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Foreword

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FOREWORD

THE NATURAL LAW INSTITUTE, a function of The Law School of The University of Notre Dame, was organized in 1947. Five annual convocations were held under its auspices, the last one in December of 1951. Thereafter a search was undertaken for a way in which the Institute could function effectively on a year-round rather than a once-a-year basis. After exploring many possibilities, it was decided to publish this journal, the *Natural Law Forum*.

Our planning for the *Forum* has proceeded upon the faith that natural law can help solve some of our problems. This, of course, implies that natural law can be made to serve practical ends in the legal order. It implies, also, that our interest is not exclusively or even primarily historical or theoretical. We have no interest, moreover, in the meat-cleaver approach to natural law, which consists of assuming the rectitude of one's own position and concentrating on the decapitation of all who disagree. Much more apt to be fruitful, we believe, is the course recommended by Monsignor Romano Guardini: "We must start from scratch and think every problem through from its very premises to its last implications. We must never rest with what we have achieved, we must never rely lazily on a given 'truth' . . ."

While it is, no doubt, an oversimplification, it may serve to clarify our approach if I say that we believe natural law can be made to serve practical ends in the legal order for the simple reason that it is a source of the right questions and one who knows the right question is already well advanced toward the right answer. This is extremely important. "How?" is the job of the jurist, the legislator, the political scientist. And that job requires them endlessly to search out, assay and interpret facts, and to explore their interrelationships. But what facts are relevant? According to what standard are facts to be evaluated? What guide is to be used in seeking to interpret them? In these perplexities we regard natural law as a source of inspiration and guidance. For in natural law, we believe, can be discovered an indication of where we ought to be going, and this raises the right question: What is the best way to get there?

We are interested in exploring, with all the resources of scholarship and modern science, the full extent of the contribution natural law can make to

the solution of today's problems. At the same time, we do not expect detailed answers to specific questions. Too often "the natural law" has been dragooned by partisans to fight in their wars. That is a danger we are very conscious of and mean to avoid. Illumination of problems—that is what we expect from natural law, rather than a blueprint of detailed solutions.

What I have said is a lawyer's, not a scholar's way of suggesting the approach we have had in mind in planning for the *Forum*, an approach we hope can be fruitful.

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