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will not lead to their appointed ends in a climate of moral indifferentism and cynicism. Although the over-all picture of the economic status of the family in the United States seems to be encouraging at this time it would be dangerous indeed to take this fact alone as an excuse for relaxing our concern for the future of a healthy family life in this country.

NATURAL LAW: MAN AND SOCIETY

*HEINRICH A. ROMMEN**

FEW will deny that a genuine revival of Natural Law has occurred everywhere in the Western World. What Etienne Gilson said, namely, that the Natural Law always buries its undertakers, we see manifested since the time of the First World War. Even before that great and revolutionary event, more sensitive minds among the ruling schools of legal positivism felt that positivism was unsatisfactory. Jurisprudence had become a science without *jus,* just as psychology had become a science without a soul, a *psyche.* Legal Positivism like its progenitor, universal philosophical Positivism, flourishes in all its manifestations only, as history teaches us, under certain conditions. The human mind can only be satisfied for a time, with that arid Positivism when State and Society seem to be stable; when the mind is enthralled by the belief in unlimited automatic progress guaranteed by the so efficient methods of the natural science; and when a general placid feeling of security and saturation prevails which thinks that all "problems" are soluble or even that no "problems" exist because of the efficiency of the scientific methods. Once this psychological and sociological condition is destroyed, once the social and political order is shaken, once the "problems" arise and prove impervious to the vaunted scientific methods, then the inefficiency of Positivism becomes evident. It becomes evident also that the perpetual quest for Justice can only be satisfied by the words that come from God, be they the revealed words or His Logos, in the order of Universe and in man's own nature.

To define law simply as the will of the State constitutionally formulated —the main thesis of legal Positivism—is then utterly refuted when the totalitarian State arises and destroys not only the social understructure of legal Positivism but also radically decries the ideas of human basic rights of personal dignity, of the autonomy of the family and the parental rights which Positivism still allows to live on the outer margin as its inheritance of an earlier period.

* Ph.D., University of Bonn; LL.D., Boston College. Author of "The State in Catholic Thought" and "The Natural Law." Member of the Faculty of the Graduate School, Georgetown University.

Thus it is understandable that the Natural Law which, as so often before, had, during the dominance of Positivism, found its home and refuge in the *philosophia perennis* arose again, first after the First World War, and then with renewed energy after the rise and the partial victory of the totalitarian State; which was certainly the *reductio ad absurdum* of Positivism.

I

It is no wonder that in the country which we might rightly call the classical country of Positivism, Germany, we find this revival of Natural Law most clearly. Thus the President of the Supreme Court of the Federal Republic declared: "What was lacking in German administration of justice was the inner motivation by the idea of justice and the belief in ultimate obligatory and fundamental rules of Law. . . . Pure legal Positivism is the most shallow foundation of Law. It has been proved absurd wherever the totalitarian movement took possession of the law-making power of the State. It remains true that there are some fundamental, clear, universal, timeless, and unconditionally obliging juridical principles." As a matter of fact, the German Supreme Court approved in its decision of June 26, 1952, the decision of a lower court which had "for the lack of a definite positive law, applied rules derived from the unchangeable Natural Law" basing its decision thus on the Natural Law. Professor Karl Wahle, member of the Austrian Supreme Court declared at the Charter meeting of the International Association of Judges in Salzburg (September 5, 1953): "A legislative act is then only Law when it is in accord with moral principles. . . . These are not codified; they are found by the Judge in his deciding of concrete cases and are declared in his findings." Such quotations could be multiplied easily not only from the sayings of practical judges, but also from professors of Law in Germany where the old monopoly of positivism in legal thinking and in the administration of Justice is definitely broken. Of great interest, also, is the fact that among protestant Theologians, even among those that belong to the "Theology of Crisis" initiated by Karl Barth who with the *Analogia Entis* denies the Natural Law, a new appreciation of the Natural Law may be found, e.g. to mention only one—in Emil Brunner's *"Justice"* (that he proposes to surrender the term Natural Law and substitute for it "Justice" is certainly true; but the principles and basic rules which, according to him, are the content of Justice are nothing else than those of the classical Natural Law). Thus no longer can the acceptance of Natural Law be declared to be based either explicitly or at least implicitly on Catholic *Weltanschauung*. On the contrary, Gustav Radbruch with humanist-socialist antecedents came also in the last years of his life to a much more positive appreciation of the Natural Law.

A fortiori one is entitled to argue that in the countries where Legal

Positivism never reached the kind of monopoly that it found in Germany, Natural Law is again much more influential. This applies to France and Italy and more so to the countries where the Common Law preserved all through the centuries a profound respect for Natural Law—England and the United States. Incontestably, we are experiencing a genuine return to the Natural Law. Positivism, in its American form of legal pragmatism, has lost its exclusive dominance. How could we ever resist the ruthless Pragmatism, the radical Positivism of Communism for whom the law is merely and exclusively a wholly politicized instrument of the omnipotent State by opposing it with a skeptical, nice, and unconvincing pragmatism of our own?

Yet the phrase "Return to the Natural Law" is understood by some ambiguously. He who pleads for the Natural Law, though he might not meet anymore the condescending attitude of sophisticated superiority, is even today confronted with a certain diffident skepticism, certainly benevolent and polite, but still decisive. For the return to the Natural Law arouses quickly the question at first somewhat baffling: To which Natural Law? Though there is and can only be one Natural Law, the question is justified. As with all great and fundamental ideas, so in the course of history, the Natural Law has been abused politically and socially. Also, historically, certain principles have been abstracted from the whole "organic" system of Natural Law and for political reasons have been exaggerated thus causing a grave distortion of the system itself.

What he who asks the question, "To what Natural Law should we return?" means, is that he does not want a return to a Natural Law that was highly and exaggeratedly individualistic, a Natural Law that was abused up to the end of the 19th Century in order to invalidate all attempts for the realization of social justice; a Natural Law which was identified with the Adam Smith socio-economic system of laissez-faire-capitalism; a Natural Law in which the rights of property in the form of vested interests of the few were so highly protected that the personal rights of the many were left unprotected; where the theory of the natural rights as applied by the courts became *de facto* fetters for the realization of the personal rights of the many, especially the workers. Those who felt the contradiction between a democratic state with equal protection of the Law for all on the one hand, and the absolutist organization of the factory with no effective rights of the worker, saw in the theory of Natural Rights a seemingly indestructible obstacle to their attempts for social justice. The Natural Rights theory they encountered was so individualistic that the equally social meaning of al rights, especially the social obligation of property, of a property that became more and more impersonal and irresponsible, caused economic power to be completely forgotten. So many of the reformers, unfamiliar with the classical Natural Law, as it was at that time used by

Catholic social reformers and by Leo XIII to give a sure basis for social reform, all too quickly gave up the whole concept of Natural Rights and declared all rights to be grants of the State falling thus for Rousseau's potential totalitarian democracy and the All-Provider State, the greatest danger to social rights.

II

What is the reason for this confusion which consists in the paradox of the so-called individualist-conservative theory of Natural Law being repudiated by the liberal reformers, such as by Leo XIII, who then fell into the temptation of repudiating just that Natural Law from which originally stemmed their fundamental idea of social Justice in their eagerness for reform. Leo XIII used this repudiated idea of Natural Law efficiently, fully aware at the same time of the dangers to these social rights from the All-Provider State.

At the bottom of this paradoxical confusion lies a one-sidedly exaggerated idea of man's nature. Since the *natura humana* (it may be permitted to use the latin term instead of the ambiguous "Human Nature") is the basis of Natural Law, the paradox of various Natural Law systems explains itself by the fact that there are various theories of the *natura humana.* Ever since Hobbes, Locke and Adam Smith, all *in thesi* adherents of Natural Law, we find an outspoken individualism in the idea of man. Man is considered as self-centered, even as selfish; the prosecution of his material self-interest and self-aggrandizement is his very nature; man is not a social being deep in the center of his nature; society is the result of utilitarian considerations based again on self-interest. St. Thomas' often repeated thesis of an inborn, natural love of man towards other men of a natural inclination of love for all men is wholly foreign to these thinkers. All societies from the family to the State have no genuine common good, as this is simply a nominalist term signifying the sum of the individual self-interests. If everything is left to the free contracts of free men motivated only by their private self-interests, who never need take into consideration the common good of society, then, as if directed by an invisible hand, every man in following only his self-interest nevertheless realizes, though without ever intending it, the common good, provided that the "governor" of competition regulates this social mechanism. All human social relations and the social institutions into which they solidify are basically of a contractual character under the rule of a strict *do ut des;* the only form of justice is that of commutative justice, the specific justice of contractual relations, established in the market. Society is a network of contractual relations among free sellers and buyers of goods and services measured in monetary terms by the law of supply and demand; and this society organizes itself, so to speak,

provided that the individuals are guaranteed freedom of property and of contract by which they exchange their goods, services and labor, which is considered as a commodity. Thus individual liberty, private property, and free contracts become the only chapters of the "social" theory. All human social relations, if rational,—and irrational relations are frowned upon—become contractual relations with a calculable self-interest determined *do ut des*. Even the vaunted benevolence of Bentham who repudiated any Natural Law and the "Feelings of Sympathy" of others are still explained in terms of and founded on the self-interest of the individual. All this is nothing else than the social theory of laissez-faire, of the "economic man"; he becomes the archtype of what is called the capitalist era.

During this era the Natural Law, as a body of objective norms ruling individual and all forms of social life, was not emphasized as much as the Natural Law, as the natural rights of individuals in a highly individualist sense. And this concept of Natural Rights, so productive in the critique of the previous era of the mercantilist planned economy of the absolute Prince and his paternalist policy toward the citizens as wards, now becomes, with the establishment of political democracy and the new economic society, its justifying and defending ideology. What were the consequences of this contractural individualism and of this kind of Natural Rights Theory? The contractual view dominates all social forms. The state becomes a Watchman; his main function is the protection of individual rights, of property and of contracts. It is declared to be the result of a free contract, the social contract, from which the individuals may recede, if their rights and their self-interest are interfered with. Marriage and the family also are interpreted in the sense of this contractual view; the spouses seek their self-interest after the sham of romantic love has worn out and they are ready to rescind the marriage contract on the slightest cause which positive laws eagerly provide. The family also is threatened as a stable unit, with the marriage bond, objective in its essence, i.e. above the subjective whims, irrational expectations and selfish interests of the members, as the old marriage oath . . . "until death us do part," so significantly points out. In economic society where at least the enterprise became tremendously important, the contractual view prevailed and thus shut off reality, namely, that the labor contract is not an impersonal contract concerning the sale of a quasi-commodity, "labor," but that it establishes the entrance into a highly organized society in which the worker spends half of his life-time and which the adepts of human relations in industry have finally discovered. The worker and the clerk did not simply and solely sell impersonal abstract labor-quantities but they entered an established productive society with a constitution, originally that of the absolutism of the owner, now approaching more and more that of a constitutional monarchy with representation and inde-

pendent courts (grievance committees, union-representation, arbitrators) and a Bill of Socio-Economic Rights. A factory is not only a dwelling place of machines who are served by "hands," but it is a comparatively stable society with all that this incurs, i.e. with a constitution, a body of laws, with authority and obedience; with its own social interest, compounded of those of owners, managers, workers; with its collective passions and individual jealousies; with that intangible we call good spirit of fellowship; and mutual cooperation with an autocratic or a democratic "soul" and so on.

III

But for generations in the past this was not seen, just as it was not seen that labor is not a commodity exchanged for wages as a price absolutely determined by supply and demand in the labor market. In the free-market economy, the logical but often hidden assumption is—and must be—the approximate equality of bargaining power. This was often not prevalent, especially before social legislation and free unionism came about. Thus the feeling arose among labor of being exploited, of being the true risk-bearer because of lack of bargaining power, of being submitted despite political democracy to the absolutist power of the owner in the factory society. The quest for fellowship, for community and personal dignity could scarcely be satisfied for the working man. Msgr. August Pieper, the foremost leader of the Catholic Social Movement in Germany, pointed out rightly that Socialism was a betrayed, frustrated love. The social and juridical theory of Socalism simply saw buyers and sellers of labor-power, of a quasi-commodity and was only interested in the protection of contractual and property rights which were given the dignity of Natural Rights. Because of this lack of realistic insight they used the Natural Rights Theory to prohibit or void for decades the attempts of the State to do away by social legislation with objective injustices such as workers being permitted to help themselves in forming their unions, class-organizations which gave them both dignity and bargaining power.

The grave mistake of extreme individualism was that it could not see that all lasting, stable societies—the state, the family, the university, the factory—may be and are produced by a contract, but that once the contract has served as the procreator of the concrete society, the common good or end of the latter and the resulting objective functions, duties and rights gain a life and a validity of their own, become independent, as it were, from subjective wills. For such contracts are status-contracts. I am free to enter or not to enter by a truly free contract, i.e., the marriage status. Once I have done so then the objective end and the objective norms of the status oblige me; the principle being that he who wills that

society and its end must will also all the essential means and norms implied in the end and nature of that society. It is illogical to try to enjoy the subjective advantages of such societies while repudiating the essentially connected duties and sacrifices. The criticized individualism sinned by overlooking the fact that there are, besides the contracts dealing with the transfer of things, of rights, of credit, etc. also status-contracts which establish communities of a lasting character which are specifically different from other contracts. Canon Law has a fine feeling for this specific difference when it, for example, defines that a marriage contract under a condition is void when the condition is in opposition to the end of matrimony.

De facto—one cannot say *de jure*—the Natural Rights Theory was applied as a juridical fiction and interpreted with an extreme individualism. It proved itself to be in stark contradiction to sound reality and to human social nature. It is, therefore, no wonder that people who saw this contradiction to reality and who were filled with the great ideal of social justice could fall for the temptation to give up the so misused theory of Natural Rights, and with it the Natural Law, especially under the impact of a Pragmatism inspired by a theory of social improvement and of social justice however confused they were about the objective value of justice, itself.

The solution is: Return to the Natural Law, not to that of the individualistic era, but rather to the classical Natural Law of which the first is only a kind of mutilated form. For the classical Natural Law which has been always critical in character and which has refused to serve as an ancillary political theory, be it for the positive social status quo or for its radical revolutionary overthrow, gives us a satisfactory social theory and has a sound idea of man's essentially social nature.

IV

Characteristic of the classical Natural Law is that the *status naturalis* in which the more or less self-sufficient individuals live either in a war like or in an idyllic pastoral way is of no practical or even theoretical value. Such was the individualist Natural Law. One might say, however, that the theory of the *status naturalis* is a kind of touchstone of Natural Law theories. For the individualist Natural Law gives us not only a good clue of its idea of man but is also the status in which the Natural Law or better the Natural Rights are to be found in their purity. The social contract, initiated for utilitarian reasons or for reasons of security by collective enforcement of positive laws is enacted to preserve and protect these Natural Rights. So it is in Locke's doctrine. But for the classical Natural Law the *status naturalis,* either as a logical postulate or as an historical fact, plays no role whatsoever because man is by nature a social and political being. To live in societies and communities and in states is not the

result of utilitarian consideration but the result of the fuller development of all the essential social dispositions of man's nature. This can only be fully realized and reach perfection in numerous societies in which each serves the realization of a particular common good in their organic whole and forms the state with its political common good, and with the order of Law as its primary content; and the states, as the forms of existence for the nations and peoples, are formed from that perfect society, Mankind, concretized in the community of Nations. It is called perfect because the process of the development of the social nature of man reaches its full intentional realization in the state and finally in Mankind. Civilization, from *civis,* means nothing else than this process of ever more perfect, ever more rich realization of all the potentialities of man's nature in a hierarchy of values, actualized by particular societies in their common goods. Aristotle could therefore say that the state—but that is valid for more societies than only the state—is logically prior to the individual because the latter reaches his perfection as a citizen living in a State.

We do not start with a fictional *status naturalis* in which man existed as a quasi self-sufficient individual and which he left for utilitarian, even material, reasons or for greater economic security. We see man being begotten of the union of man and woman in the protected and protective enclosure of the family. We see man being begotten of an eminently social act, however much it be surrounded by emotions and the urges of the animal part of man. We see man being born and grow up in the loving circle of the family, the first, foremost and indispensable educative society. We see the family again as the member of many societies, the neighborhood, the village or town, the school-district, and last, but by no means least, the parish and the Church, all of them being, as it were, embedded in and protected by the order and the institutions of the great political community of the nation, which is on its part again a member of the community of nations with its law and its specific common good: *pax et justitia.* We do not perceive social reality, this hierarchy of common goods and the specific societies which realize them to be the result of merely external forces as Marx does, or of blind forces of biological evolution as others do. No, all these societies, from those that serve the production of material goods to those that administer to the spiritual values, are the free actualization of man's social nature and his intrinsic potentialities.

Societies are not only, or even primarily, the product of material wants and their satisfaction, of utilitarian considerations, of the selfish realization of calculable self-interest or self-expression. There are natural societies which owe their existence to such motivation. Because man is a soul-matter compound, the old adage, *Primum vivere, deinde philosophari* holds true; the *"Lebenssorge"* which the existentialists have stressed as

against the unrealistic intellectualism of irresponsible "clerics" is primary in time but not in value; economics is also a *human* activity permeated by man's spiritual nature, and part of human culture, though neither the classical laissez-faire school nor Marx have seen this irrefutable fact.

Economic societies are neither the only societies there are, nor can they exist without the support of the moral and spiritual part of man's nature. Business is not charity. True, but no business enterprise as a human institution can succeed without the spirit of friendship, of free cooperation, of mutual respect for human dignity.

That man is by nature social means also that to man, in his essence, belong certain acts, spontaneously, freely elicited from the innermost center of the person which are social insofar as they find the fulfilment of their intentional essence only by the answer of another person. The act of love in all its forms and "objects"—if such a term is at all permitted—such as friendship, conjugal love, patriotism, comradeship, brotherhood, parental and filial love and finally Divine Charity, all involve another *person,* and are a trustful surrender of ourselves to other persons with a readiness to sacrifice self-interest and material things. We grow, we gain in personal values by love which is value-producing and implies the most tender respect for the other person. Love in all its forms is so fundamentally an essential human act, a community-building act, that the man without any love becomes "inhuman." The "Ego" then demands the "Thou" and becomes conscious of itself in the form of "We." Love in all its forms is an unconditionally essential act of man's nature. A world without love is an inhuman world. What is so frightening in the totalitarian state is the utter lack of mutual trusting love in all its forms. In the thoroughly "Socialist" state, man is most lonely. The immense social import of all forms of love is that they are communicable to the many. It is meaningful when the Pope speaks of loving all the faithful with equal love or to say that the mother of one child does not love her child five times more than does the mother of five children. Material goods are not in the same way communicable. They are more private. They exclude others. But spiritual goods are communicable, are more therefore community-forming than are material goods. The *homo economicus* is an unrealistic construction.

Descartes said: *Cogito, ergo sum.* Wiser men have said: *Cogito, ergo sumus* and *Cogitor, ergo sum.* They wanted to point out that even the act of thinking, the innermost act of man, has a social intention. For when I think, I think in words (*logoi*). In thinking I speak; to speak is again a fundamental social act. I communicate my inner thought, my sentiments, my will. Leo XIII said, applying an old wisdom, that man is a speaking being, that language is a most elementary community-building property of man.

Our social nature is thus not based only on our bodily nature, on material wants and their satisfaction through economic, self-interest-motivated activity. Social we are in soul and body. We can from there build up a better theory of Natural Rights than could the individualist Natural Law. For they are based on our being persons, as rational beings masters of our own acts and thus fully responsible for them.

As persons we are of highest value, carrying over into social life. Therefore, all social forms, in the ultimate sense, are of service-character to the persons. They have reflected value, because they help the perfection, the full development of all the God-given potentialities of the persons, that establish and live in the social forms, in the very process of civilization.

From there follows a first principle of Natural Law: Help to realize the common good of all legitimate societies (i.e. such societies which serve to realize human values) and omit all acts contradictory to the common good (as long as you are a member, of course), and in case of conflict prefer the society with the higher common good. It is thus the common good, the end of a society that determines its rank in the hierarchy of societies, not the number of its members nor the intensity of the collective feelings of belonging together. The principle of subsidiarity, that primary principle of our social philosophy, is thus asserted. For it follows from the objective hierarchy of common goods that whatever the "lower" society can satisfactorily realize should not be taken over by the "higher" society. Grave violations of this principle, may they even be rationalized as producing greater administrative efficiency, all too easily lead to the totalitarian state.

Thus the social process of the ever more perfect actualization of all the potentialities that are implicit in the term "Social Nature" produces an ever more varied multitude of societies between the so-called natural and necessary societies—the family, the town, the state and mankind. And this growth of societies is the very process of civilization. This is in opposition to the individualist view which unrealistically perceived only the multitude of free and equal individuals, bound together by short-term contracts and motivated only by their separate self-interest. It is in opposition to the State, seeing in any stable group-organization like Rousseau did, a violation of the political common good. Thus the typically individualist antinomy appeared; Individual vs. State, as Leo XIII said, the "naked" individual that now in order to protect itself watches jealously over its individual rights. It did not see that its main protection against the State ought and is to be founded on numerous intermediary societies which, so to speak, mediate the undeniably corrupting influence of State power in relation to the individual and thus afford effective social protection. This is what actually developed even during the dominance of individualism. For the right of association is just as important as the right

to life, liberty and property: the imprescriptible right to found families, private educational institutions, religious communities, associations for cultural, artistic, charitable common ends, for economic enterprise and labor unions, for the realization of political ideals and so on. Be it remarked here that America was saved from the harshness of individualism because, as the Toqueville pointed out, it became a country in which numerous free associations flourished. That perhaps explains among other factors too, why class consciousness, that emotional fertile soil for the growth of Marxist socialism, did not grow to dangerous proportions in this country of tremendous capitalist expansion, but without a powerful proletarian socialism.

V

Individualism and its concept of natural rights also wanted to disprove and guard against a theory of the nature of societies in general and of the state in particular, namely, especially the State was a substantial being of which the individuals were only dependent parts, cells as it were, in the super-organism of the State. To view the State especially so, is a perennal temptation; Hobbes and Rousseau, Plato to a degree and some Romantics, especially Hegel, almost wholly did so, and the totalitarian ideologies of our time completely have fallen to that temptation. It is not necessary in order to escape from this temptation to insist on the subjective contractual view of individualism. The truth, as it does so often, lies in the middle. All societies are of accidental, not of substantial being. They exist only within the individual persons that form them, not outside and not above them. They exist in the intentional "social" acts becoming mostly habitual of the persons that form a society, acts and habits which have as their intentional end the realization of the common good, in which all members distributively participate. Because of our compound nature (matter-soul) we regulate these acts by "rules and laws," by a "constitution"—*ubi societas, ibi jus*—which receive their obligatory character from legitimacy, legality, and ultimately from the common good. Furthermore societies, especially in the perfection of moral persons, acquire "rights," "property," a duration or perpetuality, (perpetual union, perpetual foundation) which seems to present an independence of a substantial kind, but is not; and in order to make that manifest ad visible, societies are represented by external symbols, just as external things, the buildings and grounds for instance, of a university or of a Bar Association may be and are necessary for the realization of the common good. Juridical genius has put, as it were, a legal personality between the members who are mortal and are each for himself indifferent to the existence of the society on the one hand and the visible representation the laws, the symbols, and the material things on the other. But this is

not a person in the same way as each of us is a person. Only *per analogiam* may we talk of the conscience of a society, of its will, of its mind. No human society is a substantial being.

On the other hand it is not wholly in the arbitrary wills of the individuals that form it. In relation to these wills, it has degrees of objectivity and of independence. We are free to form societies, to realize a particular common good; once we have formed it, given it a constitution, then we are, as long as we are members, determined by its common good, its constitution and by-laws. They become, so to speak, independent of the individual wills. Most clearly this may be seen in the Family and the State. All societal contracts by which a society is formed, even the most ephemeral, are status-contracts; they establish an objective status with laws, with officers, that is, with authorities, to act for, to decide for, to represent legally the society. Especially do State and Family owe their existence to a status-contract, and since they are necessary societies by the social nature of man, there is no problem of my being bound by their constitutions and common goods because in refusing to be bound I would violate the rule: realize your full human social nature. Loyalty to the country under which laws I live, in which common good I participate, is an objective duty independent of my will needing no social contract as its basis. Similarly in the marital society and the family, I am free to marry or not. But once I have made the status-contract of marriage then I am bound by the end and common good of that society. The latter cannot become the subject of conditions of arbitrary wills. The indissoluble character of the marriage bond according to the fully developed, classical Natural Law is based on the objective end, the common good of the family, the dignity of the person and of human love all of which are objective values, independent of subjective predilections and arbitrary wills. I am free to join the community of a Catholic university, to acquire the status of a professor. Even if there were no rule forbidding me specifically to teach formal heresy, I could not plead academic freedom, if I would teach intentionally and knowingly a formal heresy, because that would be an objective violation of the end and common good of the university-society, that is objectively superior to my arbitrary will.

This objectivity of the common good of all societies, the fact that the contracts establishing societies are status-contracts by which different, "inequal," higher and lower, functions become necessary to realize the common good, was much too much overlooked by individualistic Natural Law. It could thus not actually reach human reality; it failed to solve human social problems and became so more and more a mere ideological defense of vested interests. Classical Natural Law, having a true idea of man as a person with a profoundly social nature, so that the full realization of all the individual potentialities needs numerous societies from the

family to State and Mankind will be able to solve the problems which together with the religious theological problems form the "Crisis of Our Time."

Human social nature implicitly contains numerous values which can only be realized in and by societies, by co-operation under objective constitutions and rules directed by true authorities who receive their ultimate legitimacy by service to the common good whatever the form of appointment might be. The law and the State does not produce these many societies, it may regulate and ought to protect them under conscientious observation of the principle of subsidiarity. The jurists have in this matter an important office; we read in the first book of Justinian's *Digest of Roman Law* that someone, not without cause, called them priests because they venerate Justice and profess the knowledge of what is good and equitable. They adhere, if I am right, to the true, not the false, philosophy.

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EDITORIAL AND GENERAL OFFICES, 302 BROADWAY, NEW YORK 7, N.Y.

CONTRIBUTORS TO THIS ISSUE

THOMAS F. GRIMES, A.B., 1937, St. John's University; LL.B., 1940, Columbia University School of Law. Formerly confidential law assistant at the New York State Court of Appeals.

RAPHAEL R. MURPHY, LL.B., 1911, Brooklyn Law School, St. Lawrence University; Secretary to Supreme Court Justice, First Judicial Department, 1919-1930; City Magistrate, City of New York, 1930-1953. Now in private practice.

MORRIS R. SHERMAN, B.B.A., 1941, The College of the City of New York; LL.B., 1949, Fordham University School of Law. Former Income, Estate and Gift Tax Examiner, Internal Revenue Service. Now in private practice.

C. DICKERMAN WILLIAMS, A.B., 1922, LL.B., *magna cum laude*, 1924, Yale University. Law Clerk to Chief Justice William Howard Taft, 1924-25; Assistant U.S. Attorney, 1925-27; General Counsel, U.S. Department of Commerce, 1951-53. Author of TRANSPORTATION REGULATION AND THE DEPARTMENT OF COMMERCE, 62 Yale L.J. 563 (1953), Book Review of Jowitt's STRANGE CASE OF ALGER HISS, "Record" of the Bar Association of the City of New York, Nov. 1953, and numerous articles in legal and other publications.