

## Natural Law

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## NATURAL LAW\*

REV. H. C. NOONAN, S. T.

President Wilson, in a speech recently delivered in London, said: "I firmly believe in Divine Providence. Without belief in Providence, I think I should go crazy. Without God the world would be a maze without a clue." True words are these and in perfect accord with the sound philosophy that has characterized our President's public utterances and made him a world leader.

Experience teaches us that Divine Providence rules the world. "God is in His heaven; all is well with the world." Reason also makes it clear; for a God of infinite wisdom would not create human beings and then allow them to shift for themselves, utterly oblivious to what might happen to them.

Divine Providence is the execution of God's Eternal Law. Since Providence exists, the Eternal Law exists and, in consequence, the Natural Law exists; for the latter is but a part of the former. The Natural Law is that plan of Divine Wisdom conceived from eternity that directs human beings to their proper end in conformity with their nature. This Natural Law leaves man's physical liberty intact but imposes a moral necessity upon him to do good and avoid evil.

In its general principles it becomes known to us naturally. Moreover, it is really a part of our nature, being the mind itself inclined by the Divine Lawgiver to judge correctly in moral matters. This moral law is, therefore, appropriately called Natural Law. It differs from positive laws inasmuch as they are freely enacted and changeable whereas the Natural Law is necessarily enacted and unchangeable.

The Natural Law is the plan conceived by the Divine Mind and imposed by the Divine Will upon all human beings. Supposing God's free decree to create the world and man, He was not at liberty to give or not give him a natural law to guide him through life. He was necessitated to give man this rule of action which is just as unchangeable as God Himself. It will always be wrong to steal, to lie and to murder. It will always be good to pray, to worship God and to obey lawful superiors.

Those precepts of the Natural Law which are known as the Ten Commandments are, with the single exception of the day

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\* Suggested by reading an article on Natural Law by Oliver Wendell Holmes in the Harvard Law Review for Nov., 1918. Pp. 40-44.

selected for special worship, expressions of God's necessary will. Lying, for example, is wrong in itself; intrinsically crooked. God cannot but condemn it—He has no option in the matter. The Ten Commandments come from God's necessary, not His free, will. The Natural Law has for its proper matter actions that are intrinsically good or evil. It forbids those human acts which are, of their very nature, evil, and commands those whose omission would be intrinsically wrong.

The writer in the *Harvard Law Review* does not admit natural law as above explained. "The jurist's search for criteria of universal validity which he collects under the head of natural law"—he looks upon with disapproval.

Now, if it is certain that God exists—and reason as well as revelation establishes this truth beyond question—it is equally certain that there is a Natural Law and that it is eternal inasmuch as it was conceived from eternity in the Divine Mind. This law is just as unchangeable as the divine essence, deriving its origin not from God's free will but from His immutable, necessary will. Human nature does not change in its essentials, and God, the ultimate end or goal of human activity, is unchangeable. Hence the Natural Law, which is intended to lead man to God, is not subject to change. If so, it must have "criteria of universal validity." "Thou shalt not kill" will always be a divine precept, despite the efforts of evolutionary morality advocates to change it.

Men do not accept the truth that the three angles of a triangle are equal to two right angles, because they are "in that naive state of mind that accepts what has been familiar and accepted by them and their neighbors as something that must be accepted by all men everywhere." On the contrary, all men accept this truth because its certainty is based upon objective evidence just as is the truth that two and two equal four, or that but one perpendicular can be dropped from a point to a straight line. Truth is absolute and not merely relative. Universal skepticism is not only practically impossible, as is borne out by actual experience, but also theoretically absurd because if one assert either doubtfully or with certainty that we must doubt about all things he implicitly affirms the truth that there is a difference between certainty and doubt.

"Certitude," we are told, "is not the test of certainty." True, but objective evidence is the test or criterion. "We have been cock-sure of many things that were not so." Yes, where we have had merely subjective certainty but not where we have had for-

mal certainty which is based upon objective evidence and must therefore be an assent to truth.

The jurist does not fear that Natural Law will change. Were this the case, the Divine Legislator would have given man no solid foundation for positive laws, civil or ecclesiastical, and St. Paul could not have said truthfully that all lawful authority comes from God.

When we say that conjugal society is a divine institution, or that private ownership is a natural right, we affirm these truths absolutely and without fear of contradiction not as the writer asserts "so far as we can see ahead." We do not fear that in the distant future marriage will be "some form of permanent association between the sexes" or that merely its "rudiments" will endure; but we are certain that it will always be a contract to which God, as well as husband and wife, is a party and will be endowed with the properties of unity and indissolubility. The marriage contract is not an evolutionary growth. As it is now so it always was and always will be, a divine institution, a society that springs from the Author of nature Who knows not the vicissitudes of shadow or change.

In this concept of the Natural Law, one is not at sea as to its "*OUGHT*,"—the obligation comes from the same Divine Will that imposes the law. Those that accept Kant's moral autonomy will never be able to explain the "*OUGHT* of Natural Law." Heteronomy bears the key to the solution, because it puts God and man in their proper places, restores the Creator and Law-giver to His throne, and recognizes the truth that man is a *dependent* being, is subject to the Higher Will in all actions of life, and therefore, preeminently, in his moral conduct.

All rights and duties have their origin,—ultimately, at least, if not proximately,—in the Natural Law. The precept of the Natural Law, "*Thou shalt not kill*," means that life is not to be taken *directly* and *by private authority*. Any other understanding of the precept would involve the infinitely wise Legislator in contradictions; since He commanded His chosen people to kill, on various occasions, as a reading of the Old Testament will demonstrate. In self-defense, in a just war, in case of capital punishment inflicted by the State for grave crimes, we have three cases of justifiable killing. The right to life springs from this precept, and must, therefore, be a limited and qualified right, if one is not to impute error to infinite Wisdom.

Were the writer possessed of a correct concept of Natural Law

and of the rights that spring from it, he could not have written these words: "*The most fundamental of the supposed pre-existing rights,—the right to life,—is sacrificed without a scruple, not only in war, but whenever the interest of society,—that is, of the predominant power in the community,—is thought to demand it.*"

We are glad to be able to agree with the writer when he says: "*One's attitude on these (moral) matters is closely connected with one's general attitude towards the universe.*" One's views on the moral law are certainly influenced by one's philosophy of life. Sound ethics, we have always maintained, is based on sound metaphysics. If a man goes astray in his logic and psychology, he will come to grief in his moral philosophy.

If one rightly conceives the Natural Law to be a divine, unchangeable law, one will also admit the existence of a First Cause that is infinitely perfect, and therefore, omniscient and provident. Such a concept of law also supposes that man, who is subject to the law, is a dependent being, with a *mind* capable of attaining truth, and, in consequence, able to discern *right* from *wrong*; with a will that is free to do the right and avoid the wrong; and with a soul that is never-ending misery or never-ending happiness, thus furnishing the only adequate sanction or effective safeguard for the observance of the law.

The true concept of Natural Law presupposes correct views on these fundamental truths of philosophy as an erroneous concept of Natural Law leads one to infer an unsound philosophic foundation.

We are therefore not surprised to see the writer in the *Harvard Law Review* refer to "the unknown" and "the infinite behind the universe" instead of the infinitely wise Legislator and Creator, the personal God, whose benign providence attends man's every footstep. We are not astonished to see a denial of man's personality without which he could not be subject to law. We are ready to see a human being made a mere "ganglion" in the universe, a being "that the universe has produced," having the same significance as a grain of sand which "is as much beyond our grasp as man."

Why a jurist should wish to punish for the violation of law when the criminal is looked upon as devoid of free will is hard to fathom; but the writer does implicitly, at least, deny free will and responsibility as well as immortality, the only effective safeguard for the observance of all law, human and divine, when he

puts man in the same category as the dog, thereby denying to him a spiritual soul: "We do know that a certain complex of energies can wag its tail and another can make syllogisms."

The writer would do well to hearken to the voice of reason and experience, proclaiming the existence of Divine Providence, with which the divine, unchangeable, Natural Law is indissolubly linked, and to reflect on President Wilson's words quoted in the beginning of this article: "Without God the world would be a maze without a clue."

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## THE IMPORTANCE OF MARITIME LAW IN WISCONSIN

JOHN McD. FOX

It has been well said that the crux of the whole trade situation of the United States lies in the extension of her foreign trade. Record appropriations for the expansion of America's foreign commerce, to be used largely in hiring trade experts to extend American trade in the Orient, as well as in Europe and South America, were carried in the legislative-executive-judicial appropriation bill recently introduced in the House. It is a truism that the development of foreign trade is one of the greatest needs and opportunities of the times, and a knowledge of all factors that enter into an economical and intelligent handling of the problems of trade and commerce both domestic and foreign is of imperative necessity.

There are, roughly, four essential elements that make up the price of an article. (1) the making cost, (2) the selling cost, (3) the transportation cost, and (4) the profit. As the first three fluctuate, so does the margin of profit.

The merchant and the manufacturer knows rather well the making and selling costs, these have been worked out for him or by him. In the future there will be, as ever, problems of selling in new markets which necessarily will have to be worked out, but it is almost appalling the ignorance the every-day merchant and manufacturer has of problems dealing with the cost of transportation. Goods are wrongly routed and improper rates are obtained in this way. Lack of traffic knowledge means a loss of millions of dollars to the modern business man. The factor of transportation, as to cost, deliveries and as to hazards is frequently the cause of many enterprises foundering.