

October 2017

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INTRODUCTORY NOTE: PERSONAL VALUES AND THE CHARACTER OF THE LAWYER

JOSEPH A. MORRIS, C.M., PH.D.*

It is an understatement, to be sure, to assert that the art of “persuasion” is an indispensable aspect of the lawyer’s craft. Among the ancient Greeks, this “persuasion,” called “rhetoric,” was perhaps most clearly formalized in Aristotle’s *Rhetorica*. According to Aristotle, every speech had three essential components or appeals: *logos*, *pathos* and *ethos*. The *logos* appeal rested on the careful arrangement and organization of the argument of the speech. The *pathos* appeal focused on fitting your argument to the needs and the emotions of the specific audience you were addressing. Finally, the *ethos* appeal resided in the “character” of the speaker and whether he/she could be trusted. The ancients felt that anytime a speech was deficient in any one of these three appeals, it was doomed to failure. In other words, the speech would not persuade or move the audience.

Nonetheless, as essential as each of these three components are to each speech, ultimately, Aristotle characterizes the *ethos* appeal as the “most potent.” In *Rhetorica*, he writes:

The orator persuades by moral character when his speech is delivered in such a manner as to render him worthy of confidence; for we trust such persons to a greater degree, and more readily. This is generally true for all types of argument, and absolutely true when there is uncertainty and room for doubt. . . . It is not the case, as some writers of rhetorical treatises hold, that the worth of the orator in no way contributes to his power of persuasion; on the contrary, the moral character may almost be called the most potent means of persuasion.¹

It seems fitting, therefore, that this volume is dedicated to a consideration of various aspects of the “most potent” of rhetorical appeals – the

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¹ Aristotle, *The “Art” of Rhetoric*, Translated by John Freese. (The Loeb Classical Library. Cambridge: Harvard University Press, 1959), 1356a 4-13.

ethos or character of the speaker. All of the articles in this volume from diverse perspectives seek to address the character of the lawyer and how personal and religious values cohere in the identity of the lawyer. While perhaps overlooked, even scorned, in the past, there is a renewed interest in the character of the lawyer and how their personal and religious values interface with the profession. In fact, in an attempt to dialogue with some of the perspectives in this burgeoning field, *The Catholic Lawyer* in the present volume presents the second part of a symposium on "Lawyering and Personal Values".

Fr. Robert Drinan, S.J., in his "A Challenge to Lawyers" offers powerful reflections on the essence of the character of the lawyer in our culture today. After describing some of the more persistent problems that characterize our era, Fr. Drinan calls for a rooting of all of our efforts, indeed of our very lives in God's Spirit, revealed to us in the life and teaching of Jesus. The Spirit is indeed the source of our life, our character, our gifts and talents and our deepest desires to offer our services to make our world a more just and compassionate place. Fr. Drinan closes by offering a concrete plan of action that he challenges lawyers to follow in order to address the more difficult issues facing our world today. Aware that we are the bearers of God's Spirit today, he sees it as our task to carry on Jesus' work of spreading God's reign of justice and compassion in our world.

In "Learning from the Unpleasant Truths of Interfaith Conversation: William Stringfellow's Lessons for the Jewish Lawyer," Russell G. Pearce takes a closer look at what appeared to be an anti-Semitic remark by William Stringfellow. This openness and willingness to contextualize Stringfellow's speech becomes a heuristic for any genuine interfaith dialogue. Contextualizing Stringfellow's comment within his understanding of any work as a sacrament of that specific vocation, Pearce is able to hear in Stringfellow a challenge for all lawyers, no matter their religion, to view their practice as a vocation, i.e., a special call by God to bring justice especially to the marginalized and oppressed of our day.

John M.A. DiPippa in "Jacob's Blessing, Cooperative Grace, and Practicing Law with a Limp" provides a theological, almost poetic reflection on the vocation of the lawyer. Using as his starting point the sacramentality of the world and the biblical foundation that humans are created in God's image, DiPippa sees it as the role of each human to become aware of themselves as such images of God or signs of God's presence. While God's presence is not always immediately clear, in fact, often covered over or cast aside, humans need to realize that "God is revealed indirectly." Those revelations of God's presence and assistance in the midst of life are called "grace" in theological terms. This grace both sustains

our lives, often without our realizing it, and is transformative, leading us to deeper awareness of God's presence within ourselves and others. Like all revelations, these grace-filled transformations often arrive only after struggle and darkness. DiPippa uses the biblical story of Jacob wrestling with an angel and coming away with a limp to mark his struggle as a metaphor for our own struggles to come to understand God's presence and purposes in our lives. Because the revelation of God's presence can come from the most unlikely of places, DiPippa offers a story from his own practice as a lawyer where he wrestled with a client and found there unexpectedly a revelation of God that served to transform him professionally and personally.

In "Personal Values within our Profession," Gordon L. Gray joins others in identifying the marginalization of religion both by the courts and in our wider society and some of the deleterious effects this has on the law profession. The antidote he prescribes for those teaching in law schools today is "to interject our personal values into the system" as a way of raising to the level of explicit discussion the implications of such values for the character of the lawyer. Essential for such a conversation is a consideration of the history, theology, context and ethics of a specific value or ideology and how these influence character at a given time and some of the implications of this hermeneutic for our world today. Gray is quite hopeful about what such a consideration does for the student and for the law profession.

While each of these articles focus on the values and characteristics that comprise the *ethos* or character of the lawyer, there is one characteristic that runs powerfully through each of them and is foundational for appreciating these authors' perspectives on the vocation and profession of the lawyer. If all humans are created in God's image and if the "world is charged with the grandeur of God,"² then we each carry within us God's presence. If we attempt to look for this presence of God in others, we might wish to ask what these various revelations of God in others tells us about God. What kind of a God is this that is imaged in humans? Perhaps the following story would be helpful in tending toward an answer to this question:

During World War II not only the Jews, but also other groups were persecuted by the Nazis including homosexuals, disabled persons, and gypsies. The story is told of a gypsy family who was part of a traveling circus in Poland. During one of their acts, the teenage daughter would jump from a high wire with no net below and her father would catch her. One

² GERARD MANLY HOPKINS, *THE POETICAL WORKS OF GERARD MANLY HOPKINS* 139 (Norman H. Mackenzie ed., Oxford University Press 1990).

morning the father had gone out early and the young girl was alone in the apartment building where they were staying. A stranger came to the door and said that he had a message from her father. The message was that the Nazis had come into town and they had to escape. It was too dangerous for the father to return by daylight, but that night at 2:00 in the morning he would stand at the northwest corner of the apartment building. His daughter should jump and he would be there to catch her so that they could escape. The young girl was confused. She didn't know the messenger. She wasn't sure these were the words of her father. She wasn't even sure which was the northwest corner of the building. But as the day went on, her father did not return and she heard word that the Nazis had indeed come into the town. Having only the word of her father's promise, she went to what was the northwest corner of the building at the time she had been told and whispered into the darkness: "Father, are you there?" There was no answer. She jumped.

And he caught her.³

Like the father in the story who is absent, but still can be trusted in the face of darkness, evil and fear, so too the God who is presupposed by the discussion offered in the following articles is a God who can appear absent, but is present in each human being and can be trusted when we encounter darkness and doubt. If we trust God's goodness and presence in others, when we jump, God will catch us. That is the nature of the God that is revealed in each human being. God is compassionate, i.e., one who suffers with us. God is with us even in the face of darkness and suffering.

This realization has two powerful implications for the vocation of the lawyer. First, if God indeed is compassionate, and if, as the following articles assert, we are images of God, then the image we are to reflect in our lives and in our professions is that of a compassionate, just and loving God. This is why Pearce stresses that the work of lawyering is "holy work" for its purpose is to reflect into our world that image of God. This is why DiPippa and Drinan refer to lawyering as a "sacrament" or a sign of God's presence. And that is why Gray speaks so strongly about fostering and injecting personal values into the law profession.

Secondly, because the God that we image is just and compassionate, and because the lawyer's ultimate goal is to assure a more just society and world, it is a constitutive aspect of the vocation and character of the lawyer to be tireless in rooting out injustice and oppression from our world. Here, all four authors are unanimous. It is the vocation of the lawyer to reach

³ MARY CATHERINE HILKERT, NAMING GRACE 89 (1997) (quoting to Andre Kravec, O.P. a preacher, as the source of the story).

out to the poor, outcast, marginalized and the oppressed, to become a voice for the voiceless, and to work tirelessly for a more just order. Only in so doing do we indeed reflect the image of a God who is compassion and justice for all.

