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Morality in Legal Practice

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MORALITY IN LEGAL PRACTICE

The present issue of THE CATHOLIC LAWYER features the section on *Morality in Legal Practice*. This section was inaugurated with the statement of a problem case in the issue of April, 1957. Similar cases were stated in the two subsequent issues.

The three problems are repeated in this issue, in conjunction with a composite solution. Following the solution are two articles in which the principles employed to resolve the case problems are discussed in some detail.

The resolution of the problem cases is offered as an introduction to the broad scope which this section is designed to serve. The title *Morality in Legal Practice* has been chosen to indicate that the section is oriented to encourage exploration of the lawyer's practical problems in the light of the legal and moral sciences.

We present a composite discussion of the three problem cases, and we relate this discussion to two articles which open broader vistas of method and principle. This opening is made by drawing the rough but suggestive outlines of a system of jurisprudence and a system of moral science. It is not pretended that the essence of the Thomistic philosophy of law and the essence of Catholic moral theology are here reduced to an ultimate distillate. To avoid such misunderstanding, the critical apparatus of citation has been omitted from these outline articles. The task assigned to us, as a publication addressed primarily to the Catholic members of the legal profession, is to engage the minds of our readers in this exploration of the great truths and their practical implications. Most of our readers do not have at hand, nor have they time to study extensively, the literature of jurisprudence and moral theology. We here offer them these broad introductory summaries. Hereafter, we will publish articles which will examine in greater depth single items and aspects of the systems outlined.

Some mention should here be made of the qualifications of Father William F. Cahill to whom the section *Morality in Legal Practice* has been intrusted and who has written the section's keystone articles, *Natural Law Jurisprudence In Legal Practice* and *Some General Criteria of Morality*, which appear in this issue.

Father Cahill is a member of the New York Bar. He was graduated from Manhattan College in 1932 and after completing the course of studies in St. Bernard's Seminary, Rochester, New York he was ordained a Catholic priest.

For ten years Father Cahill served in the Chancery of the Albany Diocese, as Notary, Assistant Chancellor, Pro-Synodal Judge, and Vice-Officialis.

In 1949 he went to Rome for graduate work and received the degree of Doctor of Canon Law *summa cum laude* from the Pontifical Institute of Canon and Civil Law of the Lateran University in 1952.

After two years of parish work in the Diocese of Albany he entered St. John's University School of Law and received the degree of Bachelor of Laws in 1957. He is presently a Professor of Law at St. John's and a consultant to the St. Thomas More Institute for Legal Research which publishes *THE CATHOLIC LAWYER*.

Some readers may prefer to read first the two general articles, by Father Cahill before considering the composite problem solution which he offers. Several points of the solution are related through footnotes to the material in the general articles.

Admittedly, no solution of a single problem case has, as such, truly practical significance to more than a few men. But the solution of each single case opens to our thought lines of method and implications of principle to which few of us would give energetic attention if we were not led to them from a point of departure which has at least hypothetical reality.

These methods and principles are not intellectual luxuries. They are the necessary daily bread of any man who assumes to practice law in an ethical and moral way.

We earnestly solicit cooperation in the exploration upon which we have here embarked. We must rely upon the practicing lawyer for problem suggestions, and for comment which will direct our discussions into forms adapted to his needs. We presume to rely also upon the charity of men whose special interest and learning enable and inspire them to contribute suggestions and studies which will advance the understanding and application of the truths upon which our civilization is based.

Joseph J. Tinnelly, c.m.

EDITOR