

The Catholic Lawyer

Volume 7
Number 2 *Volume 7, Spring 1961, Number 2*

Article 2

June 2016

Editorial Comment

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Recommended Citation

Edward T. Fagan (2016) "Editorial Comment," *The Catholic Lawyer*: Vol. 7: No. 2, Article 2.
Available at: <http://scholarship.law.stjohns.edu/tcl/vol7/iss2/2>

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Editorial Comment

The idea of excellence is much discussed today. A recent book on the subject by John Gardner, President of the Carnegie Foundation, has already excited considerable comment among artists, educators and leaders in all walks of life. The topic is particularly controversial in view of a democratic dilemma which exists and will continue to exist for as long as freedom lasts. In short — our society recognizes the need for encouraging and promoting individual performance to permit maximum development of potential. At the same time it is aware of the necessity for the placement of severe restraints upon it to prevent the ruthless subordination of the less able.

The Editor is aware of the need for thoughtful expressions of legal opinion on this problem of man's proper relationship with his fellow men in view of differing individual capacities. It seems to be primarily a problem of conflicting legal interests.

Several months ago he requested Earl Kintner, then Chairman of the Federal Trade Commission, to submit a paper on the proper role of man in a society which seeks to place a high emphasis on individual liberty. Mr. Kintner's scholarly response and the well reasoned analysis which he offers on the immediately following pages indicate his awareness of the reason for the aforementioned democratic dilemma — man's nature. It is such that he is capable of good, therefore he must have liberty to pursue the good, but he is also capable of evil, so restraints must be placed on his conduct.

The ideal plan which Mr. Kintner has provided is applicable in a society which has developed a mature sense of values and proper standards of conduct. However, if the present conflict in society between equalitarianism and individualism results in more extreme applications of either of these competing principles (and well it might) then threats to democracy will arise which will require immediate and specific solutions if we as a nation are to survive.

In view of this possibility, Professor Husted, Vice-Dean of the University of Pennsylvania Law School, provides the companion piece to Mr. Kintner's paper in his article "Society Challenges The Lawyer." Professor Husted faces these threats and argues that lawyers are uniquely qualified to overcome and resolve them. His plea to lawyers that they develop their maximum potential and supply the intellectual leadership to society should not go unheeded. Indeed, to provide this leadership is the historical prerogative and the inherent duty of the legal profession.

Elsewhere in this issue there appears another significant article from the pen of a former editor of *The Catholic Lawyer*, Rev. William F. Cahill. In his accurate and detailed description of the development by the medieval canonists of the concept of equity, Father Cahill again demonstrates the wide range of his knowledge which makes him equally expert in common law and canon law. It is hoped that he will continue to be a frequent contributor to these pages.

A handwritten signature in black ink, reading "Edward Tegen". The signature is written in a cursive style with a long horizontal line extending to the right.

EDITOR