyright and Trademark Law, and Regulated Industries, etc.

Many of the elective courses have not been taught for several years, or very infrequently. There are several reasons for this. First, no law students were admitted to the School of Law in 1988 or 1989. As a result, we presently have no fourth year students who are looking for elective courses. Second, student enrollment in the upper years of study has been low, so that very few students desire to take the same elective courses. As a matter of school policy, elective courses are not taught where student enrollment falls below five students. Third, the curriculum requires so many courses that there is room for only two electives per student, severely limiting the demand for elective courses. Fourth, an expansion of elective courses would require an increase in faculty appointments, which is a financial constraint. Fifth, the past practice of admitting new students twice each year has resulted in offering many of the required courses twice each year. This increased demand for required courses, coupled with a limited number of classrooms, has contributed to a shortage of classrooms available.

These barriers to an expansion of course offerings will, to some extent, be naturally overcome as the current third year class moves into the fourth year of study, and as the graduating classes which are small in number are replaced by larger classes. Additionally, the following affirmative steps can be taken: 1) increase the recruitment of new students; 2) admit students only once each year; 3) rearrange the schedule of courses to aggregate students whose individual classes are small; 4) streamline the number of required courses so as to allow each student more options to take elective courses; 5) hire additional faculty members; and 6) institute a 3-year full-time law program.

C.

CURRICULUM CONTENT

The substantive content of the curriculum of the School of Law reflects a recognition that the law of the United States was founded on a biblical legal perspective, but that modern jurisprudence has significantly departed from, and often abandoned, these principles. Accordingly, the content of the curriculum must ever be directed to familiarizing students with both views of law: the historical biblical perspective, and the modern jurisprudential perspective.

The modern jurisprudential perspective of law is widely available in the texts, treatises and outlines commercially available from the major legal publishers. It is the perspective which governs study and preparation for the FYLSX and the general bar exams. The modern perspective is weighted heavily in favor of recent judicial interpretations, essentially adopting the view that law is whatever the judges say it is.

An integrated view of law receives the Bible as informing the study of law. Biblical principles of law may be discerned from covenantal provisions, case adjudications, historical narratives, etc. An integrated view of law interprets the Bible consistently with the rules which govern the interpretation of legal documents. Consequently, the theories of legal rule formulation used generally in the profession apply to the Bible as well. There is a long and documented historical tradition employing the Bible in this legal fashion, and this scholarship further validates the study of God's revelation of law in the law school curriculum.

An integrated perspective of law acknowledges that the United States was expressly founded on the basis of "the laws of nature and of nature's God." "The law of nature" is a well known phrase having the historic understanding of the will of God impressed upon the creation. The law of nature affirms the special revelation of God in the Bible, man's fallen nature (corrupt reason), and man's inadequacy to accurately discern God's will apart from His special revelation. "The law of nature's God" was historically understood as a reference to the Bible. The Bible does not exhaustively describe the law of nature, but it is perfectly consistent therewith. The Bible informs, checks, and delimits our understanding of the law of nature. Students are acquainted with God's revelation of law as a means of following the example of Christ as an advocate of the true principles of right and wrong human behavior.

An integrated perspective of law will enable graduates to articulate and defend well-reasoned and supported answers to these legal apologetic questions, among others: 1) What is law? Today, modern scholarship (A. A. Leff, *Critical Legal Studies*) has abandoned all hope that any such thing as an unchanging, transcendent law exists; 2) Where does law come from? Modern scholarship believes that law comes from whoever holds the most power in society (might makes right); and 3)

What are the true rules of law? The modern view reflects the view that law is whatever the judges say it is.

An integrated perspective of law should inform each course offered in the curriculum of the School of Law. To develop the desired traits of character and perspective in law students, they must be constantly exposed to God's revelation of law and its historical understanding as they consider each subject in turn. Currently, an integrated perspective of law is at least partially integrated with the modern perspective of law in about 30% of the courses offered in the School of Law. Our goal is that the School of Law will be able to hire additional full-time members of the law school faculty so as to develop, within the next five years, supplemental materials and lecture outlines which more fully develop an integrated perspective of law with all of the courses required for the J.D. degree.

In developing an integrated perspective of law, it would be helpful to keep the following guidelines in mind. We want to continue to recognize the absolute authority of Scripture and live by the Scripture telling the truth in love, and having humility. Hostility to the discussion of the Bible's relevance to law or human rights, or the relevance of the canons of evidence in legal science and what they have to offer concerning apologetics is to be avoided. Apologetic offerings and discussions should include a defense of the whole Christian worldview, not just the core matters of God's nature and the means of salvation. We should develop in students the biblical, exegetical, hermeneutical, and logical tools they need for their own legal system building and decision making.

In all that we do, we should humbly share our own examples of what we have to offer as a working model, at the same time exposing students to other models and the critique of those models. We need to emphasize the teaching of method rather than indoctrinating students into particular synthetic conclusions. Students ought to be informed that topics of study are not self-contained and self-sufficient. Academic disciplines all inter-relate. Law or human rights - or for that matter art, physics or any subject - cut loose from our knowledge of God and His revelation is like a barge set adrift in a river with no tug or mooring.

Utilization of a modified version of the Socratic method is to be encouraged in courses for teaching legal thinking from a biblical perspective. Question asking as a means of teaching is biblical itself despite abuses of this truth. True, the socratic method can be used by the unscrupulous to manipulate or program, but it can also be used to teach people to synthesize solutions to problems or critiques to other opinions. It is helpful in building test taking skills as well. Indoctrination, on the other hand, does not accomplish this. If a person has not reasoned through what they believe, then they cannot defend it.

Finally, we want to develop critical thinking skills in students, and train them in the skills of correct argumentation. We should avoid using informal fallacies, poor hermeneutic techniques, bad scholarship, or faulty research. Such mistakes in method will come back to haunt us even if they, by accident, bring us to the right conclusion. To knowingly do anything less than employ the very best methods of scholarly research is to engage in self-deception. We also want to bring to students' attention the particular passages of Scripture relevant to the topic being discussed. When legitimate controversy exists among evangelicals on the proper application of a particular passage, it should be acknowledged for the sake of academic honesty.

D.

CURRICULUM DEVELOPMENT

The integration of a biblical world view with the study of law is challenging, in large measure, because of the lack of consensus among Christians as to what an integrated perspective of law looks like. There is also a dearth of available law study materials written from an integrated law perspective. To carry out the mission of the School of Law, we should meet the challenge of seeking a consensus (to the extent possible) among Christian lawyers and theologians, and then creating lecture notes, outlines, treatises and casebooks which advance this mission. The School of Law has a unique opportunity to be a national, and even a world, leader in the integrated Christian law perspective if it will rise to this challenge. Whatever institution first produces law study materials which can be used by Christian teachers at secular schools, by Christian law students at secular schools, and by Christian lawyers already in practice to integrate biblical principles with legal study will become the recognized leader.

Presently, there are no commercially available casebooks written from a Christian perspective of law. There are no comprehensive, scholarly outlines or treatises setting forth an integrated law perspective. Thus, the foundational component of a program to produce Christian law study materials is the development of a scholarly Christian integrated perspective in every law school subject, which viewpoint will inform and guide the creation of all other study materials. As these position papers are produced, one by one, they should spawn the writing of treatises, casebooks and other materials. Pending the creation of these materials, instructors will need to develop their own outlines for classroom lectures, and put together their own supplemental reading materials to balance the legal perspective promoted in commercially available texts.

The "Rediscovery of the Law" project is a series of publications, at least one each year, designed to produce a scholarly Christian integrated perspective in every law school subject. These position papers will compare and contrast biblical, historical and modern views which relate to the subject matter. The first subject will most likely be Jurisprudence (the philosophy of law), which will set forth the foundational principles upon which all law study is based, to begin in May, 1993, and to be finished by October, 1993. The second subject would probably be Constitutional Law, should be completed in Fall, 1994. All law school courses are to be similarly treated, eventually.

Five years from now, we should have produced full-fledged casebooks in at least two subjects. By 1996-97 we should have fully developed lesson plans, supplemental materials, examinations and curricula integrating the study of law with biblical truth in all courses required to be taken by the School of Law.

The development of these materials will require a painstaking, deliberate and continuous effort

on the part of the law faculty, interacting with other members of the University community and selected other interested persons. The rate at which Christian law study materials will be developed will most likely be directly proportional to the funds available to the School of Law to hire full-time faculty, as well as student assistants hired for the express purpose of developing such materials.

The development of position papers must be conducted in a spirit of humility by all participants in the project. The approach must be inter-disciplinary, taking consideration of theological, historical, sociological and other perspectives as appropriate. Where evangelical Christians clearly differ in legal perspective, such differences should be noted. Papers will most likely need to indicate alternate viewpoints and their ramifications throughout. Such papers will also, for the sake of the body of Christ, be submitted for review by scholars from a variety of disciplines.

Curriculum development itself is a process which usually takes place during the teaching of a course. First, the instructor must be familiar with the modern jurisprudence of the subject. Next, he must become familiar with the biblical principles informing that subject, usually by reading available materials and by interacting with other faculty members. Relevant scripture texts can begin to be interwoven with the discussion of various topics within the course subject. Often, the instructor will prepare a list of supplemental reading materials, or bibliography, from which excerpts can be taken and reproduced for student reading.

When the instructor teaches the same subject a second time, refinements can and should be made. Lecture notes can be improved by correlating scriptures with topics to which they most directly apply. The application of biblical principles may suggest some topic reorganization in order to give a more coherent structure to the presentation of the subject matter. Some class periods may need to be devoted exclusively to historical or biblical considerations as a means of laying a foundation for an in-depth study of the material which follows. Reading supplements can be refined by adding new readings, or substituting new sources for old ones. Reading supplements are greatly enhanced if the instructor adds his own comments to the materials as a means of guiding the reader through what other people have written, and as a means of giving more obvious structure to the supplements.

After an instructor has taught the same course a few times, he may be ready to fashion a casebook, incorporating his supplemental materials with selected cases taken from a standard text. Often, in their quest for presenting the latest opinions on the subject, casebook editors omit, or reduce to a single paragraph summary, key opinions which marked a turning point in judicial understanding of a given topic. Standard casebooks often omit portions of opinions consistent with biblical principles. Secular editors also "stack" cases on a particular topic that is currently "hot," while virtually ignoring topics of great historical significance. The Christian casebook editor has an opportunity to make up for these deficiencies in standards legal texts. However, the editing of a casebook is time consuming, and should not be expected from anyone until they have taught the same course several times.

There are several levels of expectation concerning biblical integration, as described by the following ascending levels of preparedness. First, we should expect an instructor in every course to prepare, as part of the course syllabus, a statement of the manner in which the integration of biblical principles with legal studies will occur. This is a *de minimus* standard for every course and

every instructor. Second, experienced instructors would be requested to develop lesson plans or lecture outlines which demonstrate biblical integration, and to provide a file copy of such outlines for the Registrar. Third, instructors would be asked to prepare a bibliography which would direct students to outside reading materials for further integration study. Fourth, instructors would be asked to prepare supplemental reading materials for classroom use in addition to standard legal texts. Fifth, instructors could, if they chose, develop and publish their own legal treatises or casebooks.

We recommend the continuation of a standing law curriculum committee, made up of members of the law faculty, to review all courses in the law school curriculum. The Curriculum Committee would meet three times each semester. The first meeting each semester would be to make sure every course has a syllabus stating the manner in which the integration of biblical principles with legal studies will occur. The second meeting each semester would be to review the progress of all law school courses and suggest revisions to the overall curriculum, as needed. The third meeting each semester would be to review student comments and faculty evaluations for all law courses offered. The Curriculum Committee, in consultation with the law faculty, would report to the Academic Senate as needed to inform that body of recommended changes to the law curriculum.

In all of the above processes, it would be well to remember the words of St. Augustine:
"In essentials unity; In non-essentials liberty; In all things charity."