

INTRODUCTION

It has been most gratifying to see the second Natural Law Institute conducted by the College of Law of the University of Notre Dame accorded the same enthusiastic reception which greeted the first Institute in December of 1947.

The members of this year's Institute were privileged to review, under the expert tutelage of the eminent jurists and scholars whose papers are reprinted in these pages, the development of the doctrine on Natural Law from the Greco-Roman period to the present.

The full flowering of the philosophy of Natural Law had to wait upon the rise of the Scholastics of the twelfth and thirteenth centuries. Yet, even in the era preceding the advent of Christianity, incontrovertible evidence of the recognition of its existence and innumerable references to the Natural Law, are to be found. The Greek poets and philosophers spoke reverently of it as of something higher than the law of the land. They regarded it as a gift of the gods, implanted in the reason of man who alone among creatures was possessed of a sense of right and wrong. The poets, and especially the philosophers, emphasized the fact that the Natural Law was unique among laws: it was unchanging and unchangeable, universal; furthermore, it was a law that was eminently practical, and not merely a topic of philosophical speculation. Cicero and the Roman jurists echoed these teachings of the Greeks.

Only with great difficulty can the value of these testimonials to the Natural Law by writers, and thinkers, of a pre-Christian era be overestimated. Too many jurists today tend to view insistence upon Natural Law as a Christian — and more particularly, a Catholic — preconception and prejudice. And for them, as for so many persons in all walks of life today, the only prejudices that may legitimately be allowed to influence one's judgment or one's teaching, are the prejudices that bear the stamp of the materialistic, the agnostic, the positivistic philosophy.

The Honorable Robert N. Wilkin in his excellent paper notes that "within the last eight or ten years there are unmistakable signs of dissatisfaction over the insufficiency, the aridity, of modern positivism, and very definite indications of a revival of Natural Law philosophy."

This is very heartening news. If the University of Notre Dame and its College of Law can, through these Natural Law Institutes and the publication of their proceedings, help to hasten progress in this direction, we shall have fulfilled a patriotic as well as a religious duty. For thus we shall have helped foster a return, not only to the truths taught by the great philosophers and theologians of the Church, but to the truths deeply loved and steadfastly defended by the Founders of our Country and by them written into the laws of our blessed land.

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