

Catholic University Law Review

Volume 1
Issue 1 *May 1950*

Article 3

1950

Foreword

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Recommended Citation

Brendan F. Brown, *Foreword*, 1 Cath. U. L. Rev. xiii (1951).

Available at: <https://scholarship.law.edu/lawreview/vol1/iss1/3>

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FOREWORD

Dean Brendan F. Brown

As Dean of the Law School, it gives me great pleasure to write this foreword, hailing the appearance of this, the first issue of the Law Review of The Catholic University of America. The Review is the result of a combination of favorable factors, objective as well as psychological, occurring at a time when the growth and traditions of the Law School had reached the requisite maturity. These factors included the appointment of a Dean of the Law School in July, 1949, after a period of administrative uncertainty which had hitherto rendered tentative all possible policy decisions; the largest student enrollment in the history of the Law School; an extensive experience in legal composition on the part of students, as a result of a highly successful program of appellate court competitions; and the cooperative policy of the Faculty of the Law School and the Officials of the University. These factors provided the elements which spontaneously generated the intellectual power and creative force, giving life and existence to the first issue of the Review.

Though newly born into the society of the law review world, our sturdy infant gives unmistakable evidence of potential distinguished service to Church and State. But this future service will be possible only after a prior period of healthy infancy and adolescence. During this time, the chief expectation of achievement must be limited to the hope that the more elementary ideals of legal research and analysis, of a clear, precise and grammatical use of the English language, of discernment in the choice of cases and statutes for the purpose of student comment, and of organizational and administrative skill, adequate to insure the financial solvency of the undertaking, will be reached. These ideals have been fully realized by the first issue of the Review. It conclusively demonstrates that the students of the Law School of The Catholic University of America have the scholarship, the sense of responsibility and the abiding interest necessary to produce an excellent technical legal periodical. They have acted wisely in accentuating public law and federal legislation since the habitat of the Review is the Nation's capital. This issue contains normative and juridical content, which shows that they are conscious of the ultimate, outstandingly unique mission of the Law Review when it takes its rightful place in the domain of legal literature, as a full-fledged, printed, nationally and even internationally distributed, extramural periodical.

Indeed plans are already under way to make this Law Review the official medium of publication of the St. Thomas More Society of America and of the Section on Legal Philosophy and Government of the American Catholic Philosophical Association, which has sponsored an annual Round Table on that subject. When these plans for coordination have materialized a definite and continuing emphasis upon scholastic jurisprudence and the

underlying legal philosophy of that great civilizing School of Thought which includes such immortals as St. Thomas Aquinas, St. Thomas More, Gratian, Bracton, Suarez, Bellarmine, Vitoria, and Geny, to mention only a few, will be assured for the Law Review. In this way, the work of the students and the student editors stressing the logical, formal and analytical aspects of legal thought and expression, and feature articles submitted by recognized authorities on subjects of primary interest to the practitioner, will be consistently balanced by cultural material, which will clearly prove the utility of the rich, intellectual and moral heritage of America's Pontifical University in the successful solution of pressing problems of contemporary society. Thus the Review will not be just another periodical, but rather the voice of The School of Natural Law Jurisprudence in America, scientifically and systematically appraising and evaluating current trends in the legal ordering of the United States.

The St. Thomas More Society of America was founded in Boston, in 1936, by a group of lawyers in attendance at an annual convention of the American Bar Association. Its purpose is to provide an opportunity at the annual meetings of the Association of American Law Schools in Chicago at the end of December, and of the American Law Institute in Washington, D.C., during the middle of May, for American lawyers publicly to pay tribute to the life and ideals of the famous English Chancellor. At each meeting a paper on some phase of the inspiring career of St. Thomas More is read and discussed. Two annual papers will be available, therefore, from this source for the Review.

The first Round Table on Legal Philosophy and Government of the American Catholic Philosophical Association was held in 1936, as a result of a recommendation made to that Association the preceding year by the teacher of Jurisprudence at the Law School of The Catholic University of America upon the suggestion of the then Dean. Since 1936 two papers have been presented each year on this subject, under the auspices of the American Catholic Philosophical Association. In view of the leading part played by the Law School in the inauguration of the project of an annual Round Table on Legal Philosophy and Government, it is exceedingly fitting and appropriate that the Law Review should become the vehicle for making these two annual papers available to the legal profession.

The Law Review of the School of Civil Law will not overlap in any way the work of The Jurist, the review published quarterly by the School of Canon Law of the University, or of Seminar, the annual extraordinary number of The Jurist. It will aim rather to perform a service in the domain of the law of the State comparable to that of The Jurist in the sphere of the legal order of the Church. It will cooperate with the Riccobono Seminar of Roman Law in America, which has been under the auspices of the University since 1935, by occasionally publishing a paper presented before the Seminar of special significance and importance to common law lawyers, interested in a comparative critique of their legal system from the stance of Roman law. This policy will supplement that of The Jurist and Seminar, which now publish a few of the Riccobono papers of particular value to their readers.

While a major aim of the Review will be to combat secularism in the law, nevertheless student case-notes and statute-notes will strive to exemplify, in the fullest sense, the exercise of those logical and entirely

intellectual skills which constitute the chief activity of the lawyer in government and in private practice. Interstitial jurisprudential elements however will not be absent from these notes. But imperative policy will go no further than to compel the express recognition of the relation between social consequence and judicial or legislative adoption of moral norms in the law making process. Reasonable academic freedom of thought and expression will thus be encouraged.

The decision was finally made to name this periodical The Catholic University of America Law Review, since only the first few issues are expected to be intra-mural and circulated only among the alumni, faculty, and students of the Law School, and because this name immediately identifies the source of publication. Such proposed names as would have associated it with some celebrated figure in English legal history, as Glanvil or Bracton or St. Thomas More, were not regarded as sufficiently descriptive of the nature of the Review; names which would have sought to relate the Review to scholastic philosophy or natural law were considered somewhat ambiguous.

It is manifest that the tangible benefits of this Review to the students, faculty and alumni of the Law School, now united in a common intellectual fellowship, are enormous. The student editors and the students who have contributed to this issue now enjoy the coveted title of "law review men". They have gained a distinction which is an acknowledged passport to the most desirable legal positions, since it is a guarantee for the future employer that they have the capacity to do the work ordinarily assigned to a law clerk or young lawyer. There has been set an example which our students will endeavor to emulate since the rewards of participating in the work of the Review are measurable in terms not only of educational development while in law school, but of professional success and monetary return ultimately. Considered from the students' point of view, the Review has supplied an additional method of extracurricular education. But far more important, it has extended the spirit of intellectual competition, so essential for success at the Bar, far beyond the limits hitherto established by the appellate court competition.

The launching of this Review is a direct challenge to the creative scholarship of the Faculty of the Law School, both full time and part time, and of the Alumni as well. The nature and quality of their contributions to the Review will inevitably determine the literary standards, the professional ideals, the subtle nuances of juridical culture and function, and the dominant characteristics by which this Review will be known and recognized throughout the world of law and lawyers. But in meeting this challenge by the contribution of articles of unusual merit and distinction, Alumni and Faculty will derive considerable professional benefit and personal satisfaction.

Personally and on behalf of the Law School, I thank cordially the Administration of the University, especially Rev. Dr. James A. Magner and Mr. James F. Dunleavy, as well as the Faculty and Alumni. I congratulate the Faculty Adviser, Dr. Gordon Ireland; the Student-editor-in-chief, Mr. John M. Leahy; the Business Manager, Mr. James A. Maloney; the Student Editorial Board, Messrs. Robert K. Boland, Michael F.X. Dolan, James J. Pie, Burton T. Ryan, Joseph J. Urciolo, and Robert M. Weldon, and all others whose cooperation, assistance, and good will contributed to the

success of the Review which has been eulogized by Hon. Clarence E. Martin, a former President of the American Bar Association, as alumnus of the Law School, and a Trustee of the University, in these words: "Frankly, this is the outstanding step that has been made by the Law School in the many years with which I have been more or less intimately connected with it. You deserve the sincere commendation of every friend of the institution."