

being the classic that it ought to be. First, and most easily remedied, the author relies occasionally on mistranslations of scripture. Mt. 8:3, for instance, is rendered 'of course I want to heal you', and an argument—more for literary effect, perhaps, than strict logic—is based on the 'of course', which corresponds to nothing at all in the Greek. Similarly with 'Jesus re-torted' in Mk. 9:23.

Secondly, the author has fallen lamentably for a very jaundiced view of Christian history, as if almost everyone until now had been ferociously anti-body, philosophers and ascetics being especially to blame. Yet—just to cite two typical instances—Origen warns us that the lust of the spirit against the flesh must be tempered, just as must that of the flesh against the spirit; and the classic *Life of Anthony* by Athanasius stresses Anthony's physical and psychological equilibrium—even his teeth were perfect when he died at a very ripe old age. The decline in the ministry of healing really cannot be explained by this alarmingly popular caricature of Christian antiquity.

Thirdly, is it really sufficient to identify sin as what we do voluntarily,

and original sin as the damage done to us by other people's sin, for example, the pathological states caused by parental insensitivity? Fr MacNutt is very aware of the complexity of original sin even interpreted like this. But is St Thomas not right that original sin is a damage even deeper than this? And if this is so, and if one of the major fruits of the Incarnation is the healing of that damage, then one must recognise that there can be spiritual health even when mind and body are still helplessly sick. And this is surely necessary if we are to avoid a new Pharisaism of psychosomatic perfectionism. And this forces us to take much more seriously the eschatological dimension of healing.

The danger of Pharisaism comes out more markedly in Fr Scanlan's book, which is also helpful in very many ways, but which, in the last analysis, strikes me as a curiously irreligious book. It is as if Christ were only a healer. His healing ministry is not presented as an integral part of his mission to draw men to the Father. There appears to be no room for the sheer 'contentment with God' which is so vital a part of traditional spirituality.

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MARRIAGE LITIGATION IN MEDIEVAL ENGLAND, by R H Helmholz. *Cambridge University Press*, 1974. 246 pp. £8.50.

Newman said that the history of society begins in the poet and ends in the policeman. Plenty of people would say that marriage has suffered a similar or worse fate at the hands of the canonists. The historian, once he is aware of this and once he is affected by the eloquence of Maitland, that great legal historian who was at his most memorable when castigating aspects of the medieval law of marriage, will tend to write with an eye to modern opinion and also to draw up a balance sheet of successes and failures. This is what Helmholz has done in his remarkable study. Because many are still experiencing the partial survival of the medieval system, the subject he is examining is of much more than antiquarian interest.

In late medieval England the law of marriage was, and remained up to the Nineteenth Century, largely an ecclesiastically dominated affair. To examine its workings through the cases actually litigated is to avoid the unreality of accounts based solely on the law as stated by lawyers and theorists; in

fact to begin to see institutions in their historical context. Whatever divergences there were between theory and practice and between different courts can be picked out, as can changes in the law itself, such as the withering away of the use of marriage as a penalty for fornication (the abjuration *sub pena nubendi*) which was attacked for various reasons but not least because it undermined free consent. To choose the period 1250-1500, as Helmholz has, is to take a segment free from much of the uncertainty and flux of the earlier periods, before the system attained maturity. The author's strength lies in keeping close to the sources, which in his case means to the various surviving procedural and substantive documents classified chiefly as act books and cause papers. An appendix contains a selection of such documents and it can be used as a kind of 'case book', and the verbatim extracts so copiously quoted in the text make for very lively reading indeed. Unfortunately, while old legal documents may have served

their draftsmen well, they are rather dumb before us who are not fully aware of their assumptions and surrounding habits of thought and practice. It is consequently beyond our power to know how frequent, how lengthy and how sophisticated were the legal arguments in marriage cases, and canonists lack an equivalent to the Year Books that are such a treasure trove for Common Lawyers. However, despite this and despite the terseness and formalism of the judges' sentences, a thorough analysis of the writings of English canonists (e.g. the lecture notes of a number of them in British Library Royal MS. 9 E viii) may increase our knowledge.

Procedural features are often dismissed as trifling and marginal, yet, as is shown once again, they do shape and characterise a legal process. On the available evidence the accusations of inordinate delay and ineffectual enforcement are not well-founded and Helmholz highlights a certain informality and desire to settle actual disputes rather than to apply relentlessly abstract principles. Although the theory was against compromising suits by agreed concords, nevertheless it did happen (charmingly, sometimes we find 'pax' written in the record) and throughout his study the author notes how far marriage and its litigation depended on the initiative and direction of the parties themselves. In discussing judicial separations (divorce *a mensa et thoro*) he aptly describes the judge as 'a rather heavy-handed marriage counsellor'.

Surprisingly, suits to enforce marriage contracts were the most frequent type of matrimonial cause; not annulments. The view that marriage was the business of the couple lingered on, as did the belief that contracts by *verba de presenti* (the exchange of words of present consent) were what we would now call engagements. The canonists denied both ideas and this gap between the law and general attitudes led to uncertainty and therefore dispute. There were also the usual difficulties about the exact interpretation and import of the words of contract as no formula was laid down. The discussions that this spawned would delight a modern linguistic philosopher but the problem of interpretation also had very profound effects on the lives of men; as a writer noted, the meaning of '*volo*' and its cognates was a '*bona questio et frequens*'. The number of second or other 'marriages' indicates that the laity were operating a sort of self-regulating

mechanism outside the official framework. A discontented party would use self-help, saying '*oportet divorciari*' as did one John Paynaminuta when he heard that his long lost wife was alive, he having remarried. The solution of Hostiensis and many others was that in such dilemmas a man should leave his second 'wife' and suffer patiently any possible excommunication by an earthly court, knowing that God would absolve him. Then as now the requirements of an ecclesial legal system might clash with what was true but difficult to prove. For a helpful present-day discussion of similar clashes see the *Clergy Review* (1970), pp. 123-141 and 440-460.

Contrary to the assertion of several historians, annulments *ab initio* (divorce *a vinculo*) were not frequently litigated. But perhaps it is the loopholes provided by impediments arising from blood, marriage and spiritual ties that have been particularly criticised; Maitland spoke of '... a game of skill which is to be played with neatly drawn tables of affinity and doggerel hexameters'. Yet this accusation is not warranted, and even the wand of papal dispensation was used less than is supposed. In discussing the reasons for having impediments of kinship, Helmholz could have cited the interesting ecclesiological one found in Gratian: that consanguineous marriages were prohibited because purity of blood did not serve as a foundation for the Christian community. In fact, to move to a general assessment, Helmholz's chosen approach gives a detailed foreground but a less focused background and perspective. Still remaining in his terms of reference, he could have unpacked more concepts and themes having an important charge of meaning or association; e.g., the office of apparitor, or the concept of 'marital affection', which despite problems of proof has been shown by John Noonan to have had a many-faceted relevance, testing lawful sexual union, overcoming in the name of Christian freedom secular laws against slave marriages, and expressing the quality of married life (see *Studia Gratiana* XII, 479).

Helmholz concludes that the medieval ecclesiastical courts were not divorce mills and did not do a thriving business dissolving marriages for flimsy or inadequately proved impediments. He concedes that marriage may have been treated in a commercialised way; but he should have made the point that the rejection of the giving of a dowry as

part of the test for validity was a move away from the feudal view of marriage. Indeed, it is one of the merits of Helmholtz's fine reconstruction that he shows

marriage to be a good vantage point from which to explore the interaction of Christian self-understanding and a society's beliefs and structures.

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THE RELIGION OF ISAAC NEWTON, by Frank E. Manuel, *Clarendon Press*, Oxford, 1974. 141 pp. £3.50.

Before I read these Freemantle lectures I knew that Newton had written on prophecy, but I had no idea of the extent and distribution of his unpublished materials. Since they were sold at Sotheby's in 1936 they have been scattered over the world, but most of them are now assembled in three collections, one made by J. M. Keynes at King's College, Cambridge, another in Massachusetts, and the largest at the Hebrew University in Jerusalem. This is surprising, but it may be appropriate, for the immediate ancestry of Newton's prophetic researches is to be sought among Puritan divines concerned with Rabbinical and Cabbalistic learning. His method of interpretation was not original, but less traditional than Dr Manuel seems to suppose. My one serious criticism of these very lucid lectures is that, like so many others, Dr Manuel takes for granted that what we call fundamentalism was a part of traditional orthodoxy in the seventeenth century. Newton's researches in chronology were part of a process of investigation into the date of creation begun by Scaliger and continued by Petavius and Ussher. The question was still sufficiently open in 1740 for the editors of a new Dutch edition of Moreri's dictionary to plump for 4035. This throws some light on Newton's reluctance to publish much that he had evidently prepared with a view to publication. Believing as he did in the inspiration of the letter of Scripture, and of the science told to the children in it under figures and emblems that need to be unravelled, he did not want to be embroiled in controversy on such details as the date of the flood with those who revered the word as he did and yet remained in darkness on matters which the progress of science would elucidate in time.

Newton, like Milton, believed the Bible, but because he was a scientist, not a poet, he believed that the Bible was full of concealed science, Chaldean, Egyptian, Indian. Neither Newton nor Milton could see Nicene orthodoxy in it. Platonist metaphy-

sicians and papistical theologians had got it all wrong. But before long the Trinity 'would be considered as outlandish as Catholic transubstantiation'. Newton had no use for modern metaphysics either. He helped Samuel Clarke to write against Leibnitz, but he was no more Arian than Athanasian, and he took no risks for Whiston, who put *The Apostolic Constitutions* on a level with Scripture. Newton's Pantocrator was the God who laid the foundations of the universe when he set the stars in order. He will send his Messiah to inaugurate the rule of the saints in due course, without much more delay. Christ in Newton's science is a lieutenant of omnipotence, not a saviour or a sacrifice. Dr Manuel sees very clearly that in the divisions of the eighteenth century Newton was on the side of rational divinity, not of the Evangelicals, but his religion was not the natural religion of the Deists, and he had nothing in common with the Unitarians, who were in reaction against Calvinism. His God was the omnipotent Lord, and not the infinite ground. Blake, who detested both, was aware of this. He may have had some prophetic insight into the mind behind Newton's science, and it is significant that, like Coleridge, he took to the Platonists in search of relief from the tyranny of Newton and Locke.

Dr Manuel sees a clue to Newton in his search for the father who died before he was born, in the unhappiness of his childhood in Lincolnshire, where his mother married a country clergyman and had other children. I wonder whether the collapse of the Commonwealth may not be as important. Newton as a growing lad probably believed that the rule of the saints was coming through the Rump and Barebones Parliament, and I think he continued to dream of it while he forged for the Protestant middle classes their engines for ruling and civilising pagans and papists. Newton had no use for mystical enthusiasts, but in his interpretation of prophecy he thought of himself as a prophet to