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A NEW ERA FOR *THE CATHOLIC LAWYER*

MICHAEL A. SIMONS* & SUSAN J. STABILE**

In January 1955, St. John's University School of Law embarked on a new project—the publication of *The Catholic Lawyer*. The stated purpose of the publication was to fill the need for a “magazine for Catholic lawyers.”¹ And in its early days, *The Catholic Lawyer* truly was a “magazine,” with photographs and illustrations, a section called “News Notes” that reprinted short news items relating to the Catholic Church, another section entitled “Personalities in the News” that highlighted prominent Catholic lawyers, and a “Question Box” where the editors and guest experts answered questions relating to Church doctrine. That first volume of *The Catholic Lawyer* also included substantial articles about issues that continue to interest scholars today: from the regulation of gambling² and the taxation of religious organizations,³ to the import of natural law theory on jurisprudence.⁴

Like legal education in general, *The Catholic Lawyer* evolved in the fifty years since it was founded. Gradually, the “News Notes” and “Personalities in the News” sections disappeared; so too did the “Question Box” and the photographs. What remained, however, were serious articles about timely legal problems. A quick look at recent issues of *The Catholic Lawyer* makes clear that the publication had become much more than just a “maga-

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¹ Joseph T. Tinnelly, *The Catholic Lawyer – An Idea and a Program*, 1 CATH. LAW. 3 (1955).

² Frederick J. Ludwig & Dominic P. Hughes, *Bingo, Morality, and the Criminal Law*, 1 CATH. LAW. 8 (1955).

³ Joseph D. Garland & William F. Cahill, *The Concept of Church in the 1954 Internal Revenue Code*, 1 CATH. LAW. 27 (1955).

⁴ William J. Kinealy, *Whose Natural Law?*, 1 CATH. LAW. 259 (1955); William R. White, *The Natural Law and Commutative Justice*, 2 CATH. LAW. 31 (1955); Edward T. Fagan, Jr., *The Natural Law and Distributive Justice*, 2 CATH. LAW. 41 (1955); Miriam T. Rooney, *The Natural Law and Legal Justice*, 2 CATH. LAW. 131 (1955); John C. Fitzgerald, *The Natural Law and Social Justice*, 2 CATH. LAW. 137 (1955); Ben W. Palmer, *The Natural Law and Pragmatism*, 2 CATH. LAW. 8 (1955).

zine” and no longer was just for Catholic lawyers. Instead, *The Catholic Lawyer* had become a scholarly journal devoted to the study of law and religion in general, and law and Catholicism in particular.

With the evolution of the publication, an evolution in the name also seems appropriate. So with this issue, we re-christen *The Catholic Lawyer* as the *Journal of Catholic Legal Studies*. Our intent is not to change the character of the journal, but rather to reflect what it has become—and to reflect our aspiration that it continue to be a home for high-level scholarship that will be of interest not just to Catholic lawyers, but to all who care about those areas where the law impacts Catholicism and, just as importantly, those areas where Catholicism and Catholic social thought may have something to say to legal thinkers. Such scholarship will often be interdisciplinary; it will also often be explicitly ecumenical, drawing on insights from scholars working from other religious perspectives.

The articles in this issue of the *Journal of Catholic Legal Studies* demonstrate the broad potential and diversity of this kind of scholarship. In *Capital Punishment and the Morality of Human Rights*, Michael Perry examines the emergence of an international morality of human rights based upon a shared understanding of the inherent dignity of each person—an understanding that is certainly not distinctively Catholic, but that is central to the Catholic worldview. Perry’s article then asks whether this recognition of the inherent dignity of the human person requires opposition to the death penalty. In his search for an answer, Perry examines the changing ways in which the Catholic Church has wrestled with the question.

Mark Sargent, in turn, focuses the lens of “Catholic jurisprudence” on a topic less obviously connected to Catholicism: law and economics. In *Utility, the Good and Civic Happiness: A Catholic Critique of Law and Economics*, Sargent joins issue with Stephen Bainbridge, a noted Catholic law and economics scholar, who has argued that law and economics “possesses a deep affinity, or at least consistency with the Catholic world view.” In contrast to Bainbridge, Sargent argues that the value-neutrality at the core of law and economics limits its prescriptive worth. Sargent proposes an alternative Catholic-inspired vision of the law that focuses less on maximizing individual choice and more on the rela-

tional virtues that can build the common good and provide a richer conception of “happiness.”

Finally, in a symposium entitled *Religious Education and the Liberal State*, a diverse group of scholars examines the sometimes tense relationship between religious education and classical liberalism. The symposium centers around the provocative work of James Dwyer, who has argued that the rights of parents to determine their children’s education should more often yield to the state’s interest in ensuring that all children receive a liberal education—including an education that will enable children to question the values their parents seek to instill in them. In the symposium, an array of scholars from different religious traditions responds to Dwyer’s vision. To varying degrees, Michael Scaperlanda (Catholicism), David Smolin (evangelical Christianity), Asma Afsaruddin (Islam), and Michael Broyde (Judaism) contest Dwyer’s characterization of religious education as illiberal and express fear about his vision of the state’s role in child-rearing. The symposium ends with Dwyer’s response.

As faculty advisors to the *Journal of Catholic Legal Studies*, we look forward to working closely with the student editors to continue the rich tradition of *The Catholic Lawyer*. The law and Catholicism have much to say to each other. This journal can be a home for scholarship devoted to that dialogue.

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