

such suggestion. Both Mr Salt and I are only too anxious to be better informed about Anglican attitudes, but we will find information easier to assimilate if it is unaccompanied by an emotional discharge.—ED.]



REVIEWS

FOUNTAIN OF JUSTICE. By John C. H. Wu, LL.B., J.D., LL.D. (Sheed and Ward; 18s.)

The sub-title of this interesting book is 'A study in the natural law', but neither that nor the title itself is any real guide to the contents. In fact Dr Wu, formerly Chief Justice of the Provisional Court of Shanghai, is now an American professor of law, and this book is an essay on the relationship between the common law as it has developed in England and the United States of America, and the natural law. Some guidance to the author's point of view may be gained by referring to the source from which he drew his title; this is apparently the remark of Lord Mansfield, addressing the High Court of Chancery as counsel: 'a statute seldom takes in all cases, therefore the common law, that works itself pure by rules drawn from the fountain of justice, is for this reason superior to any Act of Parliament'.

Essays on legal philosophy, if not actually unreadable, are usually repellent, particularly to lawyers. The practitioner often feels conflicting emotions as regards such works: on the one hand, he is overawed by the mountainous erudition, particularly references to Savigny, Ihering, Hegel, the Stufenbau, the neo-Kantians and similar institutions; on the other hand, he often suspects that the writer knows little of what he is talking about, because law is something that happens every day, all the time, and lawyers have to advise with assurance on practical problems with which the theories appear to have little to do. This book is however written with a difference—several differences, in fact. For one thing, it is readable. Any lawyer with the slightest interest in legal philosophy, and indeed any layman with an interest in philosophy and a smattering of legal knowledge, will be able to read it with interest. For another thing it is modest: the author explains his personal philosophy of law, without claiming to explain every aspect of it in terms of original thinking. Again, it is written with careful regard to the practice of the law.

But the most important characteristic of Dr Wu's book is that it sets forth a Christian theory of law. This is admittedly not original, and indeed no claim to originality is made. It is nonetheless unusual

nowadays. There is a tendency nowadays for legal writers to draw a clear distinction between law and morals, and to expound legal positivism in one form or another. The reviewer remembers having natural law explained to him by a university lecturer as if it were an interesting survival from a more credulous age, like belief in the world being flat: one had to deal with it, as it was in the syllabus, but far more time was spent on the ideas of Austin and Bentham. Against this tendency the present book provides a strong counterblast.

One criticism that may be made is that the book is somewhat rambling. Thus one whole section of more than seventy pages, entitled 'In the School of Christ', is largely an examination of the teaching of our Lord in regard to lawyers and law, in a series of discursive essays. The main part of the book is however an historical review of the links between the natural law and the common law, first in England and then in the United States of America. Even in this part there is a certain tendency to ramble, so that, for instance, more space is devoted to references to the natural law in Shakespeare than to the development of equity in the late middle ages. No doubt the justification for this is that the book is a personal statement of one man's legal philosophy, without pretensions to being a logical exposition or defence thereof.

On one point the reviewer would disagree with the author. This is in the view, implied throughout the whole book, that the natural law has today gone underground. As stated above, there is a tendency for writers to decry natural law. In practice, at any rate in England, neither the judges nor practitioners commonly give way to this tendency. The advocate who presents a case which, though apparently sound in law, is devoid of merits, may expect to have a pretty rough time in almost any court. The advice which Dr Wu ascribes to Lord Denman's master, Mr Tidd (who, incidentally, wrote *Tidd's Practice*, a work admired by Uriah Heep), that in giving his opinion the lawyer should first master the facts, then consider what is right, before considering the law, is still given today, by at least one eminent English judge. It is not true in practice that natural law has gone underground. It might have become somewhat inarticulate, but it is no mere chance that the proper title of the law courts in London is the Royal Courts of Justice.

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THE MOVEMENT OF WORLD REVOLUTION. By Christopher Dawson.
(Sheed and Ward; 13s. 6d.)

The occasion of the first essay in this collection (the thematic essay