

that many teenage catholics have still to discover the existence and value of the Old Testament, is it still necessary at this stage to be so apologetic about, say, the first few chapters of Genesis? There is a strong tendency in denying that Genesis is 'ordinary history' to minimise the importance of events not specifically 'salvation-history'. It should be more and more possible for opponents and enemies to be left behind, to allow the bible to be what it is. In Edmund Flood's otherwise convincing and exciting book, the attempt to express the impact of life in Christ at times over-reaches itself. '(Paul's) . . . concern is to give life, in all its width and concrete reality, enduring value' (p 66). When this kind of language occurs repeatedly it loses its pointedness.

This successful filling of a gap in theological literature suggests other areas where a similar job needs to be done. The readers who can cope with these books have a permanent entry into new ideas, and can to this extent educate themselves. But for those outside this literacy range what is there besides sermons or, while still at school, the teacher? One of these educational sources vanishes in early adolescence, the other hardly inspires confidence as a life-long instructor in the faith. More imaginative parochial activity would be a help towards solving the difficulty, but the creation of some means of providing continued encounter between the church and its majority member remains to be done.

LEO KEATING, O.P.

THE SPIRIT OF THE COMMON LAW, by Richard O'Sullivan. *Fowler Wright Books*, 25s.

All those who were ever in any way touched by the courtesy, humour, erudition and gentle Irish pugnacity of the late Richard O'Sullivan will be grateful to Professor Wortley for having made this representative selection of his papers, preceded by a biographical notice from the pen of Mr Douglas Woodruff. It is a fitting companion and complement to his own Hamlyn lectures, *The Inheritance of the Common Law*, a memorial to his personality and his abiding convictions.

These latter find most explicit expression in a paper which appropriately occupies a central position in the book: 'The Philosophy of the Common Law'. It is the work of a man naturally given by a philosophical bent of mind relatively rare among his fellow common lawyers to disengaging the more general principles implicit in a complex of legal material *prima facie* amorphous and pragmatic, and predisposed by the sympathy of his faith to placing those general principles in their correct theological and canonical context. He had evidently early in life realised intuitively the profound truth of the estimate of two of his modern masters, Pollock and Maitland, who had seen in the period 1154-1272 the matrix of so much later development in the law, and therefore in national history as a whole: 'It was a critical moment in English legal history and therefore in the innermost history of our land and race.' All that Richard O'Sullivan read, the ancient authors, Glanvil,

Bracton, Fortescue, Littleton, St German, Plowden, Coke and Finch, and their great modern commentators and historians, Maitland, Pollock, Stubbs and Holdsworth, confirmed him in this view that 'Law, then, the Common Law of England, was throughout the whole period of its creative life and power, in touch with, sensitive to, and nourished by the tradition of classical and Christian philosophy and theology' (p 69). That it was the conception of man and human values derived from this world-view which was in turn concretised in the daily practice of the law and decisions of the courts is further indicated in two further papers here printed, 'Natural Law and Common Law' and 'A Scale of Values in the Common Law'. The corollary of this view of the common law of England and its history, however, was that from the time of Henry VIII onwards there was in the common law a progressive 'decline from its ancient Christian character and tradition' (p 85). Hence the quite pivotal significance of St Thomas More, to whom therefore the first paper is appropriately devoted. And hence too the inner meaning of the paper intitled 'A Century of Divorce Jurisdiction, 1857-1957': essentially illustrative material to Richard O'Sullivan's great theme, which in its negative aspect seemed to be completely confirmed by a dictum of Lord Sumner: 'My Lords, with all respect for the great names of the lawyers who have used it, the phrase 'Christianity is part of the law of

England', is really not law; it is rhetoric'¹.

Richard O'Sullivan's academic writings were therefore essentially an elegy, albeit softened by the mutual tolerance and respect of a man possessed of a generous and affectionate heart and a truly liberal profession which he both loved and graced. His scholarly work therefore is a legal variant of what at least until recently was a more general catholic view of history: after the reformation, the ever-rising deluge. This being so, the work of Richard O'Sullivan's spiritual 'heirs and assigns' amongst his fellow-catholics must surely be rather different from his own in this our present time. If we are indeed again at sea, our task is surely not merely to lament the drifting and break-up of the old ark, but to set about constructing a new one, out of the materials of our time. And here we must look to other masters – to Oliver

Wendell Holmes, to Cardozo, to Pound, perhaps even across the channel to Hauriou, in our own country to Lord Denning: teasing out by the sociological and philosophical techniques pioneered by these jurists the principles implicit in our present legal systems, by drawing them out, disclosing and so exposing for discussion their latent values, and by thus naming them shaping them anew. The spirit must be rather that of the subject of the last of these papers, Edmund Plowden, 'a firm adherent of the ancient faith' (p 43) who nevertheless became greatly loved and influential in the reign of Elizabeth I.

That Richard O'Sullivan thus helped to bring this conflict to issue – graciously, learnedly, gaily, affectionately – will perhaps be taken to be his greatest title to gratitude.

PASCAL LEFEBURE OP

THE ADMINISTRATION OF THE DIOCESE OF WORCESTER IN THE FIRST HALF OF THE FOURTEENTH CENTURY by R. M. Haines. SPCKk 63s.

This bears all the marks of an admirable D Phil thesis. But like many modern theses it has not been digested into a book. The period covered is from 1303 to 1352. It deals in turn with Records and Seals, Local Administration, Central Administration, Aspects of Episcopal Work, and the Part played by the Prior and Chapter. All this is followed by four useful appendices. Dr Haines shows not only capacity but enthusiasm for research. But it is a pity that he chose Worcester for his subject, not just because it was an unimportant diocese but because it seems uncharacteristic. There were ten bishops in fifty years and they were usually not resident. Worcester was considered as a suitable provision for a royal clerk on the road to higher preferment; Bishop Reynolds and Orleton were Treasurers of the Exchequer,

Bishop Throesby Keeper of the Privy Seal, four others were in the royal service. The archdeacons of Worcester also seem to have been normally absentee and deans were frequently non-resident. At the end of 361 pages there is no clear impression of priestly life within the diocese. How often were the parish tithes paid to a non-resident rector or to a monastic house? In these cases how far was the 'vicar' or 'chaplain' at the village church differentiated from the peasantry among whom he lived? Was celibacy a common practice? How far did pre-Christian beliefs as well as pre-Christian practices survive in peasant catholicism? One fact at least seems to come clear; much of the christian life of the diocese must have depended on the unbeneficed and unprivileged among its clergy.

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¹*Bowman v Secular Society Ltd.* [1917] AC, 406, 464, quoted at pp 85 and 131; and see especially the very clear statements of the ominous character of St Thomas More's death at p 85.