THE NATURAL LAW*

“For when the gentiles, who by nature have not the Law, fulfill the requirements of the Law, these, though they have not the Law, are a law unto themselves, showing as they do the demands of the Law to be written in their hearts.”  

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1 Epistle to the Romans, ii, 14-15.
murder he could enjoy this life to the full, it would seem senseless not to use those means. Law in such case should direct him to the nearest tavern where he might eat, drink, and be merry, or to the nearest theater where he might have his fill of amusement.

But we know that man's destiny is not this world, and that the laws of expediency and of Bacchus are insufficient for his needs. "God created man of the earth and made him after His own image. He created of him a helpmate like to Himself. He gave them counsel, and a tongue, and eyes and ears, and a heart to devise, and He filled them with the knowledge of understanding. He created in them the science of the spirit, He filled their hearts with wisdom and showed them both good and evil. Moreover, He gave them instruction and the law of life for an inheritance. He made an everlasting covenant with them, and showed them His justice and judgments, and their ears heard His glorious voice, and He said to them, 'beware of all iniquity.' And He gave to everyone of them commandments regarding his neighbor." 2

Man might object to being governed by the laws of another world while he is still living in this one, did not God see fit to instill into his very nature direction sufficient for his guidance. This direction is called the Natural Law because it is inseparable from his very nature. The beasts of the field, having no power of reason, are led by God instinctively to their end. But man being a rational animal, the law which guides him must be based on reason so as to conform to his nature. Those who have lost their reason are no longer governed by the Natural Law. The law is, as it were, suspended in their case. That is why they are not held responsible for their acts. That is why the insane are not executed or imprisoned, they are cared for in an asylum.

Every rational creature has a certain light from God that is totally lacking in the lower animals, and in those de-

2 Ecclus. xvii, 1 et seq.
prived of reason; a certain apprehension of good and bad in the intellect; a certain tendency in the will toward moral goodness and an aversion toward all evil. This apprehension is not studied but spontaneous, and it is before any knowledge that comes from study or revelation or human law and customs, although it exists side by side with them. It comes to us from our nature to enable us to lead a higher life than the animals, who are guided simply by sense. Some people refer to it as the natural moral law.

Conscience is certainly allied with the Moral Law, but should not be confused with it. Conscience is the intellect sitting in judgment on the moral goodness or badness of an act to be performed. Conscience takes into consideration much more than the Natural Law. Its conclusions are formed from every form of divine law that is made known to it, and its chief function is to reduce law to action and to make application to the particular cases which arise.

The Natural Law, as we know it, is man's participation in the Eternal Law, and its authority comes from God. It is false to say that there is no absolute standard of morality which is everywhere and constantly identical. Morality is not made by Kings or Councils, nor does it depend on popular opinion or the customs and traditions of places. No human sanction, whatever be its power or however vast be the extent of its influence, can turn wrong into right. The reason it is so hard to blot out truth is because the conscience of mankind as a whole has a true instinct that prevails in the long run over any perverting of the moral code. For a time, it may be, the moral sense of a community or a country may be darkened owing to extraordinary circumstances. Wicked fashions may become more or less general; but the conscience of men in general is usually right. A prevailing moral code such as divorce or birth control that is at variance with the divine code of Moral Law does not become right from the fact that the State sanctions it and everybody is doing it; neither will it exempt transgressors from punishment in this
world or the world to come. If men choose to ignore principles so that they may enjoy unlawful pleasures, their action does not abrogate those principles or render those men less guilty in the eyes of God. The very results of such actions will always enable them to judge which are false and which are true, regardless of custom.

Man, therefore, can offend against the Natural Law only under penalty of not obtaining his natural end. The obviousness of this fact is probably the cause of its frequent denial by people — people who would never fail to follow the maker's directions in the use of inanimate things. An automobile, for instance, must be used according to its maker's directions if it is to attain the end for which it was manufactured. It cannot be used as a pile driver or a row boat without disastrous results. So, too, man must follow the directions of his Maker if he would attain his proper end. If he embraces something his reason tells him is evil he violates the end of his nature.

The dictates of Natural Law, then, are summed up in one general principle: "Do good and avoid evil." By a proper use of reason man can live according to that principle. But because of man's weakness and his tendency to avoid things which are difficult the Natural Law has been codified in the Ten Commandments, and given in more elaborate detail in the human positive law. Lest man declare the Natural Law too vague to be understood, and for that reason invalid and inoperative, God has provided him with other means of knowing the precepts of this law.

A single example of how the principle of the Natural Law has filtered down into human positive law might be shown thus: The principle, "Do good and avoid evil" is made more specific in the Commandment, "Thou shalt not kill." In turn this prohibition is enacted into human positive law which forbids murder and other forms of homicide. And it is further elaborated in divers statutes, such as those regulating
the sale of firearms, and even those regulating traffic, for it is admitted that the latter statutes lessen the loss of lives resulting from the use of motor cars. But without any of these last mentioned laws, normal man knows from the dictates of reason that it is unlawful for him to kill.

It is true that not all positive laws can be traced back directly to the principles of the Natural Law because many positive laws may be said to be morally indifferent. They are, in themselves, neither good nor bad. They are made for reasons of convenience rather than because their omission would be really harmful, or the transgression of them a sin. But all those positive laws which direct man to his final end are based on the natural law and can be learned from reason by a normal individual. Human lawmakers have, of course, not attempted to codify virtue in their legislation, and for this reason man in his journey to his final end will not always find a complete set of sign-posts along the way. Wherever the road is not marked by statutes of the positive law, man's reason must supply him with the necessary knowledge. In other words the Natural Law must supply signs for whatever roads have been left unmarked by the positive law, and must even determine when a sign is turned the wrong way and may lead the traveler astray. It is not, then, God's will or a spiritual force of any sort that determines man's direction but the Natural Law acting through reason.

Need I say, then, that whenever the proper end of the individual is lost sight of, lawyers, law schools, and governments go astray. The lawyer, for instance, who, rejecting God and eternity, thinks that man is answerable to no one except himself for his actions, who spurns all ideas of objective right and wrong, and sets utility as the norm of all human actions, will speedily annihilate reason, and strive for results rather than for justice. Perjury, intimidation, false witness are all lawful in his code, provided they serve the utilitarian purpose. That a just man has been sent to prison or the electric chair, or that a murderer is set free to do more
murder, makes no difference to the man who has substituted utility for reason. His one and only determination is to win his case at any cost, and since he has eliminated God and destroyed reason he has nothing to fear as long as he evades the clutches of the civil law. I need not tell you that such characters exist, and that they dignify themselves by the name of lawyers. The gangster profession would die a natural death tomorrow if it were not for crooked lawyers who live on gold that these gunman have taken at the point of a gun. In many ways they are worse than the gangsters because their profession marks them as protectors of the people, guardians of society, and they prey like so much vermin on the very people that their knowledge should protect.

Law schools which once taught law and its correlative justice have degenerated into institutions teaching laws rather than law. Some prominent schools are now even abandoning a teaching of laws as well as law, and they have preferred to ignore all norms of human conduct. Their students apparently have been tossed out of the lap of the empiricist and into the hands of no one — unless it might be the clairvoyant.

Governments become arbitrary dictatorships when they cease to be governments of law and become instead the vehicle of the whim of a ruler. Russia, in endeavoring to force Communism upon its people, thought it necessary to destroy religion and to form anti-God societies so that the sanction of law might be destroyed in the minds of the people. If the State is supreme, if man is a subject of the state and has no rights except those he receives from the state, if the sanction of law comes not from God but from the dictator or his council, then there is nothing that the State may not demand from the individual provided the ruler believes it to be for the advancement of the State. Purge after purge has taken place in Russia. Thousands have been executed in cold blood without even a trial because the dictator believed it to be for the benefit of the Soviet Union. Yet the
rank and file of the Russian peasants have recognized the injustice of the dictator. No amount of propaganda has been able to vitiate man's reason to the extent of wiping out the Natural Law in the hearts of men.

Russia took the children away from their homes, trained them in government schools, forbade them to go to Church, schooled them in atheism, and, at the end of twenty years of experimentation, has had to admit that religion is still strong among the people. Persecution and propaganda have not been able to destroy man's reason, and man's reason tells him that there is a God who rules the destinies of men and of nations; that man is dependent on God, that there is an eternity where the seeming inequalities of this life will be made equal, and the seeming wrongs of this life will be righted, and the peasants teach their children prayers despite the edict of the ruler, and steal off to places of worship, notwithstanding the prohibition of the dictator.

Since the Natural Law comes to man through reason, since through reason he is able to judge between good and bad, between right and wrong, it behooves the lawyer to develop reason assiduously and to use that faculty to the very best of his ability. And yet, sad to say, some so-called lawyers seem to cultivate every other faculty except reason. They depend on trickery or brow-beating or the confusing of witnesses or the clever picking of a jury to win their cases. The justice of the case, the righting of a wrong, is not a consideration at all, or a very secondary consideration at best. To win a case on a technicality that violates justice, however clever it may be from the viewpoint of the magician, can not win the acclaim of the moralist or the Christian gentleman. The lawyer should be a man of sterling character since the welfare of his neighbor is so often in his keeping, and since his neighbor puts so much confidence in his probity. He holds in the interpretation of civil law the same place that the clergyman holds in the interpretation of the divine law, and the binding force of both these laws is from the
same source. If he is a man of sordid character, if he sells out the rights of his neighbor to the highest bidder, he is like the police officer who helps the burglar through the window of a neighbor's house, or like the clergyman who leads his flock away from the Master by his evil preaching and teaching and his own bad example.

My dear friends: We are united today at the foot of this beautiful altar, our hearts joined in prayer that the Holy Ghost may enlighten our minds to know and our hearts to do only what is just and good in the eyes of God. It is to the simple and good, to the "little children" that the Kingdom of God is made manifest.

May the Holy Ghost enlighten us with His wisdom and prudence, that the laws we make may be in accordance with the Divine plan for our salvation, and that in interpreting and executing the dictates of right reason our model may ever be the Divine Judge to whom in the end, all of us must answer.

It is related of Roger Taney, brilliant Chief Justice of the Supreme Court, that one Saturday night in Baltimore he stood in line with other penitents at the confessional. A priest, seeing him, invited him to move up to the door of the confessional, saying: "Mr. Chief Justice, it is not right that a man as busy as you are, should lose time here." And the great man replied: "Not Chief Justice here, but a prisoner at the bar."

My dear friends: If the lawyer and the lawmaker, the Judge and the jury, will be guided habitually by this humble reflection of Judge Taney, there will be no fear that expediency will supplant justice in our land.


New York City, New York.