How Many Catz Can Stand on the Head of a Pin, or Andrew Lloyd Weber, Where Are You Now That We Need You?

Charles Alan Wright*

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Abstract

The hallmark of a true scholar is that he or she cannot stand idle whenever an answerable question remains unanswered.

KEYWORDS: head, pin, scholar
EDITOR’S NOTE

The editors wish to thank all of the authors who contributed to this issue.

The Colloquium on Legal Scholarship evolved from our ongoing commitment to legal education and the experience of esteemed professors, both from Nova and honored guests.

In February of 1988, Professor Clark Byse of Harvard spent a day in retreat with our faculty and presented his views on legal scholarship. His ideas were formalized in the paper published on page 9. The seven articles that follow are the varied and controversial responses from our faculty. Additionally, the article by Professor Charles Alan Wright artfully introduces the topic of legal scholarship.

In April, Professor Richard Weisberg of Cardozo Law School presented his recent work on Law and Literature to the students at the Law Center. His paper enhanced the direction of this issue and we are pleased to include it with the Colloquium on Legal Scholarship.

The editors thank Professor Michael Richmond, who coordinated the retreat as well as the visit by Professor Weisberg. Professor Richmond also discovered the piece by Professor Wright. Special thanks to Professor Bob Jarvis for his help and support throughout the publication of this issue.

How Many Catz Can Stand on the Head of a Pin, or Andrew Lloyd Weber, Where Are You Now That We Need You?

A self-indulgent entertainment with scholarly interruptions.

Charles Alan Wright*

The hallmark of a true scholar is that he or she cannot stand idle whenever an answerable question remains unanswered. It does not matter how far removed the question may be from the scholar’s field or how important, indeed even pedantic, the question may be. Nature’s reaction to a vacuum is positively tolerant compared to the true scholar’s reaction to an unanswered question.

I have spoken of the “true” scholar. It is an unhappy fact that in academic communities there are those who do not have this attitude, who singlemindedly press toward the completion of publishable papers to impress the tenure committee rather than seeking the answer to some exotic question whose only significance is that, like Everest, it is there. There are others who would rather spend a sunny afternoon on the golf course or daydreaming along the Backs than consulting dusty books in the sterile atmosphere of the library. These need not concern us. The true scholar has no concern about tenure committees while those who put pleasure before research hardly merit the name of scholar.

There is one other characteristic common to all scholars, true or otherwise. All of them have learned that it is much more congenial to have bright pupils do the tedious legwork that is an essential part of the search for truth, while the master sits back and draws the brilliant conclusion from the material they bring him. Indeed those who do not fully understand the nature of scholarship might be tempted to compare scholars with the native police officers about whom it was said, in

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This paper was not a part of the faculty retreat that formed the basis of the other papers in this colloquium. Professor Wright wrote it in 1986 for the amusement of his friends, but is glad to share it with the readers of the Nova Law Review.

Published by NSUWorks, 1988
the discussions that took place on the Indian Code of Criminal Procedure in 1872: "It is far pleasanter to sit comfortably in the shade rubbing red pepper into a poor devil's eyes than to go about in the sun hunting up evidence."

These sober reflections on the habits of scholars came insistently to mind as 1986 began. A few months earlier I had promised that I would do an article for the Law School alumni publication, *Townes Hall Notes*, about my experiences in 1984 when I was a Visiting Fellow at Wolfson College, Cambridge. It is easy in September to agree to write something for a January 21st deadline. On the morning of January 1st, however, as I sat at my word processor, it occurred to me that the time had come to begin writing, since I was going to be leaving the next day for a visit to Cambridge and London and would not be back until the 20th. I opened a new file in the computer and began writing.

It was necessary in my article to give some history of Wolfson College, since it is one of the "new" colleges at Cambridge. It was founded in 1965 as University College, but the name was changed in 1973 to reflect a generous benefaction from the Wolfson Foundation. There is also a Wolfson College at Oxford, and several times while I was in England I had heard the gibe that only Sir Isaac Wolfson and the second member of the Trinity have colleges named for them at both of the great English universities. I knew that this was not true, and wanted to refer to it in my article, but that made it necessary to list the other instances. This can be tricky. Anyone who can distinguish between a possessive singular and a possessive plural can tell that Queen's College at Oxford is not the same as Queen's College at Cambridge, but it is not immediately apparent that Cambridge's Pembroke was founded by the widowed Countess of Pembroke in 1347, while the Pembroke at Oxford was named for the Earl of Pembroke who was Chancellor of the University in 1624, when the college was founded.

There is at each place a St. John's, and that produced a surprising result. I had supposed that they must both be named for St. John the Evangelist, since conventionally he is referred to simply as St. John, while John the Baptist is referred to by that full name. Indeed even my Random House dictionary lists the Evangelist under "John" while the earlier saint is listed under "John the Baptist." Scholars know, however, that it is never safe to suppose anything and that every fact must be checked. With the help of our excellent Reference Librarian, Dan Dabney, and rapid exchanges of messages on the electronic mail system that the Law School computer makes possible, I learned to my dismay that the Lady Margaret Beaufort did dedicate the great college she founded at Cambridge to the Evangelist, the college of the same name at Oxford was founded by a wealthy Merchant Taylor who dedicated his college to the patron saint of tailors, St. John the Baptist.

What then was left? Each university has a Jesus, but they each also have a Corpus Christi, and Cambridge has a Christ's while Oxford has a Christ Church. I think, however, that all of these must be regarded as named for the second member of the Trinity. Nevertheless, there are colleges that give the lie to the notion that this is a distinction shared only by Jesus and Sir Isaac Wolfson. In each place there is a Trinity College (and Cambridge boasts a Trinity Hall as well). I feel confident in saying that the Trinity itself is not the same as the second member of the Trinity, although the whole concept of the Trinity is slippery enough to me that I do not know whether theologians might dispute this. Cambridge's Peterhouse and Oxford's St. Peter's College are named for the apostle, and Magdalen at Oxford and Magdalene at Cambridge are both, despite the variant spelling, named for the famous Biblical figure, Mary Magdalene.

Finally, there is a St. Catherine's College at Oxford while Cambridge has a much older college, St. Catharine's. At first blush this seems to be just another variant spelling, but by happy chance, when the printer on my floor broke down as I attempted to print out my article, I found that the only other person working in the building on New Year's Day who could show me how to transmit my manuscript to a different printer was my young colleague, Michael Sturley, who read law at Magdalen College, Oxford. I raised the question with him, and he said that while there is only one Mary Magdalene known to history, there must be at least 20 saints named Catherine, so that it was quite possible that the two colleges are named for different saints. Professor Sturley's estimate of 20 was too high, but in the Roman hagiology there have been seven saints named Catherine, and there is also a St. Catherine Audley commemorated in the Celtic and English martyrologies.

It seemed important that I have my article done before I left on the 2d, and my reference books at home did not tell me which particular saint either of the colleges was named for. Luckily we had been invited that afternoon to drop in at a New Year's gathering at the one place in Austin where the answer would surely be known, the home of Professors Walt and Elspeth Rostow. The Rostows have taught at both Oxford and Cambridge and know both places extremely well. I passed up watching the Rose Bowl to hurry out to their house, and even before a drink was given me I had asked Walt whether Oxford's St. Catherine
the discussions that took place on the Indian Code of Criminal Procedure in 1872: "It is far pleasanter to sit comfortably in the shade rubbing red pepper into a poor devil's eyes than to go about in the sun hunting up evidence."

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and Cambridge’s St. Catharine are the same person. “I don’t know,” was his answer. Elspeth came into the room and Walt had me put the question to her, but she was equally unable to answer. When the time came for us to thank them for their fine hospitality and to go home, Walt’s parting remark was that on our trip to England I must find out the fact about “Catz,” as both the Oxford and Cambridge colleges are affectionately known (and strangely spelled).

Two days later we were in Cambridge, and the President of Wolfson, Professor David G. T. Williams, welcomed us at a quiet supper in the Lodge with his wife and Yvonne Cripps, a brilliant native of New Zealand who is Director of Studies in Law at Emmanuel College, Cambridge. Over the dinner table I asked David if the colleges honored one saint or two. As one might have expected from a Head of House, he responded by saying, “I refer that question to my learned colleague, Dr. Cripps.” Unfortunately Yvonne also did not know the answer. The following day we were guests for lunch of Basil and Eugenie Markesinis. Dr. Markesinis is a Fellow of Trinity, Cambridge, and a Lecturer in Law, but neither he, nor the Master of Trinity, Sir Andrew Huxley, who was among the luncheon guests, could give me the answer I was seeking. Basil did produce a reference book that showed that St. Catharine’s, Cambridge, is named for St. Catherine of Alexandria, but it did not explain the spelling.

I could never in good conscience have let the matter stand unresolved, but while I was enjoying the timeless delights of Cambridge, my brilliant young friends were hard at work. The next afternoon Basil Markesinis called to say that the Cambridge college was indeed dedicated to Alexander’s saint, and that when the college was founded by Robert Woodlark in 1473, he spelled the name “Kateryn.” The spelling had fluctuated over the years, Basil said, but in the 19th century, when it became a “College” rather than a “Hall,” the Cambridge dons, mistakenly supposing that the name was derived from the Greek word for “pure,” katharos, which would be transliterated as “katharos,” had settled on Catharine as the spelling.

That night Yvonne Cripps had us for dinner at high table at Emmanuel. Yvonne also had been busy. She had consulted an Emmanuel colleague whose field is Slavonic Studies. He had sent her a note listing the various saints named Catherine, and had said: “She of the wheel and of Alexandria is patroness — inter alia — of young women, attorneys, scholars, so perhaps it is time you made her acquaintance.” (That did seem very appropriate for a 29-year-old woman who is an academic home Dan Dabney has called to my attention the article on St. Catherine of Alexandria in the 1967 printing of New Catholic Encyclopedia, where it is said that she is “the patroness of some 30 groups, including philosophers and maidens.”) Yvonne’s colleague had also observed to her orally that “Spelling, my dear, is a recent invention — remember that.”

In addition, Yvonne had spoken to a former Fellow of St. Catherine’s, who “identified She as a mystical, virgin martyr of the late Roman period who became popular in medieval times.” Yvonne had also telephoned the similarly named Oxford college:

The remainder of my intelligence was prized out of St. Catherine’s who were relatively taciturn but confident all the same that their She was also the She who was put to the question upon the wheel.

As a result of what Basil Markesinis and Yvonne Cripps had found, much that was previously obscure now seemed clear, but one question remained. When I described what I had learned from Basil to Yvonne and another Emmanuel colleague who was dining with us, her colleague was surprised at Basil’s statement that the 19th-century dons had “mistakenly” supposed that the saint’s name was derived from the Greek word for “pure.” “I thought that was the accepted derivation,” he said.

It seemed appropriate, after all that my juniors had done for me, that I look into this myself, especially since by now I had Basil busy tracking down how many Nobel laureates Trinity College has had. I had put that question to five Fellows of Trinity and had received five different answers, all of them wrong. (After several days’ work Basil established that the correct number is 27.) I went to the Wolfson College Library and consulted that grand book, the Oxford English Dictionary. It shows that Αἰκατερίνα, or “aikaterina” as it is transliterated, was the Greek name for “She of the wheel.” Basil, who knows Greek very well, confirmed that to me and said that the thought that the name might have been derived from the word for “pure” was plausible, but nevertheless mistaken.

I flew home confident that only a single saint was involved and that I even understood the reason for the divergent spelling. On January 20th, through the wonders of word processing, I was able to make a slight change in the manuscript I had prepared before going to England and turn my article in by the deadline. It now describes the gibe about Wolfson, and says: “The gibe is clever but false. St. Catherine (whose name is misspelled as ‘Catharine’ at Cambridge), Mary Magdalene (whose name is misspelled as ‘Magdalen’ at Oxford), St. Peter
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and the Trinity itself are also memorialized at both of those great institutions."

That might well have been the end of this story, and the moral — other than the insatiable curiosity of the scholar — would have been that, as Yvonne’s colleague told her, spelling is a recent invention. By now, however, I had become interested in St. Catherine of Alexandria and wanted to learn more about her. I have at home a 1956 printing of the Fourteenth Edition of *Encyclopædia Britannica*. It tells how Catherine upbraided the Emperor Maximinus for his cruelties and pleaded with him to stop worshipping false gods. The Emperor sent pagan scholars to argue with Catherine, but they were unsuccessful. She was scourged and imprisoned and the Empress was sent to reason with her, but Catherine converted the Empress and the Roman general and soldiers who had accompanied her. The Emperor then ordered Catherine to be broken on the wheel, but her touch shattered the wheel, and an axe had to be used to execute her. In some versions of the story she was then borne by angels to Mt. Sinai, while another variation is that she was taken to Heaven in a vision and betrothed to Christ by the Virgin Mary. The writer of the unsigned article in *Britannica* then says: “Of these marvelous incidents very little, by the universal admission of Catholic scholars, has survived the test of modern criticism, though her actual existence is generally admitted.”

The Law Library, however, has the Fifteenth Edition of *Britannica* in a 1985 printing. It gives a much briefer account of the saint, saying at the beginning that she “is not mentioned before the 9th century, and her historicity is doubtful.” The bombshell came in the final sentence of that short article. “In 1969 her feast day was removed from the church calendar.”

This is, of course, from the Roman Catholic calendar. It was part of a general revision in 1969 in which the Roman church dropped a number of saints, including St. Christopher and St. George, from its calendar, because of doubt that they ever lived. St. Catherine of Alexandria remains in the calendar of the Church of England, but has never been in the calendar of the Episcopal Church in the United States.

When I learned that the Roman church no longer accepted Catherine, I was troubled. I remarked to Douglas Laycock, my colleague here and the Associate Dean for whom I had been working on this article, that I had pondered whether I could say that St. Catherine was one of six people for whom colleges are named at both Oxford and Cambridge, when it now appeared that she was not a person. I consoled myself, I said, with the thought that the Trinity would not commonly be thought of as a “person.”

Doug agreed with this, but then he said: “It raises an interesting epistemological question. How can you misspell the name of someone who never existed?” I think, however, that he is surely wrong. If I were to give him a manuscript for publication in *Townes Hall Notes* in which I referred to Scarlet O’Hara or to David Capperfield, I have no doubt that he would regard this as a misspelling and make the necessary correction. Thus I am comfortable in this hard-won answer to the question and in the knowledge that it is Cambridge that misspells the name of St. Catherine.

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