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JEROME FRANK AND THE NATURAL LAW

BRENDAN F. BROWN*

THE DISCUSSION of any aspect of the notable career of Judge Jerome N. Frank seems timely. His departure from this life has occasioned appraisals of his far-reaching contributions to legal science by jurists throughout the world. Already some of these appraisals have been published in leading legal periodicals.¹

Jerome Frank had a remarkably diversified career as lawyer, federal administrator, professor at the Yale Law School, and finally as a member of the United States Court of Appeals for the Second Circuit.² He was a member of that court from his appointment in May, 1941, until the time of his death. Despite the many exacting duties of a tremendously active life, he found time to write and publish seven books,³ and numerous articles and reviews on Jurisprudence and Government.

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¹ See the eulogies of Judge Frank in 10 J. LEGAL ED. 1 (1957); 2 NATURAL L.F. 1 (1957); 24 U. CHI. L. REV. 625 (1957); 66 YALE L. J. 817 (1957).

² See Douglas, *Jerome N. Frank*, 10 J. LEGAL ED. 1-4 (1957).

³ NOT GUILTY (1957) (with Barbara Frank), describing instances where innocent persons were unjustly convicted.

COURTS ON TRIAL (1949), myth and reality in American justice, a criticism of the trial system.

FACT FINDING (1946), a consideration of the problem of fact – scepticism.

FATE AND FREEDOM (1945), a philosophy for free Americans, explaining his philosophy and theory of history.

IF MEN WERE ANGELS (1942), a discussion of the problems of government.

SAVE AMERICA FIRST (1938), a defense of isolationism.

LAW AND THE MODERN MIND (1930), advocating pragmatism and emphasizing the uncertainty in law.

A bibliography of the non-judicial writings of Judge Frank appears in 24 U. CHI. L. REV. 706-08 (1957).

As a result of his first book, the provocative *Law and the Modern Mind*, which he published in 1930 at the age of forty-one, he came to be regarded by a considerable number of jurists as one of the founders



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of the Realist School of Jurisprudence. This School emerged in the early thirties during the great depression in response to the application of the thinking of such scholars as Holmes, Freud, James and Dewey to the American scene. This book made him a controversial figure in the legal world, due in part to his intellectual exuberance which at times carried him into excessive and unqualified generalization. *Law and the Modern Mind* touched off a deluge of juridical attacks upon him by members of all of the other Schools of Jurisprudence.

It is with a deep sense of personal responsibility that I undertake to explain and evaluate Judge Frank's views on the natural law. I do so with the full realization that he will not be able to answer or refute me. If he were alive, it is certain that he would comment on this article because he was very particular that jurists should correctly understand his views.

I write, however, not as a complete outsider with regard to the life and writings of Jerome Frank. Indeed, in some respects there was between us an underlying congeniality toward law, although we belonged to two different Schools of Jurisprudence. I have always been impressed by his intellec-

tual honesty and by the unusual vigor of his mind, gifted in its endowments and driven forward relentlessly in the search of answers to the vital questions of the ages by an unquenchable and insatiable intellectual curiosity. Our juridical congeniality was evident from the unforgettable discussion which I had with him in New York City, shortly after his judicial appointment. It is also manifest from the favorable references which he made to me, as a scholastic jurist, in his book, *Fate and Freedom*,⁴ which was published in 1945, and again in his work, *Courts on Trial*,⁵ which appeared in 1949. It is appropriate, therefore, that this paper take the form of an *In Memorium*, a eulogy of the part which he played in making the doctrine of objective natural law better understood, after his discovery that it was a powerful instrument for the administration of justice in a democratic society. His response to that doctrine was one of the dominant elements in his thinking.

Jerome Frank Profoundly Admired St. Thomas Aquinas and His Doctrine of the Natural Law

At first, as in the case of Jhering, the great sociological jurist, Judge Frank was not aware of the immense cultural wealth available in the writings of St. Thomas Aquinas, the great Dominican jurist of the thirteenth century. In *Law and the Modern Mind*, his only reference to Aquinas was a citation to Roscoe Pound, who referred to Aquinas as the chief exponent of one of "the twelve principal ideas of the nature

⁴ FRANK, *FATE AND FREEDOM* 218, 295 (1945).

⁵ FRANK, *COURTS ON TRIAL* 364 (1949).

of law"⁶ as expressed by man throughout the ages, namely, that law is "a reflection of the divine reason governing the universe."⁷ Indeed, in that work Judge Frank devoted a whole chapter to "Verbalism and Scholasticism"⁸ in which he attacked the scholastics because they worshipped logic and inferred existence from names. The scholastics were the custodians of the doctrine of objective natural law.

In 1938, Judge Frank wrote *Save America First*, a work defending an isolationist position, and challenging the economics of Marxism. He later receded from isolationism in view of the grim results of subsequent world developments. In 1942, he published *If Men Were Angels*, a treatise on government in a democracy, which he wrote while still a member of the Securities and Exchange Commission. But it was not until 1945, when he published *Fate and Freedom*, a philosophy for free Americans, that he first gave the world his response to objective natural law, while formally attacking "fate in history and determinism in philosophy."⁹

By 1945, Jerome Frank had reversed his earlier unfavorable opinion of scholasticism by writing as follows in *Fate and Freedom*:

The word "Scholasticism" is sometimes used to indicate a patronizing attitude towards the aridity of the subjects to which the Scholastics devoted themselves. The charge of aridity is not too well founded, for many of these scholars busied themselves with matters of government and

economics, often, as in the case of St. Thomas Aquinas, in a distinguished manner. Moreover, they achieved skills in the techniques of analytic thinking for which we moderns are still much in their debt. And, through them and otherwise, the medieval Church fostered the ideal of social solidarity and a "sense of the community" — values which were subsequently too much neglected.¹⁰

The vague prejudice which he had only fifteen years previously was now yielding to admiration. This was a tribute to the openness of his mind and his sincere search for truth, wherever he might find it.

Once having discovered Aquinas, Jerome Frank's scholarly mind led him to a complete exposition of the objective natural law doctrine. In *Fate and Freedom*, he wrote that:

[Aquinas] depicted natural law as a reflection of Divine Reason, knowable to man through his own "natural reason." Wise and, for his day, tolerant, St. Thomas taught that there are but a few, and highly general, immutable principles of natural law. Men should do good and avoid evil, good being what is good for man in the light of his "natural" inclinations; thus men should seek their self-preservation and should live, in society, as perfectly as possible the kind of life suitable to human nature. There are also, he said, a few secondary principles of natural law. . . .¹¹

In *Fate and Freedom*, Judge Frank refers to Aquinas as "a genius."¹² He quotes Charles Beard, the great historian, as praising Thomas Aquinas and his followers because "'ethical considerations occupied a central position in their thought,' because they took 'universal humanity as their

⁶ FRANK, *LAW AND THE MODERN MIND* 290 (1930).

⁷ *Ibid.*

⁸ *Id.* ch. VII.

⁹ See Davies, *Jerome Frank — Portrait of a Personality*, 24 U. CHI. L. REV. 627, 630-31 (1957).

¹⁰ FRANK, *FATE AND FREEDOM* 99 (1945).

¹¹ *Id.* at 123.

¹² *Id.* at 178.

ideal,' and 'offered a sublime vision of peace with justice and mercy prevailing on earth as in heaven.'"¹³

Jerome Frank in this same work pleads for a new phrase to express the basic ideas in the words "natural law."¹⁴ He was keenly aware of the multiple erroneous contents which writers had placed in that phrase, which had thus become ambiguous. He believed that false content in that expression had obscured the pragmatic character of the thinking of St. Thomas Aquinas in the sense that part of the natural law is dynamic and is developed by experience, trial and error, and a measure of utility.¹⁵

By 1949, when the important work, *Courts on Trial*, appeared, Judge Frank bestowed still more commendation on St. Thomas Aquinas and his concept of the natural law. In that book, aimed at a penetrating appraisal of the jury system, he wrote that:

Some Natural Law adherents have maintained that from the Natural Law principles men can logically deduce a detailed code of legal rules valid forever and everywhere.

That last notion is rejected in the Roman Catholic conception of Natural Law. That conception merits high respect from non-Catholics. Formulated in the 13th century by St. Thomas Aquinas, it is often called the Scholastic or Thomistic version of Natural Law.¹⁶

He goes on to state that, "The enlightened Catholic will not expect uniformity in judicial formulations of the legal rules even by judges who believe in Natural Law and

earnestly attempt to apply it."¹⁷ It may be mentioned that Judge Jerome Frank was evidently using the word "Catholic" in this context in a rough sense to describe the fact that the Thomistic version of the natural law is more consonant with the Catholic idea of supernatural law than any other type of legal philosophy in so far as both the natural law and the supernatural law are objective expressions of the Personal Divine Lawgiver of the Universe. The former is communicated to man indirectly through his reason and the latter directly through revelation. But acceptance of the supernatural law, which is dependent on grace, is not a condition precedent for the adoption of the doctrine of objective natural law, which was perceived in its rudimentary form by such pre-Christian pagans as Aristotle.

The Thomistic Concept of Rule and Fact Uncertainty Resembled in Many Ways the Frankian Thesis of Law and Fact Scepticism

The doctrine of law and fact scepticism was the core of Jerome Frank's jurisprudence. It resembled in many respects Thomistic conclusions with regard to the application of the positive law in the judicial process.¹⁸ Aquinas was a sceptic in the sense that his writings reflected the spirit of constructive doubt and open inquiry, a con-

¹⁷ *Id.* at 364.

¹⁸ AQUINAS, *SUMMA THEOLOGICA*, II-II, qq. 67-71 (Amer. Ed., Fathers of English Dominican Province Transl. 1947). In these questions, St. Thomas was concerned with sins committed against justice on the part of the plaintiff, the defendant, the witness, the lawyer and the judge.

¹³ *Id.* at 219, citing BEARD, *THE OPEN DOOR AT HOME* ch. 1 (1934).

¹⁴ *Id.* at 294.

¹⁵ *Id.* at 294-95.

¹⁶ FRANK, *COURTS ON TRIAL* 362-63 (1949).

stant search for truth, and the considering of problems from many points of view. The distinctive literary format of his *Summa Theologica*, namely, a presentation of the arguments or objections against his position, followed by a general reply, and then a detailed answer point by point with reference to the objections, emphasizes his critical approach.

Aquinas taught that part of the natural law was immutable but that another portion was dynamic and changing. The content of this second part was made by the application of the few immutable principles to ever changing social, political, cultural and psychological facts.¹⁹ Since these facts may not always have been accurately ascertained, and the factual conclusions therefrom correctly drawn, there may be room for constructive doubt, leading at times to a suspension of judgment among moralists as to whether a particular syllogistically-derived remote conclusion is actually true.²⁰ Thus it may have been doubtful at one time whether the loaning of money at interest had ceased to be against the natural law. This is so not because of any defect in the five senses of man, or in his rational faculty, but rather because he is finite, and hence in some cases incapable of obtaining a definite answer to every problem. Error and consequent uncertainty to some extent always lurk in the fact-finding process and in determining the relevance of the facts themselves.

According to Thomas Aquinas, the positive law should implement the immutable principles as well as the mutable sub-prin-

ciples of the natural law.²¹ Positive law in turn is then applied to the facts of litigation, used in the judicial or administrative processes.²² Just as some incertitude may exist in the changeable sub-principles of the natural law and in the resulting positive law, so also uncertainty is enhanced when positive law is applied to the facts in a law suit.²³ These are the specific facts which affect the rights of the parties in their petitions for justice from politically organized society. The uncertainty as to whether justice has been adequately administered by a decision for *A* against *B* may be greater than the incertitude as to whether the positive law has implemented justly the natural law.

Aquinas went so far as to discuss the role of the witness, the matter of his credibility, and the problems of uncertainty created by contradictions on the part of a witness.²⁴ He distinguished between contradictions as to what a witness had seen or heard, and those of opinion and report. The former would impeach his evidence, but not the latter. He concluded that discrepancies as to irrelevant or minor details should enhance the credibility of the witness, because if his story is too "pat," there is a presumption that the witness was coached.²⁵

Now all this sounds similar to Judge Frank's doctrine of law and fact scepticism, first formulated in *Law and the Modern Mind*²⁶ and fully elaborated in *Courts on*

²¹ *Id.* I-II, qq. 95, 96, 97.

²² *Id.* II-II, q. 70, art. 2.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ FRANK, *LAW AND THE MODERN MIND* 170-85, 264-84 (1930).

¹⁹ *Id.* I-II, q. 94, art. 5.

²⁰ *Ibid.*

Trial. His two chief juridical preoccupations were always with legal and factual uncertainty as they affected the administration of justice. But as time passed, he became more and more of a fact-sceptic and less and less of a law-sceptic. This may have been due in part to his work as an appellate court judge. His continuing judicial duties probably caused him to take a more authoritarian attitude toward law, and to admit that legal rules and principles had more meaningfulness and reality than he was able to concede when he wrote *Law and the Modern Mind* from the point of view of the legal practitioner.²⁷ But it is also significant that this shift in emphasis from rule-scepticism to fact-scepticism, a phrase which he apparently coined, was in line with the thought of Thomas Aquinas. As he became less sceptical about the law and more doubtful about the ability of the judge to know the facts, he approached the position of Aquinas.

Jerome Frank Discovered and Praised the Thomistic Concept of Rule and Fact Uncertainty

Judge Frank eventually found in the works of Aquinas, written about seven hundred years previously, a recognition of the psychological, biological, realistic and subjective aspects of the administration of justice.²⁸ These were the aspects emphasized in *Law and the Modern Mind*, 1930, but at that time, apparently, he was without benefit of the learning and wisdom of

²⁷ See Derham, *Judge Jerome Frank: An Australian Note of Appreciation*, 24 U. CHI. L. REV. 643, 646 (1957).

²⁸ See Sharp, *Realism and Natural Law*, 24 U. CHI. L. REV. 648, 652 (1957).

Aquinas. In the forties, he was aware of the Thomistic concept of natural law, particularly in reference to the notion of rule and fact uncertainty.

In *Fate and Freedom*, 1945, Judge Frank approves the rule-uncertainty of Aquinas in these words:

The applications of these principles [i.e., of the natural law] to meet particular human problems, wrote St. Thomas, must vary with time, place, and circumstances. . . . Aquinas's humaneness and sagacity made his conception of natural law exceedingly flexible and relatively undogmatic — attributes neglected by some of his disciples. Thanks in considerable measure to his writings, most subsequent social theorizing was cast in the form of "natural law."²⁹

Again in *Courts on Trial*, 1949, Jerome Frank quoted Aquinas with further approval as a law-sceptic, as follows:

The practical reason is concerned with practical matters, which are singular and contingent. . . , wherefore human laws cannot have that inerrancy that belongs to demonstrated conclusions of science. . . . Consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects.³⁰

Judge Frank also discovered that Aquinas had discussed at length the problems of the trial judge, and actually anticipated Frankian fact-scepticism. With regard to the fact-facet of the judicial process, Frank, in *Courts on Trial*, refers to Aquinas as follows:

To be sure, he [Aquinas] did say "A judge's sentence is like a particular law regarding some particular fact," and he did briefly discuss the task of the trial judge

²⁹ FRANK, *FATE AND FREEDOM* 124 (1945).

³⁰ FRANK, *COURTS ON TRIAL* 366 (1949).

when dealing with conflicting testimony. In some situations, he said when the witnesses disagree, the judge must use his "prudent discernment," his "discretion."³¹

Jerome Frank also cited in full Question 70, Article 2, of Part II of the *Summa Theologica* of St. Thomas Aquinas. There Aquinas discussed the problems of proof, evidence, and the credibility of witnesses, which a trial judge faced in endeavoring to reconstruct prior events. Frank then concludes by writing: "Aquinas here, unlike Cardozo, clearly recognized 'fact discretion.'"³² Judge Frank was of the opinion that Cardozo's legal experiences were too restricted to the activities of an appellate court lawyer and judge to enable him to arrive at a sufficient understanding of "fact-discretion."³³

The Area of Dissimilarity Between Aquinas and Frank Should Be Viewed in the Light of the Fact That the Latter Was Not a Formally Trained Philosopher

In some respects, there was a fundamental difference between the jurisprudence of Aquinas and that of Frank. Aquinas, unlike Frank, was not sceptical as to the existence of the few principles of the natural law which he regarded as unchangeable. He had no doubts as to the accuracy of man's five senses, apart from such accidental outside factors as would, for example, result in an optical illusion. He did not doubt the capacity of man's reason to know truth, *i.e.*, conformity of the idea

in the mind with the fact, physical or metaphysical, outside the mind.

Aquinas, unlike Frank, was pragmatic only in regard to that area of human behavior which did not fall within the inhibitions of the ethically controlling moral norms. According to Aquinas, in this restricted area, experience or so-called practical results cannot override divine authority, knowable and known by natural reason.³⁴

Aquinas, like Frank, acknowledged the sphere of the subjective and the intersubjective, *i.e.*, the common denominator of a number of subjectively made principles or ideals, which in turn is used as a quasi-objective criterion for at least limited purposes. But Aquinas, unlike Frank, went beyond the intersubjective and accepted the truly objective, which was something more than the product of the human mind.

It may be noted that Judge Frank made a supreme effort to discover an area between the intersubjective and the absolutely objective. The possibility of ever finding such an intermediate zone was one of the principal subjects of our discussion when I visited Judge Frank in the early forties. I expressed my own scepticism as to his power ever to find a substitute for acceptance of the eternally objective. It seems eternally untrue to assert the existence of the absolutely relative or the relatively absolute.

Jerome Frank was not satisfied with an intersubjective objectivity, but he was not ready to embrace an immutable and objective moral order. He was retreating from the merely subjective or intersubjective be-

³¹ *Ibid.*, citing AQUINAS, SUMMA THEOLOGICA II-II, q. 67, art. 1, q. 70, art. 2.

³² FRANK, COURTS ON TRIAL 366-67 n. 26 (1949).

³³ *Id.* at 57-58.

³⁴ AQUINAS, SUMMA THEOLOGICA I-II, q. 94, art. 4.

cause ideals had taken on a new meaning for him with the advent of World War II. He saw men giving their lives for ideals such as justice and freedom, which they evidently regarded as more important than life itself — the greatest physical good for man, upon which all other corporeal good depends. Hence, he reasoned that such ideals must be beyond the subjective, and also the intersubjective, which is merely an extension of the subjective.

In *Fate and Freedom*, Judge Frank sought to refute the existence of objective truth by an appeal to the authority of certain physical scientists.³⁵ These authorities endeavor to shake the truth of such propositions as the whole is greater than any of its parts. But it would appear that no authority was cited to prove that a physical thing may be and not be at the same time, in the same way, and in the same place. Indeed, the opposite is a truth relating to physical matter, self-evident and indemonstrable, as Aristotle and Aquinas have explained. By way of analogy, the duty to do moral good and avoid moral evil is also an immutable objective truth.

But since Jerome Frank was not a professional philosopher, as he has more than once pointed out in his books, perhaps the strictly metaphysical implications of his conclusions may be minimized. In ultimate analysis, he was a jurist and lawyer who desired to use law for the betterment of society. The technically professional implications of his scepticism and pragmatism appeared for the most part proximately irrelevant for this limited, practical purpose. If this be so, then it is possible for a scholastic jurist in evaluating the Jurisprudence

of Jerome Frank to draw the line between true and false pragmatism, and true and false scepticism, and to commend that part of his scepticism and pragmatism which was true instead of attacking them in their totality. Frank himself used an analogous technique when he distinguished between wise and unwise Greek sceptics.³⁶

Though Judge Frank Did Not Fully Accept the Thomistic Concept of Natural Law, Nevertheless It Exerted a Significant Influence on His Thinking

In *Courts on Trial*, Judge Frank apparently gave the express reason why he did not cross the line which separated the objective from the merely subjective. He assigned as the reason his sense of fallibility and finite human limitation. These prevented him from wholly accepting the full scope of the Thomistic doctrine of natural law. He expressed this thought in *Courts on Trial* by writing:

Some non-Catholics balk at calling the Catholic Natural Law principles and precepts "eternal" or divine in origin. Indeed, to such persons. — mindful of man's finiteness, his limited capacity for comprehending, intellectually or emotionally, all that goes on in the vast stretches of the universe beyond his ken — it seems presumptuous to assert that man should know what is eternal, or what constitutes order or regularity, present or future, except within his own small span of experience.³⁷

But in *Fate and Freedom*, he adopted the principle of the immutable in these words: "The only absolute knowledge on which we can count is the knowledge that human knowledge will never be absolute,

³⁶ *Id.* at 332.

³⁷ FRANK, *COURTS ON TRIAL* 364 (1949).

³⁵ FRANK, *FATE AND FREEDOM* 316-18 (1945).

will always be relative and limited."³⁸

Judge Frank is correct when he concludes that even Aquinas was unable to find the formula of absolute truth in the judicial process. He accurately evaluated the limitations of Aquinas when he stated:

But Aquinas did not explain how the exercise of this discretion was to be made "objective": A particular trial judge who happens to be sitting in a particular case employs his discretion so that he decides for the defendant. Suppose another judge had happened to sit and had heard the same witnesses. What means exist for guaranteeing even approximate uniformity (objectivity) in such matters? Aquinas does not answer that question.³⁹

Of course he did not, although Aquinas would surely have found some merit in Frank's proposed solution of the problem, namely, the voluntary submission of every judge to a psychoanalyst for the purpose of revealing to himself and the whole legal profession his subconscious prejudices, distinctive thought processes, and peculiar mental strengths and weaknesses.⁴⁰ But just because the finiteness of Aquinas' mind prevented him from "objectivizing" the work of a judge, it does not follow that "Natural Law, in the great majority of lawsuits, encounters insurmountable subjectivity."⁴¹ Nor does it follow that because Aquinas' finite reason could not objectivize the legal process, it was incapable of perceiving the principles of the immutable part of the natural law.

It may be that Judge Frank did not

³⁸ FRANK, *FATE AND FREEDOM* 337 (1945).

³⁹ FRANK, *COURTS ON TRIAL* 366-67 (1949).

⁴⁰ Frank, *Some Reflections on Judge Learned Hand*, 24 U. CHI. L. REV. 666, 678 (1957).

⁴¹ FRANK, *COURTS ON TRIAL* 367 (1949).

adopt the total concept of Thomistic natural law because of his great aversion to dogma. But dogma in some sense is inescapable. The human mind must rely on some fixed and unqualified principle or starting point, for example, in the case of Judge Frank, that all is mutable or, if not, cannot be surely known to be immutable. This absolute starting point necessarily becomes dogma. Hence the issue is not between dogma and no-dogma, but between good or reasonable dogma and bad or unreasonable dogma.

Is it not more reasonable to conclude that finite human reason and will must have come from a Cause which has infinite intellect and will, since an effect may not proceed from a cause which does not include as much as, if not more than, the effect, and because the finite has no significance if there is no infinite? Judge Frank feared dogmatism, and yet Felix Frankfurter in a eulogy to him in the Summer, 1957, issue of the University of Chicago Law Review wrote: "While he somehow managed to envelop himself in an atmosphere of dogmatism, he was singularly free of bias or imprisoning doctrine."⁴² In view of this estimate, therefore, was Jerome Frank's fear of being known as a dogmatist an adequate justification, if such were the case (of course I do not know), for his not becoming a scholastic jurist?

Again, it may be that Jerome Frank did not fully sense the significance of the historical fact that, in the culture of the Western World, the fundamental and immutable part of the objective natural law is unknowingly accepted as a postulate. It is a residue

⁴² Frankfurter, *Jerome N. Frank*, 24 U. CHI. L. REV. 625 (1957).

from the days when the Thomistic doctrine was a dominant influence in thought and action. It is because of this postulate and conformity thereto for the most part that scholastic jurists, judges and lawyers do not find it necessary to refer constantly to the divine origin of the natural law, and its changeless area. But this does not mean that in practice it is unimportant whether some ethical principles are immutable.

It is vital that rationally perceived divine authority be consciously admitted as the basis of the Frankian ideals, even on a strictly pragmatic basis. If these ideals were ever seriously challenged in this country, and it would be naive to assert that this could not happen, then the relativity of all intersubjectiveness would be swept aside. The effective choice would then be narrowed to the moral ideals of an immutable natural law, or to those which are

diametrically opposed, but asserted by Marxists as objective and immutable. It seems that there is no sufficient, final authority behind the ethical controls of non-scholastic jurists, however true their ideals may be, and that there is no truth behind the characteristic values of Communists, though they, like scholastics, believe in absolutes.

In closing this eulogy of Judge Jerome N. Frank, may I say that he left an edifying example of a mind sincerely and genuinely sympathetic with objective natural law. His favorable estimate of it came only after he had comprehensively compared it with the juridical ideas of the mightiest intellects of the past. He found that Thomistic natural law afforded a very satisfying solution of many of the absorbing problems which were created by lack of certainty in law and particularly in the finding of facts.

SPIRITUAL SIGNIFICANCE

(Continued)

profession, radiate the influence of Christ. Everything in the temporal order such as wealth, genius, scientific achievement and so forth is only of secondary importance in relation to Christ; progress is wasted if it

does not bring men nearer to Him, Who is the model of our manhood. Men are not just united by a common bond of nature but in the brotherhood of Christ. It is their personal relationship to Him that determines their relationship to one another and imparts a new life and spirit to law.
