

The Catholic Lawyer

Volume 1
Number 4 *Volume 1, October 1955, Number 4*

Article 4

April 2016

The Natural Law and Justice

Nicholas Selinka

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#)

Recommended Citation

Nicholas Selinka (1955) "The Natural Law and Justice," *The Catholic Lawyer*. Vol. 1 : No. 4 , Article 4.
Available at: <https://scholarship.law.stjohns.edu/tcl/vol1/iss4/4>

This Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

THE NATURAL LAW AND JUSTICE

NICHOLAS SELINKA*

THE GUILD OF CATHOLIC LAWYERS of New York has announced that the topic for its Third Annual Conference will be "The Natural Law and Justice." The Conference will be held on Saturday, December 3, 1955 in the auditorium of the Association of the Bar of the City of New York, 42 West 44th Street, New York City. The Guild offers the Conference as a service to the bench and bar but the general public is cordially invited to attend without charge.

The topic chosen for the Conference is of vital importance to all. Modern day materialism has undeniably perverted economic life from its divinely ordained purpose. In the words of Pope Pius XI "all economic life has become tragically hard, inexorable, and cruel." This materialism has caused the inconsistency which exists today between the actual state of American economic life, and the ideal. It is therefore responsible for a grave social and legal problem.

The moral norms established by the natural law through justice provide principles for the proper solutions to this social and legal problem. Yet, unless moral norms are applied properly, they remain abstract and indefinite. A purely doctrinaire approach fails to correlate an exposition of principles of justice with practical situations and is therefore most unsatisfactory, especially to lawyers, who must deal with problems in the concrete and seek solutions in the practical order of administration.

Mindful of this obstacle, the Guild will distribute a concise factual statement to the audience at the start of the Conference. It is presently planned that this statement of facts will embody some elements of the

*Chairman of the Conferences on The Natural Law sponsored by the Guild of Catholic Lawyers of New York.

1955 contracts concluded between the United Automobile Workers and various management groups in the automobile industry. In addition to other features, these contracts contain supplementary unemployment provisions for over a million workers and involve the so-called "Guaranteed Annual Wage."



NICHOLAS SELINKA

This statement will be used by the speakers to illustrate principles by which justice between management, labor, consumer, government and the general public may be established. By dealing in this manner with specific questions

arising from the factual statement, the various speakers will establish that the generalities which they advocate are other than impractical idealism.

The following are but a few of the more obvious queries which may be anticipated.

What problems of *commutative* justice are involved in the negotiation of collective bargaining agreements between management and labor? May a union demand a voice in the management prerogatives of quantity of production? Price of products sold? Location of plants? Number and qualification of employees hired? May a union ask for a look-see at the books of the company showing profits, wages paid employees in different wage classifications?

What aspects of *legal* justice are involved

in management or labor compliance with the various laws applicable to each of them; such as the restrictions against unfair labor practices of employers and unfair practices of a labor organization as specified in the Labor-Management Relations Act and various "Little Wagner Acts" of states; the "right-to-work" laws that have been adopted by 18 states; the anti-trust laws forbidding monopolies and restraints of trade; the laws regulating strikes and prohibiting violence and destruction of property? May anyone refuse to obey a law even though willing to pay the penalty if caught?

What questions of *social* justice are raised by the charitable foundations? Are there principles of social justice involved in the relationship of the one or two plant companies in the community economically dependent upon wages and salaries from work in those plants? Is there an obligation that one owes to the community in justice even though not specified by public law? What is the obligation?

What is the concern of government in *distributive* justice to the people? What is the requirement of "the common good" in governmental legislation? In what does its "goodness" consist? How "common" is it? Why should such legislation as the Fair Labor Standards Act, unemployment insurance, and old-age security exist today and be accepted by both the major political parties when forty years ago such proposed legislation would have been ridiculed?

The services of eminently qualified speakers have been obtained to insure the success of this novel presentation, the program of which is detailed on the following pages.

The Natural Law and Justice

Morning Session

HONORABLE ADRIAN P. BURKE

*Judge of the Court of Appeals
of the State of New York*

Presiding

10:30 A.M. *Address of Welcome*

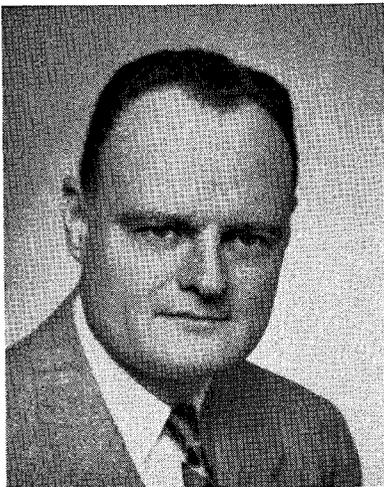
ALLEN T. KLOTS

*President of the Association of
the Bar of the City of New York*

10:40 A.M. *The Natural Law and
Commutative Justice*

WILLIAM R. WHITE

*Professor of Law
Fordham University School of Law*



WILLIAM R. WHITE

11:50 A.M. *The Natural Law and
Legal Justice*

MIRIAM T. ROONEY

*Dean and Professor of Law
Seton Hall University School of Law*



MIRIAM T. ROONEY

Afternoon Session

HONORABLE MILES F. McDONALD

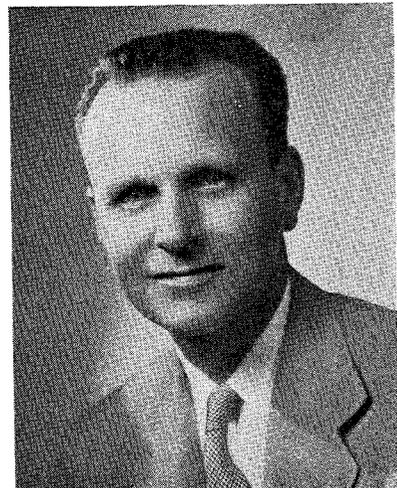
*Justice of the Supreme Court
of the State of New York, Second Dept.*

Presiding

2:30 P.M. *The Natural Law and
Social Justice*

JOHN C. FITZGERALD

*Dean and Professor of Law
Loyola University of Chicago
School of Law*

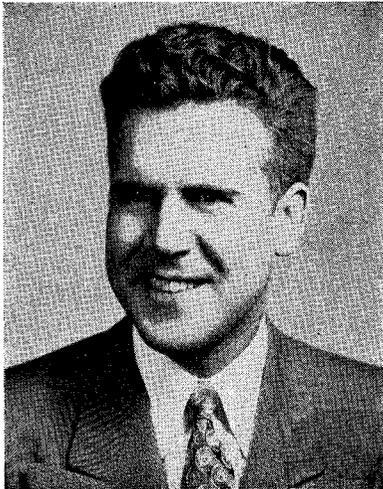


JOHN C. FITZGERALD

3:45 P.M. *The Natural Law and
Distributive Justice*

EDWARD T. FAGAN, JR.

*Professor of Law
St. John's University School of Law*



EDWARD T. FAGAN, JR.

Each talk will be followed by a fifteen minute "Question and Answer" period wherein the audience may question the speaker on the matter discussed. In the past this has been a stimulating and vital part of the program.

In the previous two years the Conferences were very well attended, with some coming from Quebec, Boston, Washington, D.C., New Orleans and San Francisco to be welcome guests of the Guild. This year it is expected that the topic and the eminently qualified speakers will attract a capacity audience.

Further information can be obtained from the Guild of Catholic Lawyers of New York, 51 Chambers Street, New York 7, New York.

