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THE SPIRITUAL SIGNIFICANCE OF THE LEGAL PROFESSION

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THE CLAIM of members of the legal profession to the special honour and respect of their fellow citizens does not arise from any narrow, self-regarding motive on their part but from the service they render to society, and this transcends all that has to do with individual personality. Their rank and worth is one of merit based on service; their rights and privileges flow from the duty of maintaining the values of life and not just the show of civilization; civilization should only be estimated in terms of its contribution to what is priceless in human life. No profession reflects the genius and splendour of civilization to the same extent as the law profession; people must be guided in their conduct for civilization to be urbane and humane; civilization must have its safeguards in the form of law, for otherwise it would be self-defeating and never attain its final goal.

Professional competence and professional practice are to be judged always in terms of the science and wisdom of law rather than by the skill of individual practice; personal ingenuity can never be equated with the law and all that it stands for. Everything must find its justification within the perspective of law.

It is to the legal profession, as to the learned in the law, that all, even the State, must look for light and guidance concerning what affects the well-being of society and the individual. Lawyers are not just to hold the law in high esteem, thus adding to the value of its appearance in the eyes of others, but are expected to have a distinctive knowledge of it and a true understanding of its nature. It is their responsibility to save all from error and illusion concerning the character and function of law; the scientific preservation of the majestic structure of

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law and government is in their hands. Nothing should be enacted as law unless it has received critical attention and meets with the profession's approval as being luminously intelligible in terms of justice, for whatever is in conflict with justice is not fit to be proclaimed as law by any power.

Law is far from being a matter of mere convention and while it is made by the enactment of authority, as by right, it is not just the will of the stronger or of the influential, for this would leave it without intrinsic worth, and the observance of it would not engender a sense of responsibility in those who obey, for fear of its consequences would be the only motive they could have for keeping it. Formal correctness is not the inner meaning of law; the ethic of law is not the rough ethic of expediency; there is a high moral excellence with law, for it belongs to the order of justice — the ideal of justice is the ultimate ideal of law. Law cannot invoke injustice, for if it does it nullifies itself and becomes undeserving of the name.

It is as the flowering of justice that law becomes the norm of human action and an integral part of the good life. These are not two rival orders of value — justice and law — but one. Instead of being a barrier to progress and a restriction for man, law is a principle of direction and part of the nature of things as far as he is concerned, for the aspiration that he has towards perfection and self-realization is satisfied only through the observance of law; to live wisely and virtuously is to live in accordance with law. And the fruit of this is liberty, that inner poise of spirit that man acquires by his virtue and noble action. Liberty and law go together and are in no way opposed. The tradition of law is the

tradition of liberty, which is the special feature of civilization. Law stands in the way of everything that degrades man or lessens his value as a person. It is his most effective security and defence against authority should it overstep the mark and cease to recognise his destiny and true worth. There is no more powerful tool against tyranny and intolerance than law; it frees man from the evil that surrounds him by challenging irresponsibility and ridding him of all sense of frustration.

Law is a primary social need but it is of no assistance to man if it is unjust and allows what ought not to be. Law leavened with the dictates of justice is what the legal profession has as its aim to secure for all; it must be firm and relentless in its demands that law should have, at every stage, the support of the principles of justice, for it is the profession that keeps alive the spirit of justice. This guardianship of justice in human affairs is the sacred trust committed to it, and no duty is more exacting than this, for it is like acting as the conscience of society.

For the legal profession, law can never be a matter of arid formalism or identified with the complexities of a legal system, for that would make the art of the profession a shallow art, the art of respecting the name of law. The show or empty name of law without the reality is not what the legal profession represents. Law must never become unfruitful or oppressive, for that happens only when it is despoiled of its purpose. Verdicts and decisions must always be made in the light of the full significance of law.

It belongs to the members of the profession to pass judgment on all matters involving law; they do this on their own authority

as experts in the domain of law. Not only have they the right of self-determination, that is, of choosing those who will belong to the profession and of fixing the conditions and level of cultural attainment, but they are autonomous, for there can be no appeal from the final verdict issuing from the science and wisdom of law.

All this makes it necessary for lawyers to be on guard against the corrupting influences of wealth, power, politics and public opinion. Members of the profession must be people of sterling worth to show that genius for justice that is expected of them. Justice and fair dealing must have a special significance and appeal in a way that they appeal to no one else. The spirit of justice is not merely the outcome of legal learning; it is moral responsibility that preserves lawyers from compromising with reference to law and their sacred trust. To have this they need to see the spiritual significance of their calling. Law can never be divorced from the ideal of perfection, for the ultimate source of law is the eternal law of God. In separation from God law loses its value for man, becoming a mere external ordinance without any relation to his inner life and destiny. To see law in its true perspective it is necessary to know what man is, as law is meant to be for his good.

Man is supreme in the universe — he is the consummation of God's purpose in creation. Being both material and spiritual he belongs to two worlds and not only to the material world. Law must envisage him in terms of the highest perfection of which he is capable. The medical profession is concerned with man from the point of view of physical fitness and other sciences consider what is inferior and less noble in

him. But the legal profession is dedicated to the service of what is most noble in man and lifts him above the level of all creation, namely, reason, for law is designed to guide man in his rational action or conduct.

It is in his soul that man reflects the image of God and shows himself to be a child of eternity. Even when he appears degraded through crime, the seal of God on his soul still remains unaltered as does the divine purpose in his regard. Should he be but one of the least of Christ's brethren he is still of infinite worth. A third-century Roman jurist well defined legal science in its full extent when he said that it is "the knowledge of things human and divine, the science of right and wrong." Where there is no rightful knowledge of God man cannot be appreciated for what he is and as a result full justice will not be done to him. It is ignorance of God and a failure to accept Christ in the lowliness of his humanity that accounts for man's inhumanity to man.

Law cannot be the instrument of transformation and greatness that it is meant to be for a nation if Christ, Who is human and divine, has no place in the minds and hearts of those who are responsible for it. The more closely lawyers are united to Christ the more they have to offer their fellow men in the way of wisdom and practical guidance, for they see the truth of things and the value of law in relation to Him Who is the truth and the way of life for all. "I am come that you may have life," He said. For law to be of lasting benefit to a country and a source of greatness for men it must in some way, through the legal

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from the days when the Thomistic doctrine was a dominant influence in thought and action. It is because of this postulate and conformity thereto for the most part that scholastic jurists, judges and lawyers do not find it necessary to refer constantly to the divine origin of the natural law, and its changeless area. But this does not mean that in practice it is unimportant whether some ethical principles are immutable.

It is vital that rationally perceived divine authority be consciously admitted as the basis of the Frankian ideals, even on a strictly pragmatic basis. If these ideals were ever seriously challenged in this country, and it would be naive to assert that this could not happen, then the relativity of all intersubjectiveness would be swept aside. The effective choice would then be narrowed to the moral ideals of an immutable natural law, or to those which are

diametrically opposed, but asserted by Marxists as objective and immutable. It seems that there is no sufficient, final authority behind the ethical controls of non-scholastic jurists, however true their ideals may be, and that there is no truth behind the characteristic values of Communists, though they, like scholastics, believe in absolutes.

In closing this eulogy of Judge Jerome N. Frank, may I say that he left an edifying example of a mind sincerely and genuinely sympathetic with objective natural law. His favorable estimate of it came only after he had comprehensively compared it with the juridical ideas of the mightiest intellects of the past. He found that Thomistic natural law afforded a very satisfying solution of many of the absorbing problems which were created by lack of certainty in law and particularly in the finding of facts.

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profession, radiate the influence of Christ. Everything in the temporal order such as wealth, genius, scientific achievement and so forth is only of secondary importance in relation to Christ; progress is wasted if it

does not bring men nearer to Him, Who is the model of our manhood. Men are not just united by a common bond of nature but in the brotherhood of Christ. It is their personal relationship to Him that determines their relationship to one another and imparts a new life and spirit to law.
