

1951

Book Review: University of Notre Dame Natural Law Institute Proceeding Vol. III

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James E. Harpster, *Book Review: University of Notre Dame Natural Law Institute Proceeding Vol. III*, 34 Marq. L. Rev. 311 (1951).

Available at: <https://scholarship.law.marquette.edu/mulr/vol34/iss4/13>

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The first three volumes cover in detail the various statutes and their legislative history. Volumes four and five present the author's application of the anti-trust laws to patents, labor, commerce, and the professions. Enforcement of the anti-trust laws by the Department of Justice and the Federal Trades Commission is dealt with in volume six. Although each volume has its respective index, volume seven contains a master index along with forms, table of cases, etc. The particular volumes will be kept current through the use of pocket supplements.

Insofar as anti-trust litigation is becoming an everyday incident in the activities of American business, Mr. Toulmin's Treatise would be a valuable asset to the lawyer involved in the problems connected with the anti-trust laws of the United States.

JOHN A. FORMELLA

University of Notre Dame Natural Law Institute Proceedings, Vol. III.

Edited by Edward F. Barrett. Notre Dame, Indiana; College of Law, University of Notre Dame Press, 1950. Pp. 137. \$2.00.

Through a process of reasoning which is not quite clear, modern man has come more and more to the conclusion that the best reason for rejecting a theory or concept is that it has been believed in the past, and the best reason for accepting another theory or concept is that it is only presently propounded. This is as true in law as it is in any other field. Acting under the fiction that change is progress, man has discarded the concept of the Natural Law, and has substituted in its place secularism, pragmatism, and subjectivism. That these latter philosophies are inadequate to stem the tide of tyranny which has flashed repeatedly over the world in the past few decades, and which now threatens to inundate it, has become clear to all but a few adherents—those who, for reasons of their own, are afraid to admit of a power greater than the state. Many who see the inadequacies inherent in these philosophies, however, still cling to them, for they lack the knowledge of a truer, more able system of law.

The Natural Law, the "laws of nature and of nature's God" invoked in the Declaration of Independence, looks to a power greater than the state. And if the state is not the absolute power, then it, too, is subject to law. Chancellor Kent affirms this when he says, "States or bodies politic are to be considered as moral persons having a public will, capable and free to do right, and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life."¹ Only this philosophy affirms the dignity of man, and only this is his salvation in a totalitarian world.

¹I Kent Comm. 2.

In an effort to appraise and examine the concept that is the Natural Law, for the purpose of furthering its acceptance today, the College of Law of the University of Notre Dame has established the Natural Law Institute. This volume presents a report of the proceedings of the 1949 Institute, its third annual session.

Lectures by four distinguished authorities, each an expert in his field, show the interrelation of the Natural Law with the Common Law, Constitutional Law, Canon Law, and International Law. The history of the Common Law as the Natural Law aided its growth was dealt with by Richard O'Sullivan, K.C., Master of the Bench, Middle Temple, London. Emeritus Professor of Jurisprudence Edward S. Corwin of Princeton University sets forth the role of the Natural Law in judicial review, particularly as it effects the interpretation of Constitutional provisions; Professor Stephan Kuttner, Professor of the History of Canon Law, Catholic University of America, presented the Natural Law as it finds expression in the Canon Law of the Church. The final lecture was by the Honorable Carlos P. Romulo, former President of the General Assembly of the United Nations, and concerns the relation of the Natural Law to International Law. There is an Invocation by His Holiness, Pope Pius XII; a Foreword by the Reverend John J. Cavanaugh, C.S.C., President of the University of Notre Dame; and an Introduction by the Editor, Edward F. Barrett, Associate Professor of Law at the University of Notre Dame.

The Appendix to this volume announces the establishment at Notre Dame of a Natural Law Institute Library. The initial collection consists of 112 books which are therein listed. The value of such a library to serious students of law is apparent. It is to be hoped that many other schools will duplicate Notre Dame's achievement in this regard.

The reviewer can give only an enthusiastic recommendation to all students of law and government that they read this book. One precaution is to be noted. The four lectures presume a knowledge of the principles of the Natural Law, its basis in reason for acceptance, and its method of promulgation. Without such knowledge the book loses much of its value. But where the Natural Law is rightly understood, this volume adds much to a knowledge of its practical application to the diverse, yet interdependent, fields of law which govern the complex society in which we live.

JAMES E. HARPSTER