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Moral Principles in Legal Practice - III.

What is perjury?

Perjury is the crime of taking a false oath. It is always a grievous sin, unless ignorance or insufficient consideration mitigates the guilt.

The special seriousness of perjury comes from this, that the supreme and omniscient and infallible God is invoked to testify to, and confirm, a lie.

When a person is in doubt about the truth or falsity of an assertion, he cannot, without perjury, swear that it is certain.

In those cases where it is permissible to use mental reservation it is permissible also, for a just reason, to corroborate one's utterance by an oath. (Mental reservation has to be thoroughly understood so that it be not taken merely as a means of vindicating lies.)

If a priest, for example, were asked on the witness stand if he knew something which he had learned in the confessional, he might, and ought to, reply, "I do not know."

If the attorney has reasonable grounds to believe perjury is going to be committed by his client, or a witness, or the opposite party, what must he do?

An attorney would sin grievously if he required or urged his client to perjure himself because the attorney would be formally cooperating in the sinful act. If the client of himself decided to commit perjury the attorney should try to dissuade him.

The attorney would sin grievously, for the same reason, if he tried to influence a witness to commit perjury.

But if, in the prosecution of a case, it might be necessary for an attorney to question an opposing party or witness, when the attorney foresaw that the party or witness would perjure himself, the attorney could legitimately proceed. In this case the attorney's cooperation (so long as he did not concur in the other's evil intention) would be merely material, and this material cooperation can be permitted for grave reasons.

What about a judge in this matter of perjury?

Like the attorney, the judge cannot formally cause or formally cooperate in another's perjury. But in the conduct of his office the judge can insist that evidence be presented under oath, even though it be clear that the evidence will be false.

Questions From the Questionnaire.

78. Granting that a person is willing to risk sudden death, what, if any, are the advantages of leading a moral life?

Ans. Those who deny a supernatural end for man usually propose as motives for moral life the following: 1. Respectability, personal integrity, reputation, family honor, protection against disease, freedom from jail, and the like. Add conscience to this list. No matter how much the atheist may deny conscience, it is still a fact. No amount of negation can kill it off. It may be inoperative at times, but it is always in the offing, and few people, if they outlive health, wealth and friends, escape the pangs of conscience, even in this life.

PRAYERS: Ill - Frank Matavovsky's father; three friends of Joe Petritz. Two sp. ints.