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But concrete portrayals of ideal societies, after the manner of Utopia, contribute little or nothing to a general theory of society. General theory is the proper basis of all science. Concrete idealizations are fragmentary and localized and often fanciful. They do not present the panorama of change for any considerable period, and as a result contribute nothing to the theory of dynamics of change. A concrete idealization of culture, such as Utopia, represents an atomistic method. It is in contrast to a universal method.

THE NATURAL LAW AND A WORLD IN CRISIS

By

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Delivered Edgewater Beach Hotel, Chicago, Illinois, December 1950.

Few if any epochs in history have been as saddled with evil men and evil ways as our own. Bewilderment, fear, frustration grip men's souls in a degree unparalleled at least in recent centuries. The fearful probability of our world being plunged into its most devastating war is a present reality. The West is in a state of frantic preparation against the threat of annihilation from the East.

Such a condition did not arise within the last decade or even within the last several decades. What we are facing now is the centuries-cumulative result of the practical exclusion of God and His Law from the thoughts and actions of men.

Every class in our society must bear its share of guilt. But no class has a heavier burden of guilt than the legal profession. Followers of this profession for good or evil are among the most influential of men. And with specific reference to America, it is by no means certain that the over-all influence of the legal profession has been for good.

No system of law can rise above the fundamental principles upon which it is based. To analyse the American legal system from this viewpoint is an alarming experience.

In at least the large majority of American law schools -- with the notable exceptions of those under Catholic direction -- Positivism is the prevailing philosophy. By Positivism is here meant that view of life, which either denies or calls into question the existence of God, regards man as some highly developed form of animal life and ascribes some temporal good as his ultimate end.

The extent to which such a philosophy has permeated legal thinking in this country can be gauged by the wide-spread acceptance of the jurisprudential tenets of Oliver Wendell Holmes. Two cardinal points are a key to his philosophy. The first is that he sees ". . . no reason for attributing to man a significance different in kind from that which belongs to a baboon or a grain of sand," 2 Holmes-Pollock Letters 252 (1941), and secondly, as I recall, he has written, "the law means force (and when it means anything else I don't care who makes it and will do as I damn choose)."

To weave a philosophy of law around these two pivotal considerations is to create a monster as deadly as Karl Marx ever conjured up. Only the basic soundness and sanity of the American people have prevented Holmes and his followers from destroying us altogether.

Happily a reaction against the rank materialism of Holmes' school is

beginning to set in. Thus are afforded a fateful challenge and a magnificent opportunity to the proponents of Natural Law philosophy. For between physical force and the Natural Law, no one has yet been, or ever will be, able to propose a valid alternative.

The time was never more favorable for a scholarly dynamic presentation of the Eternal Truths comprising the Natural Law.

God created the world. In the world there are two levels of being, rational and irrational. God, an intelligent being, had a purpose in creating -- His extrinsic glory. To realize this purpose, God had a plan -- the Eternal Law by which each creature is directed to its own specific end and through this end to the end of all creation. Irrational creatures are directed to their ends by certain intrinsic determinations whereby they act in a certain uniform and constant way -- these intrinsic determinations we call the physical laws. Man in his free rational nature is guided to his end -- God's glory and his own temporal and eternal happiness -- by certain clearly perceivable (by right reason) precepts, which he recognizes to be of inescapable obligation -- these precepts and their universal binding force, we call the Natural Moral Law, or simply the Natural Law. Man, because of his free will, can violate these precepts, but he may (or ought) not violate them.

"Do (Moral) good, and avoid (Moral) evil" is the most general expression of the Natural Law. Those readily deductible conclusions from this primary principle form the secondary level of the Natural Law, e.g. the Ten Commandments. The tertiary level includes those applications of the primary principle to the complex conditions of concrete situations. It is with the application of the Natural Law on this level that human (statute, civil) law is principally concerned. Here two important points are to be noted. The principles of the Natural Law never change, but their application to the varying political, economic and social character of time and place "is a monumental task demanding the constant devotion of the best brains and the most mature scholarship of the legal profession."

This Natural Law philosophy is the great heritage not alone of the Catholic Church, but of all men who would find meaning and purpose in life and the only valid foundation of the rights of man and of peace and order in society. With Natural Law philosophy, scholarly, God-fearing, zealous members of the legal profession can forge the one instrument that can protect man as an individual in all his dignity as an Image of God, and insure for man as a social being a reign of justice in society. Only thus can the lights of human freedom and human decency go on again all over the world.