pornographic tastes and repel those who are in search of serious discussion of the sex problem. There are few things more to be desired at the present day than an unbiassed treatise concerning the characters of and relations between the sexes. Such a book would require wide knowledge and an impartial scientific treatment. The work before us sets out to accomplish this task, and we are glad to emphasise the obvious fairness of mind and desire for truth which is shown throughout the book. But successfully to accomplish this task demands a more thorough acquaintance with the vast field of knowledge over which the subject ranges, and in particular a greater power of orderly and logical arrangement of matter and argument than are at the disposal of the author.

The first chapter states that the chief problem is to discover what are the exact differences between the sexes and what share we should respectively attribute to inheritance and environment in producing those differences. The rest of the book is divided into three sections, of which the first is biological, the second historical, whilst the third deals with present-day questions. Many of the problems relating to the origin of sex among primitive organisms and similar matters are somewhat out of place in a work of this kind, and are not of any help in our search after a solution of the sex problem of to-day. The historical section is more valuable. In our opinion, however, the author lays too much stress upon the tracing of descent through the mother as a proof of the exalted position of women at an early period. An important study of all the literature concerning the Australians has recently been published by Malinowski; he shows that the most trustworthy evidence represents the Australian women as occupying a very inferior position and leading laborious lives as compared with the men. The third section deals with modern problems such as labour, divorce, and prostitution. The author's views are sane and interesting; with regard to modern tendencies as a whole she is decidedly optimistic.

One feature of the book cannot be passed over in silence. The carelessness of the proof reading is almost incredible. A long list of "errata" has only corrected a small fraction of the mistakes. Let us confine our examples to proper names that are spelt rightly in one place and wrongly in another. We have Espinas and Epinas, Howitt and Howit, Haddon and Haddow, Hatschepsut and Hatshepsut, Schoolcraft and Schoolcroft. Weinniger has two variations, Weinneger and Wienniger; whilst most absurdly of all, de Vries is spelt de Veries, which is corrected in the "errata" list to de Vreis. A. M. CARR-SAUNDERS.

Dibdin, SIR LEWIS, B.C.L.; **Chadwyck Healey,** SIR CHARLES E. H., K.C.B., K.C. *English Church Law and Divorce.* Part I.: Notes on the *Reformatio Legum Ecclesiasticarum*, by Sir Lewis Dibdin, D.C.L., Dean of the Arches. Part II.: Notes on the Divorce and Re-marriage of Sir John Stawell, by Sir Charles E. H. Chadwyck Healey K.C.B., K.C., Chancellor of the Diocese of Exeter. With appendices. London. John Murray; 1912; price 5s.; pp. 180.

IT is reasonable to assume that if Sir Lewis Dibdin, K.C., had the conduct of a contraverted matter in the High Court, and desired to procure a judgment or get a verdict, he would open all the facts of his case so that the judge would understand them, he would then present his evidence and his points of law, and close with an argument to prove that his contention was right. Such a procedure in the arrangement of a book upon so controversial a subject as the "English Church and Divorce," would appear to present no difficulty. Unfortunately the learned authors, who are both eminent lawyers, have not seen fit to follow it. The first part of the book is written by Sir Lewis Dibdin. More than one-fourth of it is devoted to the history of the *Reformatio Legum*, and barely two pages to its relation to divorce. The rest of this part of the book is mainly

taken up with a collection of the expressions of sixteenth century divines as to divorce, and other material which tends to show the divergence between the law and practice of the Church of England in that period of its history, and the opinions of its individual members.

Sir Charles Chadwyck Healey's contribution to the "English Church and Divorce" is a review of the history of Sir John Stawell who, after having divorced his wife in 1556, re-married by a licence from Archbishop Parker. Sir Charles is able to prove that though formally drawn, sealed and issued, the licence was never entered upon the records of the Faculty Office, and that the Archbishop apparently refused at a subsequent date to recognise the marriage.

Frankly, the book is neither a treatise on nor an exposition of Church history in its relation to divorce. If Sir Lewis Dibdin's object in publishing it is to refute the allegation that divorce *a vinculo* had been granted by the English Church Courts during the period which followed the *Reformatio Legum*, and that those courts purported to derive their authority from that document, he has perhaps succeeded in his purpose. But every student of Church history knows that the *Reformatio Legum* was never incorporated into any kind of law in England, and that it is merely an historical document of no greater value than as representing the views which certain ultra Protestants, of German and Swiss origin, more or less successfully tried to impose upon unwilling English Churchmen, during the period of the Reformation.

As notes upon the history of the measures that were taken in the reign of Henry VIII., and Edward VI. and Elizabeth, to produce this scheme and to give it the authority of statutory law, Sir Lewis' work is interesting, and, to a certain extent, of value, particularly as it is amplified by some original researches by the Rev. Claude Jenkins, the Lambeth librarian. Nevertheless, the fact remains that the title of the work is a misnomer. If only the authors could have addressed themselves to the task of telling us what the English Church law with respect to divorce really is, and have explained how the present apparent perversion of it came to be adopted, they would have made a valuable contribution to a discussion which is painfully agitating the minds of many earnest Churchmen at the present time.

For all that this book contains, the English Church might be thought to have begun its existence with the Reformation. There is no reference to the history of the Church in these islands before Rome obtained her world-wide supremacy. What English Churchmen are eager to know is—what was the doctrine of the early fathers of the English Church respecting divorce? What was the rule of the Church up to the fourth century? What was the practice of the Church before the Popes obtained their authority? How did the Great Head of the Church regard marriage and divorce? We know, of course, what interpretations the authorities of the Middle Ages place upon His teaching, but is that interpretation right? These are burning questions. There are thousands of zealous Churchmen who are divided in their minds between loyalty to the Church's teaching and a growing conviction that the good of society and the moral and physical health of their fellow beings demand a change in the present legal conditions. The admonition of an ignorant Pope silenced Galileo for a time. The theologians of the Holy Office who surrounded Paul V. were able to satisfy the Church of their day that the proposition that the world revolved around a fixed sun was "absurd in philosophy" and "expressly contrary to Holy Scriptures." We now know that the Church was wrong and that Galilio was right. Is it not at least thinkable that the Church may be wrong in its present interpretation of Holy Scripture with respect to marriage and divorce?

When did the theory that marriage is indissoluble first become a dogma of the Church? St. Paul allowed divorce where one party did not choose to live with the other, owing to religious differences. Justin Martyr,

in an address to the Roman Senate, commanded a Christian wife who, taking advantage of the Roman law, divorced her husband because of his debaucheries so that she might not partake of his crimes by living with him. St. Epiphanius allowed divorce, and said that if either party married again the Church absolved them from all blame, tolerated their weaknesses, and did not reject them either from the Church or eternal life.

The theory of the indissolubility of marriage did not apparently find favour in the Church until after the Fourth Century, and here in England, after the Sixth Century, Theodore, Archbishop of Canterbury, in a Penetential, declared marriages to be dissoluble on the grounds of desertion, adultery, impotence, relationship and captivity.

Is there not ground for the assumption that the ecclesiastics, at a time when their conduct caused the Church the greatest humiliation, were more influenced by cupidity than religious zeal in enforcing the doctrine that marriage was indissoluble? They assumed sole control over the marital relations. They granted, for pecuniary consideration, permission to marry, and when those whom they had joined together desired to have their marriages dissolved, they found, also for a pecuniary consideration, specious excuses for separating and then remarrying the parties, while still insisting that the sacred tie was indissoluble. Mr. Lee, in the Cambridge Modern History, says "the most holy sacrament of marriage, owing to remote consanguinity coming within the prohibited degree, was made a subject of derision to the laity by the venality with which marriages were made and unmade to fill the pouches of the episcopal officials." He might have instanced the case of Bothwell who, when he wanted to divorce his wife in order that he might marry Mary, got a decree on the ground that one of his ancestors had married into his wife's family a century before. As Cardinal Borgia, the Vice-Chancellor of Innocent III., wittily, if profanely, said, "God desireth not the death of a sinner, but rather that he should live and—pay."

If Sir Lewis Dibdin, or some other lawyer equally well grounded in Church history, might divest himself of all prejudices in favour of present received theories, and with a mind trained to weigh evidence, should set himself to write a history of English Church law and divorce, the result of his labours would be glady welcomed. R. NEWTON CRANE.

Andrews, C. B. *Life, Emotion, and Intellect.* London and Leipsig. T. Fisher Unwin; 1913; price 5s. net; pp. 95.

THE author makes use of the following passage as a kind of motto to his book: "Life is real; intellect is artificial; emotion, although it is obliged to express itself in intellectual formulæ, is our nearest approach to the essence of life." His persuasion of the artificiality of the intellect appears to lead him into statements with which Eugenists must quarrel. We attempt, he says, to destroy love by Eugenic marriage certificates. If love is blind then the believer in the Eugenic health certificate for marriage is blinder still—and so on. Galton long ago gave a complete answer to statements of this sort. Society has erected all kinds of barriers, economic and customary, within which the emotional activities of the individual are confined, the Eugenist regarding many of these as purely artificial wishes to substitute rather better ones, resting more on a biological than on an economic and social basis. We join the author in deploring any attempt to standardise humanity. Eugenics aims at the preservation and preponderating survival of the best of *all* classes. On the whole the book is a not uninteresting essay on the emotions, with special reference to the emotional reticence of Englishmen. C. S. STOCK.

Delzous, LOUIS. *La Famille Française et son Evolution.* Libraire Armaud Colin; price 3 fr. 50 c.; pp. 287.

THIS book is an interesting study, by a French lawyer, of the forces at work in France during the nineteenth century which transformed the