

The Catholic Lawyer

Volume 20
Number 3 *Volume 20, Summer 1974, Number 3*

Article 2

March 2017

Editorial Comment

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Recommended Citation

Edward T. Fagan (1974) "Editorial Comment," *The Catholic Lawyer*. Vol. 20 : No. 3 , Article 2.
Available at: <https://scholarship.law.stjohns.edu/tcl/vol20/iss3/2>

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EDITORIAL COMMENT

Featured in this issue of *The Catholic Lawyer* are the papers presented at the Pax Romana Congress held at the University of Detroit School of Law on July 20-26, 1974.

The following opening remarks of Professor Wenceslas J. Wagner to the assembled jurists at the Congress provide a fitting introduction to these papers:

"It is my great pleasure to greet the participants in the Pax Romana jurists Congress in Detroit. The International Movement of Catholic Intellectuals, established in 1921, in Fribourg, Switzerland, under the name of 'Pax Romana' (the Roman Peace), has branches in various European countries but is little known in the United States.

"Even though the organization is Catholic, its goals are nondenominational, and members of other religious faiths are welcome to participate in its work. The main speaker at the Congress of 1971, celebrating the 50th anniversary of the movement, was Brother Roger, a Protestant monk. Particularly today, in the period of ecumenism, discussion of timely legal problems facing humanity between jurists of different denominations and from different countries, and their cooperation, is important. The dominant idea of 'Pax Romana' jurists is to examine the law from the viewpoint of charity and ethical considerations rather than tenets of the Catholic faith; and all those who care about the incorporation of the Golden Rule into our activities of everyday and the formulating of legal rules in a way conforming to the precepts of morality will easily find a common language.

"The relationship of law and ethics is a problem as old as humanity. Norms of behavior, deriving from ethical and legal considerations, do not necessarily overlap. The law regulates the relations between human beings and sanctions for breaking legal rules are imposed by the state or society in which they are in force. Some legal rules are neutral from the viewpoint of morality. Some moral principles, particularly if they do not involve relations between humans, are of no interest to the law, and the sanction for their violation consists of stings of conscience. However, in a large number of situations, our behavior towards others has both legal and ethical connotations. It is vital, in those cases, to have in force such legal rules as are conforming to the dictates of ethics. Otherwise, as some thinkers point out, but as Maritain or Petrazycki (in *Law and Morality*), the law will be unjust, will be breached, held in contempt and will not promote the best interests of the society. It is hardly necessary to point out that in many cases the courts corroborate their decisions by resting them on moral grounds. Let me cite just one typical example. In *Melvin v. Reid*,¹ the court said: 'The use of appellant's true name . . . was unnecessary and indeli-

¹ 112 Cal. App. 285, 297 P. 91 (Dist. Ct. App. 1931).

cate, and a willful and wanton disregard of . . . charity . . . [It] was not justified by any standards of morals or ethics'

"One of the important shortcomings of our times is the lack of ethics in our dealings with other persons—or in the conduct of international affairs by the states. All too frequently, lack of consideration, greed and hatred replace understanding, moderation and love. In relations among citizens, resort is made to fraud, violence, terror and murder. Likewise, quite often the governments are imposed by force, rule by the fist, exterminate the opposition, apply tortures to the protestors and violate the elementary human rights, acting either in utter disregard of the law in force or under the authority of oppressive statutes enacted by the wish of the ruling clique. Sometimes, the officials of the government enrich themselves at the expense of the suffering population.

"In relations among the nations, ruse, threats and duress are used to promote the real or imaginary interests of the countries. Resort to outright force is not infrequent. Fair dealing is applied only if convenient.

"An important reason for this sad state of affairs is the elimination of moral considerations as an element guiding our behavior. I submit that the basic principles of ethics are the same for every human being who rose above the level of primitiveness, no matter what his religion or nationality is. The problem of our times is the disassociation of knowledge, science and education from morality, the examination of what the humans do in order to achieve some goals rather than what they should be doing.

"Reportedly, Dr. McGill, President of Columbia University, recently pronounced himself against the teaching and emphasizing of morals in colleges, saying that the problem is personal and adding that 'public morality is like public patriotism—a mask for scoundrels.'

"This is a most unfortunate statement. Such an approach accounts for many of our problems today. The question of false patriotism or acting under a pretense of morality is quite a different thing from the basic ideas about what is right and wrong. Certainly, if the parents and the schools cared to stress more than they do today, if they insisted on imbuing into the minds of the young generation the idea that the achievement of a real or imaginary success should never be attempted by the method of trampling on some deeper values which should always be reckoned with—we would live in a better world.

"The theme of our Congress is 'contribution of Christian principles to the promotion of social justice.' The topics to be discussed are among the most vital and difficult of the modern world. May we have a successful meeting! May the spirit of ethics and justice inspire the legislators and courts all over the world so that world peace is based on the law, and the

law on considerations of morality and respect of the dignity and interests of every human being and every nation, great or small.”

A handwritten signature in cursive script that reads "Edward Tegen". The signature is fluid and extends to the right with a long horizontal stroke. Below the signature, the word "Editor" is printed in a simple, sans-serif font.

Editor

