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Pamphlets Available/Valedictory

Notre Dame Law Review Editors

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PAMPHLETS AVAILABLE

The two articles on "State and Church in Mexico", by Dudley G. Wooten, which appeared in the February and March numbers of this magazine, have been reprinted in pamphlet form, and copies may be obtained by addressing the author at Notre Dame.

VALEDICTORY

Everything is so very confusing, you see. The law graduate, diploma in hand at last, faces the future rather dazedly. He confronts a world whose philosophy he cannot quite understand. He finds that the principles he has learned at school are generally disregarded: what he has firmly believed to be sacred, is scorned; what he has known to be false, is universally hailed as truth. A different set of standards seems to prevail—standards which he knows to be false, yet which he is powerless to change. When he makes so bold as to venture that a particular law, for instance, is bad because it rests on a fallacious premise, he is laughed at, pityingly. He is told—when any attention is paid to him at all—that his theories are too impracticable, too idealistic. The most charitable of his elders inform him that the theories of university professors had best be left in the classroom, that although students may attempt to reform the world when safely away from it, they must readjust themselves at graduation, prepare for a more intimate view of current problems, and adopt a different, more practicable set of ideas. Professors are tolerantly referred to as foggy old gentlemen out of touch with current affairs and scarcely conscious that their pretty philosophy is not applicable beyond college walls.

Assuredly, the elders are right, to a certain extent—classroom theories are *not* applied to contemporary problems; whether they should be, however is another matter. At school the student has learned that all problems must be solved by the application of a *principle*, that all other considerations must be made subservient to some abiding, inherent concept. He is told insistently and eloquently that he must not be like the proverbial reed in the wind, leaning far to one side before the slightest breeze, standing erect only when the weather is calm; but rather should be like a rock, remaining firm and strong despite even all the fury and passion of a cataclysmic storm. He is urged to adopt a code of conduct consistent with rationality and morals, and to apply it to every act, to every problem. Throughout his whole scholastic life, stress has been put on *principle*. . . . But the world seems to pay little attention to principle, much to expediency. A rule of law is said to be good because it is expedient, or bad because it is theoretical. Many measures introduced in the legislatures are debated solely on the issue of enforceability—and enforceability is but a synonym of expediency; the immediate good is the only object sought. Principle—that power which acts continuously and uniformly—is abandoned, and shallow, desultory considerations are substituted for it. Every political measure is said to stand on its own bottom, independent of any profound, abiding reason. Thus, prohibition—to instance once more that much discussed, much-abused law—was effected by references to the evils of drink, the poverty of drunkards, and other like considerations. The state was grandly given the power to make men moral. Debate on the question was marked by statistics, and by sentiment; reference to primary considerations was nonchalantly waved aside as being impertinent, old-fashioned; principle is no longer respected.

As it is with prohibition, so it is with every law. Enemies of tobacco admit that the only reason they have not yet petitioned for a Constitutional Amendment is the difficulty they anticipate in enforcing the law. The principle involved has been lost entirely, buried beneath the smothering omnipotency of the state. If a bill seems to contain the remedy for a current evil, it is approved; if not, it is rejected: But the investigation into inherent merits or defects is not systematic, profound or thor-

ough. Every question is argued solely on its practicability. Each proposal is subjected to the fickle will of an unguided, unprincipled (though not necessarily dishonest) legislature. No one knows the eternal principles that make a thing right or wrong. No one realizes that there are certain problems which cannot be solved by purely temporary considerations. Whenever some bold creature does venture to suggest that each problem requires the application of a principle, he is ridiculed, and told to get back to his books. The world does not want a principle; it prefers to wander aimlessly along, irresponsible, unrestrained.

No wonder the student is a little dazed. He sees a world that has no definite, motivating spirit, no consistent policy. He does hear occasionally a vague reference to the "socialization of law", or a general remark about the individual being required to make a few sacrifices for the common good; but even these theories are not followed to their logical conclusion. The man who defends compulsory sterilization still cheers for Jefferson on the Fourth of July, conveniently forgetting that Jefferson attained his fame largely by his insistence on the rights of man. The modern patriot is inconsistent; but he is unaware even of that, for he has no criterion by which to judge his conduct. He is actuated by shallow words, by glib phrases: he rather likes "rights of man", but he likes "common welfare" too; the two phrases are difficult to reconcile (though not at all impossible), so he abandons the task, influenced first by the one phrase, then by the other. A demand for a well-considered opinion on a grave matter finds him unprepared, for he does not know what he believes. He is influenced by appearances, externals.

The student knows that the inevitable result of an abandonment of principle is chaos. He becomes impatient when this result is not popularly acknowledged. He knows that men *must* be guided by principle, or they will be swept away by false doctrines, powerless later to direct their route, or to choose their goal. . . . But the student is ridiculed for suggesting such a dire possibility, is told to remodel his stuffy ideals. No wonder that the student—*young, and oftentimes too deferential to his elders*—is confused is apt to falter along the course his professors have laid out for him. In the face of ridicule—or worse, tolerant amusement—

the law graduate finds it difficult to persevere in the principles he has been taught are right. Yet persevere he must, for never yet has it been disproved that the broad way of expediency leads but to dissatisfaction and self-abasement.

With all due respect to age, we feel justified in observing that the elders don't know what they are talking about when they advise young graduates to revise classroom ideals. To say that ideals are worth maintaining may be to repeat a platitude, but it *is* to speak truth. Habitual devotion to right as right does have its compensation and its reward; even the elders cannot long disregard truth.