A singular and truly providential coincidence reminds us that exactly twenty-five years ago today Pope Pius XI, of revered and saintly memory, was busily engaged in his study in the Vatican Palace, putting the finishing touches to the page proofs of the first Encyclical of his renowned Pontificate. Significantly enough this Papal Message to the world, published on December 23, 1922, was entitled, "The Peace of Christ in the Kingdom of Christ." 1 In this historical document the scholarly Pontiff appealed to the entire world to return to the basic concepts of the Eternal Law of God, so that Europe and the other countries of the world might be saved from impending chaos and disaster. In view of what has happened during these past twenty-five years, the warnings of Pope Pius XI now seem ominously prophetic.

In this Encyclical Letter the Pope lamented that:

"There is, over and above the absence of peace and the evil attendant on this absence, another deeper and more profound cause for present-day conditions. This cause was even beginning to show its head be-

fore the war and the terrible calamities consequent on that cataclysm should have proven a remedy for them if mankind had only taken the trouble to understand the real meaning of those terrible events. In the Holy Scriptures we read: 'They that have forsaken the Lord shall be consumed.' No less well-known are the words of the Divine Teacher, Jesus Christ, Who said: 'Without Me you can do nothing' and again, 'He that gathereth not with Me, scattereth.'

"These words of the Holy Bible have been fulfilled and are now at this very moment being fulfilled before our very eyes. Because men have forsaken God and Jesus Christ, they have sunk to the depths of evil. They waste their energies and consume their time and efforts in vain sterile attempts to find a remedy for these ills, but without even being successful in saving what little remains from the existing ruins.

"It was a quite general desire that both our laws and our governments should exist without recognizing God or Jesus Christ, on the theory that all authority comes from men, not from God. Because of such an assumption, these theorists fell short of being able to bestow upon law not only those sanctions which it must possess but also that secure basis for the supreme criterion of justice which even a pagan philosopher like Cicero saw clearly could not be derived except for the Eternal Law. Authority itself lost its hold upon mankind, for it had lost that sound and unquestionable justification for its right to command on the one hand and to be obeyed on the other. Society, quite logically and inevitably, was shaken to its very depths and even threatened with destruction,
since there was left to it no longer a stable founda-
tion, everything having been reduced to a series of
conflicts, to the domination of the majority, or to the
supremacy of special interests." 2

Today, exactly a quarter of a century after the publica-
tion of this epochal Encyclical, nations still reject, in large
measure, the Eternal Law of God, which the Pope so ac-
curately called the supreme criterion of justice. Thus
the world finds itself without peace, without justice, with-
out the establishment of an abiding moral order.

"We have already seen," continues the same Pontiff,
"and have come to the conclusion that the principal
cause of the confusion, restlessness, and dangers,
which are so prominent a characteristic of false
peace, is the denial of the sovereignty of law and lack
of respect for authority, effects which logically follow
upon the denial of the truth that authority and power
come from God, the Creator of the world and its
Universal Law-giver. The only remedy for such a
state of affairs is the Peace of Christ, since the Peace
of Christ is the Peace of God, which could not exist
if it did not enjoin respect for law, order and su-
preme authority." 3

In view of this solemn pronouncement given to the
world in 1922, we have good reason to pause and to ask
ourselves why precisely do so many human beings refuse
to acknowledge the existence of such a truth as the Eter-
nal Law, emanating from God Himself, the Supreme

3 Id., p. 345.
Legislator for all mankind? In other words, why are the dice so heavily loaded against justice, truth, and the abiding peace of Jesus Christ?

The answer to this query has been given by another great Pontiff, our present Holy Father, and significantly enough, in his own first Encyclical Letter, addressed to the world, on October 20, 1939. He states that:

“At the head of the road which leads to the spiritual and moral bankruptcy of the present day stand the nefarious efforts of not a few to dethrone Christ, the abandonment of the law of truth which He proclaimed and of the law of love which is the life-breath of His kingdom. In the recognition of the supreme prerogatives of Christ, and in the return of individuals and of society to the law of His truth and of His love lies the only way to salvation.

“The present age, Venerable Brethren, by adding new errors to the doctrinal aberrations of the past, has pushed these to extremes which lead inevitably to a drift towards chaos. Before all else, it is certain that the radical and ultimate cause of the evils which We deplore in modern society is the denial and rejection of a universal norm of morality as well for individual and social life as for international relations; We mean the disregard, so common nowadays, and the forgetfulness of the Natural Law itself, which has its foundation in God, almighty Creator and Father of all, supreme and absolute Lawgiver, all-wise and just Judge of human actions. When God is denied, every basis of morality is undermined; the voice of conscience is stilled or at any rate grows very faint, that voice which teaches even to the illiterate and to
uncivilized tribes what is good and what is bad, what lawful, what forbidden, and makes men feel themselves responsible for their actions to a supreme Judge.

"The denial of the fundamentals of morality had its origin in Europe, in the abandonment of that Christian teaching of which the Chair of Peter is the depository and exponent. That teaching had once given spiritual cohesion to a Europe which, educated, ennobled and civilized by the Cross, had reached such a degree of civil progress as to become the teacher of other peoples, of other continents. But, cut off from the infallible teaching authority of the Church, not a few separated brethren have gone so far as to overthrow the central dogma of Christianity, the divinity of the Saviour, and have hastened thereby the progress of spiritual decay.

"The Holy Gospel narrates that when Jesus was crucified, 'there was darkness over the whole earth,' a terrifying symbol of what happened and what still happens spiritually wherever incredulity, blind and proud of itself, has succeeded in excluding Christ from modern life, especially from public life, and has undermined faith in God as well as faith in Christ. The consequence is that the moral values by which in other times public and private conduct was gauged have fallen into disuse; and the much-vaunted laicization of society, which has made ever more rapid progress, withdrawing man, the family and the state from the beneficent and regenerating effects of the idea of God and the teaching of the Church, has caused to reappear, in regions in which for many centuries shone the splendours of Christian civilization, in a manner ever clearer, ever more distinct,
ever more distressing, the signs of a corrupt and corrupting paganism: ‘There was darkness when they crucified Jesus.’

“Many perhaps, while abandoning the teaching of Christ, were not fully conscious of being led astray by a mirage of glittering phrases, which proclaimed such estrangement as an escape from the slavery in which they were before held; nor did they then foresee the bitter consequences of bartering the truth that sets free, for error which enslaves. They did not realize that, in renouncing the infinitely wise and paternal laws of God, and the unifying and elevating doctrine of Christ’s love, they were resigning themselves to the whim of a poor, fickle human wisdom; they spoke of progress, when they were going back; of being raised, when they grovelled; of arriving at man’s estate when they stooped to servility. They did not perceive the inability of all human effort to replace the law of Christ by anything equal to it; ‘they became vain in their thoughts.’

“With the weakening of faith in God and in Jesus Christ, and the darkening in men’s minds of the light of moral principles, there disappeared the indispensable foundation of the stability and quiet of that internal and external, private and public, order, which alone can support and safeguard the prosperity of states.

“It is true that, even when Europe had a cohesion of brotherhood through identical ideals gathered from Christian preaching, she was not free from dissensions, convulsions and wars which laid her waste; but perhaps they never felt the intense pessimism of today as to the possibility of settling them, for they had
then an effective moral sense of the just and of the unjust, of the lawful and of the unlawful which, by restraining outbreaks of passion, left the way open to an honourable settlement. In our days, on the contrary, dissensions come not only from the surge of rebellious passion, but also from a deep spiritual crisis which has overtaken the sound principles of private and public morality.”

4 AAS. XXXI, pp. 543-546.
I. THE DIVINITY OF CHRIST AND THE ETERNAL LAW

Some eighty years ago, the Russian novelist, Dostoevski (1821-1881) observed that the modern world rejects Christ, as God, for the very simple reason that it wishes to have no God at all. Many of our modern lawyers, it appears, are reluctant to acknowledge Christ as God because such an admission would necessitate belief in the Holy Trinity as the Supreme Legislator for mankind. But as St. Thomas points out, we can have no clear concept of the Eternal Law, in relation to the Natural Law, or to any other Law, unless we humbly believe in Christ as Supreme Legislator, as well as the Redeemer of mankind, and in the Holy Trinity as the source of all Divine Life and Law. Moreover, we should realize that the tacit assumption that God simply does not count in law can be more dangerous to lawyers, particularly to young lawyers, than positive opposition to God.

5 Council of Trent, Session VI, On Justification, Canon XXI: "If anyone saith that Jesus Christ was given of God to men as a Redeemer in Whom to trust and not also as a Legislator, Whom to obey, let him be anathema."

6 At the present time, opposition offers a challenge to thinking human beings whereas the subtle implication that Divine Authority does not exist in the world is a most insidious form of modern sophistry. This status of affairs simply confirms Christian believers in the realization of the truth that human nature in its present state is a fallen human nature redeemed by Jesus Christ Who is the Supreme Legislator of mankind as well as its Redeemer. The soul of an unbaptized, unregenerated human being, who is filled with mundane desires and erroneous opinions, can well have the understanding so darkened that neither the sunlight of natural reason nor the supernatural Wisdom of God may illumine it clearly. Pope Leo XIII, Encyclical Letter, "Libertas Praestantissimum," June 20, 1888, The Great Encyclical Letters of Pope Leo XIII, 137-145.
II. THE MOST HOLY TRINITY AND THE ETERNAL LAW

When we ask the modern lawyer to contemplate with reverence and humility the divine life of the Holy Trinity, we are merely asking him to go back in spirit to the American, European and Semitic traditions of our laws, of our civilization and of our Christian culture. In 529, when the Emperor Justinian promulgated his renowned Code of Roman Law, he specifically invoked and embodied in his legislation, the Name of the Most Holy Trinity, just as he dedicated his Institutes to Jesus Christ, the Supreme Legislator of mankind. Thenceforward it became the custom of truly Christian nations to acknowledge, in all legislation, the dependence of humankind upon the Divine Creator and Legislator. Thus it was, that lawyers, legislators and judges alike, constantly envisioned and proclaimed their humble belief in God when they studied law, enacted legislation or adjudged lawsuits.

It is heartening to note that ten years ago this month when the Constitution of the Irish Free State went into effect, on December 29, 1937, it began with these solemn words: — "In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and of States must be referred, We, the People of Ireland, humbly acknowledging all our obligations to Our Divine Lord, Jesus Christ, Who sustained our Fathers through centuries of trial . . . do hereby adopt, enact, and give to ourselves this Constitution."
Only three months ago, the Constitution of the State of New Jersey ratified on September 10, 1947, acknowledged its humble gratitude to God in these significant words: — "We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution."

As one ponders the faith, humility, and commendable common sense of the Preambles to these Constitutions, one realizes how frightfully hollow and inept were the opening words of the Covenant of the League of Nations, signed in 1920, . . . "The high contracting parties . . . ." What a godless, inane, and hopeless introduction to a Covenant destined to maintain peace, justice, and charity in a war-torn world. Can one wonder then, why a second World War followed so soon after Versailles?

The origin of all law goes back, as St. Thomas strikingly points out, to the Holy Trinity, back to that life of knowledge and love, which constitutes the essential glory of the Three Divine Persons.7 The Divine Word became incarnate in order to illumine from without, the fire of this glory, in bestowing upon mankind the knowledge and love of the Most Holy Trinity. Well indeed then is He called "The Splendor of the Glory of the Father" 8 come as He tells us Himself, "Not to destroy, but to fulfill the law."9

7 St. Thomas Aquinas, Summa Theologica, I-II, Questions XC-XCI, CIX-CX.
8 St. Paul, Epistle to the Hebrews, 1, 3.
9 St. Matthew 5, 17.
In the language of philosophy, God is in intimate contact with all things, by His Power, by His essence, and by His Presence. The exercises of His Power on things does not cease with their creation. Conservation is a continual creation. Without the uninterrupted influence of God, nothing could continue in existence. Since the Lord's power and the exercise of that power is at the heart of all this, His Essence must, of necessity, be there also; for in Him Power, Essence, Operation, Nature are one Indivisible, Simple Reality. Finally, the Creator is present everywhere because there is nothing that escapes His observation and attention. Wherever therefore, there is any created reality, God is present in the totality of His being, with all His being, with all His attributes and all His perfections. He is in my body and in every fibre of it. He is in my soul, and in its faculties, and in the activities of these faculties. He is in me wholly, and He is wholly outside of me. And just as He is in me in the totality of what He is, so is He likewise in all creatures.

But beyond this universal and ordinary way according to which God is in all creatures, there is a distinct way of presence which can be found only in the case of rational creatures. In these He can be present as an object known and loved is present in him who knows and loves. An example drawn from nature will illustrate the difference between these modes of presence. Light shines in the eyes of the blind, in whom the organ of vision is intact and the nerve only destroyed. The eye is flooded with light, but there is no vital reaction. The rays are fully present in the eye but not to the eye. The visual faculty is powerless to possess by a vital act, what is, nevertheless, sending its vibrations through the organ of vision.
Furthermore in the case where the eye is not diseased, the measure of its possession of what is presented to its gaze is not unvarying. Objects of vision may be maintained under the same conditions of illumination, yet they will be seen more or less perfectly according to the strength, power and acuity of the visual faculties of those who contemplate them. They are seen, and therefore more perfectly possessed, by those whose vision is more perfect.

"It is thus in a parallel manner between God and the soul, through which He pours the light of His being. He shines on all things, whether in the mineral realm, in the realm of plants, or in the realm of animals; and He shines also even in the souls of the sinner. But there is nowhere in these worlds an answering reaction. He is present in them, but not to them. They do not possess Him, even when they are submitting to His influence. And when the blindness of sin is dispelled and He illuminates the souls of the just from their very centre; when He is present not only in them but to them, even then He is not present to all and possessed by all in the same degree. He is more perfectly in, and more fully possessed by those whose grace is more abundant and whose sanctity is more elevated. It is sanctity that sharpens the soul's vision and strengthens the soul's embrace of its God.

"Hence, just as the faculty of vision, when in a healthy state, has power to receive within itself and to possess in a vital act the figures of coloured objects, so, too, the soul when endowed with sanctifying grace, has power to seize and to take to itself, has power to react vitally to the divine light streaming from its source. The faculty of intelligence fortified
by the infused virtue of faith, can fix its gaze on God as He is in His own inner life. The faculty of will, reinforced by the infused virtue of love for the divine, is empowered to cleave to God in acts of real affection. These two faculties are, as it were, the arms by which the soul is enabled to enfold the Holy Spirit in its embrace.”

III. THE MEANING OF THE ETERNAL LAW

With these remarks in mind let us try to grasp the meaning of the Eternal Law, in relation to all law and particularly in relation to the Natural Law. Briefly, the Eternal Law is naught else but the exemplar of Divine Wisdom directing all actions and movements. Or as St. Augustine prefers to say, “It is the supreme exemplar to which we must always conform.”

From all Eternity there was present to the Spirit of God the plan of the government of the world, which He had determined to create. This plan of government is the Eternal Law, according to which God guides all things toward their final goal, namely, His own glory and the eternal happiness of mankind. There is nothing, therefore, which does not come under this law, neither star, nor tide, nor plant, nor animal, nor man, nor Angel, for Divine Providence extends to all.

“The Eternal Law is God’s wisdom, inasmuch as it is the directive norm of all movement and action. When God willed to give existence to creatures, He

10 James Leen, *By Jacob’s Well*, (New York, 1940), 112-114.
THE ETERNAL LAW

willed to ordain and direct them to an end. In the case of inanimate things, this Divine direction is provided for in the nature which God has given to each. . . . Like all the rest of creation, man is destined by God to an end, and receives from Him a direction toward this end. This ordination is of a character in harmony with man's free, intelligent nature.

"In virtue of his intelligence and free will, man is master of his conduct. Unlike the things of the material world he can modify his action at will, he is free to act or to refrain from action, just as he sees fit. Yet he is not a lawless being in an ordered universe. In the very constitution of his nature, he likewise has a law laid down for him, reflecting that ordination and direction of all things, which is the Eternal Law." 14

As Pope Leo XIII states in his Encyclical Letter on "Human Liberty,"

"reason prescribes to the will what it should seek after or shun, in order to the eventual attainment of man's last end, for the sake of which all his actions are to be performed. This dictate of reason is called law. In man's free will, therefore, or in the moral necessity of our voluntary acts being in accordance with reason, lies the very root of the necessity of law. Nothing more foolish can be uttered or conceived than the notion that because man is free by nature, he is therefore exempt from law. Were this the case, it would follow that to become free we must be deprived of reason; whereas the truth is that we are

bound to submit to law precisely because we are free by our very nature. Law then is the guide of man’s actions. It turns him towards good by its rewards, and deters him from evil by its punishments.

“Foremost in this office comes the Natural Law, which is written and engraved in the mind of every man; and this is nothing but our reason, commanding us to do right and forbidding sin. Nevertheless all prescriptions of human reason can have force of law only inasmuch as they are the voice and the interpreters of some higher power on which our reason and liberty necessarily depend. For, since the force of law consists in the imposing of obligations and the granting of rights, authority is the one and only foundation of all law—the power, that is, of fixing duties and defining rights, as also of assigning the necessary sanctions of reward and chastisement to each and all of its commands. But all this, clearly, cannot be found in man, if, as his own supreme legislator, he is to be the rule of his own actions. It follows therefore that the law of nature is the same thing as the Eternal Law, implanted in rational creatures, and inclining them to their right action and end; and can be nothing else but the eternal reason of God, the Creator and Ruler of all the world.

“To this rule of action and restraint of evil God has vouchsafed to give special and most suitable aids for strengthening and ordering the human will. The first and most excellent of these is the power of His divine grace, whereby the mind can be enlightened and the will wholesomely invigorated and moved to the constant pursuit of moral good, so that the use of our inborn liberty becomes at once less difficult and less dangerous. Not that the divine assistance hin-
ders in any way the free movement of our will; just the contrary, for grace works inwardly in man and in harmony with his natural inclinations, since it flows from the very Creator of his mind and will, by whom all things are moved in conformity with their nature. As the Angelic Doctor points out, it is because divine grace comes from the Author of nature, that it is so admirably adapted to be the safeguard of all natures, and to maintain the character, efficiency, and operations of each.

"What has been said of the liberty of individuals is no less applicable to them when considered as bound together in civil society. For, what reason and the Natural Law do for individuals, that human law, promulgated for their good, does for the citizens of States. Of the laws enacted by men, some are concerned with what is good or bad by its very nature; and they command men to follow after what is right and to shun what is wrong, adding at the same time a suitable sanction. But such laws by no means derive their origin from civil society; because just as civil society did not create human nature, so neither can it be said to be the author of the good which befits human nature, or of the evil which is contrary to it.

"Laws come before men live together in society, and have their origin in the Natural, and consequently in the Eternal, Law. The precepts, therefore, of the Natural Law, contained bodily in the laws of men, have not merely the force of human law, but they possess that higher and more august sanction which belongs to the law of nature and the Eternal Law. And within the sphere of this kind of laws, the duty of the civil legislator is, mainly, to keep the commun-
ity in obedience by the adoption of a common discipline and by putting restraint upon refractory and viciously inclined men, so that, deterred from evil, they may turn to what is good, or at any rate may avoid causing trouble and disturbance to the State.

"Now there are other enactments of the civil authority, which do not follow directly, but somewhat remotely, from the Natural Law, and decide many points which the law of nature treats only in a general and indefinite way. For instance, though nature commands all to contribute to the public peace and prosperity, still whatever belongs to the manner and circumstances, and conditions under which such service is to be rendered must be determined by the wisdom of men and not by Nature herself. It is in the constitution of these particular rules of life, suggested by reason and prudence, and put forth by competent authority, that human law, properly so called, consists, binding all citizens to work together for the attainment of the common end proposed to the community, and forbidding them to depart from this end; and in so far as human law is in conformity with the dictates of nature, leading to what is good, and deterring from evil.

"From this it is manifest that the Eternal Law of God is the sole standard and rule of human liberty, not only in each individual man, but also in the community and civil society which men constitute when united. Therefore, the true liberty of human society does not consist in every man doing what he pleases, for this would simply end in turmoil and confusion, and bring on the overthrow of the State; but rather in this, that through the injunctions of the civil law all may more easily conform to the prescriptions of the Eternal Law."
"Likewise, the liberty of those who are in authority does not consist in the power to lay unreasonable and capricious commands upon their subjects, which would equally be criminal and would lead to the ruin of the commonwealth; but the binding force of human laws is in this, that they are to be regarded as applications of the Eternal Law, and incapable of sanctioning anything which is not contained in the Eternal Law, as in the principle of all law. Thus St. Augustine most wisely says: 'I think that you can see, at the same time, that there is nothing just and lawful, unless what men have gathered from this Eternal Law.' If, then, by any one in authority, something be sanctioned out of conformity with the principles of right reason, and consequently hurtful to the commonwealth, such an enactment can have no binding force of law, as being no rule of justice, but certain to lead men away from that good which is the very end of civil society.

"Therefore, the nature of human liberty, however it be considered, whether in individuals or in society, whether in those who command or in those who obey, supposes the necessity of obedience to some supreme and Eternal Law, which is no other than the authority of God, commanding good and forbidding evil. And so far from this most just authority of God over men diminishing, or even destroying their liberty, it protects and perfects it. For the real perfection of all creatures is found in the prosecution and attainment of their respective ends; but the supreme end to which human liberty must aspire is God.

"These precepts of the truest and highest teaching, made known to us by the light of reason itself, the Church, instructed by the example and doctrine of
her divine Author, has ever propagated and asserted; for she has ever made them the measure of her office and of her teaching to the Christian nations. As to morals, the laws of the Gospel not only immeasurably surpass the wisdom of the heathen, but are an invitation and an introduction to a state of holiness unknown to the ancients; and, bringing man nearer to God, they make him at once the possessor of a more perfect liberty. Thus the powerful influence of the Church has ever been manifested in the custody and protection of the civil and political liberty of the people. The enumeration of its merits in this respect does not belong to our present purpose. It is sufficient to recall the fact that slavery, that old reproach of the heathen nations, was mainly abolished by the beneficent efforts of the Church.

"The impartiality of law and true brotherhood of man were first asserted by Jesus Christ; and His apostles re-echoed His voice when they declared that in future there was to be neither Jew, nor Gentile, nor Barbarian, nor Scythian, but all were brothers in Christ. So powerful, so conspicuous in this respect, is the influence of the Church, that experience testifies how savage customs are no longer possible in any land where she has once set her foot; but that gentleness speedily takes the place of cruelty, and the light of truth quickly dispels the darkness of barbarism. Nor has the Church been less lavish in the benefits she has conferred on civilized nations in every age, either by resisting the tyranny of the wicked, or by protecting the innocent and helpless from injury; or finally by using her influence in the support of any form of government which commended itself to the citizens at home, because of its justice, or was feared by their enemies without, because of its power."
"Moreover, the highest duty is to respect authority, and obediently to submit to just law; and by this the members of a community are effectually protected from the wrongdoing of evil men. Lawful power is from God, 'and whosoever resisteth authority resisteth the ordinance of God'; wherefore obedience is greatly ennobled when subjected to an authority which is the most just and supreme of all. But where the power to command is wanting, or where a law is enacted contrary to reason, or to the Eternal Law, or to some ordinance of God, obedience is unlawful, lest, while obeying man, we become disobedient to God. Thus, an effectual barrier being opposed to tyranny, the authority in the State will not have all its own way, but the interests and rights of all will be safeguarded—the rights of individuals, of domestic society, and of all the members of the commonwealth; all being free to live according to law and right reason; and in this, as We have shown, true liberty really consists."  

IV. RELATIONSHIP BETWEEN THE ETERNAL LAW AND CREATION

St. Thomas explains the relationship that exists between the Eternal Law and all creation in such a brief and illuminating way that we can best borrow a few of his unforgettable thoughts.

"Since all things subject to Divine Providence are ruled and measured by the Eternal Law, it is evident that all things partake in some way in the same Eternal Law, in so far as, namely, from its being imprint-

ed on them, they derive their respective inclinations to their proper actions and ends.

“Now among all others, the rational creature is subject to Divine Providence in a more excellent way, in so far as it itself partakes of a share of Providence, by being provident both for itself and for others. Therefore, it has a share of the eternal reason. . . .

“The light of natural reason, whereby we discern what is good and what is evil, which is the proper function of the Natural Law, is nothing else than an imprint on us of Divine Light. It is, therefore, evident that the Natural Law is nothing else than the rational creature’s sharing in the Eternal Law. . . .”

In view of the intimate relationship that exists between God and law, we can readily understand why peoples and nations begin to ridicule and to reject law, and particularly the Natural and Eternal Law, precisely in the measure in which they cease to believe in Christ, as God. This is just another reason, it appears, why we Americans of the present generation have the special and personal responsibility to warn the skeptics, as well as the uninformed, that it is a law of life, as proved by history, that the “Natural, as well as the Eternal, Law invariably buries its undertakers.”

As some of you perhaps recall, in 1925, Theodore Dreiser wrote his American Tragedy. Unfortunately, he himself proved to be a living embodiment of the great American tragedy, by cutting himself off from the religion and beliefs of his childhood. As a result, he was a sad,

16 St. Thomas, Summa, I-II, Quest. 91, Art. 2.
discontented, bewildered man in the last years of his life. In his book, *The Stoic*, he wrote this haunting lament:—

“Chronically nebulous, doubting, uncertain, I stared at everything, only wondering, not solving.”

During the past twenty-five years a great deal of American law, American jurisprudence, and American legal writings have become chronically nebulous, doubting, uncertain, staring at everything, only wondering, not solving. Unless we return to the true understanding of law, the future will be one of chagrin, of bewilderment, of tragedy. Ours is the privilege, ours is the heritage, ours is the sacred personal duty “to restore all things under the Headship of Christ,” the Universal Lawgiver.17

Can any legal system long survive, when it is being ceaselessly and systematically assailed by myriads of sophistries, erroneous juristic concepts, by the pragmatism of an omnicompetent State, by the naturalism of a Dewey, the sociological jurisprudence of a Pound, the scoffing skepticism of a Holmes, the relativism of a Cardozo, the positivism of a Hohfeld, the functionalism of a Cohen, the symbolism of an Arnold, the realism of a Llewellyn, or the utilitarianism of a Frankfurter? 18 Such bewildering systems—most of them godless—of law and of jurisprudence have become a definite menace to our American Law and legal thought. Under the very aegis of the Goddess of

17 St. Paul, Epistle to the Ephesians, 1, 10.
Justice, un-Christian publicists and even jurists are subjecting American Law to a slavery of the spirit, and are reducing us free Americans to the status of benighted morons, stripped of our personal, God-given dignity, and bereft of our basic rights. In truth, these sciolists are the very ones against whom St. Paul indignantly inveighs in his First Epistle to Timothy, when he writes: —

“There are certain ones who have gone astray, wandering off into silly sophistries. They claim to be teachers of the law, but they understand neither the meaning of their own words, nor the assertions which they so arrogantly proclaim.”

In his Christmas Allocution of December 24, 1942, Pope Pius XII alluded to this same tendency manifesting itself in many quarters of the globe, when he said: —

“Outside the Church of Christ, juridical positivism has reigned supreme, attributing a deceptive majesty to the enactment of purely human laws, and effectuating the fateful divorce of law from morality.”

If we are ever going to have an abiding moral order in America and lasting international peace, we must re-establish a truly Christian juridical order of life, based on the immutable principles of the Eternal Law.

In his autographical letter to President Truman on August 26, 1947, Pope Pius XII emphasized the necessity of changeless principles as a guarantee of abiding peace in the world.

“What is proposed, is to ensure the foundations of a lasting peace among nations. It were indeed futile

19 St. Paul, First Epistle to Timothy, 1, 7.
20 A.A.S. XXXIV (1942), 338-343.
to promise long life to any building erected on shifting sands or a cracked and crumbling base. The foundations, We know, of such a peace—the truth finds expression once again in the letter of Your Excellency—can be secure only if they rest on bed-rock faith in the one, true God, the Creator of all men. It was He Who of necessity assigned man's purpose in life; it is from Him, with consequent necessity, that man derives personal, imprescriptible rights to pursue that purpose and to be unhindered in the attainment of it.

"Civil society is also of divine origin and indicated by nature itself; but it is subsequent to man and meant to be a means to defend him and to help him in the legitimate exercise of his Godgiven rights. Once the State, to the exclusion of God, makes itself the source of the rights of the human person, man is forthwith reduced to the condition of a slave, of a mere civic commodity to be exploited for the selfish aims of a group that happens to have power. The order of God is overturned; and history surely makes it clear to those who wish to read, that the inevitable result is the subversion of order between peoples, is war. The task, then, before the friends of peace is clear.

"Is Your Excellency over-sanguine in hoping to find men throughout the world ready to cooperate for such a worthy enterprise? We think not. Truth has lost none of its power to rally to its cause the most enlightened minds and noblest spirits. Their ardour is fed by the flame of righteous freedom struggling to break through injustice and lying. But those who possess the truth must be conscientious to define it clearly when its foes cleverly distort it, bold to defend it and generous enough to set the course of their lives,
both national and personal, by its dictates. This will require, moreover, correcting not a few aberrations. Social injustices, racial injustices and religious animosities exist today among men and groups who boast of Christian civilization, and they are a very useful and often effective weapon in the hands of those who are bent on destroying all the good which that civilization has brought to man. It is for all sincere lovers of the great human family to unite in wresting those weapons from hostile hands. With that union will come hope that the enemies of God and free men will not prevail.

"Certainly Your Excellency and all defenders of the rights of the human person will find whole-hearted cooperation from God's Church. Faithful custodian of eternal Truth and loving mother of all, from her foundation almost two thousand years ago, she has championed the individual against despotic rule, the labouring-man against oppression, Religion against persecution. Her divinely-given mission often brings her into conflict with the powers of evil, whose sole strength is in their physical force and brutalized spirit, and her leaders are sent into exile or cast into prison or die under torture.

"This is history of today. But the Church is unafraid. She cannot compromise with an avowed enemy of God. She must continue to teach the first and greatest commandment incumbent on every man: 'thou shalt love the Lord thy God with thy whole heart, with thy whole soul, with all thy strength,' and the second like unto the first: 'thou shalt love thy neighbor as thyself.' It is her changeless message, that man's first duty is to God, then to his fellow-man; that that man serves his country best who serves his
God most faithfully; that the country that would shackle the word of God given to men through Jesus Christ helps not at all the lasting peace of the world. In striving with all the resources at her power to bring men and nations to a clear realization of their duty to God, the Church will go on as she has always done, to offer the most effective contribution to the world's peace and man's eternal salvation.

"We are pleased that the letter of Your Excellency has given Us the opportunity of saying a word of encouragement for all those who are gravely intent on buttressing the fragile structure of peace until its foundation can be more firmly and wisely established. The munificent charity shown by the American people to the suffering and oppressed in every part of the world, truly worthy of the finest Christian traditions, is a fair token of their sincere desire for universal peace and prosperity. The vast majority of the peoples of the world, We feel sure, share that desire, even in countries where free expression is smothered. God grant their forces may be united towards its realization. There is no room for discouragement or for relaxing of their efforts. Under the gracious and merciful providence of God, the Father of all, what is good and holy and just will in the end prevail."  

V. REASONS FOR THE NEED OF A DIVINE ETERNAL LAW

Lawyers who are not truly versed in the history and philosophy of law sometimes ask why there should be any

21 A.A.S. XXXIX (1947), 380-382.
need of a Divine Eternal Law in addition to the Natural Law and Human Laws. We need but enumerate a few reasons.

First of all, man is directed to perform his proper actions in view of the final purpose of his existence. If man were destined only to a purely natural end, then there would be no need for any further direction on the part of his reason in addition to the Natural Law and Human Law. However, since man is destined to an end of eternal happiness, which far transcends man's natural ability, it is necessary that he should be guided by a God-given law. We know that by the Natural Law, the Eternal Law is participated proportionately to the capacity of human nature. Man, however, needs a higher way in which to be directed to his supernatural end. For this reason God gives an additional law to man, whereby he shares more perfectly in the Eternal Law.

The second reason for the Divine Eternal Law is that different people form diverse judgments on human actions, especially when dealing with contingent and abstruse matters. This is due principally to the instability and uncertainty of human judgment, from which would result divergent and even contrary laws.

"Men's judgments, like their watches:
None goes just alike,
But each believes his own."

Wherefore, in order that man may clearly know, without any doubt, what he ought to do and what to avoid, it was necessary for him to be directed in his proper actions by

22 St. Thomas, Summa, I-II, Quest. 91, Art. 4.
the unerring law of God Himself, that is, the Divine Eternal Law.

The third reason is that man can enact laws only in those matters of which he is competent to judge. Now, we all know that a man is not capable of judging the interior, hidden and secret movements of another's soul, but only of the external, manifest acts. For the perfection of virtue and of mankind, it is necessary that man conduct himself uprightly in interior acts, as well as in external affairs. It is clear that no Human Law could adequately and effectively direct or control the interior acts. Hence, the necessity of the Divine Eternal Law.

The final reason adduced for the Divine Law, and given to us by St. Augustine, is that no Human Law can possibly forbid all evil deeds and misdemeanours. Any system of Human Law that would try to do so, would be so restrictive and repressive, that the Blue Laws of the Puritans would appear like a Roman holiday. In other words, it is just humanly impossible for any human legislator to forbid all secret, hidden thoughts and motives. In order, therefore, that no evil might remain unforbidden and unpunished, it was necessary for the Divine Law to supervene, in virtue of which all sins, secret as well as manifest, are forbidden.

VI. EXISTENCE OF A TRUE ETERNAL LAW

Some few years ago a writer, who was more sardonic than profound, claimed that there really can be no Eternal Law. Every law, he asserted, is imposed on someone.
And there was really no one existing from all eternity on whom the Eternal Law could have been imposed, because God alone exists from eternity.

To this sophistry it is easy to reply that those things which do not exist in themselves, exist in God, inasmuch as they are known and preordained by Him Who, as St. Paul says, "calls nonexistent beings as though they were existent." 24 Hence, we see that the eternal concept of the Divine Law bears the character of an Eternal Law, in so far as it is ordained by God for the government of creatures known to Him, even before they were called into actual being. 25

VII. DERIVATION OF ALL LAWS FROM THE ETERNAL LAW

Not only does every rational creature know more or less about the Eternal Law, but human beings should become increasingly aware of the fact, that every true law is derived in some way from the Divine Eternal Law. This might be demonstrated in the following manner. Law denotes a plan, directing acts toward an end. Now there is in life a sort of hierarchical order whereby plans and directives emanate from higher authority to lower authority, such as we see in Federal Laws, State Laws, County Laws, Municipal Statutes, and the like. 26

24 St. Paul, Epistle to the Romans, 4, 17.
25 St. Thomas, Summa, I-II, Quest. 91, Art. 1, ad 1.
26 The Church offers a more striking example of this principle in her universal laws, the enactments of ecumenical councils (Canons 222-229), the statutes of plenary and provincial councils (Canons 281-292), the statutes of diocesan synods (Canons 356-362), and the like.
THE ETERNAL LAW

Since the Eternal Law is that supreme and exalted plan of government existing in God Himself, the Supreme Legislator, all plans of government on inferior planes are derived from the Eternal Law. Hence it is that all laws, in so far as they partake of right reason, are derived from the Eternal Law. In other words, all that is just and lawful in temporal laws is derived from the Eternal Law.27

In the Morgan Library on Madison Avenue in New York City, there is an interesting, illuminated Manuscript of the fourteenth century, from the University of Bologna. The Manuscript is a treatise on law. An artist of consummate ability has embellished the parchment at the beginning of the text with a painting of the Almighty Father, seated, as it were, in a medieval Court Room, with the Divine Son and the Holy Ghost, surrounded, in turn, by innumerable Angels, the Apostles and the heavenly Court, despatching two Archangels to earth. One Archangel presents to a king the book of law for all temporal kingdoms. The second Archangel offers to a Pope a similar volume, containing the laws of the Church. It was in this beautiful and simple way, that both the medieval artist and jurist understood, depicted and described the derivation of all law from the Eternal Law of God.

VIII. OUR KNOWLEDGE OF THE ETERNAL LAW

An objection that is sometimes made to the notion of an Eternal Law is that a person cannot possibly be obligated by a law about which he knows nothing. And we

27 St. Thomas, Summa, Quest. 93, Art. 3.
realize that there are many people, even lawyers, they tell us, who profess to know little or nothing about the Eternal Law. Fortunately, St. Thomas answers this objection in a masterly way: —

“A thing may be known in two ways: first in itself; secondly, in its effects, in which some likeness of that thing is found. For instance, someone, not seeing the sun in its substance, may know it, by its rays. Hence, we must admit that no one can know the Eternal Law, as it is in itself, except God and the Blessed who see God in His essence.”

Every rational creature, however, knows the Eternal Law according to some reflection, in a greater or lesser degree. Knowledge of truth is a kind of reflection and sharing of the Eternal Law, which is unchangeable truth, as St. Augustine tells us. Now all men know the truth in a certain measure, at least, as to the common principles of the Natural Law. As to the other truths, they partake of the knowledge of truth, some more, some less. And in this respect they know the Eternal Law in a greater or lesser degree.

IX. THE ETERNAL LAW KNOWN THROUGH THE NATURAL LAW

The Eternal Law is known to us through the Natural Law, but is nonetheless prior to every other law, to Natural Law, as well as to all Human Law. Furthermore, it is the very basis and source of every other law.

28 St. Thomas, Summa, I-II, Quest. 93, Art. 2.
29 De Vera Religion, XXXI, PL 34, 147.
The Eternal Law existed in God before the created world existed, just as the architect's plan preceded the construction of the Empire State Building. This same Eternal Law was even promulgated before the world appeared, despite the fact that its promulgation was not received until creatures existed.

X. THE PROMULGATION OF THE ETERNAL LAW

In view of what has just been stated, it may well be objected that any law is meaningless, which is enacted or promulgated before the very existence of the subjects for whom it is intended. Now we know that the Eternal Law, destined for the created world, existed before the creation of mankind.

If the Eternal Law had been intended only as a mere means to creatures, then it would indeed have been absurd to promulgate it to nonexistent creatures. But the Eternal Law, as we have seen, is not merely and solely a means to something beyond itself. Like the Natural Law, the Eternal Law has the character of a directing principle, in itself. It directs things to their proper end. It is the Wisdom of God Himself, Who is the Creator and Supreme Legislator of mankind. 30

It is obvious that the Eternal Law did not produce its effects until the world existed and until the conditions of its fulfillment were realized. But since the Eternal Law is not distinct from God Himself, it had attained its end,

30 St. Thomas, Summa, I-II, Quest. 90, Art. 4; Quest. 93, Art. 2.
even before created beings were called into being, by the omnipotent Creator and Supreme Legislator, Who "speaks to nonexistent beings, as though they were existent." 31

XI. LAW AS AN ORDINANCE OF RIGHT REASON

In view of the fact that Human Law emanates from the Divine Eternal Law, it is easy to understand, why it has the nature of a true law, only in so far as it partakes of right reason. Should Human Law deviate from right reason, it becomes thereby an iniquitous law. Such an unjust law would not have the nature of an ordinance of right reason, but would be the unauthorized enactment of unconscionable tyranny.

It is hardly possible, while speaking in this Building, to mention tyrants who take God out of law, by fist or force, without alluding to the case of St. Thomas More, whose stately statue guards the west portal of this College of Law, and whose family escutcheon graces the inner archway of its Main Entrance. As Chesterton has well said of this man who was beheaded in 1535, and canonized a Saint in 1935:

"The mind of More was a diamond, that a tyrant king threw into the ditch because he could not break it."

Whenever we treat of unjust laws, of tyrants and of dictators, we must always bear in mind the teaching of another St. Thomas, the Angelic Doctor. He warns us,

31 St. Paul, Epistle to the Romans, 4, 17.
that even an unjust law, in so far as it retains some semblance of law, in view of the fact that it is enacted by one who is in power, is derived in this way from the Eternal Law, for all power is from God. Thus St. Paul urges the Romans:

"Let everyone be subject to the higher authorities, for there exists no authority except from God, and those who exist have been appointed by God." 

**XII. EXTENSION OF THE ETERNAL LAW TO THINGS BEYOND THE SCOPE OF HUMAN LAW**

St. Thomas concludes his discussion of the derivation of all laws from the Eternal Law by a very practical consideration. He reasons thus:

"Human Law is said to permit certain things, not as approving of them, but as being unable to direct them. And many things are directed by the Divine Law, which Human Law is unable to direct, because more things are subject to a higher than to a lower cause. Hence, this very fact comes under the ordination of the Eternal Law, that Human Law does not concern itself with matters it cannot direct. It would be different, were Human Law to sanction what the Eternal Law condemns. Consequently, it does not follow that Human Law is not derived from the Eter-

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nal Law. What does follow, is rather that it is not on a perfect equality with it.” 34

From this we clearly discern why Pope Pius XI stated that:

“The Church teaches—since she alone has been given by God the mandate and the right to teach with authority—that not only our acts, as individuals, but as groups and Nations, must conform to the Eternal Law of God. In fact, it is much more important that the acts of a Nation follow God’s law, since on the Nation rests a much greater responsibility for the consequence of its acts, than on the individual.” 35

XIII. ENDURING STABILITY OF CHANGELESS PRINCIPLES OF LAW

Since all true law emanates in some way from the Divine Authority of the Eternal Law we see how lamentable are the errors of those moderns who seem to think that everything in this world is in a perpetual and planless state of ever-shifting mutation, like the sand dunes of Indiana. Only a few months ago, in fact, on April thirtieth of this year, a District Judge of New Jersey wrote these words in his opinion:

“As we have seen, the generally accepted rules of morality or ethics fluctuate in each era and the best we can do with the subject is to apply the generally accepted rules of our own day.” 36

34 St. Thomas, Summa, I-II, Quest. 93, Art. 3, ad 3.
This type of error is one of the saddest commentaries on the status of our legal thinking of today. As a result, our present-day judicial opinions and our legal writings are, in large measure, a curious admixture of errors, platitudes, sophisms and half-truths. Speaking of half-truths, we are reminded of what Stephan Leacock once said about them:

"Half-truths, like half-bricks, are more dangerous than whole ones: they go further."

As we envision the future of American legal thinking, it is not the persecution of the concentration camp, nor even the execution in the prison-yard, that is to be feared, but rather the imperceptible corruption of the American legal mind by the insidious Trojan-horse system of infiltration of false principles. This precisely is the most alarming attack on our American thinking at the present time.

Legal thought in America is entering upon a new era. The age of confused paganism opposing Christianity is more or less at an end. The Christian legal system, as a system of values and moral standards is being attacked, or more correctly, is being betrayed, more insidiously than ever before, perhaps, in the history of mankind.

The persuasive infiltration of a de-Christianized, godless, and even anti-God system of law converging on the Christian citadel of truth from all sides, mocking its morality and ridiculing its basic principles even of the Divine Eternal Law, calls for the defence, not only of heroic wills, but of sturdy, enlightened legal minds, firmly grounded in the abiding principles of eternal truth. Today as never
before in the history of American law, a veritable Niagara of high-sounding legal terms, of catch-words, of cliches, of dithyrambic verbiage, of what the men in service contemptuously called "Gobbledygook," tumbles from the legal printing presses, in a tiresome cascade of ceaseless repetition, and thus seeks to conceal in meaningless phrases, the shallowness and poverty of thought, characteristic of an age that has lost its grip on God.  

XIV. THE RE-ESTABLISHMENT OF ALL THINGS UNDER THE HEADSHIP OF CHRIST

In conclusion, may we be permitted to remind you that imbedded in the wall overlooking the Main Entrance of the Library of this College of Law is a beautiful plaque, chiseled from infrangible stone, of Christ, the King, the Author of the Eternal Law and the Legislator of a true, everlasting Kingdom. As we view this statue of a Divine King and Supreme Lawgiver let us not forget that the first struggle recorded in all history, was that of a battle in Heaven over a law and over a Kingdom, that is, the Kingdom of Christ, the Author of the Divine Eternal Law, against the lawless, arrogant, war-mongering, rebel kingdom of Satan.

May one of the blessed results of this Natural Law Institute be that America and the world may more and more

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37 Two volumes issued in recent years exemplify the sad state of American legal writing at the present time. A curious commixture of erroneous expressions, ponderous platitudes, sophisms and half-truths will be found, in large measure, in: My Philosophy of Law, Credos of Sixteen American Scholars, (Boston, 1941), and Interpretations of Modern Legal Philosophies, Essays in Honor of Roscoe Pound, (New York, 1947).
look to Christ, the Author of the Eternal Law and Supreme Legislator, for guidance in the principles and problems of all law. May Our Divine Lord become for every lawyer, every upright citizen, every State, and every Nation the true Lawgiver, directing lives, ennobling hearts, and divinizing souls.

We began this Paper with a reference to the Papal Encyclical of a quarter of a century ago. That span of time, we know full well, seems very long to you young men, but it is only a faded memory to the old. May the next twenty-five years witness the personal dedication of the lives of all present, to the cause of justice and truth, to the spread of the correct concepts of the Natural Law and the Eternal Law among mankind.

May this College of Law become a veritable trysting-place of the immutable principles of Divine Justice. And may it become, ever more and more, a temple of abiding truth, with its foundations firmly grounded in the imperishable cornerstone of God’s Eternal Law.

For all of us, whether young or old, it is later than we think in the present-day struggle for the enduring, unchanging principles of law. For all, whether young or old, the years are passing swiftly, and swiftly the decades follow. May our lives be so truly dedicated to the cause of justice and of truth that we may be privileged to share fully and eternally in what the Preface of the Mass of the Feast of Christ the King so beautifully calls an eternal and everlasting Kingdom:

“A Kingdom of truth and of life,
A Kingdom of holiness and of grace,
A Kingdom of justice, of love and of peace”:
That abiding Peace of Christ,
In the Kingdom of Christ.

Under God, then, may our sharing in this Kingdom, with all men of good will, be so genuine, our study of the Eternal Law be so devoted, our endeavors be so constant, our efforts so fruitful, that truly Christian governments—founded on the principles of the Eternal Law—of the people, by the people, and for the people may not perish from the earth.

Rev. W. J. Doheny, C.S.C.