Himself steeped in the standards of conduct in the everyday medieval Church which a bishop's register, or Bishop Alnwick's Court Book reveal as the minimums we must expect, the writer treads firmly on any attempt to judge in the uncertain light of decorous contemporary deportment. Neither is he shocked when the wrath of a canon explodes in church at prayer, nor will he allow an age proud in its democratic claims to assume that 'Archbishop Courtenay or Cardinal Beaufort obtained bishoprics merely because Kings called them cousins, but because their talent marked them out for preferment even at an early age'.

With the true humility of one who recognises the limitations of work so important to himself, the writer laments 'that we should see medieval bishops so entirely through the medium of documents and records which are official and impersonal'. In respect of individual characters we know more of the 12th century than of the 15th. It is this shortcoming which he has in mind when he apologises for treating again a 'well-worn theme', the state of the houses of religious. He gives them every black mark which they can earn in the records remaining; but then he reminds fellow-students that 'visitors framed their questions upon breaches of rule and custom, not upon points in which they were observed. We must not therefore assume that there were not individuals who in cloister "kept their feet firm and their hearts sound".'

It is on this generous note that he closes. 'The evidence of facts cannot be overlooked, but to moralise on that evidence is out of place, and the lover of truth will never hesitate when the interpretation of facts is doubtful to regard them in the most charitable light'. To the multitude of careful students who will never have his opportunities to handle the leaves of the past in such abundance, and who sometimes despair for the adequacy of their judgments, the advice is as comforting for the long view as this book is necessary to the short cut.

PAUL OLSEN

BORROWINGS IN ROMAN LAW AND CHRISTIAN THOUGHT. By Miriam Theresa Rooney, L.B., Ph.D. (The School of Canon Law, The Catholic University of America, Washington, D.C.)

This paper reprinted from *The Jurist* is a study in the history of ideas from the philosophical viewpoint showing the influence of Christian thought on law. Firstly we are confronted with the remarkable fact that Roman Law and Christianity grew up together. 'The genius for human living which marked the Roman Empire at its best, found not frustration but fulfilment in the Christian conquest of the mind'. (p. 5.) There was also an interchange of concepts by which Roman Law was utilised in the teaching of Christian doctrine. This is very clearly seen in the writings of St Ambrose and St Augustine, and of St Jerome. The codification of Justinian in the sixth century whilst containing a number of paganisms was brought out under

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Christian patronage and promoted Christian ideas. Boethius and St Isidore of Seville were among the chief channels through which the spirit of Christianised Roman Law was preserved in the West. In the eleventh century came the revival of Roman Law studies at Ravenna and Bologna, and in the following century was the parallel development of Canon Law with the Decretum of Gratian. It is shown that in Henry Bracton the threads of Roman, Canon and Common Law meet in the same century which marks the height of Christian intellectual development. 'If the Bracton literature now being produced be taken as a focal point where Roman, Canon and Common Law meet Scholastic philosophical principles, a new insight into the realism implicit in the Common Law system will result which cannot fail to strengthen the law in its present struggle with current problems'. (p. 17.)

The general proposal to which this paper tends is that legal thinking should be less narrow and less isolated, and 'that a systematic study of borrowings in different legal systems and in Christian thought, from the patristic era to modern times, be undertaken in order to revise the unhistorical assumptions which, until now, have characterised much of our isolated legal thinking'. (p. 22.) A point of interest is that there exists a common ground in the several traditional legal systems, and which calls for more scientific study.

Avenues of thought are certainly opened up, and with great advantage may be followed. The thesis however requires development by a closer contact with legal sources and texts, otherwise there is a danger of remaining within the realm of philosophical speculation without sufficient legal and historical background.

AMBROSE FARRELL, O.P.

RELATIVISM IN AMERICAN LAW. By Miriam Theresa Rooney, LL.B., Ph.D.

This is a reprint from the Proceedings of the American Catholic Philosophical Association twentieth annual meeting, Milwaukee, Wisconsin, December 28, 1945. The writer again makes a strong plea for an adequate philosophy of legislation which is based on the principles of natural law. The making of laws is now regarded as a phenomenon of community life which has become identified with democratic procedures. We therefore hear much of public opinion and of rule by the majority. 'Democracy tends to become a process of majority assent to legislative measures which bear little relation to juristic foundations'. But a law is not necessarily right or just because it is agreeable to many or to even the majority. Law when divorced from fundamental principles becomes very readily an instrument of control and domination possibly by a minority'. What has happened is that juristic theory has followed the trend of recent philosophical speculation to such an extent that it reflects, though in a rather clumsy way, the polarities of positivism and absolutism which have divided professional philosophers, especially in the English-speaking

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