

to contemporary philosophy (continental of course), his evaluation of Judaism, his attitude to the Old Testament, and the significance of his teaching for religious education. I am not at all sure that I know what Logstrup is on about – he is certainly full of Scandinavian pessimism. ‘Any fool can make you think, but it takes real talent to make you laugh.’

The book ends with clear and charitable

answers by Bultmann to each of his critics. But he never begins to answer what seems to me the fundamental question to be put to him, which is this: In what sense is the cross of Jesus Christ a saving event, apart from the subjective attitude which some men choose to take to it?

HUGO MEYNELL

CONCISE THEOLOGICAL DICTIONARY, by Karl Rahner and Herbert Vorgrimler. Edited by Cornelius Ernst, O.P. and translated by Richard Strachan. *Freiburg: Herder and London: Burns & Oates*, 45s.

This is a book one has to live with (hence the lateness of this review!). For surely the only way to appreciate a dictionary is to use it. That the dictionary under review will be a most useful addition to the already existing ones, of this there can be no doubt. It will not, of course, replace the great and standard works of the past, but it will help to complement them in its own particular way in the field of contemporary religious thought.

In this work, Fr Rahner and his pupil do not ask questions with the basic intention of stirring us out of our theological lethargy, a procedure so familiar to us from Fr Rahner's other works, particularly those generally known in this country. In this dictionary we are given simple but typically Rahnerian explanations of theological concepts guaranteed by the author's deep-rooted and extensive knowledge of the sources of all theology. It is not surprising, therefore, that the authors in their Preface are able to state that ‘having just gone over the text for the fifth German reprint, we note with some satisfaction that nothing whatever needs to be changed because of the Council: our approach seems to be a sound one after all’. This dictionary will consequently be of particular interest to students of Rahner's own underlying approach. Yet, even more than some of his other works, it should also prove most useful to a much wider public. The generous employment of cross-references will be of

great assistance to anyone looking for an overall view and also greatly increases the depth of the various individual entries.

As stated in the authors' Preface, this book ‘is intended to provide brief explanations, in alphabetical order, of the most important concepts of modern Catholic dogmatic theology for readers who are prepared to make a certain intellectual effort’. The very conciseness of this work (493 pages) inevitably demands such an effort on the part of the reader. Yet, in spite of the authors' further statement that these considerations of space forced them to dispense with bibliography, we cannot help feeling that the lack of bibliography remains a valid criticism. The inclusion of even the briefest of bibliographies certainly would have increased the possible fruitfulness of the intellectual effort demanded of the reader. This criticism, while pointing out a certain obvious limitation, is not of course meant to deny the great basic value of this book. Like any dictionary, it is a mine of information requiring constant exploration and its wealth will not be discovered at a superficial glance. We are fortunate indeed to have it in such a competent and readable translation. We eagerly await now the promised appearance of the English translation of the philosophical dictionary of Father W. Brugger, S.J., recommended by our present authors as a companion volume to their own.

KARL-H. KRUGER

THE MORALITY OF THE CRIMINAL LAW by H. L. A. Hart. *Oxford University Press*. 12s. 6d.

This book contains two lectures delivered by Professor Hart at the Hebrew University of Jerusalem in 1964. Both of them are salvos in controversies in which Hart has been engaged before and in which he will no doubt be engaged again. In the first lecture his principal adversary is Lady Wootton; in the second it is Lord Devlin. Taking his stance in the middle-of-the-road liberal tradition. Hart defends himself against attacks from the Left and from the Right.

The first lecture considers the suggestion that the notion of criminal responsibility, or *mens rea*, should be allowed to wither away, so that the state of a man's mind at the time of his crime should no longer be relevant to the question whether to convict him. Hart agreed with the critics of *mens rea* that the legal situation at the time of writing, based on the McNaughten rules modified by the Homicide Act of 1957 and the Mental Health Act of 1959, was unsatisfactory.

Judge and jury are often called upon to settle the question whether a mentally disordered person could have controlled his action, on the basis of evidence of a kind which renders the whole debate unreal. But Hart objects to the proposal that once it has been proved in court that a person's outward conduct fits the legal definition of some crime, this, without proof of *mens rea* should be sufficient to bring him within the scope of compulsory measures, whether penal or medicinal. Such a reform, he maintains, involves an excessive interference with the freedom of the individual (even accidental blows would be punishable as criminal assaults) and leads to a Brave New World in which men have no chance of avoiding being used as means for the benefit of society, and in which the deterrent function of punishment is wholly lost to sight. Instead, he suggests that *mens rea* should continue to be a necessary condition of liability, to be investigated and settled before conviction, except insofar as it relates to mental abnormality; but such abnormality should henceforth be no bar to conviction, but only something to be investigated after conviction with a view to the most appropriate treatment of the criminal.

The second lecture begins by recapitulating the argument which Hart, as the heir of Mill has conducted against Devlin, as the heir of Stephen, concerning the dictum of the Wolfenden Report

that 'there must remain a realm of private morality and immorality which is not the law's business'. Hart does not here advance this argument, but considers the actual state of the law. Reformers inspired by Bentham and Mill have been successful in removing attempted suicide from the statute book by the Suicide Act of 1961. But in the case of homosexuality and abortion, Hart argues, the law still causes useless suffering through a misguided attempt to enforce accepted morality by criminal sanctions. Hart's argument in this area is perhaps weakened by the questionable accuracy of the statistics he cites. In other cases, by contrast, he argues that the law pays too little attention to moral considerations, as in the decision in Smith's case (which established an excessively objective test of intention) and in the general treatment of negligence, which regards morally undistinguishable offences with disparate severity according to their fortuitous outcome.

Since these lectures were written legislation has been introduced in a number of respects in accordance with their spirit. They are written with the clarity, charity, and chastity characteristic of Hart's style. One's only complaint is that the book is excessively expensive: the reader is charged 12s 6d for less than fifty pages of type, a rate of over 3d a page.

ANTHONY KENNY

CHANGE AND THE CATHOLIC CHURCH, by Jeremiah Newman. *Helicon*, Dublin, 1965. 35s.

There has been much talk recently about the need to think about the Church in sociological terms. A good deal of Dr Newman's wide-ranging book (whose general title is a little misleading) is concerned with approaching the Catholic Church with both theological and sociological perspectives. What he has to say about the origins of sociology, its conflicts with Catholicism, and the newer view of its relevance to the life of the Church today is clear and provides a useful introduction to the reading which is necessary to those who want to consider the subject for themselves. Such readers will find a great deal that is of value in the splendid documentation with which the book is provided.

It is perhaps inevitable in a general discussion that the description of conflicts and problems within sociological theory and research is oversimplified; the areas of debate could have been spelled out more. Dr Newman appears to reach his conclusions too quickly, even though there is much agreement with him.

A chapter is devoted to the contribution

which social research has made and could make to pastoral planning. The case is well argued, but I wish that Dr Newman had gone beyond the usual arguments and considered the more positive and creative role which increased understanding of social conditions can make to policy. Had he taken the discussion into a wider sphere, this might have resulted, but he deals only with problems of ecclesiastical administration.

While agreeing that there is a great need for more integration between Christian values and sociological thought and research, I cannot share Dr Newman's enthusiasm for 'constructing a body of knowledge which might receive the name "Catholic Sociology",' even as the author defines it. Although increasingly many sociologists would accept his insistence on the place of values in the study of society, it is a pity to reintroduce a term which has already caused considerable confusion, and which is likely to cause more when it is given another meaning.

JOAN BROTHERS