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A LAWYER'S GUIDE TO GETTING TO HEAVEN

DWIGHT G. DUNCAN*

On October 6, 2002, Pope John Paul II canonized Josemaría Escrivá (1902-1975).¹ Like many canonized saints of the Roman Catholic Church, Escrivá was a priest. Unlike most saints, he was also a lawyer.

Many people find something unsavory about being a lawyer.² The idea of a lawyer becoming a saint may seem paradoxical, and a lawyer-saint an oxymoron. Indeed, St. Ives (1253-1303), the patron saint of lawyers, is described in sing-song fashion in a Latin ditty:

*Sanctus Ivo erat Brito,
Advocatus et non latro,
Res miranda populo.*³

Roughly translated, this means:

St. Ives was from the land of beef;
A lawyer, and not a thief;
A stretch on popular belief.⁴

St. Alphonsus de Liguori (1696-1787) left the practice of law to become a priest. As recounted by the venerable 19th-century cardinal, John Henry Newman (not a lawyer), St. Alphonsus saw

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¹ For the life of St. Josemaría Escrivá see: DENNIS M. HELMING, FOOTPRINTS IN THE SNOW: A PICTORAL BIOGRAPHY OF JOSEMARIA ESCRIVA, THE FOUNDER OF OPUS DEI (1986); ANDRES VAZQUEZ DE PRADA, 1 THE FOUNDER OF OPUS DEI: THE LIFE OF JOSEMARIA ESCRIVA, THE EARLY YEARS (Scepter Publishers 2001) (1997); JOHN COVERDALE, UNCOMMON FAITH: THE EARLY YEARS OF OPUS DEI (1928-1943) (2002).

² Abraham Lincoln, for example, wrote, "There is a vague popular belief that lawyers are necessarily dishonest. . . . [T]he impression, is common—almost universal." ABRAHAM LINCOLN, SPEECHES AND WRITINGS: 1832-1858 246 (Viking Press 1989).

³ 8 THE CATHOLIC ENCYCLOPEDIA 256 (Robert Appleton Co. 1910).

⁴ *St. Ives, The Honest Lawyer*, at <http://www.saintspreserved.com/Ivo.html> (last visited Oct. 18, 2002).

a conflict between his lawyering and his holiness:

[H]e was originally in the Law, and on one occasion he was betrayed into the commission of what seemed like a deceit, though it was an accident; and that was the very occasion of his leaving the profession and embracing the religious life. . . . Alfonso would listen to nothing, but, overwhelmed with confusion, his head sunk on his breast, he said to himself, "World, I know you now; courts of law, never shall you see me again!"⁵

It was a common idea among Catholics at that time that if you wanted to become holy you had to leave your profession or trade and become a priest or religious, as St. Alphonsus did.

St. Josemaría Escrivá had a different approach. Unlike St. Alphonsus, he became a lawyer *after* becoming a priest. In 1927, two years after his ordination, Escrivá moved to Madrid to study towards a doctorate in civil law.⁶ He even taught law for a while.⁷ In 1928, he founded Opus Dei, a Catholic organization, to which I belong, dedicated to fostering holiness through daily work and the fulfillment of ordinary duties.⁸ He anticipated by decades Vatican II's teaching that everyone is called to holiness⁹—even lawyers and law professors.

The organization Escrivá had in mind to spread that message did not fit neatly into any existing categories. It was neither a diocese nor a religious order, but something different: laity and priests joining together to live ordinary lives in a spirit of freedom and holiness. Escrivá contended that churches were not the only places where people could love God with their whole heart:

[E]veryday life is the true setting for your lives as Christians. Your ordinary contact with God takes place where your fellow men, your yearnings, your work and your affections are. . . . Have no doubt: any kind of evasion of the honest realities of daily life is for you, men and women of the world,

⁵ JOHN HENRY CARDINAL NEWMAN, *APOLOGIA PRO VITA SUA* 270–71 (1950).

⁶ COVERDALE, *supra* note 1, at 46–47.

⁷ *Id.*

⁸ *See id.* at 58–60.

⁹ POPE PAUL VI, APOSTOLIC CONSTITUTION *LUMEN GENTIUM* ¶ 39 (Nov. 21, 1964) in SECOND VATICAN COUNCIL, CONSTITUTION ON THE CHURCH 43 (Nat'l Catholic Welfare Conference 1964).

something opposed to the will of God.¹⁰

One of these “honest realities” was law. In later years, St. Josemaría saw both his legal training and his priesthood as providential: His own father’s advice to study law, though unusual for a priest, was, as a witness testified in his cause of canonization, “good advice” because, as he himself would later remark, the Lord would make good use of this, by having him acquire a legal mentality which would later come in very handy.¹¹ St. Josemaría had a great devotion to the English martyr St. Thomas More (1478-1535), another lawyer-saint, who was also a judge, husband, and father.¹² He entrusted Opus Dei’s legal affairs and relations with civil authorities to the intercession of St. Thomas More.¹³

Opus Dei was unprecedented, and it aroused suspicion even among good people in the countries where it started out. Some saw it as shadowy and elusive. Indeed, at first some Church leaders did not know what to make of it. For one thing, its novelty caused a legal problem for the Church, solved only in 1982 when Pope John Paul II made Opus Dei a “personal prelature,”¹⁴ a new jurisdictional entity under canon law that had been envisioned by Vatican II.¹⁵

If St. Josemaría was an Opus Dei saint, there were also Opus Dei sinners. Robert Hanssen, the FBI agent who not long ago pled guilty to spying for the Russians, was a member of Opus Dei, betraying it along with his country, family, and Church.¹⁶

¹⁰ JOSEMARIA ESCRIVA, CONVERSATIONS WITH MONSIGNOR ESCRIVA DE BALAGUER §§ 113–114 (1977), available at <http://www.escrivaworks.org>.

¹¹ VAZQUEZ DE PRADA, *supra* note 1, at 518–19 n.90.

¹² For more on St. Thomas More, see PETER ACKROYD, THE LIFE OF ST. THOMAS MORE (1998); see also GERARD B. WEGEMER, THOMAS MORE: A PORTRAIT OF COURAGE (1995); GERARD B. WEGEMER, THOMAS MORE ON STATESMANSHIP (1996).

¹³ ARTICULOS DEL POSTULADOR: ROMANA POSTULACION DE LA CAUSA DE BEATIFICACION Y CANONIZACION DEL SIERVO DE DIOS, JOSEMARIA ESCRIVA DE BALAGUER, SACERDOTE, FUNDADOR DEL OPUS DEI 146, § 417 (1979).

¹⁴ POPE JOHN PAUL II, APOSTOLIC CONSTITUTION *Ut Sit* § I (Nov. 28, 1982), available at <http://www.opusdei.org/art> (last visited Oct. 15, 2002). On the history of Opus Dei’s legal status under canon law, see AMADEO DE FUENMAYOR, VALENTIN GOMEZ-IGLESIAS & J.L. ILLANES, THE CANONICAL PATH OF OPUS DEI: THE HISTORY AND DEFENSE OF A CHARISM (1994).

¹⁵ POPE PAUL VI, DECREE *PRESBYTERORUM ORDINIS* ¶ 10 (Dec. 7, 1965), in TEACHINGS OF THE SECOND VATICAN COUNCIL: COMPLETE TEXTS OF THE CONSTITUTIONS, DECREES, AND DECLARATIONS 557 (The Newman Press 1966).

¹⁶ See, e.g., Monica Davey, *Secret Passage: What Led Robert Hanssen From an “Ordinary” Boyhood in Norwood Park to the Shadowy World of Espionage*

St. Josemaría seemed to be thinking of just such a case when he preached: “No! We cannot lead a double life. We cannot be like schizophrenics, if we want to be Christians. There is just one life, made of flesh and spirit.”¹⁷

As sickening as Hanssen’s behavior was, it should not be all that surprising. It follows the sad history of sin that began in the Garden of Eden. Lawyers can be scoundrels, as the newspapers often attest, betraying our profession and the justice and the laws we are supposed to serve. Some priests have failed us too; from the current sexual abuse scandal in the Catholic Church we know too well that holiness and the priesthood are not necessarily synonymous.

Jesus of Nazareth predicted such things: “Things that cause sin will inevitably occur, but woe to the person through whom they occur. It would be better for him if a millstone were put around his neck and he be thrown into the sea than for him to cause one of these little ones to sin.”¹⁸

So, what is to be done?

For the good and the bad, God’s call to reconciliation is the same. “The Catholic Church,” said Oscar Wilde (1854-1900), a prominent sinner who became a Catholic before he died, “is for saints and sinners alone. For respectable people the Anglican Church will do.”¹⁹

St. Josemaría saw God as the ultimate plea bargainer. As he wrote in his spiritual bestseller *The Way*: “What depths of mercy there are in God’s justice! For, in the judgments of men, he who confesses his fault is punished: and in the Judgment of God, he is pardoned. Blessed be the Holy Sacrament of Penance!”²⁰

Not that we should all get off so lightly in this world. Escrivá had a passion for truth and justice. “I do not know how to endure injustice without protest and without tears,” he used to say.²¹ For St. Josemaría, honesty was always the first step toward reconciliation. To paraphrase a civil rights slogan: “No

and Deadly Betrayal?, CHI. TRIB., Apr. 21, 2002 (Magazine), at 10.

¹⁷ ESCRIVA, *supra* note 10, § 114.

¹⁸ *Luke* 17:1–2 (New American).

¹⁹ H.W. CROCKER III, TRIUMPH: THE POWER AND THE GLORY OF THE CATHOLIC CHURCH 39 (2001).

²⁰ JOSEMARIA ESCRIVA, *THE WAY* point 309 (Scepter Ltd. 1954) (1953), available at <http://www.escrivaworks.org>.

²¹ ARTICULOS DEL POSTULADOR, *supra* note 13, at 257, § 764.

truth, no mercy.” He scolded those whose penchant for niceness outstripped their zeal for truth:

You never want to get to the heart of the matter.—Sometimes, through politeness. Other times, most times, through fear of what it may cost you. Sometimes again, through fear of what it may cost others. And, always . . . , through fear! As long as you are so afraid of the truth you will never be a man of worth, a man of sound judgement.²²

A good lesson for lawyers, and a good lesson for priests, from one who knew both walks of life from the inside.

²² ESCRIVA, *supra* note 20, point 33.

