

University of Notre Dame
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Moral Principles in Legal Practice - I.

A reader of the Bulletin asks certain questions on the moral aspects of legal practice. These will be taken up in a series of Bulletins. The first question follows:

What constitutes bribery? Is a public official always guilty if he accepts bribes? Is the giver of bribes guilty?

Bribery can be defined as "the payment or the promise of money or other lucrative considerations to induce another, who is already under obligation to act independently of such emolument, to do as the briber prescribes."

Public officials always seem to be guilty if they accept bribes, because, having accepted their positions under the express or tacit condition that they would use their influence for public benefit, not merely for private gain, they violate, by taking a bribe, the pledge they made on assumption of office; and this violation usually does serious harm to the community, and, therefore, constitutes serious sin.

The man, for example, who buys an office or a contract generally tries to reimburse himself at public expense.

Public officials - judges, jurymen, arbitrators, referees, etc. - who accept bribes render themselves incapable of unbiased judgment and fail in the execution of duty and violate their sacred trust.

Even when a judge renders, in spite of the bribe, a sentence that is just, he is bound to restore the bribe to him who gave it; for the judge is bound, independently of the bribe, to render just judgment and therefore has no title or ground upon which he can take payment for something he must do without private payment.

If he renders an unjust sentence, as a result of the bribe, he will sin against justice and must, of course, repair any wrong done to an injured party.

Nevertheless, the judge who renders an unjust sentence in behalf of a briber really gives something - which he had no right to give - but something that was worth the money to him who paid the bribe. For this reason, some moralists refuse to impose on such a judge the obligation of restoring the bribe.

The foregoing principles hold also for other public officials.

The giver of bribes is guilty inasmuch as he cooperates (or attempts to cooperate) in another's crime - in fact, he tempts him to sin.

Questions From the Questionnaire.

69. Why is it necessary to be back on the campus at midnight? Do the boogie-men come out at that hour only?

Ans. It's to give your fair listeners a chance to rest their rosy earlets. Come to think of it, an eleven-o'clock closing rule would give them a better chance.

70. What religious practice is most useful to men of the world?

Ans. Better see what the religious survey of the alumni has to say about that. It gives the experience of men of the world.

71. Tell how to overcome laxity in religion when leaving Notre Dame.

Ans. That question has been pretty well covered already, but it has been our observation, confirmed by two religious surveys, that the men who got most out of their religion in college get most out of it in later life.