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Foreword

Clarence J. Ruddy

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THE NOTRE DAME LAWYER

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"Law is the perfection of human reason."

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FOREWORD

At this day, when so many reflections are being cast upon the law, it may seem a little naive to choose as the motto for a new magazine "Law is the perfection of human reason". We may be accused of ignorance of modern law, and may provoke a superior smile from the tolerant and a derisive laugh from the prejudiced; some may even urge us to change our motto. But we will not change it. True it is, that law is not now accorded the venerable position enjoyed by it in the past, and true likewise that there are many who object to the whole form of modern legal procedure, and censure it severely. Even a few lawyers have succumbed to the popular idea, and we find one writing a book, urging in effect, that the jury is the only reliable judge, and that the lawyers are inserted in a trial merely to confuse and becloud the real issues!

Yet we jauntily ignore all this, and innocently adopt as our motto that ancient maxim of Lord Coke's. Can it be that

students of law are completely unaware of the present-day attitude towards law—an attitude on the verge almost of contempt? Can it be possible that we have not yet learned of the modern abuses of legal procedure—abuses, which, if existent in Lord Coke's time, might well have caused him to reconsider his epitome?

Hardly. Yet we still cling tenaciously to our motto, and are determined to regard Coke as the author of the most exact description of the law. We still bestow upon our profession all the veneration that can be bestowed upon an ideal. Our faith is still whole. The law to us is an ideal, a symbol of right and majesty. It connotes peace and security, amity and concord. We are the children of the law; and we honor our parent. Indeed, it would be unnatural not to do so. If students were to enter their own profession with disrespect, the laymen, a fortiori, would have a genuine right to ridicule both the profession and the student. When a child loses respect for his own parent, the child has suffered the ultimate disillusionment, and the parent, the ultimate degradation.

But because we do view the law with such high regard, we are extremely jealous of its composition. As the law is a collective term, it necessarily includes sundry concrete rules. But we do not elevate every rule to the sanctity of the law. Our legal apostle, Blackstone, says: "There is no such thing as *bad law*. If it be found that a former decision is manifestly absurd and unjust, it is declared, not that such a sentence was *bad law*, but that it was *not law*; that is, that it is not the established custom of the realm, as has been erroneously determined". So we must be careful of the principles we admit as worthy of our respect and veneration. We shall not hesitate to question the justice of decisions (and enactments) of the sort described by Blackstone, once having made sure that the rule being considered deserves the category assigned to it . . . We shall try to protect our parent from imposters.

This then shall be our policy: to make the Notre Dame lawyer synonymous with respect for law, and jealous of any unjust attacks upon it.

And we offer this magazine as the expression of the Notre Dame lawyer.

—C. J. R.