

## INTRODUCTION

ON the walls of the court-room of the Supreme Court of Pennsylvania a series of artistic murals represents the several different kinds of law: American law, Roman Law, divine law, natural law.

The natural law is represented by a fanciful scene in which a nebulous figure of some misty period of antiquity pours incense into a golden bowl of burning charcoal, and the smoke curls upward around a marble colonnade, to the obvious approval of a group of heroic-mystic noble-minded onlookers who breathe idyllic contentment.

The text accompanying the mural makes it clear that the natural law is considered merely man's dream of a golden age to come; it is the ideal law that will rule ideal men in perfect harmony. It will never be attained; but forever the hearts and minds of men will strive to achieve that unattainable ideal.

The natural law is no such thing. It is not an ideal; it is a reality. It is not a product of men's minds; it is a product of God's will. It is as real and as binding as the statutes in the U. S. Code. It is not a mere ideal toward which all statutes and court decisions and systems of law should tend. The actuality is that any statute or court decision or system of law which does not conform to natural law simply has no valid binding force; it is inherently vitiated. It lacks an element required for essential validity.

The Natural Law Institute, sponsored by the College of

Law of the University of Notre Dame, is publishing these lectures in an attempt to explain what the natural law is, and to dispel some widespread misconceptions of what natural law is.

It is the purpose of the Natural Law Institute to explain the meaning of the natural law in terms of actual statutes, actual court decisions, and actual legal principles in our American system. The basic philosophy of law underlying these lectures is utterly divergent from the positivism of Justice Holmes and the relativism of Justice Cardozo.

It is here fundamentally postulated that the law is not merely what a court says it is; nor that the principles of law must change with changing times. It is here postulated that the controlling principles of law never change; only the application of those principles to changing circumstances creates variation.

The Natural Law Institute is founded on the belief that unless the unchanging character of basic legal principles is acknowledged by our jurists, the basic legal guarantees of liberty in our Constitution—which are principles of the natural law—will be as changeable as the whim of future judges and legislators.

The meaning of natural law has never been adequately presented to the vast majority of American students of law. This publication represents the beginnings of an attempt to explain the natural law.

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