

BOOK REVIEW:

AROUND THE WORLD IN SEVENTY DAYS (On the Beam of Natural Law, a Program for Peace)

BRENDAN FRANCIS BROWN. NEW YORK: Vantage Press, 1976. xxii, 231 p. \$7.50

While natural law has exercised great influence in legal development, it has often been misunderstood. Criticized as vague and very abstract, yet no other philosophy has moulded and shaped American thinking and American institutions to such an extent as did the philosophy of natural law in the form given to it in the seventeenth and eighteenth centuries.¹

Criticized as it is and often disregarded, natural law nevertheless has been resorted to when other philosophies fail in given situations. Thus in the trials of war criminals during after World War II, natural law was cited in answer to the defense of the accused that the war crimes charged were not previously defined and no specific penalties were imposed by competent authority.

The influence of natural law is more significant in the Philippines with the introduction of Christianity by the Spanish clergy and with the teaching of scholastic natural law of Thomas Aquinas.

The theory is concerned with two problems which are as vital now as when they were first formulated — what is the permanent underlying basis of law? What is its relationship to justice?

The story of natural law begins with the writings of the philosophies of ancient Greece but its true meaning is still a matter of controversy today. This is the natural law written by the ancient Greeks, the Roman jurists, the medieval writers on rationalism, and the Christian theologians. A writer had said that there are at least six uses of the term natural law, namely: (1) as a moral justification of all law; (2) as *a priori* element of law; (3) as an ideal by which existing positive law can be judged; (4) as referring to immutable and not variable rules; (5) as autonomous law valid because it is based on an ideal; (6) *droit spontane* as opposed to law fixed in advance by the state.²

At any rate, dominating all the doctrines of natural law is the thought that law is an essential foundation for the life of man in society and that

¹ Bodenheimer, *Jurisprudence*, 164; Paton, *Textbook of Jurisprudence*, p. 94.

² G.D. Gurvitch, *L'Esperience Juridique*, 103, cited in Paton, *op. cit.*

it is based on the needs of man as a reasonable being and not on the *arbitrary* whim of a ruler.³

One of the present legal scholars who has been consistently writing and speaking about natural law is Brendan Francis Brown. Former dean of the Catholic University of America School of Law and now a professor of law at the Loyola University, New Orleans, his present work *Around the World in Seventy Days* is an account of his travel under the auspices of United States Information Agency (U.S.I.A.), in several countries in Asia, Africa and Australia lecturing on natural law. But this book is not merely a travelogue. While the author took efforts to relate details and incidents of his trip such as the flight numbers, the meals he took in the airlines and the hotels where he was billeted, the author emphasized more on the people he met and the reactions he observed after his talks on natural law. For the message he wanted to convey in his sojourn was to make people know what natural law is and how it should be interpreted and applied within the context of the peculiar conditions of each country. In man-made laws he emphasizes that there is a higher law, above all man-made laws, to which all people, States and individuals are subject — not theologically, but philosophically, in matters of jurisprudence. This is natural which is applied to all aspects of human activity, whether personal, social, state or international affairs.

A long time advocate of natural law, Dr. Brown was able to bring down natural law philosophy from the abstract and idealistic concept to actual day to day problems. To bring home his message to the variety of audience in these world wide lectures, the author interpreted and applied natural law to such present day basic problems of overpopulation and abortion in Asia, environmental law in Australia, equity in Malaysia and Singapore, extradition and rule of law in the Philippines, law and morals in Africa and American constitutional law in Puerto Rico in relation to its statehood problem.

The visit of Dr. Brown in the Philippines was quite significant as he was able to meet with some people concerned with the proper concept of natural law as applied to the current problems of the country. At that time, the basic principles of the new Constitution were being considered by the Constitutional Convention in the Manila Hotel. It is understood that the civil and political rights now provided for in the 1973 constitution, as they were in the original constitution, are based on natural law.

The talk given by Dr. Brown before the students and faculty of the College of Law, University of the Philippines was the highlight of Dr. Brown's visit to the Philippines. The University of the Philippines being a secular

³ Del Vecchio, *Justice, Droit, Etat*, 134 in this score, see also Pömmen, *Natural Law*, p. 215, ff.

institution is more concerned with positivistic and pragmatic philosophy. He was able to meet his friend and classmate in their school days at Oxford University, Dr. Melquiades J. Gamboa who was then the head of division on Research and Law Reform of the U.P. Law Center.

At least, during that Convocation of the law students, Dean Irene Cortes of the U.P. College of Law and Dr. Gamboa have impressed to the guest lecturer the necessity of including in legal curriculum jurisprudence and legal philosophy which transcend mere legal and factual information.

It was also during that program that Dr. Gamboa made a remark that he and Dr. Gamboa had been meeting at 20-year intervals, the first time in Oxford during their school days. Twenty years later both met in Washington, D.C. when Dr. Gamboa was counsellor at the Philippine Embassy and Dr. Brown was the Dean of the Catholic University of America School of Law. As Dr. Brown narrates in his book, this reviewer then pursued his doctorate degree at the Catholic University of America in Washington, D.C. with Dr. Gamboa as one of the readers of his doctoral dissertation. The meeting in the Philippines was their third meeting a 20 years later. While Dr. Gamboa then predicted that they might cross paths again after 20 years which must be about 1994 this eminent Filipino jurist met his creator in 1975.

A historical error, however, was committed by the author when he stated on page 164 in his book that Recto and Lopez were Filipino patriots who led the struggle for independence against Spain in the late 19th century. For the information of non-Filipino readers, Claro M. Recto, the great Filipino nationalist, died in 1960 while Lopez in whose honor the museum was established died in 1975. It was Recto who led the move to make the Philippines less subservient to American influence and interest and advocated the removal of the U.S. military bases in the country.

The book is enriched with reprints of the author's articles on natural law and jurisprudence already published in various journals. Apparently, the author wants to demonstrate that unlike positivistic legal philosophies, natural law is universal, eternal and, most of all rational. To the author, the only solution to a lasting international peace is through natural law. True peace can be made possible only under a higher law to which all men must subordinate their will. This necessarily requires the acceptance of the concept that the ultimate authority of such law is divine, in the sense of resting upon a basis which is beyond human will in its primary demands of respect for the human person and recourse to right reason, as the ultimate objective criterion.

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