

Enter the Catholic Lawyer

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ENTER THE CATHOLIC LAWYER*

A Quarterly from the United States

FROM A LEGAL CORRESPONDENT

IN JANUARY of last year there appeared in New York, under the patronage of St. Thomas More, the first issue of a new Quarterly entitled *The Catholic Lawyer*. Four issues of *The Catholic Lawyer* have now been published, and it is possible to form an opinion of its value and probable influence.

Let it be said at once that the new Quarterly is beautifully produced, and printed on excellent paper which makes it a pleasure to handle and to read. Each issue runs to some eighty pages of letterpress and illustration. The Editor is the Rev. Father Joseph Tinnelly, C.M., of St. John's University School of Law, Brooklyn, New York. After his ordination Father Tinnelly followed the appropriate course of study and procedure for admission as a member of the New York Bar, and afterwards pursued his studies at the greatest living centre of common law learning, the Harvard Law School, where he took the degree of LL.M. He is said presently to be engaged in further study and research with a view to taking the degree of Doctor of Laws at Columbia University.

The Catholic Lawyer is copyrighted and published by the St. Thomas More Institute of Legal Research at St. John's School of Law in Brooklyn. One of the immediate tasks of the Institute is, under the Chairmanship of the Honourable Miles McDonald, of the Supreme Court of New York, to establish a St. Thomas More Library, as one of the most extensive Thomas More Libraries in the United States of America. The periodical is intended to satisfy the need for a journal that will be of interest and practical value to Catholic lawyers throughout the United States and elsewhere.

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The average lawyer is always in some sense a leader in his community. In the United States the members of the legal profession exert a mighty influence on the movement of history and the direction of affairs. The Catholic lawyer, who naturally bears all the obligations that rest on his professional brethren, may also, we are told, "have his conscience sharpened by the fact that his confessor will require him to make restitution for any harm which his culpable ignorance or lack of diligence may have caused a client." In many respects, in America and elsewhere, the religious education of the average Catholic lawyer of the common law tradition is said not to be nearly so extensive as his legal training, and does not equip him with the knowledge and skill necessary for independent research in matters which carry serious moral and religious implications. The new periodical is intended to serve as a forum in which common lawyers may join with canonists, moralists, theologians, psychiatrists, historians and other experts in study and research where the solution of a legal problem depends upon specialised knowledge of one or more of these allied disciplines. In this way it is hoped to enlarge the intellectual horizon of Catholic practitioners and to quicken their interest in comparative law, and in moral principles and theology.

In the issues of *The Catholic Lawyer* which have already appeared are to be found articles on such subjects as "The Catholic Church on Separation and Civil Divorce"; and "The Concept of the Church in the 1954 Internal Revenue Code." Two articles on "Fraud and Error in the Canon Law of Marriage" by Fr. William Cahill, JCD, and another pair of articles on "The

Legal Aspects of Artificial Insemination" by Father Anthony Logatto, LLB, a member of the New York Bar, are of a very high quality of legal writing and are worthy of the *Harvard Law Review* or the *Yale Law Journal*. Of a like quality is an article on "Religious Disestablishment and the Fourteenth Amendment" by Father Joseph Snee, S.J., of Georgetown University Law School, who is also a member of the American Bar, and is now a recognized authority on the Constitutional Law of the United States. There is, too, an historical note of high interest on "Privileged Communications to Clergymen" taken from the records of the Court of General Sessions of the County of New York. A useful feature entitled "Question Box" contains answers by experts to all sorts of legal problems submitted to the Editor, and some pages of notes on recent decisions of the Federal and the State Courts on matters affecting religion give a sharp sense of actuality to the successive issues of the review.

The names of the authors of articles which have appeared in the first four issues show that the work has engaged the interest and the active co-operation not only of members of the several religious Orders but also of the secular clergy of the United States. The names of the thirty-six lawyers who constitute the Board of Advisors show that the appeal of the new quarterly is not confined (as it might have been) to the Eastern and New England States, but that it extends through the deep South and the Middle West to Colorado and California and Oregon. It is not surprising to be told that *The Catholic Lawyer* already has a mailing list of some five thousand copies. One may infer from the correspondence columns that it reaches beyond the frontiers,

to Canada, to France (there is a letter from Père Faidherbe, O.P., Editor of *Les Cahiers du Droit* of Paris) and to Italy also (whence comes a note on the *Unione Juristi Cattolici Italiani*). From the redoubtable American representative in Western Germany, Dr. John N. Hazard, of Harvard, there comes a letter with a challenge only half concealed: "If natural law is the authority of reason working upon the data of experience, I would like to see what it suggests about the ultimate effect of limitations upon freedom of movement of scholars and freedom to read."

The display of successive issues of *The Catholic Lawyer* in one of the Libraries of the Inns of Court indicates that the Editor

of the new periodical has extended his charity to England also. And rumour goes that this courtesy has touched the heart of a non-Catholic lawyer of the Inn who is likely to have something new and interesting to say about the collar or chain of "SS" that St. Thomas More is shown to be wearing in the striking Holbein portrait now in the Frick Collection in New York.

Altogether one is entitled to say that the new venture of co-operation between canonists and common lawyers in the United States holds out the hope and the promise of a renaissance—it may be a powerful renaissance—of the Christian elements and principles in Anglo-American life and law.

LEGAL JUSTICE (*continued*)

sophical principles adapted to modern times, jurisprudence may once again take its place in the universities as a common ground upon which the development of our civilization under law may be advanced.

At least one more question remains:—what can the philosophy of St. Thomas tell us about the guaranteed annual wage proposal that is posed for the practical consideration of all of us here today? It would seem that it would not limit alternative measures to one course only, but would afford scope for a variety of legal devices providing only that the natural rights of man be recognized and guaranteed freedom

under law. What the natural rights of man are is a difficult question in itself and calls for another paper at least as long as this one. For the present, I can do little more than generalize. It seems to me, however, that there are so many aspects to be considered in this particular proposal, that many of them must necessarily be argued at great length by practical experts in the fields concerned. Not being such an expert, I can only refer the problem to the others present, who are more familiar with such matters than I. That must not be taken to imply that Thomistic philosophy is irrelevant in reaching an ultimate decision.