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### The School of Law of the Catholic University of America

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# The School of Law of the Catholic University of America

By JOHN McDILL FOX, DEAN OF THE SCHOOL OF LAW

THE purpose of this short article is an attempt to answer two questions which are being constantly put to me. One question in essence is "Why a School of Law at the Catholic University when there are other very good schools of law in Washington and elsewhere conducted under Catholic auspices?" and the other question really involves the same essential query though usually phrased, "In what way, if at all, is the School of Law at the Catholic University different from any other Law School?"

Before proceeding to the real heart of the inquiry I feel that certain general observations are in point.

"Every law school takes its character from the State." It takes part of its curriculum from the State to the extent that its graduates are subjected to a bar examination by various authorities requiring certain training and in some instances training in specified subjects as preliminary prerequisites. "Every law school must train the legal aspirant in the fundamentals of common and statutory law, as well as the method or procedure by which the rights of future clients may be protected or secured." This is as true of the School of Law of the Catholic University of America as it is of every other "approved" school.

Every first class law school either is a member of the Association of American Law Schools (the standardizing agency) or is approved by the Section on Legal Education and Admissions to the Bar of the American Bar Association. The School of Law not only is a member of the Association of American Law Schools and a school approved by the Section on Legal Education and Admissions to the Bar, but has in addition higher entrance requirements. It now requires a baccalaureate degree for entrance from students other than its own, while for students of the College of Arts and Sciences it provides a six-year Arts and Law course. In addition to its high entrance requirements it is at present the only full time day law school in Washington, D. C.

Obviously unless a school of law adequately trains its students, particularly in the undergraduate courses, for the practice of law in competition with graduates of other schools, it fails in its objective. In this respect, although the school always has been a small school, its graduates have become successful practitioners and leaders before the bar of their respective states.

However, though these various necessary requirements

may be fulfilled, no school should be satisfied with such minimum requirements, otherwise it becomes a mere trade school.

We feel that the Catholic Church has a philosophy of law—call it neo-scholastic or theo-philosophic—that is different from other schools of jurisprudence. We feel also that jurisprudence needs this philosophy.

There are various schools of thought in jurisprudential fields today. The materialistic or agnostic school, the utilitarian or experimental school, the sociological school. Dean Pound has contributed tremendously to juristic thought. Many names come to us, such as Jerome Frank, Karl N. Llewellyn of Columbia, Walter Wheeler Cooke, and a newcomer in jurisprudence who is doing very fine work, Walter B. Kennedy.

It is exactly at this point that the School of Law can do a different and further thing in attempting to develop a Catholic philosophy of law in addition to its more utilitarian objects. In the present BULLETIN the objects of The School of Law are set forth as follows:

"The aims of the Law School are: First, to train a bar solidly in the fundamentals and technique of the law, fitting them to cope successfully in the practice of their profession with the products of the best American law schools. Second, to integrate in all courses sound legal philosophy rather than attempt in several isolated courses to treat superficially of the natural law and legal ethics. Third, to

provide a legal training school from which law schools may obtain teachers, not only grounded in proper philosophy, but who have been accustomed to approach legal problems from the point of view of right legal philosophy. Fourth, to offer to clerical students courses in common law dealing with the administration of temporalities; in other words, where their necessary daily routine as priests and as builders of schools and churches will involve the law; and also to offer to lay students who may become professional legal advisers to priests, religious communities or dioceses, courses in Canon Law in English so as to render their professional services more expert and adequate." (Announcement of the School of Law, Vol. XX, No. 6, March 15, 1934.)

The courses in Jurisprudence are described as follows:

"The newly instituted courses in Jurisprudence afford

an exceptional and unique opportunity for the juristic development of both lay and ecclesiastical students. Integrating, as they do, the jurisprudential elements of such allied fields as Legal History, Philosophy and Theology, Roman and Canon Laws, Sociology, and Economics, these courses represent a new departure in the Catholic law schools of this country, which have been content to present merely elementary courses in Jurisprudence, without attempting to build a distinctively Catholic conception of juristic thought capable of competing with the utilitarian jural theories of America's outstanding non-Catholic schools of law." (Announcements of the School of Law, Vol. XX, No. 6, March 15, 1934.)

At present the First Year students are required to have Logic or Ethics and a special course in Legal Ethics is given to the Seniors. The latter course aims to give the student a consciousness of his duties and privileges as an attorney in a society which has definitely assumed a new social outlook. It further aims to awaken and to sustain the future lawyer's interest in controversial questions concerning his own status, the development of law, the control of judicial agencies, and the legal problems of the political and social fabric. The variety of situations touched upon are intended to stimulate the inquiring student and to develop a reliable conception of the lawyer's peculiar status arising from the importance of his profession in the ordering of society.

The courses in Jurisprudence, while primarily post-graduate, are open to the senior law students. We intend further to promote such studies by breaking down the general topic so as to introduce in the various undergraduate courses—such as Contracts, Torts, Constitutional Law, Domestic Relations—various jurisprudential aspects of such courses wherein Catholic Philosophy has other solutions than those usually blindly accepted. Thus our course has a deeper purpose and a wider scope than mere utilitarianism.

The student, while he is taught law for the practical purpose of his bar examination, is also led to consider the nature and purposes of law in the light of Catholic philosophy. Thus he is being properly prepared with a solid background of juridical training for any later legislative or judicial or executive career.

If a School of Law exists at the Catholic University of America it must be Catholic to justify its existence. The Catholic Church is supporting the School. While the intention is always to keep it a small school, it is much smaller than it should be, and it should be more widely supported. Its graduates are successfully practicing their profession and are respected men in their communities. We are not content to be another law school; we insist on a Catholic approach to jurisprudence and the proper development of the student in an understanding of the true function of law.

(Quotations from an editorial by Rev. Edward Lodge Curran, Ph.D., in "Truth," March, 1933.)

## The Summer Session of 1934

The twenty-fourth Summer Session of the University was located in three centers; the Main Session, for the twenty-fourth successive year, on the campus in Washington; the Pacific Coast Branch, for the third successive year, at the Dominican College of San Rafael, San Rafael, California; the Midwest Branch, for the first time, at Columbia College, Dubuque, Iowa. For the sixth consecutive year the Main Session had an increase in attendance. For the third consecutive year the Pacific Coast Branch had an increase in attendance.

The following statistics will be of interest:

MAIN SESSION			
	1932	1933	1934
Instructors .....	88	100	116
Courses Offered.....	221	293	303
Communities Represented..	58	61	67
Students:			
Sisters .....	609	645	707
Clerics .....	174	184	208
Laywomen .....	116	137	223
Laymen .....	132	165	165
Graduate .....	431	502	629
Undergraduate .....	515	560	635
Special .....	85	69	39
Total .....	1031	1131	1303
PACIFIC COAST BRANCH			
	1932	1933	1934
Instructors .....	4	5	5
Graduate Courses.....	10	13	14
Communities Represented..	8	9	11
Students:			
Sisters .....	40	62	65
Clerics .....	1	0	0
Laywomen .....	2	3	6
Total .....	43	65	71
MIDWEST BRANCH			
			1934
Instructors .....			4
Graduate Courses.....			12
Communities Represented.....			15
Students:			
Sisters .....			66
Clerics .....			7
Laywomen .....			8
Laymen .....			3
Total .....			84

### Cabinet Member to Lecture

The Honorable Henry A. Wallace, Secretary of the Department of Agriculture, editor and author, will lecture at the Catholic University of America on April 1 at 8:00 p. m.