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THE LAWYER LOOKS BEYOND THE LAW; The William J. Kerby Foundation – Catholic University of America Press, 1951. (A collection of papers delivered at the Catholic University Law School Religious Roundtable, February 4- March 18, 1851.)

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BOOK REVIEW


This is a collection of seven essays pertaining to the lawyer and his relationship with God, Society, Science and Culture. The essays point out clearly that it is not enough for the lawyer to believe and enforce the Positive Law which is constantly shifting and changing, either by statutory change or by judicial interpretation, to meet the changing problems of our Society, but the lawyer must always believe and enforce the Natural Law as held out to us in the reading of the scripture and in the life of Christ upon this earth. The essay describes the lawyer as follows:

Masters of your craft! That is the goal. Defenders of the right, protagonists of God-inspired right order, enemies of deceit, of lying and cheating for gain. So it is to be a lawyer. It is much the same to be a Christian man; indeed, to be the one is the better part of being the other. Seize the means of holiness and justice held out to you in the reading of the Scriptures, and the integrity and wisdom that you know your profession requires in you will be more than within your grasp.

The essays clearly show that the greatest teacher of the law, not only by expression but by example, was Christ upon this earth.

Christ in his human nature is the most inspiring picture of manhood ever offered to the lawyer as man, as Christian, as member of the mystical body, as friend of Christ. It is my conviction, for instance, that only in proportion as the lawyer looks beyond the Law, as he participates in Christ's thinking will he fully grasp the significance of the principles set forth in the second paragraph of the Declaration of Independence.

And that all problems not necessarily legal, but medical as well, must look to the Natural Law for their solution.

The essays have a common view of the significance of the problems that confront us today and in order to find the proper solution we must analyze the problem and evaluate by the yardstick of the Natural Law. The essays are very clear and their major premise is sound, but the manner of stating and treating the problem leaves the necessary inference that today's lawyer, in the opinion of certain of the authors, does not conduct himself in a manner acceptable to Society. This is not an acceptable conclusion, for the lawyer today is constantly measuring the problem of the client (and his own) by the yardstick of the Natural Law. Violations which are *malum per se* create greater ethical problems for the lawyer than do violations *malum prohibitum.* He is attempting with all his abilities to simplify the complicated present law and has as his sole objective justice and order. This, obviously, must be accomplished only through the application of the Natural Law.

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