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THE CREATIVE CENTURIES

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(1936)

THE CREATIVE CENTURIES

*A STUDY IN
HISTORICAL DEVELOPMENT*

BY
HENRY JOHN RANDALL

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PREFACE

THIS is a work of reflection not of research. It makes no pretence to be founded on the original authorities, much less upon unpublished material, but merely records some of the ponderings and speculations of a life-long student of history. On the other hand it boasts no philosophy of history in any sense of that much abused term. There have been many who have sought to descry a pattern and even a purpose in the written human story, from Bossuet in the seventeenth century to Toynbee in the twentieth. Many of these efforts have been supported by a weight of learning that I can only envy without attempting to emulate, but they all seem to lack the demonstrative proof essential to a scientific generalization. The period of written history, following the vast milleniums of prehistory, is little more than six thousand years, and the time seems too short for any pattern to display itself. If there is no discernible evidence of pattern, there is no shadow of a shade of evidence of purpose. I can only re-echo the words of Fisher: "One intellectual excitement has, however, been denied me. Men wiser and more learned than I have discerned in history a plot, a rhythm, a predetermined pattern. These harmonies are concealed from me. I can see only one emergency following upon another as wave follows upon wave, only one great fact with respect to which, since it is unique, there can be no generalization, only one safe rule for the historian; that he should recognise in the development of human destinies the play of the contingent and the unforeseen."

The treatment of one of the periods described in the book calls for a word of explanation or excuse. As a general rule the accounts of the creative movements here described have been confined to the times of their inception, but this rule has been broken in the instance of the Christian Religion. The reason for the departure is found in the abnormally slow growth of Christianity. The religion in the first century was nothing like the institution that developed after the disorders of the third century and the Edict of Milan in the fourth. It seemed necessary, therefore, to lengthen the description in order to make it intelligible.

As the book has been based on the secondary authorities I have allowed myself a considerable luxury of quotation, and I have to acknowledge many courtesies readily accorded for this purpose. Apart from specific quotations I should like to record my general indebtedness to the magnificent series of Cambridge Histories. Without their invaluable and constant assistance it would hardly have been possible for a lonely student, far removed from any of the great libraries, to have perpetrated a book like this at all.

For specific quotations I have to render grateful thanks to the following:—

Blackie & Son Ltd. for four quotations from *Christianity in the Light of Modern Knowledge*.

The Syndics of the Cambridge University Press for a passage from Rait's *Life in the Medieval University*, a few sentences from Pollock and Maitland's *History of English Law*, quotations from Adam's *Origin of the English Constitution*, Figgis' *Divine Right of Kings*, the late Professor Bury's chapter in *Darwin and Modern Science*, one passage from the *Cambridge Medieval History*, and three from the *Cambridge Modern History*.

The Delegates of the Clarendon Press, Oxford, for a long quotation from Bryce's *Studies in History and Jurisprudence*, one from each of Livingstone's *The Greek Genius* and *The Pageant of Greece*, and a number of passages, some of considerable length, from *The Legacy of Greece* and *The Mission of Greece*.

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My publishers, Longmans, Green & Co., Ltd., for a quotation from Inge's *Outspoken Essays*.

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The Times Publishing Co., Ltd., for an extract from an article by Dr. Victor Scholderer in the Printing Supplement issued with the *Times* on 15th January, 1940.

The last chapter in the book is an adaptation and enlargement of a paper of mine that appeared in the *Edinburgh Review* in January, 1929, and I wish to thank my publishers for permission to use it for the purpose.

I am indebted to Mr. E. G. Bowen of the University College of Wales, Aberystwyth, for preparing the two sketch plans which are entirely his work.

I wish to thank my Wife, my Sister-in-law (Miss Brewis), and my Cousin (Mrs. M. Jacob)¹ for continuous help in the wearisome task of reading proofs. They noticed many errors that had escaped me.

Finally, I must apologise for the absence of an index as a war-time economy, but I hope that the full table of contents will be in some degree an acceptable alternative.

H. J. RANDALL

August 1944.

NOTE TO THIRD IMPRESSION

I have taken the opportunity of a new impression to correct a number of misprints and small mistakes. The only additions to the text have been a few footnotes. I am glad to have been able to add an Index, for the preparation of which I desire to thank Miss E. H. Edwards, the Librarian of the National Museum of Wales.

H. J. R.

January, 1947.

¹ Now Mrs. Sibbering Jones.

INTRODUCTION

BENJAMIN JOWETT is said to have summed up a discussion on the question whether logic was an art or a science by saying that it was neither an art nor a science, but a dodge. Logic is one of the most distinctive products of the human intellect, but it is also evidence of human limitations. Nature knows no logical consequences and is bound by no logical categories, but our minds in order to comprehend are compelled to classify, with the result sometimes that the good servant becomes the bad master, and the necessity of classification produces distortion of the facts. Logic distinguishes things according to their greater or lesser degree of likeness or unlikeness to one another into orders, families, genera, species, and varieties, and this purely logical scheme has been adopted by biology for the classification of living creatures. Some method of classification there must be in order to reduce the disorderly profusion of life to a measure of comprehensible order. Things must have names so that ideas may be exchanged; and early man, with a careless ignorance of relations, gave names to things that failed to indicate any realization of likeness. All languages have relics of the ages before logic.¹

When biology began to grow scientific, the disparate nomenclature became impossible, and the forms of life, in order to be studied, had to be named in accordance with some intelligible system. Many attempts were made before the natural system of classification was adopted universally, and living things were classified in accordance with the nearness of their genetic relationship to one another, and not in accordance with their outside appearance or modes of life. For this purpose the apparatus of

¹ In our tongue they are shown clearly in the names given to the old domestic animals. The names that distinguish cattle: bull, cow, calf, steer, ox and heifer, are words utterly unrelated to one another in form or derivation, and no one could even infer from the words themselves that they all referred to one animal. So we have sheep, ram, ewe, and lamb with later developments like shearling. In dog, bitch, and puppy we have progressed a step further for the name of the male animal is also the name of the species. The cat was perhaps one of the last animals to be domesticated, and still seems to protest against the fact, and its names carry the matter another stage forward. We have only cat and kitten, and for the male animal use the word tom-cat. Perhaps the tom-cat marks the first entry of logic into biology.

logic was borrowed wholesale, and animals and plants were arranged in natural orders, classes, genera, species and varieties, and even in further sub-divisions of these. For the most part the scheme works well enough, for the majority of species are easily distinguishable from one another, but nature is always protesting against the limitations of logic, and in the difficult and highly variable genera (e.g. the bats and the brambles) she manages to defeat the systematist, and in the last resort he admits his own defeat. "There cannot be any hard and fast distinction between a species and a sub-species or variety, since in many instances one arises gradually out of the other in the course of evolution, and it must often be a matter of taste and convenience where the line is drawn."¹

The application of logic to the scarcely less tractable subject of history results in the division into periods. As nature knows no species, so she knows no historical periods, and a strong case can be made for the view that the division of historical time into periods necessitates some falsification of the facts. Freeman was never tired of insisting upon the continuity of history; Stubbs formulated his basic maxim as "the roots of the present lie deep in the past"; and Maitland uttered the famous aphorism that "such is the unity of all history that any one who endeavours to tell a piece of it must feel that his first sentence tears a seamless web".² So, too, one of the purposes of Tocqueville's *France before the Revolution* was to demonstrate the survival of the institutions of the "Ancien Regime" into the post-revolutionary period; for no man can be revolutionary in all or many things. To change something he must leave most things unchanged.

But if there is abundant evidence of continuity, there is also evidence of change, and the change may be violent and even catastrophic. The historian who treated the Norman conquest of England as a mere incident in a continuous development would be as guilty of a false emphasis as one who contended that it changed everything. Maitland stated the true principle in the words: "the web must be rent; but, as we rend it, we may

¹ Julian Huxley, *Evolution*, 154.

² P. and M., I, 1.

watch the whence and whither of a few of the severed and raveling threads which have been making a pattern too large for any man's eye".¹

Therefore, because of the infirmity and limitations of the human mind, it is necessary for logic to invade history as well as biology; and the analogue of the biological division of living things into orders, classes, genera, species and varieties is the division of history into periods. It is more than a trick to facilitate memory, and like its biological analogy is based upon real facts; but in order to be illuminating the division of periods must be based upon significant facts, and not upon arbitrary divisions of time. The least significant and most arbitrary of all the divisions is that into centuries because it has no necessary relation to facts. Our arithmetic has always suffered and will continue to suffer from the irrelevancy that we possess ten toes and ten fingers, and the century as the square of ten toes has no sort of relation to historical events. The division into reigns of kings or dynasties is assuredly historical, and it may be, but is not necessarily, of high significance. If a change of dynasty is coincident with a political revolution its importance may be great, as in our "Glorious Revolution" of 1688, but a change may be violent without being important. The accession of the House of Lancaster to the English throne in 1399 was nothing much more than a palace revolt, and changed little of the pattern of our medieval monarchy; but the accession of Henry Tudor in 1485 was another matter. It marked the end of an age and the beginning of a new one.

In one aspect the division of historical time into periods is analogous to the geographical division of the earth's surface into regions, because both have ragged edges. The boundaries between regions are usually spaces of greater or lesser breadth and seldom lines; and in the same way historical periods are divided by times of transition during which the old is fading and the new gaining strength. Sometimes an event was so decisive that it can be taken as a dividing line, like the battles of Actium and Hastings and the publication of Luther's Ninety-five theses, but more often the outline is blurred and the transition more gradual.

¹ P. and M., I, 1

It is not necessary that the same periods should be chosen by all historians or for all purposes. Different people differ in their estimates of the relative importance of events, and provided that the grounds of the estimates are clearly stated such differences may contribute to the ultimate understanding of history. Green began his "New Monarchy"¹ with the death of Henry V in 1422. No other historian has adopted his idea; but a new theory of this kind, if it is not merely fanciful or arbitrary, causes a re-examination of the facts, and so advances knowledge. Events themselves assume a different importance if they are viewed from different angles, especially if the subject matter is somewhat specialized. Political history is apt to assume an undue degree of importance,² and historians who specialize in economics, law, letters, science, or art may be inclined, or indeed compelled by necessity, to adopt different divisions from those that seem good to the political or constitutional historian. This is perhaps truer of the minor divisions than the greater, because the major changes affect life in all its aspects.

The fundamental theorem of this book is that a capital distinction may be observed between the periods that were creative and those that were uncreative. The creative periods were those that produced for the first time advances in civilization that either endured permanently, or for so long a time that they left an indelible impression on subsequent ages. New things were born, these new things endured, they became woven into the fabric of civilization, and the pattern of life was changed. Something happened that was not undone, something was added and not taken away, in some measure life was enlarged and civilization enriched. Civilization has gathered all these elements into its body and they have become integral parts of the life of man; but there were times when they were conceived for the first time and their origins are here recorded.

The creative periods that we are considering here were not long periods; they were times of change and crisis not of slow and continuous growth; they were times when habits and traditions were broken and new things came into being, "as the

¹ *Short History of the English People*, ch. VI.

² This narrowing of the sphere of history may be quite deliberate. Seeley treated history as past politics and desired to confine it to political history alone.

bud, long and slowly matured, suddenly bursts into flower”.¹ It is not altogether fanciful to use again a biological analogy, and to liken the creative periods to the large mutations that occur sometimes suddenly in the life of a species; and the uncreative periods of slow growth or steady decay to the small variations, which if they are inherited, lead the species either to gradual improvement or towards ultimate extinction. They were often, but not always, unquiet times, for they necessarily produced disturbances in thought, and when men think strongly they tend to act strongly. Civilization has been nurtured in conflict; perhaps it is necessary that it should be so.

In contra-distinction the uncreative periods were of two kinds. There were periods of stagnation or of positive retrogression, whereof the great eclipse of civilization that we call the decline and fall of the Roman Empire is the outstanding example. But the uncreative periods also include periods of steady advance in human welfare, when existing conditions were improved, when life was getting fuller and better judged by the standard of the preceding age, but when no new thing was devised that added something to life that had previously been wanting. They were periods of assimilation rather than invention, periods of steady but not of spectacular advance, periods of quiet progress but not of revolutionary change. They were not unimportant periods, and historians rightly devote much time and space to them; but they are omitted here because this essay is not a short history of civilization but merely the illustration of a particular thesis. Tentatively we may mention the later Dark Ages before the great medieval outburst, and the seventeenth and early eighteenth centuries as examples of periods of this kind. The times of the Hellenistic monarchies under the successors of Alexander the Great may be given as an instance from more ancient times.

The periods here selected as creative are these:—

1. The Age of Illumination in ancient Greece chiefly concentrated into the fifth century B.C.
2. The establishment of the Roman Empire and the Christian Religion at the beginning of our era.
3. The Flowering of the Middle Ages in the twelfth and thirteenth centuries.

¹ Sir W. Raleigh, *War in the Air*, p. 8.

4. The Renaissance and its by-products.
5. The Industrial Revolution of the eighteenth century and the Intellectual Revolution of the nineteenth century.

The distinguishing feature of all these changes was that they were first and foremost changes in thought. It follows that a work constructed on this plan is a record of thought rather than a chronicle of events, though the distinction is not one that can be pressed too far. Every action, certainly every decisive action, is the result of precedent thought, but the thought and the action may not be performed by the same individual. The thought may be conceived by the deep contemplative man who may fail to envisage its possibilities, or may be incapable of giving it practical application; and it enters the mind of the strong efficient man who could never have originated it, but who seizes its potentialities and whose brain can translate the potentialities into effects. Thought influences events, in short it is the only thing that influences events, and the history of human ideas is the history of civilization. A new thought influences men's actions in matters of importance, and when it has once been introduced and allowed to persist, the fabric of civilized life has in some degree been changed. "All history is the history of thought."¹

Geology, the science that has such close analogies with history, registers only the outside story of events; history attempts to describe the working of the mind inside the events. The historian is concerned chiefly, if not entirely, with the human processes that show thought, and is only concerned incidentally with events that thought has not influenced. Great calamities like the eruption of Vesuvius, the Black Death, the Plague in London, are recorded and properly recorded, but the historian really becomes interested when he describes the reaction of the human mind to these events. It is hardly necessary to add that all thought, and therefore all advance in culture, is the product of an individual mind. No community ever did, nor ever could, originate anything: the creative thought was conceived by the creative mind, but it might have fallen on

¹ R. G. Collingwood on "Human Nature and Human History" in *Brit. Acad. Proc.*, XXIII.

stony ground and perished, or it might have fallen on favourable soil and flourished. Both elements are essential, the individual creative thought and the favouring conditions under which it can spread and persist: unless both are present civilization does not advance.

The periods that have been selected here as creative are not submitted in any dogmatic spirit, and it is quite possible that another mind working on the same subject might have chosen differently. There will, I think, be no doubt at all that the selected periods were creative in the sense in which the word is here used, but the names of other candidates might be put forward. An instance that will suggest itself at once is that of the great book religions. The foundation of a religion that numbers its adherents by the hundred million is undoubtedly an event of the first historical importance; and it might well be argued that the origins of Buddhism, Confucianism, and Mohammedanism are entitled to take their places beside the origins of Christianity. The fact is that all the book religions originated within a period of little more than a millenium, since the termination of which the religion-making faculty on a large scale seems to have been lost; there is a strong family likeness between the early stages of all these religions, and, unless one is considering the history of religions as such, the repetition of the story of analogous processes might grow tedious. The second reason is that the adherents of the other religions, though their historical importance is not to be minimized, never produced a creative period. All the creative periods during historical times belong to the Mediterranean basin and Western Europe; and Christianity, though of alien origin, has been the dominant religion of these creative peoples. If one book religion was to be selected, then Christianity was the obvious choice.

Another period that might have claimed inclusion, but has been rejected deliberately, was the age of reason and revolution at the end of the eighteenth century, and in particular the French Revolution. The period was contemporary with the industrial revolution, but was not of it. The American revolution might claim inclusion on the ground of the institution of federal government, but federal government was no new thing though its modern importance dates from the beginning of the American

experiment.¹ The age was remarkable for a galaxy of famous names, of which Gibbon, Johnson, Burke, Boswell, Gilbert White, Garrick, and Reynolds in England; Robertson, Adam Smith, and Hume in Scotland; and Rousseau, Voltaire, and the Physiocrats in France, are merely examples. But the period, apart from the industrial revolution, originated nothing that has persisted. Nobody would seek to belittle the importance of the French revolution as an historical event, but it is now tending to sink into its proper perspective. There is no doubt that the historians of the nineteenth century exaggerated its significance possibly because they were so near to it. Lord Acton, in planning the Cambridge Modern History, devoted an entire volume to eight years of the French Revolution, and a similar volume to all the rest of the eighteenth century. Such a scale would hardly be considered reasonable now. The plain fact is that the French Revolution created nothing in the sense in which we are using the word creation. The doctrine of the rights of man is the only idea on behalf of which a claim to originality could be made. Even in that the Americans anticipated the French; and far from being a creative thought that has persisted, it was a temporary product that was discarded once its immediate purpose had been accomplished. "The French Revolution has taught us that almost nothing has more power over a dull mind than a clear idea."² The doctrine was merely a juridical notion misunderstood and wrongly applied, defective as philosophy and misleading as history. Instead of being elevated to the height of a principle it should be degraded to the level of a slogan.

The prehistoric periods have also been excluded from consideration though they were the most essential of all. We are concerned with civilized man, in fact with highly civilized man; but it must be remembered that all the basic inventions upon which civilization rests were necessarily made in the times before record. The catalogue is a long one because the inventions were many; and they were spread over ages that make the historical

¹ Freeman's *History of Federal Government* is still the best authority on the subject generally.

² Irvine, *Walter Bagebot*, p. 112. The curious circumstance that men always demand a comprehensive theory, preferably an untenable one, to justify opposition to practical abuses is discussed, *infra*, ch. 38. So long as the theory is loud enough its theoretical deficiencies do not matter.

period look like a mere interlude. That they were creative thoughts is certain, and that like all creative thoughts they were individual efforts is not to be doubted. The first was a biological mutation, the gift of tongues. There are marks that distinguish man: the upright position, the thumb opposite to the fingers, the absence of natural defences, the large and complex brain, but without the power of speech they would have availed little. Thought can effect nothing if it cannot be communicated. Of inventions proper, the earliest and most essential was the conversion of fire from a terror to a tool; for cooking is a basic art and artificial warmth alone enables man to conquer climate. Among many other definitions man has been defined as a tool-making animal, and from the earliest all-purpose "tools of the dawn" (Eoliths) to the highly specialized products of the industrial age the evolution is continuous.

It must be remembered, too, that even when man was merely a food gatherer, when his existence depended on the things he could find and the things he could catch, some gifted races produced artists, and that his earliest efforts in the art of painting were by no means his worst. With the exceptions of the cook and the tool maker, that of the artist is the earliest of all the specialized callings; he painted his pictures before the peasant tilled the soil, before the pastoralist watched his flocks, and untold ages before the first builder erected a hut, or the first shipwright fashioned a boat; before a soldier fought a battle or a leader governed a community. Not to be tedious we may mention the construction of dwellings, the making of clothing, the wheel—that tremendous invention—and the long evolution of the boat and its implements, the paddle and the sail, which all occurred before the time that Childe has well named "the Neolithic Revolution".¹ The North American Indians are reckoned a primitive people, but when first they come under the notice of history they bring with them one of the most perfect of human inventions—the birch-bark canoe.²

The Neolithic Revolution³ deserves its name because it was

¹ *Man Makes Himself*, ch. V.

² Sir W. Raleigh, *War in the Air*, p. 15.

³ Neolithic or New Stone Age. It may date from about 6000 B.C. onwards to the present day, for some primitive peoples are still living under neolithic conditions. The times of its beginning are of course different in different countries, but it certainly did not begin anywhere until long after the final termination of the last glacial epoch. It was a period of culture not a tract of time.

a distinctly creative period, perhaps more so than any of the periods here recorded. It produced four of the basic inventions upon which civilization rests, working in wood, the manufacture of pottery,¹ the cultivation of the soil, and the domestication of animals. It transformed man from a food gatherer into a food producer; it was the greatest step forward that man has ever taken in the control of nature and the adaptation of her processes to his own use.² The second great prehistoric revolution, called by Childe the urban revolution, was marked by the discovery of metals, and in the great river valleys by the building of cities. These were soon followed by the invention of writing, and history had begun.³

That all these things are at the very basis of civilization is obvious, that they were definitely creative thoughts is equally clear; and without seeking to be unduly dogmatic it is highly probable that many if not all of them were invented once and once only and spread outwards from the centre of invention.⁴

¹ It is possible but not certain that pottery was invented before neolithic times, but it is only then that it became abundant.

² As Childe points out (op. cit., p. 92), the transition from food gathering to food producing has been only partial. Fishing is still one of the greatest of the food supplying industries, and all fishermen, from the trawlers who net cod off the banks of Newfoundland, or herring round the coasts of Britain to the dry fly purist who lands a two-pound trout from the Test, are as much food gatherers as the Mousterian man who trapped a mammoth.

³ Most probably in Sumeria, certainly in the Near East. E. A. Speiser, reviewing Sir Leonard Woolley (*Antiquity*, 1934, VIII, p. 449), writes as follows: "For whatever may be the absolute date of the cemeteries (at Ur), their relative chronological position is clear enough. The period from which they date marks the end of the prehistoric or archaic stage and the beginning of history proper. This is . . . a milestone in the life of mankind which is not likely to suffer henceforth any serious shifts. It is becoming increasingly plain that the realisation of the potentialities of writing and metallurgy, as opposed to casual experiments along these lines, signifies the introduction of the historical age. Now, on evidence from a series of sites, in the Near East, both these factors emerge from the experimental stage at a time corresponding to the early Ur cemeteries".

⁴ The works of W. J. Perry (*The Children of the Sun*, etc.) contain the most uncompromising advocacy of the hypothesis known as the diffusion theory. Like all innovators, the diffusionists tend to exaggeration, and the theory can only be substantiated by working out the distribution of each particular invention in detail. There may well be exceptions because the idea that all innovations were made once and once only is an assumption that need not possess universal validity. We know that scientific discoveries have been made by different persons working independently (e.g. the discovery of oxygen by Priestley and Scheele, the invention of the differential calculus by Newton and Leibniz, and the formulation of the theory of natural selection by Darwin and Wallace), and there is nothing inherently impossible in the idea that things that happened in historical times had their counterparts in pre-history. Dogmas are out of place in science.

The greatest periods were the prehistoric, but this essay is deliberately confined to historic times.

Finally, the record here set forth is that of man's achievement. This is no "register of the crimes, follies, and misfortunes of mankind". The pages of history are full of crimes, follies, and misfortunes, and it is essential to truth that they should be recorded faithfully, even if the hope that their memory may prevent their repetition is slender indeed. But it is equally essential to truth to remember that the picture has another side; that civilized man has done wonderful things as well as foolish and criminal things; that if there were centuries of despair there were also centuries of hope; that if there were ages of disappointment and decadence there were also ages of achievement and hope fulfilled. It must be admitted that the record is one-sided, because it makes no aspiration to be a history of civilization but merely the illustration of a particular thesis. Much, very much, has therefore been omitted and omitted of set purpose. Many great events of history have been referred to slightly, not because they were not important but because they were not germane to the special theorem under discussion. The great conquerors who "shut the gates of mercy on mankind" hardly appear in these pages for the same reason. Even Alexander the Great, whose historical importance was probably greater than any of the others, has not been found to merit consideration; and others like Genghis Khan and Napoleon have been passed by without a word. For a like reason the reader may be disappointed at the absence of dramatic incident, for this is above all a history of thought manifested in achievement, and the history of thought does not lend itself to dramatic effect. But if the results of thought are not dramatic they are assuredly solid. We have been living in a time when heaven seemed to have fallen and "earth's foundations fled", and then it is no idle pastime to remember the greatness of the civilization for whose maintenance we have been struggling, and the magnificence of the heritage that we have derived from the last two thousand five hundred years. Let the reader glance through the headings of the following chapters, and try to conceive a world in which none of the things whose beginnings are here recorded were present at all, and he may then have some slight idea of how the world has moved.

One of the dominant ideas of the nineteenth century was the notion of progress, which, as Bury demonstrated,¹ had little prominence before the eighteenth century and no existence at all before the Renaissance. No doubt certain nineteenth century thinkers exaggerated the idea and maintained that there was a necessary law of progress. This was clearly an exaggeration, for "all progress depends upon effort", and led to a reaction equally exaggerated. The results of the first German war and the economic depression that followed it produced an atmosphere of pessimism,² just as the conditions of the nineteenth century had fostered the mood of optimism, and the pessimists were not slow in making their voices heard.

The belief in progress is an act of faith so far as it involves a prophecy of the future,³ but it is a matter of history so far as it involves a synthesis of the past. The question is whether, notwithstanding catastrophes, depressions, declines and falls, periods of misery and times of affliction, the general movement of civilization has not been in a direction that most men would consider desirable. Perhaps this book may provide some of the material that will enable a favourable answer to be given to such a question. It does contain a record of solid and substantial achievement, and that is a matter of historical fact and in no degree a matter of theory. It involves no prophecy of the future.

One cannot say with any certainty after Tennyson:

"Men, my brothers, men the workers, ever reaping something new:
That which they have done but earnest of the things that they shall do:
For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be";

but at least if we require an act of faith that is no ignoble one. If the price of liberty is eternal vigilance, the price of progress is eternal effort; and, so far as an historian can envisage it, man's future progress depends upon the possibility of one supreme achievement, namely, that he will extend the mastery that he has attained over nature into a like mastery over himself.

¹ J. B. Bury, *The Idea of Progress: an inquiry into its origin and growth* (1920).

² Some of the works of Dean Inge illustrate the prevailing mood sufficiently.

³ Bury, *op. cit.*, pp. 4-5.

PERIOD I

THE AGE OF ILLUMINATION IN GREECE

A. The Background and Spirit

CHAPTER I. MARATHON

ON a September morning in the year 491 B.C. an Athenian army of some 10,000 citizens with auxiliaries was encamped near the precinct of Herakles overlooking the plain of Marathon. On the low ground in front lay a Persian host of possibly double their number under the command of Datis the Mede. Drawn up on the beach in their rear were the ships that had carried the Persians thither. In the Athenian camp the leaders were assembled in council, for news had arrived that morning that necessitated a decision—swift, immediate, and irrevocable. Upon the decision then to be taken depended the future of Western civilization.

It would be impossible in this place to describe in any detail the long and complicated chain of events that led up to the campaign of Marathon. Nearly sixty years earlier Cyrus the Achaemenian had created the Persian Empire, the last and greatest of the tribute-gathering inorganic empires of the nearer East. Before that time Greek colonies had swarmed along the greater part of the Mediterranean and Black Sea coasts from Saguntum in Spain to Phasis on the remotest shores of the Black Sea. They were especially numerous along the Ionian coast of Hither Asia. For years these coastal trading cities of Ionia had been in a condition of more or less friendly dependence upon the inland kingdom of Lydia. Lydia had succeeded to some of the power and much of the culture of the extinct Hittite Empire. Its capital had been placed at Sardes on the Hermus, the farthest west of all the Anatolian capitals, and within a march of a day or two of the nearest Greek cities. But in 546 B.C. Croesus the last Lydian king challenged Cyrus to conflict. In that enterprise the swift movements of one of the greatest of military captains—"his own forerunner" as he was expressively called—utterly overreached the tactics of the Lydians, and the gold of Croesus became the prize of Persian iron. The subjection of Ionia

followed the fall of Sardes; and East and West were ranged face to face for the first and not the least dramatic of their eternal conflicts.

The position thus created was by no means comfortable from the Persian point of view. The coast of Ionia was far from being a scientific frontier. The Greek cities looked for trade and support to the "isles that crown the Aegean deep", and to the easily accessible mother-land. Only through the Phoenicians and Ionians could the Persians command the sea, and the possession of sea power was an essential condition for any attack upon the mainland of Greece. Moreover, the Persian Empire like the Roman Republic was organised for war: and its nobility appear to have been imbued with the idea that the cessation of conflict would be the beginning of decay. Yet the "inevitable" clash was postponed for many years.

Cyrus turned eastward from Sardes to subdue the plains of Mesopotamia and Babylonia; and Cambyses his successor consolidated the East by the conquest of Egypt. In 521 B.C. Darius, after dealing with a revolt of the Medes, succeeded to the inheritance and mantle of Cyrus and Cambyses. In 516 he undertook the famous Scythian expedition. Unfortunately Herodotus is our sole source of information for this, and Herodotus had more aptitude for fable than for war. The invasion of Thrace was the first direct Persian threat to Europe; but Darius, instead of lingering there, crossed the Danube and plunged into the wilderness of Scythia. His campaign has been justly compared to Napoleon's Russian adventure of 1812, but it had a happier ending. Darius returned, though with difficulty, and the maintenance of the bridge of boats over the Danube avoided a greater catastrophe than Napoleon's passage of the Beresina. The purpose of the campaign is obscure, and historians are free to debate the subject. One suggestion at least merits consideration, viz. that it was designed to free a Persian occupation of Thrace from any threat from the trans-Danubian regions. If that were the object, it was attained.

Nevertheless the Scythian expedition was not followed by an immediate conflict with the Greeks. All was comparatively quiet on the western front for the remainder of the sixth century. The opening years of the fifth were occupied by the series of campaigns known as the Ionian Revolt. This was over by 494 B.C.;

Mardonius recovered the Persian provinces in Thrace and Macedonia, and the stage was set for an attack upon the cities of the Greek mainland. Two of these cities—Athens, and Eretria in the Island of Euboea—had incurred the particular wrath of Darius by sending assistance to revolting Ionia. Therefore a punitive

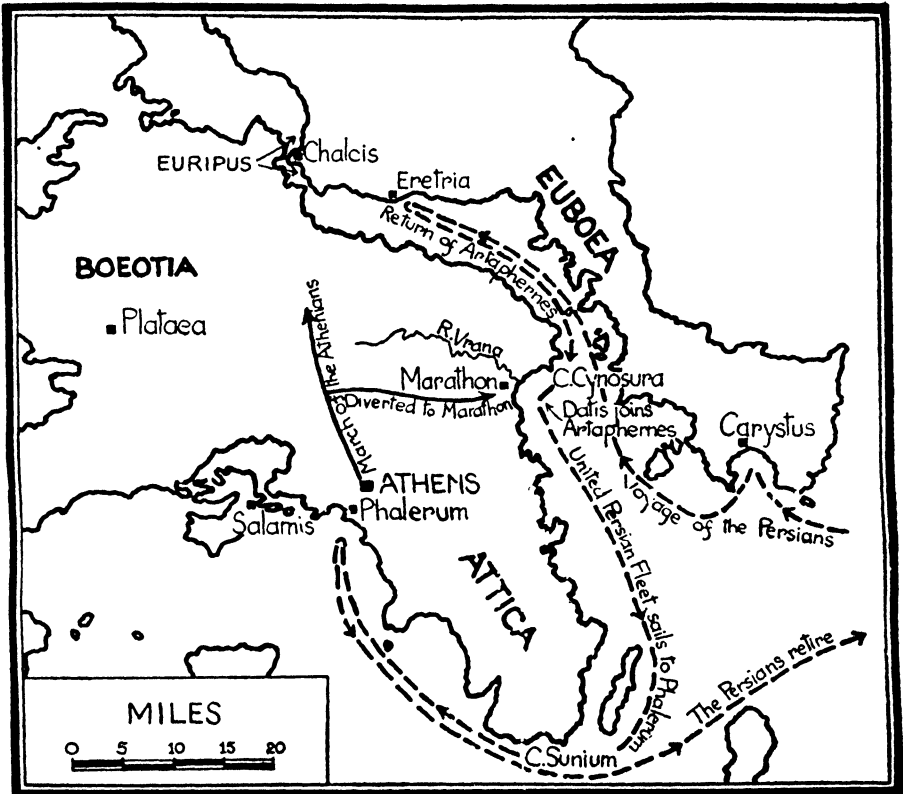


Fig. 1. The Campaign of Marathon.

expedition was organised. As the Persians, by the hands of the Ionians and Phoenicians in their service, commanded the sea, the force could be amphibious. It could strike at its objective by the short sea route across the Aegean, with the further advantages of asserting Persian supremacy in the islands on the way. Everything went according to plan until the expedition reached Carystus on the south coast of Euboea. Here, for the first time, they encountered serious resistance, and the campaign of Marathon began.

Here also begin the difficulties of the historian. For ages, specialists in Greek history have argued and re-argued the difficult questions that arise out of the narrative of Herodotus, and conjecture has followed conjecture upon every detail of the campaign. It will suffice for our purpose to follow the general lines laid down by Mr. J. A. R. Munro in the *Cambridge Ancient History*,¹ whose views have also seemed good to Mr. Compton Mackenzie.²

The capture of Carystus was necessary to the invaders because of its sheltered bay. It formed the advanced base for the campaign, and its situation gave no indication to the enemy of the course that the campaign would follow. Then the armament moved up the straits to Eretria, and Artaphernes, one of the Persian commanders, proceeded to besiege it with all the cavalry and a large force of infantry. The Eretrians at once appealed to Athens for assistance. Athens responded with the decree of Miltiades, which bound her to send her whole army to the help of Eretria. The Athenians also dispatched a messenger, Philippides by name, to crave instant aid from the Spartans, and he accomplished the memorable feat of traversing the distance of nearly 150 miles in less than 48 hours. Then the full force of Athens under the command of Callimachus the Polemarch, but with Miltiades as the directing brain, marched away northwards but never reached Eretria. The Persian generals, who retained the strategic initiative throughout the campaign, had foreseen the obvious movement and planned a diversion to arrest it. Leaving Artaphernes to prosecute the siege of Eretria, Datis the other Persian commander landed his division in the Bay of Marathon, only 24 miles from Athens. The news reached the Athenian leaders on the march. Such a threat to the city could not be ignored, and their numbers were wholly insufficient to detail a force to contain Datis, and continue the march with the remainder. In consequence the whole army wheeled to the east, and took up a position in the glen of the Vrana where it commanded both the mountain and coast roads to Athens. There for many days the armies watched one another. Datis had no reason to attack the Athenians, uphill and in position, because his strategic object had been gained by their diversion from Eretria.

¹ Vol. IV, ch. VIII, p. 229 *et seq.*

² *Marathon and Salamis*, Great Occasions Series, 1934.

The Athenians were still less willing to attack the superior forces in front of them, belonging to a people who had never yet been defeated by Greeks, without the eagerly expected reinforcement from Sparta. On 17th September came the news that Eretria had fallen by treachery, and a decision became urgent but not yet imperative. On the morning of the 21st it could be delayed no longer. Artaphernes was on the move. If he landed at Marathon, Callimachus and Miltiades would be faced with an army already superior to theirs increased to twice its strength, and reinforced by splendid cavalry to which they had none to oppose. On the other hand, if the landing were at Phalerum, a cavalry dash against the city denuded of defenders might be successful, or the relieving Spartans might be caught and overwhelmed. So, after anxious debate, the Athenians determined to attack forthwith.

Leaving their strong position, they marched down the valley in column and deployed into line as soon as the plain was reached. The Persians, of course, were ready for them. Either because of the accidents of the ground or of the need for making the weaker Greek line equal in length to the superior Persian one, the Greek centre was dangerously thin. Under the conditions it can hardly have been a deliberate design. The Athenians then charged the Persians at the double. Herodotus appears to imply that the whole distance of eight furlongs that separated the armies was covered on the run. Mr. Munro points out that this would have been a senseless manoeuvre, and conjectures that the true design was to shorten the time during which the line was under the fire of the enemy's arrows. Advancing, therefore, at the quick step they broke into the double when within a bowshot (200 yards) of the enemy and closed at the charge. This brilliant suggestion does no violence to the text of Herodotus, and makes the famous charge both possible and reasonable.

On both wings the heavy armed, steady-going hoplites routed the Persians, but the weak Athenian centre broke before the assault of Datis' best troops. For the moment it was anybody's battle, and to the genius of Miltiades we may attribute the counterstroke that turned a tactical reverse into a complete victory. Calling off the pursuit of the defeated wings, the Athenians and Plataeans turned round upon the pursuing Persian centre and crushed it. A confused rush for the ships followed; the victors captured seven of them, but Datis made

good his escape with the remainder, leaving 6,400 of his army dead on the field of battle.

Datis immediately joined Artaphernes, and the reunited fleet, relying upon a signal from a shield given from a conspicuous height, dashed for Phalerum, hoping for treachery. But Miltiades (Callimachus had perished in the assault on the ships) was not to be caught in that manner. Marching after the battle he reached the city on the same evening, and the Persians on their arrival off Phalerum saw no more welcoming signals, but only an army flushed with victory. The fleet "after resting awhile upon its oars, departed and sailed away to Asia".

On the same day 2,000 Spartans, who had been detained by religious observances, reached Attica. They were too late for the battle, but marched on to Marathon to view the unburied slain. "Then after giving the Athenians all praise for their achievement" they too "departed and returned home".

By the universal verdict of history Marathon was one of the great decisive battles of the world. In the strictly military sense it was nothing of the kind. The Persian power had not been shattered; the beard of Darius had hardly been singed. Twelve years of struggle and anxiety were to pass before the mainland of Greece escaped by a hair's breadth from the menace of the barbarian. A genius, greater than Callimachus or Miltiades, was to organise that victory. The voyage of Artaphernes and Datis had been unmolested, but now Themistocles persuaded the Athenians to devote the surplus revenue from the silver mines of Laurium to the building of a great fleet. It was characteristic of the chronic and ineradicable parochialism of Greek politics that the triremes were intended to be used against the neighbouring island of Aegina, rather than against the fleet of the great king. But Themistocles saw that they were ready when they were needed.

Then at last, in 480 B.C. the huge armament of Xerxes moved westward to accomplish the purpose of Darius. The land force crossed the Hellespont over the famous bridge of boats, and continued its stately march through Thrace and Thessaly, accompanied always by the fleet as its base of supplies. To recount the details of the campaign is beyond our present purpose. At Artemisium a fleet action was indecisive. At Thermopylae—but who needs to be told of the immortal story

of Leonidas and his Spartans and Thespians dying undefeated to the last man? Then Athens was abandoned to the enemy, and the Athenians rested their last hope on their wooden walls. Their hope did not fail. On 23rd September, 480, the great king, seated on his throne above the strait of Salamis, watched his fleet being caught in the "pincers of Themistocles" and so heavily punished that he could rely upon it no longer. He returned to Asia, lest the Hellespont bridge should be destroyed, but left Mardonius in Thessaly with an army deemed sufficient to complete the conquest. Finally in the following year, after an obscure campaign, the Greeks, led by Pausanias the Spartan, faced Mardonius at Plataea on the borders of Attica, and won "the finest victory ever recorded in Greek history". Traditionally on the same day another victory was gained at Mycale on the Ionian coast. The Persian threat was over, and the initiative and the offensive had passed to the Greeks.

Yet in spite of all this, the opinion of all the ancients and most of the moderns regards Marathon as the decisive day. It is rightly so regarded because the imponderables weigh so heavily in war. On the field of Marathon Greek hoplites met Persians for the first time in a pitched battle and proved their pre-eminence beyond a peradventure. The legend of Persian invincibility was destroyed once and for all, and when the final struggle came hope had supplanted despair. Again, in the age of illumination Athens was to be the unquestioned leader of Greece, and the victory of Marathon was Athens' very own. Alone they had done it, and the memory of that day was an intoxication and an inspiration through the years of greater achievement. Soldiers may smile at a citizen militia rejoicing in "an affair before luncheon", but it was the future of Athens that mattered, and to the Athenians the day of Marathon was the day of days, the day of destiny. As Johnson has said: "The man is little to be envied whose patriotism would not gain force upon the plain of Marathon, or whose piety would not grow warmer among the ruins of Iona".

Salamis, Plataea, and Mycale were the decisive achievements, but Marathon was the inspiration.

CHAPTER 2. OF GOLD AND SILVER, WINE AND OIL, AND POTS AND PANS

THE materialistic interpretation of history is true to this extent: that great achievements generally need a background of economic sufficiency. There can be no thought without leisure, for the man whose body is ever weary in providing the very necessaries of existence has no time to think. Thought does not need wealth in abundance; simplicity rather than luxury suits it best; but contemplation can only be supported upon a sufficiency of material things. A tired and ill-nourished body cannot support a high mind.

The mainland of Greece was never a rich country. It is a mountain land that geographers would possibly classify as a region of effort. Its agricultural wealth was not large, and the mountains cut up the cultivable lands into separate little plains. But its sea-coast was enormous, and the majority of its practicable harbours looked to the east, towards the birth-lands of civilization and the sources of ancient wealth. The opportunities for trade were present, if the capital, the energy, and the aptitude were forthcoming. The flowering time of the fifth century needed an economic foundation, and it was provided from three main sources.

1. The invention of coinage is one of the great milestones along the road of civilization—a creative effort of the first importance. Its origin was not Greek, but it was the Greeks who recognised its value, and exploited it to full advantage. The archaeology of trade and the practices of primitive peoples make it clear that the first principle of exchange was barter (reproduced as “swapping” by boys in all ages); but barter is an extremely slow process especially when the participants are not on speaking terms, either because of doubtful friendship, or because of want of a common language. An acceptable unit of value is therefore a great step forward, and many are the units that have been adopted from the cow to the cowrie-shell. After the discovery of metals, and when they became available in sufficient quantities, a fixed quantity of metal was seen to be the most convenient unit of value that could be found. Articles of metal intended for use would be of a standard size, and such things could be utilised for currency.

Nevertheless if size alone is regarded there are opportunities for unfair dealing, and another step forward was taken when the metal was weighed and its fineness assayed. Finally the last stage is reached. The issuer of the metal unit guarantees its weight and fineness and in testimony of his guarantee he stamps it with his mark. Probably the first issuers of such stamped pieces of metal were the greater merchants, but in Lydia and the coast towns of Ionia in the seventh century B.C. the King himself gave the guarantee, and true coinage was established. The invention spread with rapidity in the Greek lands. By the time of the Persian wars most of the Greek cities possessed their own coinage. In the great river civilizations the new medium spread more slowly, because when large cargoes can be transported by water, barter does not present great difficulties.

The first effect of this invention was the immense stimulus that it gave to retail trading. In this sphere the Greek seized the opportunity and maintained the advantage, so much so that through ages of barbarism and conquest down to our own day he has perpetuated his position as the small trader of the eastern Mediterranean. With the invention of small change the retail market came into being, and with it the housewife on her shopping expeditions. If the unit of value is large the small purchase is always a difficulty. The Homeric talent or cow was probably a most useful unit of value in its day, but it is impossible to buy two-pennyworth of anything with a cow.

Coinage not only facilitated retail trade, it also made easy investments and loans and all the operations of finance. Pre-eminent among these was the practice of banking. Here we come upon an Athenian discovery. It may be little noticed in general histories, but to the economic historian it ranks among the greater creative efforts of the city of the violet crown. The banker may be regarded as the merchant of money. Just as the ordinary merchant forms a reservoir of goods, buying in large quantity and then warehousing them until they are required for distribution in smaller amounts, so the banker maintains a reservoir of money not immediately wanted, and regulates its flow as the requirements of trade dictate. The astonishing fact is the rapidity of the development. Coinage, as we have mentioned, had only become general among the Greek cities by the time of the Persian wars, yet a century later we find a fully-developed system of

banking at Athens with the banker carrying on his business upon the basis of the deposits of his customers, and establishing a clearing house for transfers between customers by book entries without cash payments. Europe slowly recreated the system during the seventeenth, eighteenth and nineteenth centuries; Athens invented and perfected it in less than a hundred years.

2. Some of the most magnificent natural harbours in the world are almost idle, and some of the busiest ports are artificial creations erected in the face of difficulties and maintained by incessant efforts.

A harbour cannot make trade if the hinterland does not supply exchangeable products in sufficient quantity, nor if the landward approaches are forbidding. Milford Haven could shelter a large proportion of England's shipping, yet its actual trade is insignificant. The harbours of the Greek mainland are many and good, but the country itself is mountainous and comparatively poor. Yet the Athens of the fifth century was eminent in commerce as in intellect. The tributes of the allies contributed to the splendour of the Parthenon, but Athens was far from being a mere parasite. Her greatness was founded on a solid commercial achievement, and its cause is worthy of investigation.

The problem of the earlier development of the Ionian cities is not so difficult. Behind them were the highlands of Hither Asia, the seat of the Hittite Empire and its successors, and through the Cilician gates went ancient trade routes to the eastern lands. Athens and the mainland cities had no such advantages. Corinth, indeed, was in a position to exploit a transit trade between east and west, but it would be merely an exploitation thriving on tolls. By a short portage across the isthmus and a new voyage along the Corinthian Gulf the distance of the east-west route could be shortened, and the stormy beat round the Peloponnese avoided. But the process involved unloading, portage, and reshipment, and the use of the route does not appear to have been very extensive.

One source of Athenian wealth was the silver mines of Laurium which were owned by the State. They appear to have been worked regularly from the sixth century to the fourth, and the discovery of a vein of peculiar richness about 482 B.C. enabled Themistocles to build the fleet that won Salamis. The mines were clearly an asset of substantial value. Their produce contributed to the

excellence of the Athenian coinage, and assisted the transition of Athens from an agricultural to a trading community.

Of far greater importance was the agricultural revolution. In the production of corn and cattle Athens and the Aegean Isles were inferior to the regions round the Euxine Sea and the highlands of Anatolia. But gradually the consciousness dawned upon the Athenians that in two products they could attain a pre-eminence that could not be assailed. Both were crops of slow growth, easily destroyed, and requiring incessant care. In times of warfare they were too precarious, but times of comparative peace ensued, and an international law was accepted that in all conflicts between Greek and Greek the olive groves and the vineyards should be saved harmless whatever else was destroyed.

So Athens and the Isles resolved to concentrate upon the olive and the vine and to import their corn. Here the hand of nature gave them every advantage. Olive oil is the finest of all fatty foods, and in countries where pastures are not perennial it is superior to, and more reliable than, butter or cream. The fruit flourished exceedingly in the Greek lands, but not in the colder climates to the north and east. The same was true of the vine. It certainly grew on the mainland of Asia, but according to the taste of the time, the vintages of the Aegean were by far the best. So a great trade was established, a solid foundation for economic sufficiency was created, and for the first time states were developed that could not feed their own populations.

3. Of even greater importance for Athens was the perfection of the potter's art. The supremacy of Athens was not obtained in the multiplication of pots and pans of general utility produced in the mass, but in a highly specialised, expensive, and supremely artistic article, the votive and ornamental vase. It had a long history, the details of which are not our present concern. Beginning with an ornamentation that was merely a geometric pattern, it developed along the line of pictures in silhouette until it became the vehicle for an artistic expression that was one of the greater achievements of ancient Greece. Ionia as usual led the way, then the supremacy was obtained by the fabrics of Corinth, and finally, in the sixth century, the black figured, and later the red figured, vases of Athens drove all rivals from the field. From beyond the Pillars of Hercules to the farthest confines of the Euxine Sea the fine wares of Athens were sought eagerly and

treasured providently, and even in the great marts of Etruria they obtained an unquestioned supremacy. Athens initiated and exported ideas, and these exports have reached all lands and influenced all ages; but she also exported goods that were of immediate profit, and likewise of perennial example.

We may view Athens across the centuries as the supreme example of the university city. Ultimately she sank into that condition, but in the age of her greatness it was not primarily as a seat of learning that she appeared to her contemporaries. From the days of Salamis and the Eurymedon she set out to achieve and maintain the mastery of the seas. The Piraeus was converted into a first-class fortress, the long walls made city and harbours one great fortified area, the harbours were laid out for trade with quays and warehouses, and the whole area was town-planned on a scale of magnificence. The art of navigation was improved, voyages become longer and more venturesome, and the vessels themselves were improved both in size and speed. And the peace of Athens was imposed on the seas. Piracy had always been the curse of the Mediterranean, because in no other sea was it so easy or so lucrative; but while the triremes of Athens patrolled the waters piracy ceased to be. When her power declined it increased rapidly and maintained its hold until Pompey imposed the peace of Rome.

So behind the illumination of the fifth century we see a solid economic background. Commerce made easy by coinage and banking; navigation improved; piracy repressed; the seas controlled; mines exploited; olives and vines assiduously cultivated; a ceramic product in advance of any previous conception manufactured and exported; building, sculpture, and painting advanced to perfection; and all achieved by the tiniest of all the world's great states.

CHAPTER 3. THE SPIRIT OF ANCIENT GREECE

(a) *Creative and Civilized*

By universal consent the great age of ancient Greece was creative. Argument may take place about other periods, but this abides no question. To the classicalism of the eighteenth century the works of the Middle Ages were not only barbarous but repulsive;

and a generation that likened York Minster to a charnel house regarded everything classical as of good report. Yet to the builders of York Minster as to the thinkers of the Age of Reason, Greece made her appeal so far as Greece was known. Plato, and later Aristotle, could be set without irreverence beside the sacred writers and the fathers of the church. The real spirit of Greece was utterly alien to that of the Middle Ages, yet it was in some measure revered from afar.

But ancient Greece, and especially fifth-century Athens, was civilized as well as creative. The terms are by no means synonymous. Creative efforts may be made, things may be first invented that mankind will never after willingly forego, in ages that no civilized man will regard as essentially akin to his own. Civilization is indeed a vague and sometimes merely rhetorical word, but it should and can be made to mean something definite.¹ Doubtless it first signified life in cities, but a small knowledge of history is sufficient to prove that to be urban is not the same thing as to be urbane. As Mr. Bell says: "I think we must take it as settled that neither a sense of the rights of property, nor candour, nor cleanliness, nor belief in God, the future life and eternal justice, nor chivalry, nor chastity, nor patriotism even are amongst the distinguishing characteristics of civilization, which is nevertheless a means to good and a potent one. Obviously the essence of civilization is something to which savages have not attained; wherefore it cannot consist in primitive virtues".²

Furthermore it does not mean success in war, though that may be essential to its maintenance; neither does it depend upon forms of government, though a bad government may destroy it; nor is it created by mechanical development, though it may make great use of it. As Dr. Inge has most pertinently pointed out to our age, a man that travels at sixty miles an hour is not five times, nor any times, more civilized than one that travels at twelve.

Civilization is both by definition and in reality an artificial product. It does not grow of itself, it is created by man consciously. It takes the long view, it subordinates immediate advantages to future gain, it concerns itself with the things of the mind rather than the things of the flesh. Its essentials (according

¹ We are deeply indebted to Mr. Clive Bell for setting our ideas on this subject in order. *Civilization, an Essay*, London, 1928.

² *Op. cit.*, p. 26.

to Mr. Clive Bell) are the sense of values and the enthronement of reason. From these spring "a taste for truth and beauty, tolerance, intellectual honesty, fastidiousness, a sense of humour, good manners, curiosity, a dislike of vulgarity, brutality, and over-emphasis, freedom from superstition and prudery, a fearless acceptance of the good things of life, a desire for complete self-expression and for a liberal education, a contempt for utilitarianism and philistinism, in two words—sweetness and light".¹

We cannot stop to pursue the matter at greater length. It must suffice to say that civilization and creation are not the same thing, but in the Athens of the great age they occurred together.

(b) *Curious*

The first characteristic of the Greek spirit was curiosity and inquiry.² In a sense the Greeks were the earliest people to exhibit a disinterested curiosity. The peasant's life of unending toil deadens the spirit, and some amount of leisure must exist before curiosity can be aroused. Speculations upon the causes of things are embodied in folk-lore, magic, and religion, but they are viewed from the standpoint of their supposed influences, beneficent or otherwise, upon the activities of man. The great basic inventions are all prehistoric, and enormous advances in all that pertains to the material basis of civilization had been made in the alluvial plains of the Nile and Euphrates ages before Greece arrived at maturity. But there is no evidence that these peoples were curious as the Greeks were curious. They valued knowledge for its practical utility; but the Greeks were the first who valued knowledge for its own sake. This all-embracing curiosity is written large over every page of Herodotus. Everything interests him—religions, customs, costumes, modes of living, animals, plants, foods, and above all geography and history. He is ostensibly writing the history of the clash between Greeks and Persians, but no historian has ever taken a larger view of his subject. Everything that he has observed goes down, not because it is relevant, but because it is interesting. Practical object he has none. Great things have happened and they are worthy of record,

¹ Op. cit., p. 133.

² The whole of this chapter is founded upon the work of Sir R. W. Livingstone, *The Greek Genius and its meaning to us* (2nd edition, reprinted 1933), and I wish to record my deep indebtedness to that work.

but little things are interesting and they must not be omitted. The spirit is one of inquiry with no ulterior motive.

Travel, exploration, experiment: these things came into being in ancient Greece. The Greeks colonized and travelled as no people had done before. The colonization was a matter of economic necessity, but the motive of travel was only economic in a subordinate sense. They wished to explore because in that manner only could they see things for themselves, and they would accept no secondary evidence. The insatiable curiosity of Herodotus took him to every land within his reach, but the voyage of Pytheas went far into the unknown. A little cockleshell of a coasting ship ventured beyond the Pillars of Hercules into the uncharted Atlantic, and coasting round Spain, France, and Britain reached the Pentland Firth. Its crew heard of "the sleeping place of the sun" and of the Arctic winter.

Such extended curiosity as this was exceptional, but the valley civilizations of the Nile and Euphrates were a perennial interest. There was history going back beyond any time that the Greeks could imagine; there were strange beasts and stranger men, there were people who did everything in the wrong way, but yet the results usually came out right; there nothing was the same; but yet there were great and powerful peoples. No geographical position could possibly have been more favourable than theirs for a people filled with the spirit of inquiry. The whole of the Mediterranean and the Euxine, with an occasional excursion into the Atlantic, was open to the ships of a nation of seamen. With few exceptions everything in the world that is most interesting was within reach of these classic shores. There was Egypt, unique and nearly isolated, a land whereon no rain falls, and where the annual overflow of a great river gives high fertility to a narrow ribbon of land hedged round by the desert. There were the great deserts, perpetual reminders to man of his insignificance and his limitations. There were the ends of the trade routes to Asia whence came curious goods and tales of marvellous lands that produced them, lands that Alexander was to conquer and his followers to investigate. There in contrast to the great rivers and their illimitable flats were some of the world's greatest mountains, the Alps, the Balkans, and the Caucasus, and the peoples who lived among them. There were the edges of the Steppes, where men lived on horseback and grew no corn. There

were also the edges of the central European forests, with known routes across them leading to far-off seas on whose shores grew the precious amber. Every mode of living, every known product, every form of religion could be seen by the daring and the inquisitive, and they were open to a people as daring and inquisitive as the world has ever seen. One thing was certainly characteristic of the Greeks, that they were never bored. That familiar word is of uncertain derivation, it may be French or it may be German, but it is not Greek. When everything was open to inquiry from the constitution of the universe to the mind of man, when every form of thought and art had to be created, when every form of political constitution had to be tried, lassitude of mind was impossible.

(c) *Rational*

Curiosity is one thing, but the spirit in which it is satisfied is another. Things may be observed only to be turned into wonders and mysteries, and knowledge is not thereby increased. As far as we know the Greeks were the first people in the whole world who allowed reason to have full play; rationalism is a Greek creation. "The Greeks told no fewer lies than other races"; in fact they had an unenviable reputation for untruthfulness and unreliability especially among the Romans, but in observation they were exact, and in reasoning rigorous. Neither in the forests of central Europe nor in the alluvial plains of the Nile or Euphrates did any such spirit exist; it was the creation of the isles of the Aegean and the modern world has received it from them. This essential veracity had all the appearance of a natural gift. It was not the result of a long struggle against obscurantism and emotion, and consequently it did not bear the scars of conflict. It came naturally and sat easily.

Rationalism is a tender plant growing with difficulty in a world chiefly governed by emotion. The possibility of its growth in ancient Greece was conditioned by the position of those universal forms of rationalised emotion, magic and religion. The difficult and intricate history of Greek religion cannot detain us here, but certain results stand out clearly. There were mystery religions, and there were occasional persecutions, but they hardly interfered with the main streams of thought.

In the first place, taboos were few and unimportant. The gods of early peoples are generally jealous gods, and large spheres of action and thought are forbidden ground to the faithful. The savage is hedged round throughout his life by taboos, the things that he may not do, and the thoughts that he may not think; but the gods of Greece were for the most part friendly family deities whose inhibitions were few and whose rules were light. All the world was open to thought and observation, holy and forbidden ground was scarce, and the spirit of man for once was free.

In the second place, religion was not organised. The anthropomorphic character of the gods was a factor in producing an absence of religious tyranny, but gods of any character can be mischievous in the hands of a priestly caste. It was the want of any regular priesthood that loosened the fetters of religion. Without a regular priesthood, without ecclesiastical courts, without a body of men devoted to it and organised into a separate society, religion is deprived of its fangs. It may remain a deep influence, but for default of tyrants it cannot be a tyranny.

Furthermore, in Egypt and Babylonia at least, the knowledge that existed was the monopoly of the priests. The inevitable result was that secular knowledge became entangled in religious observances, and ceased to advance because any advance would be sacrilege. Advances might be introduced occasionally and furtively, like the gradual tacit acceptance by the Vatican of the Copernican theory, but ordinarily a sacred doctrine is incapable of development. Knowledge in Greece never became the monopoly of a priestly caste, because the priestly caste had no existence.

In the third place, the Greeks never had a bible. Their religion was not one of the religions of the book. At a later stage we shall have occasion to discuss the rise and influence of the book religions; here it is sufficient to note that the Greeks were free from them. A sacred literature, in so far as it is an attempt to give reason and coherence to the scheme of things, makes dogmatic assertions that are beyond question, and so science is strangled in its infancy. Homer was not a sacred book in the sense that the Jewish scriptures or the Koran were sacred books; and so the greatest of inhibitions had no effect upon the mind of Greece. The result was that the Greek could inquire into everything and submit it to the final test of reason. From that solvent nothing

could escape. Not only were science, history, politics, and philosophy open to full and free inquiry, but morals and religion were obliged to submit to the same test. If the morality of the gods offended the Greek sense of what was seemly, the morality was rejected without hesitation; and if their actions were offensive, the stories of such actions were banished. A Greek on occasion would curse God with impunity, but a Jew or a Mohammedan would do no such thing.

The first result of this initial freedom of the human intellect was that knowledge could be generalised and science could be born. Two examples will illustrate the change. Geometry means the art of measuring land. In no country was that art more essential than in Egypt, and there is evidence that the ancient Egyptian priests attained no small skill in the practice. After the annual floods had subsided, and the valley floor was covered with the uniform layer of fertilising mud, bounds would be set out afresh that each man might know his own plot. For this purpose one of the major essentials was to measure a right angle correctly. The surveyors knew that a triangle with its sides in the ratio of 3 : 4 : 5 is right-angled. But they knew it as a modern surveyor's assistant might know it, an isolated rule that happened to work. Then the Greek mind seized the fact, and converted it into the famous theorem of Pythagoras, which sixty generations have known as the 47th proposition of the first book of Euclid—that in a right-angled triangle the square of the hypotenuse is equal to the sum of the squares of the other two sides. In that contrast is implicit the whole difference between rationalised and empirical knowledge, between science and fact. There was knowledge before the Greeks, but no science.

Science applied to geometry may encounter few prejudices, but every attempt to apply science to man himself has engendered vicious resistance. Therefore the application of science to medicine is a more striking triumph of rationalism than its application to geometry. The rise of the new school of medicine under the inspiration of Hippocrates is a great landmark in the emancipation of the mind. The theory of disease as a divine visitation was cast out utterly, and its causes and treatment were subjected to the unfettered dominion of reason. Epilepsy in particular had been regarded as the sacred malady, the heavenly

visitation above all others, but Hippocrates modernised the belief in these words:¹

“With regard to the so-called ‘sacred disease’ it appears to me to be in no respect more divine or sacred than other diseases, but to have a natural origin like other complaints. Men regard its nature and cause as divine, from ignorance and wonder because it is not like other diseases; and its divine character is maintained because men find it difficult to understand and easy to cure, since the means used for curing it are purifications and incantations. But if it is considered divine because it is wonderful, then sacred maladies will be numerous, not merely one. For I will show that there are other maladies just as wonderful and amazing which no one considers sacred”.

Finally, it is essential for all ages to remember, and for none more than the present, that the rationalism of Greece was founded on the sure basis of individual freedom. The Greek was intensely loyal to his city, and the city could make large demands upon the citizens, but, except in Sparta, reason of state never submerged individual liberty. Freedom, like other precious possessions of the human spirit, can have its ugly side in selfishness and treachery, failure to unite, and absence of self-control. Examples of these defects can be cited in abundance from Greek history, and perhaps in the last resort they were the most important causes of the final eclipse of the independent city state. Yet this freedom was the solid foundation which made the creative efforts possible, and the Greeks recognised its value fully. It is expressed in Herodotus, in Thucydides, and in the Dramatists, but not in Plato, for his mind was cast in another mould. The licence of Greek comedy exceeded what any other people has permitted, especially in time of war; and no other freedom is so dear as the freedom of laughter. The people that can suffer and enjoy ridicule of itself is capable of all things.

A great modern interpreter of the spirit of Greece makes this comment on the funeral oration of Pericles:²

“In the Funeral Speech which he puts in the lips of Pericles, Thucydides makes him declare his conception of what Athens

¹ Quoted in *C.Anc.H.*, V. 381. It is not certain, but only probable, that the passage was written by Hippocrates himself.

² Livingstone, *The Greek Genius*, p. 66.

is and what every state ought to be. The complete freedom of the Athenian citizen strikes us at once in reading the speech, the absence of any attempt to make him good by law, the absence of any safeguards against want of patriotism, and indeed of any fear of it. We are taken into an atmosphere very different from modern political thought. There is no talk of class jealousy and class selfishness, to be remedied by a system of checks and balances and counterbalances, no talk of compulsory military service necessary to inculcate patriotism and to discipline and direct the irregular energies of the mob, no talk of contributory pensions desirable to breed an idea of thrift, of a licensing bill designed to protect citizens from drunkenness, of Church schools and a religious education, without which man will relapse into the mud from which he came. Pericles lives in an ideal, perhaps a too ideal world."

(d) *Beauty-loving*

"Beauty is truth, truth beauty." This is a trite quotation from a great English poet, who, knowing no Greek in the original, was filled to the full with the spirit of Greece. To the modern mind, perhaps, the most striking feature of the life of Greece was the all-pervading sense of beauty. By general consent in literature, in sculpture, in design, in architecture, the Greeks produced some of the most beautiful things in the world. At the same time their sense of beauty was so pervading that it seemed unconscious or at least unselfconscious. Clearly no beautiful thing can be produced without deliberate effort; the artist projects his whole being into the thing that he is creating, whether it be a book, a statue, a picture, a building, or an article of common use. In ages which are not artistic, beauty is apt to be considered a thing apart from life. They talk of "art for art's sake", they go deliberately to admire beautiful things; but the beautiful things are a class by themselves, they are not intended for everyday life.

The Greek sense of beauty was not of that character. It was so all-pervading that it was taken for granted; there was no need to mention it any more than there was need to mention the sunrise or sunset or the revolution of the seasons. And as it was taken for granted, everyone was expected to attain to it. There were

obviously degrees of excellence—it was not given to all to bend the bow of Odysseus—but nothing would be accepted that was slovenly or that fell short of a high standard of excellence. The thing that failed shocked the Greek, and he would in no wise accept it. The Greek sense of beauty is proved not by the surpassing perfection of their greatest works, but by the sustained perfection of all. It was the pervasiveness of the sense that mattered. The Greek was shocked, as we are not shocked, by lack of beauty in common things. Not merely his temples and his theatres, but his home, his dress, his very pots and pans had to be seemly to be accepted. An ugly thing of any kind hurt the Greek, it was rejected without thought just because it was ugly, because it offended against an innate sense of beauty and fitness. There is no need to make any comparisons.

(e) *Direct*

The Greek therefore was truthful in the great essentials, he was untrammelled in his thought, he was free to inquire into everything. He was also economical and direct; he saw things as they were, and did not attempt to put into them things that were not there. In few respects does Greek literature differ from Latin and modern more than in this. It was not merely that the Greeks refused to “flutter in the illimitable inane”, they refused to go one inch beyond the visible and the clear.

To those accustomed to wander in intellectual mists of symbolism and unreality nothing is more shocking than the directness and economy of Greek observation and thought. It can be illustrated from many sides of literature as Sir R. W. Livingstone has proved to demonstration.

In the first place the Greek went about with his eyes wide open, he saw what was visible and described it fully and accurately without sentimentalism or unnecessary addition.

“A primrose by the river’s brim
A yellow primrose was to him
And it was nothing more.”

Everyone has noticed the extreme accuracy of the epithets in Homer, and indeed in all the great Greek poets. Having found the right epithet they will go on repeating it time and time again just because it is right. They do not search their imaginations

for changes of metaphor; if they have found the right thing to say they will repeat it whenever necessary. They will call a spade a spade and will not call it a shovel merely for the sake of variety.

But the matter goes far deeper than epithets. The Greek not only saw the face of nature inanimate and living just as it appeared, he also saw the life of man with equal clarity. The Greeks were realists, but their realism was not the exotic realism of decadence. They knew that there were things in life that were ugly and nasty, and they faced them fairly and squarely, but they did not pretend that ugliness and nastiness were of the essence of reality. Such things existed, and truthfulness demanded that they should be noticed, but it did not demand that they should be made into fetishes.

So a Greek poet makes a mother lament the death of her son in battle, because "I have none to feed my old age"; a philosopher praises friendship because "friends are productive in a number of ways"; and an historian represents young soldiers as afraid and is not afraid to say so. This is frankness that some might be tempted to call cynicism just because it is so frank. They feel that they would have wrapped these things up carefully and hidden them away in the background; they would have feared to be outspoken, but the Greek was not afraid.

So too the Greek will look death in the face, neither exaggerating its terror nor minimising its distress. This is brought out in one of the world's greatest speeches, the funeral oration of Pericles, where the statesman of Athens administered to the relatives of the fallen such consolation as he thought fit to give. He could not offer the specious promise of personal immortality, for there was no general belief that the balance of a bad time on earth would be redressed by a good time in heaven. He did not shrink from emphasising the results of death and the memories of the lost ones that would often return to the living. The real consolation is that the dead have fallen that Athens might endure, and that it is worth while to die to preserve the ideals of Athenian life and empire. "For if I have charted the glories of the city it was these men and their like who made Athens great". And then he proceeds to speak directly to the parents of the dead.

"Therefore I do not mourn with the parents of the dead who are here with us. I will rather comfort them. For they know that they have been born into a world of manifold chances and that he

is to be accounted happy to whom the best lot falls—the best sorrow, such as is yours to-day, or the best death, such as fell to these, for whom life and happiness were cut to the self-same measure. I know it is not easy to give you comfort. I know how often in the joy of others you will have reminders of what was once your own, and how men feel sorrow, not for the loss of what they have never tasted, but when something that has grown dear to them has been snatched away. But you must keep a brave heart in the hope of other children, those who are still of age to bear them. . . . To you who are past the age of vigour, I would say: count the long years of happiness so much gain to set off against the brief space that yet remains, and let your burden be lightened by the glory of the dead. For the love of honour alone is not staled by age, and it is by honour, not, as some say, by gold, that the helpless end of life is cheered.”¹

It is not part of our present task to discuss or evaluate this directness of outlook and speech. To some the cold clear light, the absence of sentimentality, the uncomplaining acceptance of inevitable fate is thoroughly distasteful, and they prefer “to find no end in wandering mazes lost”. To others the directness, truthfulness and simplicity of the Greeks are qualities that the modern world might rediscover to its advantage.

(f) *Humanistic*

Finally, the spirit of Greece was essentially humanistic—“man is the measure of all things”. The note of humanism is the clearest of all the notes in the octave of Greece. The Greek saw himself directly and clearly as he saw the things around him, and he saw himself compounded of a mind and a body, and thought both lovely and of good report.

The body of man appealed to him as a thing of primary importance; he would have been repulsed at once by such an expression as “our vile body”. The first of things to be desired were bodily beauty and physical health, and as they were desirable, so they must be sought. The acme of bodily perfection was the athlete perfectly trained. All could not attain to the ideal, but all could attempt to get as near it as possible, and it was part of their duty to themselves to do so. Ugliness might not be a

¹ I have chosen the translation by A. E. Zimmern in *The Pageant of Greece*, p. 211.

man's own fault, but it was a grave misfortune and a great hindrance; no man, in the opinion of Aristotle, can be happy "who is absolutely ugly".

The ideal shines through Greek art. The skill and genius of the great sculptors is their own, the ideals they portrayed were found in the world around them. Those lovely human figures are the admiration and despair of those that look upon them from another age; they would never have been produced if those for whom they were made did not see in them the ideal for which everyone could strive. No artist would have made such things or ever did make them, for a generation that despised the human frame as a mere earthly tabernacle.

And if bodily beauty is a thing to be desired, the first step towards its attainment is to seek for bodily health. It was no accident that the Greeks first contrived a rational system of medicine; a system that looked first of all to the maintenance of health and not to the cure of disease; that regarded disease as a thing that was generally preventable and not as the malicious work of an evil spirit; and that regarded right living as the surest safeguard against it. The healthy body was the prerequisite of all accomplishment; when Herbert Spencer said that the first condition of success was to be a good animal, every Greek would have applauded his sentiment. To maintain health was the duty of everyone, both to himself and to the city-state of which he was part; even a statesman was expected to be "comely to the outward eye". The reverse of the picture is seen in the Greek attitude towards old age. It was uniformly regarded as detestable. It is true that the Greek was without our ameliorations, spectacles to assist tired eyes, appropriate medicines to stimulate the natural bodily functions, and so forth; but it was the loss of bodily comeliness and of the capacity for action and pleasure that distressed him. No Greek described old age as mellow; Shakespeare is nearer to the Greek view in the seven ages of man. If man is the measure of all things, the joy of life is the thing above all to be desired.

The same attitude is manifest in religion. Much, perhaps most, of Greek religion goes back to that dateless antiquity when the practice of magic was supplanted by the theory of spirits and gods behind all the processes of nature; but by the opening of the classical period the gods had become human and homely.

No people created their gods more thoroughly in their own image than the Greeks. It would be quite a mistake to regard them as irreligious, in fact they were most punctilious in the performance of the ceremonies that religion required; but they were clear that religion must be kept in its place. When Lord Melbourne remarked that "things have come to a pretty pass when religion is allowed to invade the sphere of private life" the saying would have seemed quite natural and straightforward to a Greek; he would not have detected any element of cynicism in it.

So the old barbarian gods were humanized, their manifestations, animal and other, were reduced to their attributes or attendants; in short, the gods were made men and dwelt among men, in the rivers, in the trees, in the winds, in the springs, in the cornfields, in the vineyards, and upon the high seas.

In the process of humanization the terrors of religion disappeared. It was useless to trouble one's mind about the wrath to come, because it was extremely doubtful whether there was anything to come, wrathful or otherwise; and one could not have a personal relation to a whole pantheon of gods because they were too many. For the same reason the phrase "grace of God" expresses a thought that was meaningless to the Greeks; it has been pointed out that classical Greek has no word to express the idea. Man is the measure of all things, and in all things are included the gods.

Such in brief outline was the spirit of the Greece of the age of illumination; and in no age of the world has the mind of man been more entirely free than in its first great outpouring in the violet-crowned city standing over the waves of the Aegean sea.

B. The Achievement

CHAPTER 4. PHILOSOPHY

PHILOSOPHY is a Greek creation. There is no evidence that any other people ever started to think of the nature of reality or of the ultimate values, and the Indian speculations, which might appear to be independent, were in fact echoes of Greece. Religious imaginings, such as the Book of Job, are more in the

nature of mystical poetry and have no claim to rank as philosophical speculations. There is small wonder in this. Philosophy, however luxuriantly it may grow under favourable conditions, is a tender hot-house plant, always liable to be denounced as useless and enervating by practical men, and set aside as superfluous and heretical in the light of the divine and irrational dogmas of religion.

The earliest development of philosophy was in Ionia, in close alliance with science out of which it sprang. Science was another creation of the Greeks, and philosophy is always most healthy when the conditions of its birth are reproduced, and its speculations can be tested in the light of the organised accumulation of knowledge that we call science. Science does not and cannot provide evidence of the nature of ultimate reality, or of the reasons (if any) for the existence of the universe; but it does and can say that speculations in conflict with its established conclusions cannot be well founded. A beautiful theory killed by an awkward fact is a great but salutary tragedy.

The conditions necessary for the birth of a rational philosophy are rare, and the wonder is not that it never came into existence before, but that it ever began at all. These conditions have been particularised already, but repetition may not be superfluous. In the first place, there must be men with a natural disposition for thought, and ability to undertake it. Secondly, there must be the absence of a powerful priesthood and a sacred book. Thirdly, there must be a reasonable amount of material prosperity to afford the necessary leisure.

The primary fact about early Greek philosophy is that it was not an unity, but was composed of two currents of thought "separate in origin and divergent in tendency". The Ionian or eastern school was founded by Thales and the Italian or western by Pythagoras. Their characteristics were the opposite of what might have been anticipated. The eastern was rational and sceptical and entirely indifferent to religion and mythology; the western was closely allied to the Orphic mysteries, and the school of Pythagoras had the nature of a religious brotherhood.

The drift of the Ionian school was decidedly towards materialism; in fact, its central idea of warring elements springing out of a primitive stuff called the unlimited and sinking into it again, partakes more of the nature of a scientific theory than a

philosophical speculation. The Pythagoreans, on the other hand, abstracted from primitive animism the idea of a soul, a kind of airy and elusive substance imprisoned in the body of man, but capable of existing apart from that body.

The Pythagorean school was intimately associated with the Orphic mysteries—which probably derived from the ideas of the dying god and the fertility cults, ideas that have had the strongest influence on the development of early religion. On the other hand there appear to be reasons for thinking that the rise of Orphism represents a religious revival in which, under the symbolism of grotesque ceremonies, a cosmology was founded, and the idea of a human soul condemned to damnation but capable of redemption was formulated. The central idea underlying Pythagoreanism was the communion of the individual soul with the divine, and it is therefore scarcely surprising to find that the only advances that they made in knowledge were in the domain of mathematics. The cosmos was a harmony of divine perfection exemplified by the relations between numbers, and when that had been established nothing more was necessary.

The Ionian school, on the contrary, started from observation of phenomena, and attempted to construct philosophies that would at least be consistent with the known facts. Between these two schools was “an unreconciled difference of inspiration and tendency”, but while the Pythagoreans came to a necessary end because they could advance no further, the Ionians possessed the future. The great names after the founders are Heraclitus, whose principle was “I searched myself”, but who commends himself to physical science by his theory that all things are in a condition of flux or perpetual change; Parmenides the master of logic, “the first philosopher who argues” and perhaps the ancient predecessor of Hume, and the first to formulate the notion that the senses are unreliable witnesses to external reality; Empedocles who tried to answer Parmenides in much the same manner as the moderns have been trying for near two centuries to answer Hume; and Leucippus and Democritus of Abdera who formulated the doctrine of Atomism. With these the Ionian school ended.

Philosophy migrated to Athens, and Athens was not interested in science. Under the leadership of the Sophists philosophy turned its back upon the questions of origins and deductions from

proved facts, and concerned itself with questions of ends, and especially of the canons of human conduct. The Greek intellect reverted to its pervading conception that man is the measure of all things. Instead of asking how things were made, it began to ask whether knowledge was possible, and passed easily from that to the problems of human behaviour. Although this transition in thought led to the arrest of the advance in scientific knowledge, it led to no arrest of the spirit of rationalism. The great thinkers turned away from the pursuit of knowledge of the universe, until Aristotle, who was not an Athenian, attempted to turn them back again; but they used the rigorous procedure that had been learned in the earlier efforts upon the problem of man. The subject was different but the method was the same.

And, having reached the point, it seems desirable to make an end. To give any account of the philosophy of Socrates, Plato, and Aristotle that would be even moderately intelligible, would be to write a long and perhaps the most important chapter in the history of philosophy itself. Such a chapter is entirely beyond the scope of this essay, even if it were within the competence of the author. Every student of philosophy must begin with these three; none can claim to be a philosopher who has not mastered them. Their thought is the foundation of all thought, their methods are the eternal methods that can never be superseded, their work is the intellectual basis of western civilization. Every thinker is a follower of one or other of them, for, as has been well said, every thinking man is born a Platonist or an Aristotelian, Plato ever searching himself after the manner of Heraclitus, and prepared to follow the argument to its uttermost conclusion, and Aristotle of the encyclopaedic and scientific mind, collecting innumerable observations for every treatise and basing all his conclusions upon verified facts. These were products of the tiny states of ancient Greece, but their dominion is a world dominion, and a world that lacked them would not be the world that we know. Of another principle they perpetually remind a world that always needs such a reminder and never more than at the present time. It is that size is no measure of value.

CHAPTER 5. SCIENCE

(a) General

SCIENCE as we know it is a Greek creation. There were generals before Agamemnon and scientific observers before Thales, but scientific thought began with the inquirers of Ionia.

The Greeks themselves were conscious of their indebtedness to the river civilizations of the Nile and Euphrates¹ and we still follow the astronomers of Babylonia in our measurement of time and our division of the circle. Science is measurement. Before scientific thought can arise there must exist a solid basis of technical achievement and exact observation. Tycho Brahe everywhere precedes Kepler and Newton, and his work of observation, though of a lower order, is the necessary foundation for their generalizations. All measurements originated in natural units,² but the advance of the Babylonians was to relate these units to one another. The natural unit of the digit or breadth of the finger was equated with the natural units of the foot, the palm breadth, the span and the cubit³, and so forth. Again they invented a duodecimal system of arithmetic of which the vestiges still remain in our divisions of time, but unfortunately for our ease, it never prevailed. The biological accident of our ten fingers and toes has inflicted permanent damage upon the technique of arithmetic. In the divisions of time, the calendar and the signs of the Zodiac, we still follow the essentials of the Babylonian system; and in the clear atmosphere of those lands observational astronomy was perfected to a point when even eclipses could be predicted in advance. The measurement of space, a desideratum in Babylonia but an essential in Egypt because of the yearly inundation of the Nile, was likewise cultivated empirically, and the results were recorded upon which a science of geometry could be erected. But in both the great river civilizations the knowledge was a monopoly of priestly colleges, and was allowed to subserve the purposes of a fanciful astrology. The materials of observation nevertheless remained ready to the hands of a

¹ Farrington, *Science in Antiquity* (Home University Library). An admirable work and a shining example of much learning in a small space.

² E.g., 24 grains make one pennyweight because they do so in fact.

³ The cubit is the measurement from the elbow to the top of the middle finger.

people, who could erect upon them a system of scientific thought. Modern civilization is the heir of that system.

So it was no accident that Greek science began in Ionia in the city of Miletus at the seaward termination of one of the trade routes that traverse Hither Asia on the way to the Further East, because ideas travel along trade routes in the company of the material goods. "Greek science was thus the product of a rich humanism, a cosmopolitan culture, and an enterprising conduct of affairs."¹ Thales, Anaximander and Anaximenes are the first names in science as in philosophy because in those early days the branches of knowledge had not been differentiated and metaphysics and science were all one. The precise details of their theories of matter are part of the history of scientific speculation; the important thing from our point of view is that they formulated theories of matter. The Sumerians and Babylonians had invented myths of creation as other peoples had done. Those myths, which we can perhaps regard as the first yearnings towards science, invariably postulated the action of a supernatural power. It was the glory of the thinkers of Miletus that they sought to explain nature without the invocation of any outside power. The stars are not merely "heavenly bodies", whose motions can be observed, but portions of an universe whose substance can be determined. Above all, the theories rested on their own weight. They claimed no kinship with the divine, they proceeded from no spiritual authority; they were open to inquiry and reasoning, and no one need accept them unless he were convinced of their validity. A new thing had been born into the world, something that as far as we know had never happened before, the unrestrained impact of man's reason upon the universe of which he forms part.

The various theories of matter belong to the history both of philosophy and science, because they were formulated before the respective spheres of these branches of knowledge had been differentiated. Nevertheless the difference in outlook between the two becomes apparent quite early. Philosophy was ever dominated by logic, that admirable servant but exceedingly bad master. Parmenides expressed the philosophical attitude for all time in the words "Turn you mind away from the path of

¹ Farrington, *op. cit.*, p. 39.

inquiry". Follow reason to its uttermost conclusion, but ignore the fallible and conflicting evidence of the senses. Thought alone is the true touchstone and thought eliminates all superficial differences and reduces everything to a single uniform essence—the Parmenidean one. Here was expressed the theory generally known as Monism, and the direct challenge to the validity of sense-impressions that science was forced to accept. Empedocles and his successors accepted the challenge on behalf of science. They admitted, as everyone must, that the impressions of the senses are often misleading, but they contended that science is long, and that with the aid of checks and counter-checks a body of verified knowledge can be accumulated through the generations. The theory of Monism Empedocles expressly denied. In place of a single essence he borrowed from the Ionians the theory of the elements. His elements were four in number, but the number was not essential. They could be increased or diminished as advances in knowledge dictated.

Before we leave Empedocles two of his achievements must be mentioned even if they belong more properly to other sections. In his biological speculations (as reproduced by Lucretius) he expounded a distinct forecast of Darwin's theory of natural selection; and he demonstrated by experiment that the atmosphere was a physical entity and not empty space.

The great period of Greek speculation upon the theory of matter ended in the atomic theory of Leucippus and Democritus. To Leucippus science is also indebted for the promulgation of the principle of causation without which scientific reasoning would be impossible. "Nothing happens without a cause, but everything with a cause and by necessity." Upon that fundamental assumption all ordered knowledge rests.

The atomic theory presented a middle way between the Monism of Parmenides and the multiple elements of Empedocles. It agreed that the universe was composed of a primary substance, but it denied its continuity and its universality. The "primeval slime" is made up of atoms so tiny as to be invisible to the senses, "alike in substance but not in size, shape or arrangement". They are impenetrable and eternal but not continuous. Existing beside the atoms is the void, completely penetrable, and composed of space absolutely empty.

In this magnificent theory the demands of logic and observation were satisfied. The primary substance was allowed to exist, but the diversity of its forms and arrangement were infinite, and so the lion of logic and the lamb of observation could lie down together without any necessity for the lion to eat the lamb. With the instruments then available, it represented the Ultima Thule of ancient science. Needless to add it was entirely materialist. It assumed that life and consciousness could be explained in terms of atoms and a void, and so laid itself open to criticism at the hands of Plato: "the great disaster of experimental science" that secured its supersession until the nineteenth century.

If one philosophical difficulty had been surmounted, a greater had been created. Democritus, the successor of Leucippus, laid down in express terms the principles of the indestructibility of matter. With this was combined the principle of causation, and so was raised in a form that could not be avoided the conflict between free will and determinism. If everything happens with a cause and by necessity no sphere is left for the operation of human or animal will or volition, and the conception of purpose disappears. That age-long controversy may be settled one day if the human intellect is capable of making the necessary advance, but by the method of logic it can never be settled. So long as logical principles have been applied by themselves men have

"reasoned high
Of providence, foreknowledge, will and fate.
Fixed fate, free will, foreknowledge absolute,
And found no end, in wandering mazes lost".

(b) Mathematics and Astronomy

Mathematics was perhaps the greatest creation of the Greek intellect in the field of science. An instrument of science rather than science itself, it appealed with tremendous force to the peculiar qualities of the Greek intellect, and was advanced in a comparatively short space of time to an incredible perfection. Most of the terminology of mathematics and all that of geometry is Greek. The majestic figure of Euclid dominated the study of that subject until the end of the nineteenth century, and will in

all probability resume its sway when the variety of substitutes have been tried and found wanting. As Sir Thomas Heath says:¹

“Mathematics is a Greek science. So far as pure geometry is concerned, the mathematician’s technical equipment is almost wholly Greek. The Greeks laid down the principles, fixed the terminology and invented the methods *ab initio*; moreover, they did this with such certainty that in the centuries which have since elapsed there has been no need to reconstruct, still less to reject as unsound, any essential part of their doctrine.”

Doubtless the Greeks borrowed much of the raw material of mathematics and astronomy from the observations of the Sumerians, Babylonians, and Egyptians. Archaeology may correct the assumption at some future time, but at present there is no evidence to prove that any of these peoples had arrived at any generalised conclusions. To Thales, the first figure in science as in philosophy, is attributed the propositions that a circle is bisected by any diameter, that the angles at the base of an isosceles triangle are equal, that if two straight lines cut one another the vertically opposite angles are equal, that if two triangles have two angles and one side equal the triangles are equal in all respects, and that the angle in a semi-circle is a right angle. To Pythagoras is attributed the famous theorem that in a right-angled triangle the square of the hypotenuse is equal to the sum of the squares on the other sides. He was the first to demonstrate that in this very curious universe of ours the relations of many things can only be expressed in squares and cubes and not directly. All this is elementary enough now, but the discoveries must have struck the men of the time with the force of a revelation. The Pythagoreans who combined science with a mystical religion were so fascinated by their discoveries of the relations of numbers that they elevated them into a religious principle. All mathematicians have created their God as a geometer, complete with ruler and compass, and the Pythagoreans most certainly did so. But the theory contained within itself a heel of Achilles. The divine relations of numbers must be a complete harmony, but the harmony crashed to the ground

when it was observed that certain relations were irrational, or incommensurable in whole numbers. The crisis arose over the relation of the diagonal to the side of a square or $\sqrt{2}$. It was inconceivable that a geometer God could be guilty of a vulgar fraction, much less of a recurring decimal, and so science was enabled to resume her sway.

The entire development was implicit in the earliest discoveries of Thales and Pythagoras, and its perfection is one of the greatest achievements of the human intellect. Working under the handicap of an inadequate notation, a long line of workers almost exhausted the subject of pure geometry including conic sections and trigonometry. The details are beyond the scope of an essay of this kind, and as the majority of readers are probably as poor mathematicians as the present writer, this is all for the best. The essence of the matter from the historical point of view is that "mathematics is a Greek science".

The advances in astronomy were hardly less remarkable. The fact that they were made with simple instruments and long before the invention of optical glass and the telescope renders them all the more astonishing. Here the Greeks merely carried to a greater perfection the work of the Babylonians. Thales is said to have predicted a solar eclipse; but it was the Babylonians who through centuries of observation had established the periods of 223 lunations after which eclipses recur, and Thales was probably working upon these observations. The prediction would have been impossible without them.

Anaxagoras carried the matter further by teaching that the moon shines by reflected light, and thus made possible a clear explanation of solar and lunar eclipses. Science had taken the essential step forward. An effort was being made to explain instead of merely to record. It was no longer a question of the position of the heavenly bodies, but of their nature and the causes of their motions. Although the true solution did not prevail until it was rediscovered at the Renaissance, yet it was definitely propounded. Heraclides of Pontus declared that the earth rotated on its own axis in the 24 hours of the day, and that the appearance of rotation of the heavenly bodies was produced by the actual rotation of the earth. Furthermore, he asserted that the inner planets, Mercury and Venus, revolve round the sun and not round the earth. By this time the foundations had been

truly laid, and the first period of creative thought had come to an end. Greek science, which lasted longer in its original freshness than any other product of the intellect, had passed to Alexandria; and its later achievements lie beyond the period that we are discussing. Two of these however are of such importance that they can hardly be passed over even in a sketch of this kind. Aristarchus of Samos improved upon the theorem of Heracleides and deduced that not only Mercury and Venus, but the whole solar system rotates round the sun as a fixed centre. So was Copernicus anticipated eighteen centuries before Copernicus lived.

The other was the measurement of the earth by Eratosthenes of Cyrene, probably the greatest geographer of antiquity. He arrived at his conclusions by a combination of geographical and astronomical measurements. He observed that at Syene the noonday sun at the summer solstice cast no shadow because its rays penetrated to the bottom of a deep well. At the same time the shadow of a gnomon at Alexandria made an angle of $7\frac{1}{2}$ degrees between it and the zenith. Assuming correctly that both towns were on the same meridian, and that the distance between them was 5,000 stades, Eratosthenes worked out the circumference of the earth (translated into our units) at 24,662 miles, and the diameter at 7,850 miles, which are within 4 per cent of the best modern determinations.¹

(c) *Medicine*

It is a matter of general comment that the Greeks were as deficient in the practical applications of science, as they were great in the enunciation of its theoretical principles. They never attempted to create an industrial civilization. If they had, it is possible that the barbarians would not have prevailed, and civilization would not have been engulfed, but it is a vain effort to reconstruct the "might have beens" of the past. The neglect was quite deliberate, and was emphasised by the evil side of Plato's aristocratic genius. Archimedes, the greatest inventor of antiquity, refused to leave behind him any practical treatise, and his biographer—Plutarch—commended his decision. Ancient

¹ There is an excellent illustration of the method of Eratosthenes in Hogben, *Science for the Citizen*, p. 83.

society was based upon slave labour, and it is easy to understand that "base mechanic arts" were deemed below the consideration of a citizen. It is not that such arts were neglected—the achievements in engineering, architecture, pottery, textiles, geography, and seamanship prove that they were followed diligently—but science lived its own life and was seldom applied consciously to practical improvement, and even then rather apologetically. Nevertheless there was one notable exception. In the practice of medicine, art and science met.

The distinguishing characteristic of Greek medicine as of Greek thought generally is its rationalism. Perhaps the rescue of medicine from the realm of superstitions, magic, charms, evil spirits, and all the heterogeneous relics of primitive thought, and its reduction to a system of observation and experiment is one of the most signal triumphs of that intellect. The often quoted dictum of one of the Hippocratic writers on "the sacred disease" or epilepsy illustrates the spirit excellently.¹

After the spirit of Greece was submerged nothing of that kind was written until Europe began to recover the Greek spirit in the sixteenth century.

Like philosophy and science in general, rational medicine appears to have originated in two different schools in the Aegean and Sicily respectively. The schools of Cnidus and Cos in the east were matched by the Sicilian school under the leadership of Empedocles and Pythagoras. But the title of Father of Medicine was deservedly conferred upon Hippocrates. Of no known city, and a life-long wanderer, his biography is obscure but his influence and example were paramount. His picture has been drawn by one of the greatest authorities on the history of ancient science in words that cannot be improved.

"In beauty and dignity that figure is beyond praise. Perhaps gaining in stateliness what he loses in clearness, Hippocrates will ever remain the type of the perfect physician. Learned, observant, humane, with a profound reverence for the claims of his patients, but an overmastering desire that his experience shall benefit others, orderly and calm, disturbed only by anxiety to record his knowledge for the use of his brother physicians and for the relief of suffering, grave, thoughtful and reticent, pure of mind and

¹ Quoted above, p 19.

master of his passions, this is no overdrawn picture of the Father of Medicine as he appeared to his contemporaries and successors. It is a figure of character and virtue which has had an ethical value to medical men of all ages comparable only to the influence exerted on their followers by the founders of the great religions."¹

And to allow antiquity to speak for itself the oath of Hippocrates is the ideal of medical and of all professional ethics in all ages and all countries where the standards of professional conduct are really observed. This is the latter portion of it:

"I will impart this art by precept by lecture and by all other manner of teaching, not only to my own sons but also to the sons of him who has taught me, and to disciples bound by covenant and oath according to the law of the physicians, but to none other.

"The regimen I adopt shall be for the benefit of the patients to the best of my power and judgment, not for their injury or for any wrongful purpose. I will not give a deadly drug to any one, though it be asked of me, nor will I lead the way in such counsel; and likewise I will not give a woman a pessary to procure abortion. But I will keep my life and my art in purity and holiness. Whatsoever house I enter, I will enter for the benefit of the sick, refraining from all voluntary wrongdoing and corruption, especially seduction of male or female, bond or free. Whatsoever things I see or hear concerning the life of men, in my attendance on the sick or even apart from my attendance, which ought not to be blabbed abroad, I will keep silent on them, counting such things to be as religious secrets.

"If I fulfil this oath and confound it not, be it mine to enjoy life and art alike, with good repute among all men for all time to come; but may the contrary befall me if I transgress and violate my oath."²

From the collection of documents that have survived under the title of the Hippocratic corpus we can reconstruct a fair picture of the practice of that school. All suprarational explanations are quietly put aside, rash speculations are avoided, the facts are observed with meticulous accuracy, and generalizations are made and conclusions drawn, so far, and so far only, as the facts give warrant.

¹ Charles Singer in *The Legacy of Greece*, p. 212.

² Translation by Prof. Arthur Platt in *Legacy of Greece*, p. 213.

At the same time it is false to exaggerate the amount of knowledge that was available in those early days. The members of the Hippocratic school did not magnify their own achievement. According to one of the most famous of the *Aphorisms*, "Life is short and art long; the opportunity fleeting; experiment dangerous and judgement difficult". Their crowning achievement was the discovery of a correct method; in the most difficult of the practical sciences the body of certain knowledge grows slowly. Anatomy, physiology, and pathology were all immature studies before the centre of medicine migrated to Alexandria under the influence of the Ptolemies. The general theory of the school that the health of the body depended on the balance of the four elements and on the humours, need not detain us, except to observe that physicians still talked about humours until the nineteenth century was well advanced. The fundamental assumption of the Hippocratists was that health is a normal condition and disease abnormal; that the body will tend to recover from disease and requires assistance to enable it to do so; and that in the main health depends on the maintenance of proper conditions.

The most remarkable of all the remains in the Hippocratic collection are the clinical records. Forty-two cases survive, and a modern physician could hardly improve upon their presentation in essentials. Their details belong to the history of medicine, their methods belong to the world at large. The Greeks were inevitably ignorant of the causes of germ diseases; but the facts were recorded meticulously, and their judgements did not go beyond the recorded facts.

Equally modern in spirit are the surgical treatises. In the surgery of dislocations little advance was made until the discovery of X-rays, and in their treatment, until the discovery of anaesthetics. The directions for the management of the operating theatre are almost startlingly modern; in fact it has been said that "a text book containing much that is useful to this day might be prepared from these surgical contents of the collection alone". The same learned author sums up the whole work of the school in this passage:

"The work of these men may be summed up by saying that without dissection, without experimental physiology or pathology, and without any instrumental aid they pushed the knowledge of the cause and origin of disease as far as it is

conceivable that men in such circumstances could push it. . . . In diagnosis, prognosis, surgery and therapeutics alike they were in many departments unsurpassed until the nineteenth century, and to some of their methods we have reverted in the twentieth."¹

With the history of medicine in the Alexandrian age we are not here concerned. Before the rise of the schools of Alexandria the creative period had ended.

(d) *Biology*

The outstanding name in Greek biology is Aristotle. He was the greatest collector and systematizer of knowledge of antiquity; perhaps the possessor of the most encyclopaedic mind that the world has ever known. Except in physics and astronomy he made definite advances in every department of knowledge that he touched, and was above all the greatest exponent of scientific method, and the first to practise organised research. In biology he is the centre of all, and Greek biology groups itself naturally into the three periods of Pre-Aristotelean, Aristotelean, and Post-Aristotelean. Moreover, his biological studies date from the later period of his life when he had shaken himself free from dependence upon Plato, and worked out his own ideas in his own way.

Of biological literature before Aristotle little has come down to us, but that little shows the Greek characteristic of exactness of observation. Nothing is more remarkable than the fidelity to detail exemplified in the vase paintings. The illustrator who portrayed the exact number of a fish's scales and of a lion's teeth was a scientific observer as well as an artist. Yet in biology as in other studies we are impressed with the Greek principle that man is the measure of all things. Before Aristotle we find the greater part of the biological learning in treatises that are primarily concerned with the art of medicine.

It is always fascinating to compare the methods of the greatest biologist of antiquity with those of the greatest of modern times. Darwin gathered much of his information from those engaged in the practical arts: from stockbreeders, bird-fanciers, seedsmen,

¹ Charles Singer in *The Legacy of Greece*, p. 236.

and agriculturalists. In the same way Aristotle went to the farmer, the hunter, the fisherman, and the physician and assimilated all that they could tell him. And then both proceeded to classify and generalize the knowledge so obtained, and to supplement it by organised experiments and observations on their own account.

It would clearly be impossible in a sketch of this character to give any description in detail of the immense body of Aristotle's biological work. Perhaps the best part of it is concerned with the teeming life of the sea, and as an illustration but no more than an illustration we may borrow Sir D'Arcy Thompson's account of his work on the cuttlefishes:¹

"A famous case is that of the 'molluscs', where either Aristotle's knowledge was exceptionally minute, or where it has come down to us with unusual completeness.

"These are the cuttle-fish, which have surrendered their Aristotelian name of 'molluscs' to that greater group which is seen to include them, together with the shell-fish or 'ostracoderma' of Aristotle. These cuttle-fishes are creatures that we seldom see, but in the Mediterranean they are an article of food and many kinds are known to the fishermen. All or well-nigh all of these many kinds were known to Aristotle. He described their form and their anatomy, their habits, their development, all with such faithful accuracy that what we can add to-day seems of secondary importance. He begins with a methodical description of the general form, tells us of the body and fins, of the eight arms with their rows of suckers, of the abnormal position of the head. He points out the two long arms of *Sepia* and of the calamaries, and their absence in the octopus; and he tells us, what was only confirmed of late, that with these two long arms the creature clings to the rock and sways about like a ship at anchor. He describes the great eyes, the two big teeth forming the beak; and he dissects the whole structure of the gut, with its long gullet, its round crop, its stomach and the little coiled coecal diverticulum: dissecting not only one but several species, and noting differences that were not observed again till Cuvier re-dissected them. He describes the funnel and its relation to the mantle-sac, and the

¹ *Legacy of Greece*, pp. 144-6.

ink-bag which he shows to be largest in *Sepia* of all others. . . . He describes the character of the cuttle-bone in *Sepia*, and of the horny pen which takes its place in the various calamaries, and notes the lack of any similar structure in *Octopus*. He dissects in both sexes the reproductive organs, noting without exception all their essential and complicated parts; and he had figured these in his lost volume of anatomical diagrams. He describes the various kinds of eggs, and, with still more surprising knowledge, shows us the little embryo cuttle-fish, with its great yolk-sac attached, in apparent contrast to the chick's, to the little creature's developing head.

“But there is one other remarkable feature that he knew ages before it was re-discovered, almost in our own time. In certain male cuttle-fishes, in the breeding season, one of the arms develops in a curious fashion into a long coiled whip-lash, and in the act of breeding may then be transferred to the mantle-cavity of the female. Cuvier himself knew nothing of the nature or the function of this separated arm, and indeed, if I am not mistaken, it was he who mistook it for a parasitic worm. But Aristotle tells us of its use and its temporary development, and of its structure in detail, and his description tallies closely with the accounts of the most recent writers.”

And so he proceeds through all phases of marine life, but his work on the insects is no less remarkable. He knew the art of the bee-keeper from end to end, though like all observers until modern times he mistook the queen-bee for a king. He seems to have known the habits of the wild bees and the wasps almost as Fabre knew them; he described the metamorphoses of various insects, and even knew the whole life-history of the common gnat.

At the same time Aristotle was more than an observational biologist, admirable as his work of observation was. He was concerned as a man of science with causes, and his distinction between efficient and final causes has influenced all thought profoundly. He was not afraid to plunge into the deep waters, but it is beyond our purpose to follow him thither.

In the last year of his life Darwin, in the familiar atmosphere of a letter, paid this tribute to his great predecessor:

“From quotations I had seen I had a high notion of Aristotle's merits, but I had not the most remote notion what

a wonderful man he was. Linnaeus and Cuvier have been my two gods, though in very different ways, but they were mere schoolboys to old Aristotle."

No-one could have been more competent to pronounce such a judgment; and when experts speak of experts in that manner, the ordinary person can safely accept their considered verdict.

CHAPTER 6. HISTORY

HISTORY is a Greek creation.¹ State archives were undoubtedly kept by the large inorganic tribute-gathering empires, and kings of kings were careful to record in bombastic inscriptions the fetters that they had imposed on mankind; but the history of these states is an achievement of modern times. We know that there were historians before Herodotus, because he admits as much; but their works have disappeared completely, and his indebtedness to his predecessors is a matter of surmise and conjecture. Probably they were little more than annalists, and Herodotus rightly merits his Ciceronian title of the Father of History. With Herodotus and Thucydides history was "twice-born, in romantic and classic perfection", and so was Greek prose. The first historians are the refutation of the idea that history is a science and nothing more. It is much more, it is an art, and the first historians were supreme literary artists.

It is well to realise the difficulties that confronted Herodotus. The Greek world of the fifth century had much cultural unity—language, institutions, religion, laws, manners, and customs—and of that unity it was very conscious; but political unity it had none, and hardly any desire to attain it. The Greek cities were a mosaic of patterns scattered round the Mediterranean and Euxine shores, and to mould that mosaic into a tidy and coherent unity seemed beyond the power of man. Herodotus did not attempt the task. He selected a particular subject, the menace of the barbarian and how it was overcome, and so gave dramatic unity to his

¹ The standard English work is Bury's *Ancient Greek Historians* (1919); but everyone will turn with pleasure to "the swan-song of a Phil-Hellenist well stricken in years"—the magnificent chapter on Herodotus and Thucydides by R. W. Macan in *C. Anc. H.*, V, ch. 14.

miscellany of knowledge. Round that central theme he arranged his lifelong acquisitions of fact, but always with artistic relevance. The struggle was between the Greek world and the Barbarian world, and to understand the struggle it was necessary to know the antecedents and the manners of both belligerents. He must have travelled often and far, how often and how far will always be a matter of dispute, and on all his travels he carried his qualities—his curiosity, his delight in a story, his sense of achievements and also of pathos, and his general rationalism. Nothing human came amiss to him, he set down the stories as he had heard them, but left them to the judgement of the reader with an occasional note of interrogation. It is in this way that some information, most precious to the modern world, has been preserved, which a less catholic mind would have rejected. The best known example is the African voyage of the Phoenicians. "On their return" (says Herodotus), "they declared—I for my part do not believe them but perhaps others may—that in sailing round Libya they had the sun upon their right hand!" (IV, 42). The very point that arouses the scepticism of Herodotus gives certainty to us that the voyagers had really passed south of the Equator; but we should never have known of the fact but for the Herodotean habit of putting everything down.

The note of scepticism is everywhere apparent especially if the tale concerns a foreign god. A good example is the story of the incest of Mycerinus (II, 131). There is no need to repeat the story, but this is the comment of Herodotus:

"All this is mere fable in my judgement, especially what is said about the hands of the colossal statue. I could plainly see that the figures had only lost their hands through the effect of time. They had dropped off and were still lying on the ground about the feet of the statues."

It cannot have been easy to impose upon Herodotus, nor is it fair to represent him as the credulous traveller willing to be imposed upon by every vain tale uttered in languages that he did not understand. His method, and it was the Greek method, was to leave conclusions to the judgement of the reader. The ancient historians wrote for a critical and intelligent public for which it was not necessary to draw out every lesson and deduce every conclusion.

But one conclusion he does press home, and this is the relativity of all things, and the mutability of human affairs. Egypt, indeed, had an almost measureless antiquity, going back to periods whereof the memory of the Greek ran not to the contrary; but everywhere else could be seen change and decay. The note of world order is change, and man is subject to the conditions of world order. "For the cities which were formerly great, have most of them become insignificant; and such as are at present powerful were weak in the olden time; I shall therefore speak equally of both, convinced that human prosperity never continues long in one stay" (I, 5).

Lastly, as becomes a world-wide traveller, Herodotus is great in geography. His interest is not merely the superficial interest of the globe-trotter, but a reasoned appreciation of the effect of geographical controls upon historical development. He is the predecessor of those comparatively few writers, like Bodin, Montesquieu, Buckle, and Bagehot, who find important and even governing influences in the factors of climate and soil, plants and animals, mountain and plain. He has discovered the secret of the steppes; he rather condescends towards the soft peoples of the great rivers; and if he thinks that a land of mountains is a land of heroes, what conclusion could be more natural to a patriotic Greek who had seen the full glories of Marathon, Salamis, and Plataea? Historical geography was born with Herodotus.

When we pass to Thucydides the atmosphere changes greatly. The view has contracted and the outlook is different. No longer do we survey mankind to the limits of the known world, no longer do we hear the traveller's tale and the good story, no longer do we pursue the irrelevant because it is interesting. We are considering a war between two leagues of Greek states, and nothing must be allowed to impair the scientific interest of our subject.

The rationalism, though present to a large extent in Herodotus, has increased enormously. Philosophy had made advances since Herodotus wrote, though it was only a short while ago, and Thucydides had imbibed the new thought. Everything with a tincture of irrationality must be banished rigorously, and especially the two particular bugbears of Thucydides, the gods and women. There is no mention of either if it can by any

possibility be avoided. Here perhaps the rationalism has been overdone, and the attitude of the older historian may be more scientific as well as more genial. The gods may be products of vain imaginings, but the influence of religion on the course of human history has been profound, and the historian can only neglect it at the expense of accuracy. Women also are at least half of mankind, and if Herodotus always finds a woman to account for any trouble, it would be absurd to deny that they have sometimes caused it.

Herodotus was a great traveller and of infinite curiosity, but there is no evidence that he ever took part in politics. We have learned that "the captain of the Hampshire grenadiers has not been useless to the historian of the Roman Empire", and Thucydides was a man of action who had participated, until his banishment, in the war he described. "The greatest historian that ever lived" (according to Macaulay) was a man of affairs as well as a man of letters, a soldier as well as a scholar.

But if he disbelieved in the gods and disliked women, Thucydides was the master of every other aspect of historical causation. Here, at the very beginning of scientific history, before the studies ancillary to history had even been named, much less differentiated, the most ancient of historians set a shining light before the most modern. His example of method has endured through the ages, but few there have been who have followed it. Let a very competent modern voice his opinion:¹

"Yet turn to the opening chapters of Thucydides' book. You will find most of the sciences on which long modern treatises are written: but you will find something more: you will find them blended into a unity. Let those who deny that Thucydides was a sociologist, who continue to claim that Herbert Spencer, inventor of the horrid word, invented also the science, re-read Thucydides' account of the evolution (for it was as an evolution that he saw and depicted it) of Greek society from the earliest time to his own day. Let those who cry up anthropology examine into his treatment of legend and custom and his power, untrained in Seminar or institute, to use it as sociological evidence. Let the geographers, too

¹ A. E. Zimmern in *The Legacy of Greece*, p. 341.

forgetful sometimes that man is not the creature of environment alone, refresh their minds by recalling those brilliant sallies in geographical thinking in which he explains some of the features of early Greek settlement and city-building. It is not only orthodox history, of the school of Ranke, of which Thucydides is the father and inspirer: there is not one of the many movements which have sought to broaden out historical study in recent years, from Buckle and Leplay and Vidal de la Blache down to the psycho-analysts of our own day and of to-morrow who will not find in Thucydides some gleaming anticipation along the path of their own thought."

Thucydides is also impartial after the manner of few historians of any age and very few contemporaries. Perhaps his impartiality has been exaggerated, but the fact remains that it is difficult in reading the history to imagine that the historian was a patriotic and active citizen of one of the combatants. This detached objectivity reaches its climax in the description of the failure of the Athenian fleet to reach Amphipolis before it surrendered to the Spartan general, Brasidas:

"So his terms were accepted, and the city was surrendered and delivered up to him. On the evening of the same day Thucydides and his ships sailed into Eion, but not until Brasidas had taken possession of Amphipolis, missing Eion only by a night. For if the ships had not come to the rescue with all speed, the place would have been in his hands on the next morning" (IV, 106).

In these simple words the historian records the greatest tragedy of his life, the failure of his fleet to reach Amphipolis in time, which ended his active career and resulted in his banishment. It is not quite in this manner that modern statesmen and generals write their war memoirs.

Thucydides is scientific in the sense that he is concerned with the causes of events and the ordering of affairs. Men are sorry creatures, and they make mistakes more often than they make anything else, but the principle of Thucydides is the same as that of Butler:

"Things and actions are what they are, and the consequences of them will be what they will be; why then should we desire to be deceived?"

Yet the moral is always implicit not explicit. The i's are not dotted and the t's are not crossed; the conclusion is there but the reader must draw it.

The device of Thucydides of inserting in his work speeches that must be largely artificial has been much criticised, and denounced as a blot upon his scientific method. Yet they are a fairly transparent literary artifice; few can have been deceived, and the merits of the method are great. The ideals of Athenian policy could not have been more truly or more dramatically set forth than in the funeral oration of Pericles, even if the actual words contain much of Thucydides: the terrific indictment of Athenian imperialism is made without suspicion of offence by being put into the mouths of the ambassadors to Melos; and the characters of the two antagonists are described by a neutral Corinthian. The speeches are just a piece of dramatic machinery, which might possibly have had the further advantage of evading any imputation of libel. A dramatist can always disavow responsibility for the opinions of his characters.

Yet in spite of his science Thucydides has all the imagination of a great tragedian. He knows and so do his readers what the end is going to be (though the book was never completed), and the sense of impending doom broods over the entire story. The two greatest histories that the world possesses are stories of declines and falls.

CHAPTER 7. POLITICS

POLITICS and political thought as we know them are a Greek creation. Political thinking of a kind there must have been since organised human societies existed and had relations with one another; but the pre-requisite of political thinking is the revolutionary idea that the form of society can be altered of set purpose. There is a most instructive example of this early political thinking in the argument, religious in form but secular in substance, that preceded the establishment of the monarchy among the Israelites (I Sam. viii). In a tribal society the possibility of change is not imagined because the social cement is kinship, and that is a natural fact. Tribal societies are compelled to change under the pressure of war, and the birth of monarchy is the effect of war.

The same cause produced the same effect in the great riverine civilizations, but tribalism must have disappeared there at an early date under the pressure of economic conditions. The kingship was an institution superimposed upon society primarily for the conduct of war, and secondarily for the maintenance of order, but except for these purposes it interfered as little as possible with the ordinary life of the people. Kings might succeed kings, empires rise and fall, but the institution of monarchy did not change. When institutions are unchanging political thought does not arise.¹

In the Greek lands a new form of political organization came into being—the city state. It may be as archaeologists are now contending² that the city state first arose among the Sumerians between 4000 and 3000 B.C. That “fenced cities” were then constructed for the first time is beyond question, but the government appears to have been vested universally either in the temple or the palace, and after a time they became constituent parts of large empires. There was an interval of perhaps 2000 years between the time when the Sumerian cities lost their independent political status and the rise of the city-state in Greece. It is therefore highly improbable that the former was the ancestor of the latter. This peculiar polity had a distinctive form and an immense vitality, for it lasted during the whole existence of the Roman empire, and was reborn in the Italian cities of the later middle ages and the Renaissance. It was the political gift of the Mediterranean to the world.

Although at a later period many of the city states developed industry and trade, the thing was in its beginning as much founded on agriculture as the country state. It was a city and a surrounding territory, analogous perhaps in a remote degree to an English medieval shire. The analogy however fails in two important points. The territory was often defended by a mountain barrier, and it was generally open to the sea. The mountains were always a line of defence; the sea was at first a defence, but afterwards the highway of trade.³

This aspect must never be forgotten in considering the

¹ The characteristics of monarchy and empire are discussed *infra* chap. 12.

² Childe, *Man Makes Himself* (1936), ch. VII.

³ For an admirable account of Greek colonization see Stanley, *Roots of the Tree*, ch. I.

characteristics of the city-state. The city was the bulwark of defence and the centre of the common life, but the territory was as essential as the city. The articles of union (so to speak) between the city and the territory were made upon different terms in different places; and often, as in the instance of the Athenian demes, the country territory maintained considerable local life. In Athens the compulsory withdrawal of the country population within the shelter of the walls during the Peloponnesian War destroyed the old basis of life permanently.

Furthermore, the city-state was a community of persons rather than an unit of territory. Tribalism took an unconscionable time in dying, and the bond of citizenship was neither residence nor allegiance, but birth. Insensibly, as time passed, local contiguity tended to encroach upon purity of descent, and the acquisition of citizenship gradually became less difficult, but a community of persons the city always remained. Another tie of hardly less strength was the bond of religion. There were gods of Greece, but there were also gods of the city, and no man could be reckoned a citizen who was not entitled to partake of the common worship. The city-state was a great family, but it was also something of a church.

It was likewise a club. The centre of life was the market place and the public buildings, not the home. Because of the climate life could be lived in the open air. Everything favoured meeting, meeting engendered discussion, and so politics could be born.

Yet the cities, alike in general plan, were in no respect uniform in detail. In these tiny components of a general civilization every experiment in the art of living could be tried, and not least every experiment in the art of government. Every form of constitution could be essayed, discussed, and compared, and so for the first time in history the materials for political thought abounded.

The existence of these swarming cities all around the Mediterranean and Euxine littoral, wherever in fact there was a suitable site for a harbour, produced the outward aspect of politics, the problem of foreign policy. Between the Greek and the barbarian was fixed in theory the impassable gulf. The Greeks, themselves largely sprung from previous northern invaders, were perpetually on the defensive against fresh irruptions from the north or east. In practice, however, the gulf was not quite so impassable as theory required. Herodotus with his

pervading curiosity never fails to be interested in the ways of the barbarians. Persian gold was not always tainted to Greek statesmen, Greek hoplites might be lent to a Persian usurper, and a barbarian with goods to deliver was always an attraction to a Greek trader. Nevertheless between Greek and barbarian there could not be foreign relations in the ordinary sense because there was no equality. The Greek looked down on the barbarian from the height of a pinnacle.¹

In the Greek world things were far different. Every one of the hundreds of cities was a sovereign state, able to talk on terms of equality with each of the others. Intercourse was perpetual for all were conscious of a common civilization; and so wars were fought, treaties of peace negotiated, trade agreements framed, embassies sent to and fro, alliances made and broken, and above all a code of seemly relations established. International Law was born on the shores of the Mediterranean sea, and another gift of the Greeks was added to the heritage of Europe.²

One other political invention we can ascribe to the Greeks, though it was in modern times and not in antiquity that it was destined to attain its full stature. This was federation. As A. V. Dicey observed, federations are only suited to the peculiar political condition where there is a desire for union but not for unity.³ Except under the stress of political or economic pressure the Greek cities desired neither union nor unity, but independence. The pressure, however, existed; and so federations of a greater or less degree of looseness were established at different times in Boeotia, Chalcidice, Achaea, Arcadia, and Thessaly, even if we deny to the Athenian empire in its early stages the name of a

¹ It must never be forgotten that politics was born in Ancient Greece as a result of the Persian war. If that had resulted in a complete Persian victory there would have been no free cities and consequently no politics. Some writers with a greater taste for paradox than for truth have argued that such a result would merely have established the thing called a totalitarian state, and that the essentials of Greek life would have survived. Those who imagine that the history of Thucydides, the plays of Euripides and the philosophy of Socrates could have been produced in a subject city can be left to their own thought. That the Persians had merits no one can deny, but a ruler like Xerxes who could flog the Hellespont and crucify the dead body of Leonidas was a barbarian to the Greeks, and remains a barbarian to us.

² Some competent Hellenists have argued that no adequate theory of foreign relations existed in the Greek world. The confutation of this strange theory is set forth in the two volumes of Coleman Phillipson's *International Law and Custom of Ancient Greece and Rome*.

³ *Law of the Constitution*, 137.

federation, because its union rested in the last degree upon force. The experiment was neither long-lived nor successful, but a new political form had been invented that alien peoples in other ages were to develop.

So the Greeks sat down to practise politics and to study it. To attend to the common affairs was the first duty of the citizen, and at least in the democratic cities he was expected, and probably compelled, to devote time and thought to their due ordering. It was clear from the outset that such matters called for resolute study, and "the Greeks were the first to rescue the body politic from charlatans and to hand it over to physicians".¹

The first of the great physicians, and we need not notice the lesser, was Thucydides. Such is the influence of labels, even upon scholarly minds, that in many treatises on Greek political thought, Thucydides is hardly mentioned. Yet his work is full of political thinking, and none the less because his label is history and not politics.

He was interested profoundly in that "endless adventure", the art of government. He seemed to see further even than Aristotle into the essentials of political power, perhaps because he was an historian. He saw that the congeries of independent cities was in a condition of unstable equilibrium. It was true that a temporary and uncomfortable alliance had beaten back Persia from the mainland of Greece, but the Persian had previously overwhelmed Ionia. Might not another barbarian invasion overwhelm all Greece and the islands?—and he looked with searching eyes in the direction of Thessaly and Macedonia, though Italy was beyond his vision. If Greece remained disunited it was quite possible. If the city state was to be preserved its civilization must be set in a larger frame, and the Athenian empire had provided the instrument best suited to the purpose. That empire was certainly based on force, but it was also based on law in the largest sense of the term. If the Athenian empire were overthrown there would go with it the best hope of the preservation of Greek independence and freedom, and so "though men will always judge any war in which they are actually fighting to be the greatest at the time, but, after it is over, revert to their

¹ Zimmern in *Legacy of Greece*, p. 332.

admiration of some other which has preceded, still the Peloponnesian, if estimated by the actual facts, will certainly prove to have been the greatest ever known".¹

The war was not only to Thucydides a vital struggle for the whole future of Greece, it was also a battle between two forms of government. Democracy was a Greek invention, and Athens was its guardian. Therefore the cities that inclined to democracy sided with Athens, which proves incidentally that the Athenian empire rested upon consent as well as upon force, and the oligarchical states adhered to Sparta. We live in a time of bitter memories of one war to make the world safe for democracy; we may remember that the Peloponnesian presented itself to Thucydides as one of that character. If Athens could not preserve her democracy, where indeed was salvation to be found?

Nor was it only in surveying these larger panoramas that Thucydides displayed his deep insight into the realities of political life. He realised to the full the relativity of human institutions, and the part that environment plays in their development. He knows that the mentality of a peasant will not be the same as that of a trader, and that the men of the mountains will differ from the men of the plain. Neither is he ignorant of the fact that civilization is a plant of slow growth, that Athens and Sparta were not built in a day, and that destruction is both easier and quicker than erection. But he is also aware that external conditions guide, but do not entirely control, mundane affairs. So he is by no means blind to the importance of individual character. He studies carefully the main conditions under which the war was fought, but he is equally alive to the influence that an Alcibiades, a Pericles, a Brasidas, and a Nicias exercised upon decisive occasions. He is at home in what we now call the science of psychology, he notes the mental results of the plague, the deterioration in character that a long war effects, the dangers of mob mentality and the instincts of the herd, and the utter futility of government by force alone. And he brings home his lessons by an admirable artistic device, for which he has often been blamed by critics devoid of artistic instinct.

That device is the speeches. Thucydides as usual is perfectly

¹ *Thucydides*, I. 21, Jowett's translation, p. 15.

frank about the matter. He says plainly that it was impossible to give verbatim reports.

“As to the speeches which were made either before or during the war, it was hard for me, and for others who reported them to me, to recollect the exact words. I have therefore put into the mouth of each speaker the sentiments proper to the occasion, expressed as I thought he would be likely to express them, while at the same time I endeavoured, as nearly as I could, to give the general purport of what was actually said”.¹

If the speakers reason more cogently than political speakers are wont to reason; if Thucydides has expressed their sentiments better than they could have done themselves; has the cause of historical accuracy suffered in any degree? The funeral oration of Pericles has been recognised universally as a fount of political wisdom, the greatest vindication of the principles of imperial democracy ever spoken.² It is as tightly packed as an essay of Bacon, as wise as a chapter of Aristotle. In what better form, we may ask, could such an unforgettable treasure have been communicated to the world? And, on the other side, have the principles of expediency as against right ever been expounded with such damning effect as the Athenian envoys are made to expound them to the Melians? Possibly Thucydides could have set forth the points of view of the contestants, and the principles of their political thought, in straightforward narrative rather than in the form of speeches. If he had done so his work would have been less vivid, and the cause of truth would not have been advantaged.

We pass to Plato, but briefly. Views on the place of Plato in the history of political thought are varied, and of his influence divergent. One great master of philosophy and law remarked that “the Platonic *Republic*, I think, must be considered as a brilliant exercise of philosophical imagination, not as a contribution to political science”.³ Another thinker, planning a history

¹ I. 22, Jowett's translation.

² Extracts from the oration were exhibited in the underground trains of London during the first German war. So, 2,500 years after his death, the voice of Pericles carried from his high platform to a democracy established in a country of whose existence he could never have known.

³ Pollock, *History of the Science of Politics*, p. 14.

of Greek political theory in two volumes, devoted the longer to Plato and his predecessors, and in that volume the writings of Plato occupy three-fourths of the space.¹ Differences so great as this can only be due to divergencies of outlook and method, to the difference between the speculative and the scientific minds, between the Platonist and the Aristotelian. The historian, endeavouring to view the position objectively, must come to the conclusion that the influence of Plato upon the practice of politics has been negligible, and upon its scientific study, meagre. No one would deny that the mind of Plato is one of the perennial formative influences of human thought, but it is also true that he was "a disaster to science". He is concerned with the perfectability of human nature, with the direction whither the argument may lead him, little or nothing with the direction indicated by the facts. It is a fine exercise for the mind to stand on the summits of the high mountains and view the promised land from afar, but the work of the world is done by the peasant toiling on the plains.

When we turn to Aristotle, "the father of them that know", we are transported at once from the world of imagination into the world of fact. It is true that Plato was the master and Aristotle the pupil, and the pupil was much influenced by the master especially in his earlier years. Nevertheless the atmosphere has changed completely. We have passed from a master of argumentative speculation to a master of scientific reasoning; from a prophet and a poet to a patient investigator; from an exponent of literary style to a writer of plain Greek.² It is likewise true that Aristotle was influenced by Thucydides, a mind as objective and scientific as his own.

The first capital advance made by Aristotle was the separation of politics from ethics. In this respect he is not merely advancing beyond the position of Plato, he is promulgating its very antithesis. Ethics is concerned with the behaviour of the individual, politics with the action of communities; and little progress can be made while the latter is treated as subservient to the former. This by no means implies the theorem of Machiavelli that the principles of morality have no application to the practice

¹ Dr. Ernest Barker.

² It has been argued that much of the work of Aristotle has come down to us in the form of lecture notes.

of politics; but it does mean that the action of men in political communities is a proper subject of study apart from their personal relations between one another.

“Man is a political animal, he is born to be a citizen.” The quotation is so worn, the saying so trite, that one almost apologises for introducing it. Nevertheless it has worn well and its influence abides. No more satisfactory foundation for the study of politics can be formulated. It implies that the state is a natural growth; a statement that was hardly heard from the time of Aristotle until the nineteenth century. Man must live in association. He begins with the family, proceeds to the village, and ends in the state; but because he can only attain to his complete development in the state, that form of association must be natural. “As the state was formed to make life possible, so it exists to make life good.” Nevertheless the state is not an organism in the sense that a living body is an organism. No man by taking thought can add a cubit to his stature, but men can and do change the form and constitution of the state. The United States of America can be considered a natural growth in Aristotle’s sense; but the United States constitution was made at a definite date by particular men to express certain ideas, and to carry out present purposes. It was the product of design and the result of compromise.

The mere formulation of these principles abrogates much of the learned rubbish that has so often done duty for political theory. If political association is a natural condition, it cannot be founded on convention, and the social contract can be dismissed summarily; likewise extreme individualism can go and be forgotten, and the natural man of Hobbes and Rousseau is none other than the independent man of Aristotle who must either be a brute or a god. If the state is a natural growth it can have a natural history; we can think of political societies as objective units whose growth, relations, and structure are proper subjects of scientific study. “The state is a natural institution in a double sense; first, as imposed on man by the general and permanent conditions of his life; then it is the only form of life in which he can do the most he is capable of.”¹

Moreover, although he did not invent the term, Aristotle laid down the principle of the relativity of politics. Like his predecessors he amused himself with the constitution of an ideal or

¹ *Pollock*, *op. cit.* p. 18.

best state, for that was the accepted vehicle for the discussion of political principle at the time; but unlike his predecessors he never confused it with reality. He is quite clear that no government can be the best under all conditions. Time and place, people and circumstance, climate and soil, in a word the environment, must always be considered. The study of politics is therefore no simple matter but one of great complexity. Its treatment, like biology, must rest on the widest possible foundation of fact, and be patient, detailed, reasoned, and systematic.

It is tempting, but because of the scale of this work the temptation must be resisted, to follow Aristotle's teaching in detail, because the more often one reverts to it the more profound does it appear. Nothing in the *Politics* has been received with more horror than his theory of "natural" slavery. His contention is that slaves are inferior beings who do not possess reason though they understand it; and that these beings are only fitted for a state of slavery and are probably happier and better off in that state. Modern psychologists working among the free and independent voters of the democracies have contended that the average mentality does not rise much above that appropriate to the age of 16, and many never rise above that of 14 or even 12. The psychologists do not follow Aristotle in talking of natural slaves, but do they not mean the same thing?

Another temptation, especially at the present time, would be to discuss his criticism of communistic theories which are as old as political consciousness. We can only note the opinion that the question of population is fundamental to the subject, and quote the aphorism that "it is more important to equalise men's wants than their substance".

It is unnecessary to quote the classification of the forms of government, because it has been followed ever since. Refinements may be added, more complex forms may be introduced, but the foundation of classification is still Aristotle's. It has served its purpose for nearly 2,500 years, and there seems no reason to foresee that it need be superseded.

Finally, the ever fresh book on revolutions is a perpetual balm in unquiet times. Its principles are as apposite to our troubled years as to the centuries before. The quiet student will not fail to

find the modern instances, nor the statesman the timely warnings. Both will do well to remember the principle that the occasions of revolutions are often trifling, but their causes are always important.

CHAPTER 8. THE DRAMA

THE drama is a Greek creation.¹ If the fact were not well attested by positive historical evidence, and the absence of any competing suggestion, our vocabulary would be sufficient to prove it. The drama itself with its two divisions of tragedy and comedy, the lyrics and the accompanying music, the actors and the protagonist as the first of these, the characters and the scenery, the dialogue between the actors, the metres in which the dialogue and lyrics were written, the chorus and the orchestra in which it sang; all these names are Greek, and they are so because the things are Greek. The creation, too, was distinctly sudden. Except perhaps for history, no other creation of the human intellect attained perfection so quickly as the Greek drama.

Its origins are a matter of controversy, because when facts are few theories are many. The strongest probabilities point to a development from religious ritual.² The altar in the middle of the orchestra³ was a permanent feature of the Greek Theatre, and unless it portended a religious service it would have been a meaningless nuisance. No people were less tolerant of meaningless nuisances than the Greeks. The presiding god of the altar was Dionysus, a fertility god whose ceremonies took place at the appropriate seasons of the year. A definite dramatic season has no significance at all in relation to a purely secular performance, but is characteristic of a ceremony appropriate to a religious festival. One of the forms that Dionysus assumed was the goat, and the literal meaning of tragedy is "goat-singing". It is easy to suggest other possible origins for the name, but it is hardly far-fetched to seek it in the worship of the goat-like god. The use of masks

¹ A minor curiosity of literature is the fact that the admirable Oxford volume, *The Legacy of Greece*, contains no chapter on the Drama.

² For the sceptical view that nothing of the kind can be proved, "Nor does it greatly matter," see J. T. Sheppard in *C. Anc. H.*, V, 115.

³ Perhaps it is well to emphasise that the orchestra was the circular space in which the chorus performed. It was a place not a body of performers.

for the actors, the dancing, and the exclusion of women from the stage, are things in themselves unmeaning, but point strongly to a ritual and a taboo. Finally a ritual origin gives rationality to the process. That any persons should have invented things so peculiar as a stage, a chorus, an auditorium, and a theatre is quite incredible; but that they should have developed out of pre-existing ritual is neither incredible nor unlikely.

As we know little of the predecessors of Herodotus in history, so we know little of the predecessors of Aeschylus in tragedy. The choral lyric was certainly a poetical form of great antiquity. By the time of Aeschylus a particular form of it, the Dithyramb "with its unexplained name" had taken a narrative form and become specially associated with the worship of Dionysus. The stately dance and song was concerned with tales of the age of heroes retold with a moral. Then, in the time of Peisistratus, the "goat-singing", for which he instituted a prize, was added to the narrative lyrics of the chorus, and the main elements of the drama had been inaugurated but not perfected. The protagonist, or first actor, wearing a mask which may have represented the figure of the god, was elevated upon a stage facing the spectators and the chorus. He could recite; but he could also converse with the leader of the chorus, and through him with the spectators. In so doing, he was differentiated from both; the chorus might be a part and representative of the spectators, but the protagonist was talking to them from above. Aeschylus introduced the second actor, and Sophocles the third or tritagonist; and beyond these the classic Greek drama did not proceed. The fourth actor was sometimes present as a minor figure, and the smaller parts were merely taken by silent mummery. Into this highly artificial framework the great dramatists fitted their deathless works.

The theatre itself underwent a rapid development. The tiny stage, almost a pulpit, from which the first protagonist spoke, was enlarged to permit of action. Passages were constructed or left between the stage and the auditorium, through which the chorus, and sometimes the actors, could make their exits and their entrances. The background of the stage was originally the front of a palace or a temple, and was so built as to symbolise its origin, with double doors in the centre and smaller doors at the sides. Then, as in the Elizabethan stage, an upper storey or

balcony was added, which could serve the purpose of a watch-tower or upper room. Finally, stage machinery was devised, and scene painting developed into an art. It was only necessary to abolish or degrade the chorus, and all the elements of a modern secular theatre were present.

Of the three great tragedians of Athens, this is not the occasion to speak at length. Of their works we have only a few plays, but they are of the essence of Greek literature. They are sufficient in the case of Aeschylus for us to follow the development of his art, until it culminates in the perfection of the great trilogy of the *Oresteia*. Aeschylus, the propounder of deep questions like an Attic Milton, was followed by Sophocles the humanist, and Euripides the rationalist, and with them ended the greatest age both of the drama and of Athens.

It is curious that comedy should also have originated in religion. The festival of Dionysus (otherwise Bacchus) was essentially the invocation to a god of fertility. He was primarily a god of wine and tree-fruits, but secondarily of agriculture and corn, and so of fertility in general.¹ The ceremonies of fertility deities are as a rule well calculated to bring a blush to the cheeks of a young lady. Dionysus was apparently of Thracian origin, and among a people naturally addicted to alcoholic excess his mysteries attained an extravagance alien to the general sanity of Greek thought. We find indeed that, under the cloak of religion, excesses of speech, gesture, and action will be permitted, and even enjoined, that would be suppressed summarily in secular proceedings. Examples will at once occur to the reader from the gargoyles and misereres of medieval churches; from the lives of the saints in which the holy authors can really expand in describing the temptations of their subjects; and in the unctious of John Bunyan on the results of the unhallowed life of Mr. Badman.

The Dionysiac festival included parades of masquers dressed in fantastic representations of birds, beasts, and monsters, ceremonial dances and gesticulations, and songs and speeches whose violence and excess helped to secure the efficacy of the rite. At certain times the disguises were set aside and the leader of the masque delivered a set oration from which the *Parabasis* of the old comedy derived. The leaders of factions would dispute, and

¹ Frazer, *Golden Bough*, abr. edn., p. 385 *et seq.*

pantomime scenes would be introduced with a stock set of comic characters. From these elements, and within the limits of these conventions, but rationalised and ennobled after the Greek manner, developed the full structure of comedy. "From the first, scurrility in these performances was thought to be a safeguard against fortune's malice, and indecency a help to nature in her fertilizing work."

Both the predecessors and the successors of Aristophanes are lost to us, and for this reason he must ever remain as the representative of Greek comedy. We know that he had predecessors, and that he did not originate comedy as Aeschylus invented tragedy, because we know the names at least of Magnes, Crates, and especially of Cratinus whose *Wine-Flask* was in 423 B.C. adjudged superior to the *Clouds* of Aristophanes. We may well wonder at the licence of speech towards the war lords that was tolerated and applauded in the midst of a struggle of dramatic intensity, but in praising this most unmodern indulgence of the Athenian democracy we must never forget the religious sanction behind it. Perhaps, too, the political leaders were reconciled to their fate from the fact that philosophers and tragedians fared no better than themselves.

Of the so-called Middle and New Comedy we have no specimens at all except Latin imitations, and the great name of Menander is represented to us by a few fragments only.

Aristophanes, therefore, by the accidents of time, remains for us the sole representative of Greek comedy, and of him we have only eleven plays out of fifty-three that he is said to have written. We are almost in the same position as if the fidelity of friends had not issued the first folio of Shakespeare, and as if we should have had to rely for the memory of our greatest dramatist upon the evidence of the quartos alone. Yet by general consent Aristophanes is placed among the first, if not actually the first, of the world's comedians. His wit is not excelled by Molière or Congreve, and he adds to it a faculty for poetry that he shares with Shakespeare alone. He is able also to enter into politics in a way which the others did not dare, and Shakespeare probably did not care to do. Besides wit he has humour; and the quality of his humour has stamped itself upon comedy for all time. Of the gifts of the Greeks to mankind, not the least is the gift of

laughter. Of all the ordeals to which civilised man can subject himself ordeal by laughter is the most health-giving. A man or a people who cannot laugh at themselves will find it hard to save their souls alive.

CHAPTER 9. ART AND ARCHITECTURE

WE pass last to that which some might have placed first—the art and architecture of Greece. The fact is that they scarcely come within the scope of this essay at all, because, though the Greeks arrived at great perfection in both these essentials of civilization, they did not originate either. Art and architecture can be classified as Greek creations, not because of their origin but because of their perfection.

It has been contended, indeed, that the debt of western civilization to Greece is greater in the realm of art than in those of philosophy and poetry.¹ Judgements of this kind can hardly take a higher rank than the expression of a personal opinion because they are attempts to measure the incommensurable. No pair of scales can be constructed on which the philosophy of Plato can be weighed against the sculpture of Praxiteles, or the choruses of Aeschylus against the columns of the Parthenon.

At the same time the influence of Greek models and principles upon European art has been continuous and abiding. We may wonder at Egyptian pyramids, Sumerian temples and Assyrian reliefs, but they are far off and exotic things. They are eastern and we are western; we feel that they do not belong to us; that the spirit that inspired them is not ours, that they may stimulate our interest and rouse our curiosity, but do not appeal as models for imitation or ideals for homage. We turn to Ancient Greece and everything is changed. The perfection may be above our capacity, but the spirit and expression are our own. We feel that they thought as we think, that their ideals are ours also; that we are their heirs. Everything that is exotic or extravagant in art can always be measured against that perennial standard, it is the acknowledged court of appeal of last resort.

¹ Percy Gardner, "The Lamps of Greek Art" in *The Legacy of Greece*, p. 354. This section is really a discussion of the principles enunciated in that inspiring paper.

The reason of this is that Greek art was based upon and controlled by the principles that underlie all Greek thought. Greek art was not a thing apart from the society of which it expressed one aspect of the spirit (if such an aberration can be imagined), but was part of the warp and woof of which philosophy, science, history, politics, and the drama were merely other threads.

It expressed the humanism and the science of Greece. "Man is the measure of all things" was perhaps the principle most deeply embedded in the Greek mind, and in the depiction of the human body the Greeks stand alone and unapproached. Of all the forms of art this is admittedly the most difficult. In Egypt, Mesopotamia, and even in Crete, the human figures are stiff and formal though sometimes possessing a certain vigour; but when we pass to Greece we behold man himself. As the Greeks thought of all things in terms of man so theirs was the first humanist art. There is no real comparison between a Greek statue and an Assyrian relief. When we look at the one and the other we are conscious that we have passed into a different world, and that a new creation of the mind of man has come into being. Of course, the perfection was not achieved in one step. The earlier Greek sculpture shows vigour and promise, but one could hardly deduce from it the degree of beauty that it was destined to achieve.

That the perfection was attained in a comparatively short time was due in a large degree to the scientific study of the human body. Science and art were wedded together as they always should be; and the sculptors must have attained no mean knowledge of anatomy. It was in deep study of infinite detail that the masterpieces of sculpture were formed, and the same was true of the things that could not generally be seen, or small pieces that would not stand out for observation. A coin or a gem had as much precision in detail as a great statue. At the same time it would be a mistake to suppose that a great work of art partook of the character of a photograph. The meticulous observation and the study of nature are there, but the whole is transmuted through the mind of the artist. The result is the figure as he sees it, and the representation bears the impress of his personality. It is truth, but not over-literal truth, for all natural things are not the proper subjects of art, nor should the ugly and repulsive as such find a place therein. It was possible to make a statue of Socrates,

though none could call him handsome, but the statue was made, not because he was ugly but because he was Socrates.

It is the same all through. The spirit of Greece pervades art as it pervades all other Greek creations. It is simple and single in its purpose because the exotic and the bizarre made no appeal to the minds of its makers. It is balanced and measured because balance and measure were of the essence of Greek thought. The temple was a thing designed once and for all for a particular purpose, and the decoration must always be subordinated to the fulfilment of that purpose. Within the limits so imposed the artist was free. He was disciplined but not over-disciplined. Discipline produces balance, but over-discipline ends in convention. So, too, Greek art expresses the Greek joy of life. Gloom and sorrow were never far away in the old world, and tragedy is a Greek invention, but art was the expression of hope. The tragedies of life might be represented on the stage, but the function of art was to elevate and not to depress. Even in the presence of the universal tragedy of death the sepulchral artist avoided anything that might harrow the feelings. Death was an universal incident that must be accepted as part of the scheme of things, but there was no need to dwell on the gloomy side of it; and that although the Greek was not buoyed up by any specious hope of an eternal life beyond the grave.

Finally, Greek art was permeated by the fellowship of the artists. It was the product of a succession of schools, not of a number of brilliant individuals. There is such fellowship in all great periods of art. The medieval builders possessed it, so did the artists of the Renaissance, and so also, though perhaps they should not be mentioned in the same category, the Pre-Raphaelites of Victorian England. It is generally possible to attribute a work of Greek art to a definite school; seldom to a particular individual, unless it happens to bear his name. The art of Ionia expressed the gay life of the Aegean seaboard with the impress of eastern influences; Doric the restraint and self-control of the mainland. An harmonious whole like the Parthenon will be produced by artists who are allowed great liberty in detail, but it will be a harmony because the same spirit pervades them all. The individual craftsman could not escape the influence of the school to which he belonged, nor did he desire or even

conceive that he could. He was content to subordinate individuality to fellowship and to work for the glory of all.

Greek architecture is merely a department of Greek art. The achievement can hardly be placed on the same level as those in other departments. Perhaps the Greek mind was not greatly interested in the problems of construction, but at any rate the interest seems to have been confined to the building of temples and theatres and the erection of defensive walls for cities. In domestic architecture they seem to have made little or no advance, for a Greek house was not markedly superior to a Sumerian dwelling of two to three milleniums before their time. The post and the lintel are little more than imitations in stone of principles of construction naturally adapted to buildings of timber. The post developed into the column and was refined as far as possible, but it remained the ultimate achievement. It was left to the practical but not particularly artistic Roman to develop the possibilities of the arch, the vault, and the dome, and so to establish a tradition that nothing can efface. And so we pass to the Roman Empire and its creative contributions to civilization.

PERIOD II

ROMAN EMPIRE AND CHRISTIAN RELIGION

I. ROMAN EMPIRE

A. The Background

CHAPTER IO. THE FALL OF THE ROMAN REPUBLIC

THE last century of the Roman republic was a period of war and unrest almost bordering upon anarchy, but it was not by any means a period of decay. The garments that clothed the growing body had ceased to fit, and the feeling of discomfort was universal, but there was hardly a serious suggestion that Rome should cease to hold her predominant position in the Mediterranean world. There was, in fact, no practicable alternative to her rule.

The Roman constitution is difficult to analyse, or to describe with accuracy in a few sentences. In essence it was an aristocratic republic functioning in a city-state. In theory at least it maintained that character, until Diocletian reorganised the Empire as a blatant despotism in the last years of the third century of our era. The conception is peculiarly difficult for a modern reader to realise because he has no existing examples for comparison. Since the Renaissance created the modern state, all our forms of polity are country states, and all have capital cities. But to visualise ancient Rome, even after the franchise had been extended to the Italians, as the capital of an united Italy, as it became after 1870, would be a radical misconception. The Roman citizenship was gradually extended until ultimately it covered the empire; but the citizenship was always that of the city of Rome. Rome was not in the modern sense the capital of the empire; Rome was the empire, and the empire was Rome.

The Roman constitution, like our own, was never embodied in a written document; and its working, also like ours, depended on the observance of recognised conventions. There the resemblance between the two constitutions ceases. In its earliest times the city was governed by a succession of kings; but they were expelled as the result of a revolution, and thereafter the Romans had a hatred of the very name of king, so long-lasting and so

fanatical as to be almost unintelligible. By slow stages the city extended its dominion over Latium and then over central Italy, and in the process of expansion the constitution suffered change. The earliest stages in the internal development of the state were dominated by the antagonism between the Patricians and the Plebeians. It is quite probable that the two classes represented different peoples, and that the Patrician predominance was the result of some early invasion by a conquering minority of which history tells us nothing, but which archaeology may ultimately be able to explain. The conflict was resolved by the admission of the Plebeians to full civic rights, by the grant of the power of legislation to their assembly, and by the creation of officers of a most peculiar character, the Tribunes of the Plebs, with a power of veto. We shall probably never be able to understand how institutions possessing contradictory powers worked in practice without breakdowns; but the fact is patent that they did work, and did produce results that have affected profoundly the development of the world. In its ultimate form the Roman government consisted primarily of a number of magistrates chosen annually by the assembly from the members of the aristocratic families. The most important were the two consuls who were the commanders of the army and the chief magistrates within the city; the Praetors whose functions were primarily judicial, and others of lesser importance such as the Quaestors and Aediles. Legislation was the function of the two assemblies; the assembly (comitia) of the centuries, ancient and patrician and organised on a system that gave definite predominance to wealth; and the assembly of the Plebs, modern and democratic with most of the failings of an organised mob. Standing somewhat apart, with rather indefinite legal power, but immense authority and prestige, was the senate; composed for the most part of men who had held high office; august, dignified, experienced, a reservoir of practical knowledge and political sagacity, and possessing an influence so transcendent that the official title of the commonwealth was the Senate and People of Rome.

The central dilemma of the constitution, that it was impossible to ignore or evade, was the adaptation of the constitution of a city state to the government of a great empire. On a smaller scale and at an earlier time Athens had attempted to solve the problem by ignoring its difficulty. The funeral oration of Pericles did not

mention the allies. The empire of Athens was in reality a machine for the collection of tribute; her empire was as much a tribute-collecting machinery, and its constitution as inorganic, as any of the eastern despotisms. Athens did not attempt to govern her dependent cities.

The Roman position is clearly envisaged in the speech that Dio Cassius makes Maecenas deliver to Augustus:

“The cause of our trouble is the multitude of our population and the magnitude of the business of our government; for the population embraces men of every kind, in respect both of race and endowment, and both their tempers and their desires are manifold; and the business of the state has become so vast that it can be administered only with the greatest difficulty. . . . Our city, like a great merchantman manned with a crew of every race and lacking a pilot, has now for many generations been rolling and plunging, a ship as it were without ballast.”¹

The curse of the city-state was its inefficiency. The modern mind is struck not so much with surprise at Rome's inability to govern her provinces well, as with wonder at her ability to govern them at all. The system of annual magistrates was a guarantee against internal despotism, but it was likewise a guarantee against continuity of policy. It was only the existence of the Senate, small in power but great in influence, that enabled a policy to be executed with balance, poise, and precision.

It may be objected that a system of annual magistrates is only a degree worse than the method of a modern democratic state in which the ministers hold office for periods that may be short, and which in France had a tendency to be very short. The comparison illustrates the second disability of the Roman republican government. The republic never possessed, and never seriously attempted to create, a trained civil service. The leaders, both in the city and the provinces, acquired great funds of practical knowledge, but they lacked experienced staffs. A provincial governor would set out for his province with assistants as ignorant as himself, and upon his arrival he would find no better machinery. The native governments were certainly functioning after a fashion, and he was obliged to manage as best he could, relying upon their assistance and his own mother wit.

¹ Dio Cassius III, 15, quoted in *C. Anc. H.*, X, 182.

From one other class he would be able to obtain advice of a decidedly interested character. For the collection of the provincial taxes Rome had never been able to devise any better method than that of letting them out to companies of tax-farmers (*publicani*). It is a system that produces the maximum discomfort to the taxpayer with the minimum profit to the state. The sole object of the tax-farmers was to make their contract as profitable as possible, and consequently they had no interest in the welfare of the provincials or the efficiency of the government. The gospel conjunction of publicans and sinners is probably a fair reflection of provincial opinion upon their activities. An amateur holding a short term office beset by interested advice that he was unable to check efficiently, and with every temptation to corruption, is no unfair picture of a Roman provincial governor of the republican age.

The governor's temptation to corruption was aggravated by another deficiency that the Republic was unable to rectify. It offered no honest reward to a good governor. He might obtain the gratitude of his subjects, he might rest satisfied with the reward of his own conscience, but senate and people had nothing to give him. The Governor might, indeed, be prosecuted for maladministration, but if he were sufficiently astute or fortunate to keep within the limits of the law, he had little to fear for the consequences of misdeeds, but nothing to hope for as the reward of virtue. He had every incentive to be as corrupt as he dared, but none to be as honest as he wished. Under such a system we need not be surprised at the emergence of a Verres; it says something for the dignity of human nature that good governors existed at all.

The Republic was unable to rectify the corruption. It made little attempt to do so because it had not the desire. The corruption was deep at the seat of government, and a sovereign people steeped in it was hardly likely to send out to the provinces exemplary governors.

A great change had taken place in the national character after the second Punic War. The terrific and prolonged struggle against Hannibal left marks upon the Roman people that time never effaced. Until the end of that war Rome had always been a struggling state, gaining strength all the time, but never beyond the presence of danger. After the final victory of Scipio Africanus

at Zama she ceased to be in danger. Wars might be necessary or advisable, and in fact were frequent, but they were not wars of existence. Rome had become the greatest Mediterranean power, and there was none that could cause anxiety that her name might perish from the earth. Rome never was and never became a manufacturing or commercial nation; her people were farmers and peasants; and her ideas of economics were those of the agriculturalist. Freed from the menace of danger, the Romans became imbued with the idea that they might live at the expense of provinces that had been enemies. So corruption spread through the body politic, and the purpose of all was to convert actual or theoretical sovereignty into hard cash. Nevertheless it was not at this point that the actual breakdown occurred.¹

It is a complete misapprehension to assume that Rome pursued an expansionist policy of set purpose. If it is scarcely true to assert that she gathered her empire in a fit of absence of mind, it is certainly true that the empire was forced upon her by circumstances, rather than acquired of definite purpose.

“That Rome lusted for conquest and sought the empire of the Mediterranean, no one who views the actual circumstances of her history can believe. Rather her empire was a penalty imposed upon her by the defeat of Hannibal, a penalty which she strove desperately to avoid paying, but which fate inexorably enforced despite her struggles.”²

Marsh has emphasised the intermittent character of Roman expansion. In the forty-four years from 241 to 197 B.C. Rome annexed four provinces, but in the succeeding fifty-one years from 197 to 146, there were no annexations. In another period of expansion of twenty-five years, from 146 to 121, four more provinces were acquired; but this was followed by a period of rest of no less than fifty-eight years, from 121 to 63. During the periods of quiescence there were wars, but no territorial expansion followed their cessation.

This anti-expansionist or “little Rome” policy was centered not in the people but in the Senate. Its object was to secure the aristocratic exclusiveness of senatorial control at home.³ In

¹ In the following pages I have followed for the most part the argument of F. B. Marsh, *The Founding of the Roman Empire*.

² F. B. Marsh, *The Founding of the Roman Empire*, p. 27.

³ Tenney Frank, *Roman Imperialism*, p. 274.

practice the senate was filled up from the ranks of the ex-magistrates, especially the praetors and the quaestors; and the customary *cursus honorum*, or succession of office, was to hold in sequence the quaestorship, the praetorship, and the consulate. Now in order to govern a province it was necessary to despatch a man who held the *imperium*, which may be defined as the sum total of the military and civil powers of a higher magistrate. But the holding of office had the automatic effect of ennobling the family of the holder, and the aristocracy was therefore faced with the dilemma that, either there would not be a sufficiency of qualified men to hold the provincial governorships, or else new families must be ennobled and the ranks of the nobility expanded indefinitely. The limitation of numbers was the alternative that obviously commended itself to an exclusive aristocracy. After the Second Punic War the number of quaestors was raised to twelve, and of praetors to six, but any further extension was resolutely opposed. A further device was invented of prolonging the *imperium* of a magistrate and sending him to a province with pro-consular or pro-praetorian powers. This system was of value in the subsequent imperial period, but in the last expansions of the Republic it broke down, and the breakdown was one of the causes of the final republican failure.

Another was the problem of the army. The original Roman army was a citizen militia enrolled compulsorily for a campaign, and then returning to civil life. This was the general system adopted by the city states round the whole Mediterranean shore, and so long as the campaigns of Rome were confined to the Italian peninsula it worked sufficiently well. But the war against Hannibal, and the subsequent expansion, produced a profound change. An essential part of the strategy that gradually wore down Hannibal was the conquest and tenure of Spain. For that purpose a citizen militia, however well organised and trained, was insufficient. It necessitated a long-service army—six years service was the actual period adopted—and pay for the soldiers. After the close of the Second Punic War the position was aggravated rather than assuaged, and the exceptional became the normal. Campaigns became long and distant. They demanded armies of exceptional size instead of the normal consular army of two legions.¹ They required that the general in command

¹ In modern terms, roughly, a division of two brigades.

should hold his post until the conclusion of the campaign, instead of retiring at the end of a year. They were fought at such a distance that systematic control by the home government was impossible. Under these conditions both generals and armies tended to get out of control, and civil government could be paralysed by military presumption.

But a change more profound was initiated by Marius. In the Jugurthine war he found himself without an army, and in face of a Senate that was reluctant to grant one. Abandoning conscription, he called for volunteers, and suddenly found himself at the head of all the troops that he required. The change of method occasioned a profound change of substance. In place of property-owning citizens who placed their loyalty to the republic above everything else, the new armies were generally composed of men of little or no property, and attached to the person of the general rather than to the state. The problem thus created was never settled until the establishment of the Empire. No solution could be effected within the limits of the republican constitution, and after a century of war the Republic fell.

During this period the basic position was always the same; it was only the names that were different. The great commands had become essential, because the campaigns were long and distant, but the end of a war left the general with an army devoted to himself. If he chose to use it for his own purposes he could overawe the government. It was so under Sulla, Pompey, Caesar, and Anthony; and Octavian merely veiled the reality.

The other great weakness of the Republic accentuated the difficulty. The loyal general gained nothing by his loyalty, and the Senate was unable, and usually unwilling, to reward it. The victorious proconsul retired into private life, and if he were unwilling or unable to practise the arts of politics, could sink into neglect. The example of Pompey in 62 B.C. could not fail to be impressive. He had returned from his great eastern campaigns, and had disbanded his army, only to find that his settlement of the East was not ratified, and the promised grants of land to his soldiers were not fulfilled. No succeeding commander would repeat his mistake, nor place his trust in the generosity, or even the good sense, of the nagging politicians. Pompey surrendered his command; Caesar crossed the Rubicon. The way lay open to autocracy, and autocracy came.

CHAPTER II. THE CAMPAIGN OF ACTIUM

It is quite unnecessary for our present purpose to trace in any detail the events of the bloodstained century that ended the Republic of Rome and established the Empire. It seemed as if Rome, having attained dominion over the entire Mediterranean basin, was in process of tearing herself to pieces, and that the civilized world was relapsing into anarchy. The pattern of events was always the same. A successful general returned from a campaign and used his victorious army to overawe the government at home; or, if the generals were more than one, they combined forces in an uneasy alliance for the same purpose. If there were three they formed a triumvirate. The wholesale murders of political opponents known as proscriptions were merely incidents in the process.

After the murder of Caesar (44 B.C.) the approved process was duly repeated. Octavian, the nephew and heir of Caesar, forced himself into power not by a victorious campaign but by political arts; and the leading generals, Anthony and Lepidus, were obliged reluctantly to admit him into the partnership of the last Triumvirate. The opponents at home, including the veteran and venerable Cicero, were liquidated in yet another proscription, and Brutus and Cassius, the murderers of Caesar, were destroyed at the battle of Philippi. Lepidus disappeared into honourable retirement as chief priest (*Pontifex Maximus*) and Anthony and Octavian (later to be called Augustus) faced one another for the final struggle.

At this point, perhaps, a general observation may be permitted. As is explained in more detail below (Chapter 15) the primary achievement of the Roman Empire was the unity of Mediterranean civilization and its northern extensions. But the unity was superimposed upon deep antagonisms. Of these the deepest was the antagonism between the Greek East, shading into orientalism, and the Latin West. In the later stages of the imperial history the Empire itself was divided into eastern and western halves, and while the western was destroyed by the barbarian incursions in the fifth century, the eastern maintained its existence until the fifteenth, the heir alike of Rome and Alexander. Then came the separation of the churches, and with that the achievement of Mediterranean unity perished finally and irrevocably.

By the first century B.C. Rome had made this unity. The last campaigns of the expiring Republic were fought between Roman armies in the interests of their respective leaders, but in their essence they were conflicts between the east and the west. The Roman leaders after the conquest of Macedonia in 146 B.C. had created a great strategic road through that country to facilitate intercourse between the west and the east. It was known as the Via Egnatia, and ran due east from the shore of the Adriatic sea to the northern seaports of the Aegean, and so on towards the Hellespont. The battles of Pharsalus (48 B.C.), in which Julius Caesar overcame Pompey, and of Philippi (42 B.C.), were both fought in Macedonia and their sites were determined by that vital road. The final struggle between Octavian and Anthony was quite as clearly a duel between east and west.

Not all the decisive battles of the world have been great affairs in the military sense. Some masterpieces of the art of war have been nearly negligible in their permanent effects; and others that have produced lasting results have little interest from the professional point of view. Actium belongs to the latter class. A brief struggle, and it was over; but everyone recognises that it ended one age and began a new one. It was the last battle of the republican civil wars; it ushered in the great era of the Roman peace; and it made possible the foundation of the Empire.

The decisive event that made the final struggle inevitable was Anthony's marriage to Cleopatra in B.C. 37. Whatever his views may have been, and they can be merely a matter of conjecture, hers were clear and positive. One of the greatest of queens, and the most indomitable and unscrupulous of women, she pursued the road to ultimate dominion with singleness of purpose and steadfastness of aim. Anthony was, as Caesar had been, the only instrument by which her ambitions could be realised, and she travelled her way with a nerve that never failed and a resolution that never faltered.

It was not her fault that the instrument broke in her hands. We can see that an eastern dominion over the western lands and Rome itself was a thing impossible to accomplish; but it need not have been clear to her mind, nor to anyone at that time.

Anthony's Parthian campaign, apparently undertaken against the advice and wishes of Cleopatra, ended in a failure that could hardly be disguised. Moreover it resulted in losses of troops that

could not be replaced. The army that Anthony led into Parthia was the best that he had ever commanded,¹ and included 60,000 veteran legionaries, 10,000 Gallic and Spanish horse, 30,000 auxiliaries, and a great siege-train. It returned after the loss of some 22,000 legionaries, disappointed by failure and disgruntled in spirit.

We need not linger over the triumph celebrated by Anthony in Egypt, or the extraordinary ceremony known as the Donations of Alexandria. They are relevant to the main struggle only in that they exasperated Roman opinion. To be the scene of a triumph was the prerogative of the city of Rome and of none other; and by the Donations Anthony was purporting to bestow things that were not his to give, because they belonged to the Senate and People of Rome. The position of Anthony himself was purposely left in ambiguity. To his legions and the citizens he must remain the magistrate of the Republic, but to the eastern world he became the divine monarch. But if Anthony's position was ambiguous, Cleopatra's was not. She was monarch of Egypt, the embodiment of Isis, the queen of kings, and from that to Roman empress was but a short step. But the short step was just the one that Rome would never tolerate, and therein lay the fatal psychological weakness of Anthony's cause.

Meanwhile Octavian had been steadily consolidating his position in the west, Lepidus had been liquidated, Italy was becoming more and more conscious of her unity, new cities were being founded and the old beautified. The army was strengthened in discipline and loyalty, and a great navy was kept in readiness. In monetary resources Octavian was utterly unequal to Anthony, but the treasury of the Ptolemies was in the hands of Cleopatra, and over that treasury Cleopatra kept a firm grasp. She was as good a woman of business as all her race, and as such was quite prepared to spend money in plenty when it was wanted and for purposes of which she approved, but not before or otherwise.

For the years immediately preceding Actium the historical sources are small in quantity and of doubtful value, and have been debased by propaganda and counter-propaganda. It is quite clear that Octavian did not perform his part of the pact of Tarentum by sending four legions to Anthony, for which the real if not the

¹ W. W. Tarn in *C. Anc. H.*, X, 73.

pretended reason was Anthony's desertion of his legal wife—Octavia, the sister of Octavian.

In 33 Anthony definitely decided upon war—the war for which Cleopatra had schemed so long. The winter of 33–2 was spent by them at Ephesus in making strenuous preparations, and then the anomaly of Anthony's position became painfully evident. He was fighting nominally as a Roman against Romans, actually as the husband of Cleopatra and the king of the East. For Anthony his soldiers would probably fight, for Cleopatra they would not stir a finger. Herod of Judaea, who visited Anthony at Ephesus, is said to have given him the malicious advice to kill Cleopatra and annex Egypt. The execution of this diabolical suggestion would probably have clarified Anthony's position, whatever other results it might have had. After all, Cleopatra had murdered her sister Arsinoe to make her own position secure.

So the army was transferred at first to Samos, and then to the mainland of Greece; for Anthony was unable, and probably unwilling, to fight without Cleopatra, despite the heavy handicap that her presence entailed. Octavian naturally took the fullest advantage of the opportunities that Anthony's equivocal position placed in his hands. The divorce of the faithful and much injured Octavia undermined Anthony's position in Rome and resulted in the first crop of desertions. The seizure and publication of his will by Octavian, however illegal, was a first-class piece of propaganda, and resulted in an outburst of hatred against the Egyptian woman that even exceeded the former hatred of Hannibal. With public opinion steadily consolidated in his favour Octavian crossed from the heel of Italy to western Macedonia in the spring of 32, and faced the fleet and army of Anthony stationed on the coast of Epirus.

The initial operations went decisively in favour of Octavian. By policy or of necessity Anthony had surrendered the Via Egnatia, and occupied instead a long string of positions on the coast line of Greece and Epirus. There were no good land communications, and the supplies depended on the voyages of corn ships from Egypt. A glance at the map will display the weakness of the position to the merest amateur in the art of war. The question that can never be solved is that of the reasons that constrained Anthony to adopt it. It may be suggested that his

previous history, and the Parthian campaign in particular, had shown that Anthony was better in the ordering and conduct of a battle than in the planning of a campaign; he was a good tactician, but an inferior strategist. Then there was the necessity for using the great fleet, but possibly the compelling influence was the opinion of Cleopatra, and the fact that the base of operations was Egypt.



Fig. 2. The Campaign of Actium

Agrippa, in command of Octavian's fleet, began active operations by storming Methone in the Peloponnese, and so secured a base on the flank of the sea-way to Egypt. Octavian crossed to Epirus with his army, unmolested, and advanced rapidly to the northern shore of the Ambracian Gulf against Anthony's chief concentration. There, on the northern promontory of the narrow mouth of the Gulf, he fortified a position. Anthony's attempts to dislodge him failed, chiefly because of large desertions on the part of his troops. The morale of Anthony's army was becoming deeply affected, and desperate measures were becoming necessary.

Time was running in favour of Octavian, and Anthony's army was being infected with the idea that it was really fighting for Cleopatra. The land operations had failed, and a battle on the sea could alone afford any prospect of success.

The actual events of the battle of Actium are a matter of acute controversy, which the present writer has no competence at all to decide.¹ Out of the mist of doubtful authorities and conflicting interpretations certain main facts can be established. Anthony, in effect, was becoming besieged in the Ambracian Gulf, and if he stayed there the end was inevitable. The only way out was to risk everything by an attack upon the blockading squadrons. If, as Dr. Tarn thinks, the fleets were of approximately equal strength, there was hope of decisive victory if the men would fight; but if, on the other hand, Anthony's fleet were greatly inferior in numbers there was just a gambler's chance of some kind of success. At the worst, if all else failed, a supreme effort must be made to break through the blockade and retire to Egypt. The sails were shipped on board and so was the treasure, so that whether Anthony was fighting for victory or safety, everything was staked upon the issue of the struggle. The one thing that was not contemplated was a retirement again within the shelter of the Gulf.² So the fleet came out, and battle was joined. Some severe fighting took place on the right wing where Anthony was in command, but it went against him, and if there had ever been any hope of any kind of success it had vanished. Someone at some time gave the signal for retreat; Cleopatra cleared her own

¹ The chief difference is between the views of the late Professor J. Kromayer on the one hand, and of Dr. W. W. Tarn on the other. It can be followed in Dr. Tarn's paper in *Journal of Roman Studies* (1931), XXI, 173 *et seq.*; in his own chapter in *C. Anc. H.*, X, 104; and in Mr. G. W. Richardson's paper in *J.R.S.* (1937), XXVII, 153 *et seq.* The main point at issue is the number of Anthony's fleet in the battle. If he had only 170 ships, or "less than 200" as stated by Florus and Orosius, then Dr. Tarn's theory cannot stand. It seems to be impossible to arrive at an agreed conclusion upon this decisive point on the evidence available. It is a question of balancing probabilities upon which opinions will differ inevitably. It must be remembered that all our authorities come from the victorious side, and must be discounted accordingly.

² In his tentative reconstruction of the battle (*loc. cit.* pp. 162-4) Mr. G. W. Richardson entirely ignores the fact, to which Dr. Tarn rightly attaches great weight, that Anthony was stationed on the right, that is the northern, wing of his fleet. If retreat to Egypt were intended, and nothing else, for Anthony to take position at the point furthest distant from the only possible line of retreat would have been an incredible piece of stupidity. Great commanders have often made great mistakes, but not so great as historians sometimes attribute to them.

squadron intact; and Anthony escaped with an unknown number of ships. The remainder of the fleet surrendered, probably on terms, and Octavian had gained a Nelson victory. The command of the sea had passed without question to him.

The events that followed are one of the world's great stories immortalised in the pages of Plutarch and Shakespeare. Cleopatra would have continued the struggle, but could not do so without Anthony. Anthony was utterly broken, and could not trust the large army still under his command. Cleopatra, unbroken in spirit to the end, faced her death with the supreme courage that she had manifested throughout her life,¹ and she retains her position as one of the greatest woman rulers recorded in the pages of history. Utterly unscrupulous in her actions, she was capable of inspiring unparalleled devotion in those that surrounded her, for where shall we find the similitudes of Iras and Charmion, the two handmaidens who followed their mistress even unto death. But the most striking tribute to her magnificence is the fear that she inspired in the greatest military nation of ancient and possibly of all times. May we borrow the final tribute of Dr. Tarn: "For Rome, who had never condescended to fear any nation or people, did in her time fear two human beings; one was Hannibal, and the other was a woman".

CHAPTER 12. MONARCHY AND EMPIRE

MONARCHY is the most important and widespread of all political institutions. It is not universal; a few peoples never attained it, but they were usually backward tribes which remained in an age before politics; some have rejected it deliberately, but retained its vestiges in stray corners of their institutions to prove the fact of its former existence. In some essential matters it is more efficient than its rivals, especially under conditions that recur again and again in the course of history, but its supreme merit is its intelligibility.² Elaborate volumes written by learned lawyers

¹ Dr. Tarn has disposed finally of the legend of Cleopatra's "treachery" at Actium, even to the satisfaction of his critics. What other woman ever commanded a squadron in person in a naval engagement?

² The classic exposition of this subject, never likely to be superseded, is Walter Bagehot's chapter on The Monarchy in *Eng. Const.*, No. III, 1.

are necessary to expand the intricacies of a written constitution, but any child can understand a king. "Men", as Bagehot remarked, "are governed by the weakness of their imaginations." To all but a small minority in the later ages, and to the vast majority in all ages, the difference between government by a king and government under a constitution presents itself as the difference between being governed in a way that they understand, and being governed in a way that they do not understand. The glitter and the glamour, the pomp and the circumstance, are there for all the world to see, and behind the visible attributes of monarchy it is easy to envisage the invisible power.

Remembering the proverbial superiority of example to precept, we may begin by recalling a dramatic and vivid record of the establishment of a monarchy.

The difficulties of reconstructing a rational account of events from the Old Testament narratives are immense,¹ and the narratives have been edited under priestly influence, but for our present purpose the difficulties are not relevant. The book of *Judges* gives us the picture of a congeries of tribes maintaining a precarious existence in the face of numerous enemies—"the nations which were left to prove Israel". Occasionally they are persuaded or compelled to unite under the influence of a chieftain or judge of exceptional capacity who might be a leader in war like Samson, or a political priest, like Samuel, or, on one occasion, a woman—Deborah. (The judicious reader will be able to supply parallels from the histories of Wales and Scotland.) But the hostile pressure increased: the Philistines, probably a people of northern origin with weapons of iron, settled in the sea-plain; and the situation called for command under a permanent instead of a temporary leader.

The two accounts of the establishment of the Hebrew monarchy given in the first book of Samuel are in absolute conflict with one another. According to one narrative the king was divinely chosen (I Sam. ix, xiii), and, in the other, the people demanded a king in opposition to the priestly views (I Sam. viii; x, 17 *et seq.*; xii). It is this latter narrative that is so peculiarly

¹ See generally S. A. Cook in *C. Anc. H.*, esp. II, ch. 14, and III, ch. 17.

suitied to our purpose that the essential part of it must be quoted in full:

“And it came to pass, when Samuel was old, that he made his sons judges over Israel. Now the name of his first-born was Joel; and the name of the second Abiah; they were judges in Beersheba. And his sons walked not in his ways, but turned aside after lucre, and took bribes, and perverted judgement. Then all the elders of Israel gathered themselves together, and came to Samuel unto Ramah, and said unto him,

‘Behold, thou art old, and thy sons walk not in thy ways; now make us a king to judge us like all the nations.’

“But the thing displeased Samuel, when they said ‘Give us a king to judge us.’ And Samuel prayed unto the Lord. And the Lord said unto Samuel,

‘Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, wherewith they have forsaken me, and served other gods, so do they also unto thee. Now therefore hearken unto their voice; howbeit yet protest solemnly unto them, and show them the manner of the king that shall reign over them.’

“And Samuel told all the words of the Lord unto the people that asked of him a king. And he said,

‘This will be the manner of the king that shall reign over you; he will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots.

And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots.

And he will take your daughters to be confectioners and to be cooks, and to be bakers.

And he will take your fields and your vineyards and your oliveyards, even the best of them, and give them to his servants.

And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants.

And he will take your menservants, and your maid-servants, and your goodliest young men, and your asses, and put them to his work.

He will take the tenth of your sheep; and ye shall be his servants. And ye shall cry out in that day because of your king which ye shall have chosen you; and the Lord will not hear you in that day.'

"Nevertheless the people refused to obey the voice of Samuel; and they said,

'Nay; but we will have a king over us; that we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.'

"And Samuel heard all the words of the people, and he rehearsed them in the ears of the Lord. And the Lord said to Samuel,

'Hearken unto their voice, and make them a king.' "

In the intense drama of this narrative we can discern all the elements of a political revolution. Samuel, grown old in the service of the people, was contemplating or suffering the establishment of an hereditary priestly chieftainship, but the attempt was frustrated by the avarice and dishonesty of his sons. This led to the demand of the popular leaders for a monarchy, with a consequent diminution in the political power of the priesthood. The priestly caste, which one can almost designate as "the old gang", placed their arguments in the convenient mouth of Jehovah, and fought hard for the retention of power, but recognised in the end that abdication was inevitable.

Samuel recounted all the modern and universal objections to monarchy. It is quite easy to modernise the language. Your king, says he, will impose heavy taxation, and taxation without the consent of the governed. The taxation will be enforced by a bureaucracy which will be oppressive and rapacious. He will enforce stringent military conscription, and far from stopping there, will supplement it by a complete industrial conscription, so that the nation will be in all respects thoroughly organised for war. One can almost hear the voice of a Gladstonian liberal addressing an indifferent House of Lords. So, too, the voice of

Samuel was unregarded in the presence of danger; the people said, "we will have a king over us". In the words of the great Scotch economist of the eighteenth century, "defence is more than opulence".

As an efficient political institution the king has two main functions, leadership in war and judgement in peace. The Jews, in the chapter quoted above, put these essentials quite clearly and simply—"That our king may judge us, and go out before us, and fight our battles". These are functions essentially secular, yet the king was always surrounded with an aura of religion. This duality creates an antithesis that we must make some attempt to resolve.

There is a deep distinction between the practice of magic and the exercise of religion.¹ In magic the magician attempts to bring about certain desired results, such as a timely fall of rain in a land stricken by drought, by the performance of ceremonies that are believed to produce the results by direct action. There is no appeal to higher powers, no abasement before a powerful but capricious deity, but a strict performance of prescribed ceremonies according to rigid formulas. The ideas underlying magic and science are the same; but "the fatal flaw of magic lies not in its general assumption of a sequence of events determined by law, but in its total misconception of the nature of the particular laws which govern that sequence".² The magician was a man who gained power by virtue of possessing ideas, and he tended to become a king.

Diverse in its assumptions, and possibly later in origin, is religion. Its two elements are, first, belief in powers higher than man that are able to influence the course of events; and secondly, efforts to please the feelings of those powers and influence their emotions. "Hence, belief and practice, or, in theological language, faith and works, are equally essential to religion, which cannot exist without both of them."³

Nevertheless the clear-cut distinction between magic and religion did not appear at any very early stage in the history of

¹ I follow the views of Sir James Frazer, *Golden Bough*, *passim*, rather than those of his critics.

² Frazer, *Golden Bough*, *abd. edn.*, p. 49.

³ Frazer, *op. cit.*, 50.

the human mind. It is in accordance with all that we know of the slow development of early thought that it should not do so. The priest and the sorcerer are often one and the same person, and acting upon a principle of reinsurance he performs both magical ceremonies and religious rites, in the hope that if one happens to miss, the other will hit the mark. Sir James Frazer gives examples of such a confusion of ideas prevailing among the French peasantry until quite recent times.¹ But when the ideas had become differentiated they resulted in a relentless hostility between the priest and the sorcerer. The formula of the Jewish priests, "thou shalt not suffer a witch to live" (Exod. xxii, 18), had terrible repercussions in the sixteenth and seventeenth centuries. Hardly less ghastly than the iniquities of the Inquisition, were the vile cruelties inflicted upon helpless old women who came under suspicion of witchcraft.² As the king was generally a magician as well as a god, part of the hostility that we shall observe to exist between the king and the priest may be attributed to this cause.

The ages of magic, therefore, passed insensibly into the ages of religion; but they left a considerable residue of vestigial structures behind them. The most considerable of these structures was the magician who passed into the divine king. In a primitive society the magician was a person of importance, because his functions were vital to the preservation of the community; and this was particularly the case in the two essential matters of the production of rain when needed, and the promotion of fertility in man, beast, and crops. The lowest races of savages appear to be ruled by neither priests nor kings, but by a government of elders for which Sir James Fraser has suggested the name gerontocracy.³ But the person whose actions replenish the land is bound to gain influence, and in many lands we can trace the gradual exaltation of the medicine man into the chieftain and the king. Then religion (as here defined) slowly began to supplant magic; the influential chieftain was transformed into the man-god, and kingship became divine. It would appear that for the most part the king embodied the sun-god, the very

¹ Frazer, *op. cit.*, 53.

² Lecky, *Hist. of Rationalism*, Ch. I.

³ Frazer, *Golden Bough*, p. 83.

essence of power and fertility.¹ So over a large part of the earth he has remained; a divine being sometimes segregated from the society of which he is the nominal ruler, and sometimes lapsing into a mere figurehead. This happened in particular in the walled cities of the Mediterranean littoral, where the king ceased to govern even in name, and degenerated into a religious functionary.

Now it is perfectly clear that this magical and divine kingship was not the institution which the Israelites secured from Samuel, and has swayed the destinies of states. The latter was a secular institution, and we must endeavour to speculate upon its origin.

Before the dawn of history, because the invention of the art of writing upon which history depends was one of its most important consequences, a great change took place in the development of civilization upon which Childe has bestowed the happy name of the "Urban Revolution".² By that time notable advances had been made in the art of life. Animals had been domesticated; agriculture established; metallurgy had advanced to the mining and smelting of copper, tin, gold, and silver, though iron was still to come; a solar calendar had been invented; the wheel and the horse had revolutionised land transport; ships had been built that could sail the seas; organised trade had become a necessity; and the functions of men had been differentiated. Moreover they had learnt to build something more than a hut, and the way had been prepared for a life in cities, the establishment of civilization in the true sense.

That way of life was apparently inaugurated independently in three great river valleys, the Indus in India, the Tigris-Euphrates in Mesopotamia, and the Nile in Egypt. It is unnecessary in this place to enter into details, but cities were built in these valleys, and life in cities necessitated profound changes in government.³

One conclusion that can be drawn with the utmost confidence from the results of the excavations in Sumeria is that the centre

¹ Hocart's *Kingship*. The theory of the king as sun-god is Hocart's chief supplement to Fraser. Its validity is a matter for experts in the history of religions.

² V. Gordon Childe, *Man Makes Himself* (1936), chaps. VI and VII; Stanley Casson, *Progress and Catastrophe* (1937); Peake and Fleure, *Priests and Kings (Corridors of Time, No. IV)* (1927); and numerous special works.

³ In spite of the learning and acumen with which it has been advocated, I cannot regard the theory that all civilization originated in Egypt as in any way proved. *Ex Africa semper aliquid novi*, but the new is not always true.

of the city life was in all cases the temple of the god. The god was not a physical entity, and like all corporations could act only through his agents. Those agents were the members of a college of priests who administered his revenues, managed his estates, admonished the lagging pious who were backward with their material offerings, and generally acted as the economic and political administrators of the city. It seems evident that the first form of government established in the incipient cities was a theocracy: in theory government by the god, in practice government by the priests.¹ The thing seemed to be stable and permanent, but nevertheless it had within it a subversive influence that would not bring it to utter ruin, but would restrain its activities and curtail its power.

Civilization brought in its train one more great specialisation, another fundamental invention, that was to accompany its growth through all ages—the device of organised warfare. Civilization produced wealth and comfort, but it also engendered envy and greed. It was encircled by enemies, tribesmen of the desert and tribesmen of the hills, only too ready at the slightest opportunity to slaughter its votaries and plunder its riches. The pastoralist, the “keeper of sheep” personified in Abel, is at perpetual variance with the agriculturalist, the “tiller of the ground” personified in Cain. Furthermore, city may be jealous of city, and may find that conquest and subjection can increase riches without effort, and augment power at others’ expense. So a new figure strides into the page of history, a resplendent and shining figure that will stand out in all its later pages, the professional soldier trained for war.

We can only surmise the immediate consequence, but the surmise is written so plainly in later events that its validity can be asserted. The temple governments of the cities were colleges or committees of priests, and they and their peoples must have learned in the hard school of defeat and disaster the rule to which there is no exception—that no committee ever won a battle. A

¹ Bagehot's *Physics and Politics*, Part I, “The Preliminary Age”, is still by far the best account of the difficulties of government in the early stages of civilization. His expression “a cake of custom” is classic and admirable; and so are his aphorisms: “How to get the obedience of men is the hard problem; what you do with that obedience is less critical”; “Later are the ages of freedom, first are the ages of servitude”; “The ages of monotony had their use, for they trained men for ages when they need not be monotonous”.

committee may, and sometimes does, organise a war, but to conduct a campaign unity of command is the first essential. So the cry of the people went up to the temple, as the cry of the Israelites went up to Samuel, "we will have a king over us; that our king may judge us, and go out before us and fight our battles". And the temple colleges were forced reluctantly to obey, as Samuel was forced to obey.

Thus there arose one of the major conflicts of history, the age-long antagonism between the king and the priest, between the palace and the temple. The king as sorcerer priest and god may have been magical or religious in origin, but the type of king that now arose, and afterwards persisted, was secular in function. His business was to lead the army and judge the people. The two authorities were antagonistic to one another, and the pages of history are scarred with the records of their conflict.

It marks the whole of Jewish history, both at the establishment of the monarchy and ever after. The books of the Old Testament were written by the priests, and nothing is more evident than that they regarded the kings exclusively from their attitude to the priesthood. The kings that earned praise were those that were subservient to the priests, and those that "did evil in the sight of the Lord" were those that kept the priesthood in its place. Needless to add, any example of intolerance on the part of the king is applauded warmly by the priestly writer.

On the other hand the religious revolution initiated in Egypt by Ikhnaton (*circa* 1375 B.C.) was a definite attempt on the part of the king to remodel the religion of the people according to his own ideas, and incidentally to break the power of the priesthood. It failed; and at his death the priests returned to power, smarting under the memory of a temporary defeat and determined at all costs to prevent its recurrence. In this they prevailed.

We see the same thing in the later Roman Empire; the tolerant state forced into an uneasy alliance with the dominant church, with the balance of power swaying sometimes one way and sometimes the other. Everyone will remember the contests of the Middle Ages: the controversy over Investitures; the conflict between the Empire and the Papacy; Henry II, the greatest of our medieval kings doing penance at the tomb of "that arrogant priest" Thomas à Becket; and the Emperor Henry IV waiting for three days barefooted in the outer ward of the castle of

Canossa to receive the absolution of a more arrogant Pope. We hear Andrew Melville calling James I "God's silly vassal"; we see Calvin at Geneva imposing an iron religious discipline even upon a republic; and Napoleon, most secular of rulers, seeking a concordat with a defeated Pope. On the other hand Henry VIII is acclaimed as "the noble lord that burst the bonds of Rome"; Louis XIV "the eldest son of the Church" kept that church in strict subordination, using its cardinals as his chief ministers, and persecuting protestants at home and supporting them abroad in accordance with the exigencies of a policy purely secular and political. We note the uneasy relations between the kingdom of Italy and the Vatican, the expulsions of the Jesuits, the French law of associations of 1898—in short, our power of multiplying examples from all periods of history is limited only by the resources of our own historical memories.

The fact is that some sort of alliance was a highly disagreeable necessity to both parties. The temple was not strong enough to maintain itself without the material support of the palace, and the palace was dependent upon the moral support of the temple. Neither party could exist without the other if both were to be maintained in reasonable comfort. So, in general, the priest supported the king's *power* as ordained of god, and the king supported the priest's *authority* by the help of the secular arm. The alliance was uneasy on both sides, but was maintained in some sort by both, because of their mutual necessities.

The king was in function a secular institution, and his primary attributes were two: to lead the army and to judge the people. His office was the result of organised warfare, and his creation the trained soldier. Always, everywhere, the king possessed at least a body-guard, the nucleus of a field army, composed of his personal servants trained and disciplined for war. Because they were specialists they were more efficient than any general levy; the guards are always the flower of the army. Moreover the soldiers of the king were chosen on the ground of efficiency alone, because the test of the battle-field is no respecter of persons. Considerations of birth or status were as far as possible eliminated, and the career open to ability first arose in the army of the king.

Secondly, the king was the supreme judge, the court of ultimate appeal. No picture is more lively, at least in the East, than that

of the king sitting in the gate to hear the petitions of the humblest and to ensure that right was done to all the people. The Jewish monarchy, as we have seen, developed out of a series of temporary leaders, whose office was not hereditary, but who were called judges.¹ The ancient Indian law books assume the office of the king as judge, and half a world away the Brehon laws of ancient Ireland do the same thing. Usually he sits with a trained lawyer as his assessor, doubtless with the object of moderating his enthusiasm for abstract justice, but his decisions or dooms are the direct dictation of the gods. It will be remembered that it needed all the obstinacy and pedantry of Sir Edward Coke to prevent James I from presiding over his own courts; for the king was only attempting to perform in the unsuitable atmosphere of a civilised society his most essential function in a more primitive environment.

The idea has persisted in a form that has influenced the most modern societies. The king is invested with a residuary or supplementary jurisdiction that can abate the extreme rigour of law when that rigour would work manifest injustice. From this residuary jurisdiction sprang the English courts of equity; from it, in a republic that abhorred the idea of a king, sprang the equitable jurisdiction of the Roman praetors that helped to transform the crabbed legal system of a Mediterranean farming community into one fitted for world-wide influence; and from it sprang the power of pardon.² Moreover, the royal justice, untechnical and untrammelled by precedent, came to the people. Royal progresses had their economic reasons, but they also brought royal justice direct to the people at or near the people's own homes.

Hocart³ develops a most interesting theory with regard to royal justice. He notes the Homeric idea that the prosperity of the people is the effect of the king's justice, and gives a number of parallels from eastern and western lands. In his view, however, this is not a result of the king's power as a magician, but an attribute of the sun-god whom he represents on earth. It is therefore

¹ The Hebrew word has also the meaning of "deliverers".

² Though it may need some correction in detail, Chapter VI of Maine's *Early Law and Custom* (1883) on "The King in his relation to early Civil Justice" is still well worth reading. The extremely apposite note on p. 185 is unfortunately too long to quote.

³ *Kingship*, ch. VII.

religious rather than magical. The king has the duty of imposing the observance of his law upon nature and man alike, and a violation of the King's peace is a sin against heaven as well as a breach of human law. We can do no more than note this theory, leaving its validity to be determined by the experts in such matters; but it may be observed that Mr. Hocart seeks to ante-date the connection between religion and ethics. It seems to be quite certain that the observances of early religion had no bearing at all upon the practice of morality.

The king, then, was first and foremost a leader in war commanding the nucleus of a trained army of organised specialists. That tempered weapon was intended primarily for defence, but it could only too easily be turned to purposes of aggression as greed or vainglory might dictate. "Know ye that Ramoth in Gilead is ours, and that we be still and take it not out of the hand of the king of Syria" (I Kings xxii, 3). From the answer to that and suchlike questions came the idea of Absolutist Imperialism, of monarchy founded on conquest. There seems to be no doubt that the Sumerian cities acquired power over one another in this way,¹ but the first great conqueror of whom we have record was Sargon of Agade (*circa* 2600 B.C.). From this time at least Absolutist Imperialism has been a constant feature of the historical record. All the great oriental monarchies, called "inorganic" by Seeley, were of this type.

Their persistent feature has been their instability, and their essential character has been the existence of two disparate organizations within the state, that of the conquerors and that of the conquered. Except for purposes definitely political, the conquerors did not interfere with the life of the subject peoples, and left severely alone their customs and their laws.² The one thing that attracted their constant and remorseless attention was the exaction of tribute, which is a polite name for organised plunder. In all these states there is the constant feature of a superior class trained for war, who generally despised the toiling masses and especially disdained for themselves the practice of agricultural operations. This mental attitude was accentuated

¹ The Egyptian monarchy spread its power up the Nile valley from the Delta by conquest, but the ultimate result was something more resembling a national state.

² See the striking and often quoted passage on this subject in Maine's *Early History of Institutions*, p. 379.

when the conquerors, as was sometimes but by no means always the case, originated in the desert or the hills, and had spread their conquests over the fat lands of the irrigated valleys. But ancient or modern, their principles are always the same, those of power politics, of military greed seeking what seems good to itself. If there were any doubt on the matter it would be dispelled by comparing the speech of Rabshakeh to Hezekiah on the wall of Jerusalem (II Kings xviii, 17) or of the Athenian embassy to Melos (Thuc. v, 84 to 111) with the "scrap of paper" speech of the German Chancellor Bethmann-Hollweg to Sir Edward Goschen in July, 1914.

CHAPTER 13. FOUNDATION OF THE EMPIRE

THE decisive victory of Actium, and the deaths of Anthony and Cleopatra, left Octavian the unquestioned master of the Roman world. After long years of strife, anxiety and trial, the boy had vanquished the veteran; but the supreme test remained to be faced—the use that the victor would make of the power that he had attained.

Taken out of its proper context there is no principle so vicious as that

"the same arts that did gain
a power, must it maintain".

The character of the soldier and the statesman are not always, or indeed often, united in the same person; the pilot of the storm has characteristics that become an incumbrance when he attempts to act as the pilot of the calm; swift decision and abounding energy must be tempered by prolonged contemplation and careful planning.

In one respect this antagonism did not appear in Octavian. The military genius of his uncle, Julius Caesar, was not reproduced in him; as a soldier he was nothing more than competent; and without the assistance of Agrippa he would probably never have attained his ends. The qualities of a statesman he possessed to a most eminent degree. Probably no more constructive mind has ever been placed in a position of such power and opportunity;

the Roman Empire was the greatest political structure of the world during the days of its pre-eminence, and after its fall it remained one of the abiding influences of civilization; and Augustus, as it will now be convenient to call him,¹ was its founder and its architect. A pleasant character he certainly was not. No casuistry can excuse, though precedent may explain, the frightful proscription of 43 B.C. in which 300 senators and 2,000 equites are said to have perished. The heads of the tallest poppies were cut off without scruple and without remorse. Ancient historians have suggested that his character mellowed with the advancing years, but the explanation is too courtly to be true. No such violences were necessary when none questioned his authority; but his later treatment of the family marriages showed that in his view no personal feelings could be weighed for a moment against reasons of state. If the ends were essential the means were necessary; and to him can be applied the saying of Horace Walpole: "no great country was ever saved by good men, because good men will not go the lengths that may be necessary."²

The problems that confronted a statesman at the fall of the Republic have already been summarized. The solution of Caesar would appear to have been the foundation of an autocracy over the whole Mediterranean area with a common citizenship and an undivided allegiance. This scheme would have entailed the subordination of Italy and a definite breach with all the traditions of the Republic. Augustus with a deeper political instinct framed a scheme more subtle and more enduring.

The changes were carried out in the years 27 and 23 B.C.: in the first year in a tentative form that embodied all the essentials, and in the second in the final form with the modifications that experience suggested. The stage management of the proceedings was excellent. The ground was carefully prepared beforehand; and then on 13th January, 27, Augustus read to a reconstituted Senate a formal resignation of all his offices and powers. The dramatic machinery worked to perfection. No disgruntled

¹ The name of Augustus was conferred upon Octavian by decree of the Senate as part of the settlement of 27 B.C. It is confusing that the same man should be known by different names at different periods of his life, but in this instance the usage is too well established to be questioned. The same confusion occurs when a peerage is conferred upon a commoner. There are some good remarks on the choice of the name (by the late Sir Henry Stuart Jones) in *C. Anc. H.*, X, 130.

² Quoted in Buchan's *Augustus*, p. 71.

republican moved the acceptance of the offer; unanimously and enthusiastically the powers were returned to him, but in the form in which he desired that they should be restored.

In name, but in name only, the Republic was restored. A revival of the bad days that all remembered, none desired; but every part of the old machinery that could be made to work was preserved. It was intended to be a reconstruction; the revolution was hidden as far as possible. Above all, the dignified, the imposing, the venerable parts of the constitution were retained. The assemblies indeed had degenerated beyond hope of amendment, and slipped insensibly into oblivion, but the rest of the facade remained. The consuls, the praetors, and the aediles were still elected annually; the proconsuls still set out on their distant journeys; the senate still debated with its ancient decorum. Nevertheless behind the outward showpiece the realities of power passed into the hands of one man.

In the first place the army was his and his alone. As to that there could be no question. The one thing that all men desired passionately was a lasting peace, and to establish that there must be no more divided commands. The triumphant general with his victorious army had been the curse of the last century of the Republic, and he could not be allowed to return again. He did return ultimately, but only as a claimant to supreme power elected by the suffrage of his army, and his reappearance marked the decline of the Empire. The army moreover lost part of its ancient character. It was drastically reduced in numbers, so drastically indeed that it was only just sufficient for its purpose; and, except for the Praetorian guards, it was stationed on the frontiers. During the ages of the imperial peace, a soldier was a rare sight in a civil town.

In the second place, the titles of the Emperor were chosen with the utmost care. All reference to kingly authority must be avoided because nothing was more distasteful to the Roman people. The belief that he was aspiring to the trappings of an oriental monarchy had weighed more strongly against Anthony than any other factor. Augustus was granted the *imperium*, that is to say the chief executive power, not only in the provinces where it was a *majus imperium* superior to that of all the provincial governors, but also by a special decree within the city boundaries as well. Then he was given the name—not the title—

by which he has always since been known, that of Augustus. The choice of that word was an effort of genius. It denoted, in the words of Dio, "something more than human", but yet not regal; and in the East, where these nice distinctions were not appreciated, it could easily be transmuted into the divine.

As a title he chose *Princeps civitatis*, the leading man in the state, the first citizen in the community; a title neither disagreeable nor unusual to Roman ears, which distinguished the Roman Principate from all other despotisms. Combined with this and following from it was the possession of *auctoritas*, a word of which our "authority", though derived from it, does not represent the equivalent. It meant that his decisions, though not possessing greater legal force, carried greater weight than those of any other person. It meant that if he was in theory first among equals, the emphasis was more upon the primacy than upon the equality.

The transfer of the effective ultimate power into the hands of the Princeps was carried out with equal ingenuity. The imperium by itself was not sufficient because it could be nullified by the anomalous power of veto possessed by the tribunes. Moreover, a patrician could not be a tribune, and Augustus was legally disqualified from holding the office. He found the solution of the problem, as John Buchan aptly expresses it,¹ after this manner: "He would formally preserve the ancient magistracies, but he would acquire for himself the powers without the offices." This was no offence to Roman sentiment, but it conferred the reality of power. Of these offices the tribunate was by far the most important, and the possession of the tribunician power was the secret of the imperial predominance.

Nevertheless the framework of the old constitution was utilized as far as possible as the scaffolding of the new order. The old governing class was enlisted in the service of the state instead of being alienated as Caesar had alienated it. The Senate itself was given as much power as it could use to advantage. The unwarlike provinces that needed the presence of few soldiers were handed over to senatorial government. The Senate was purged and made a reservoir of political ability. Legislation during the first two centuries of the Principate was often effected

¹ Buchan, *Augustus*, p. 134.

by senatorial decrees (*Senatus consulta*). Italy was restored to its position as the central and predominant country in the empire, and all roads were made to lead to Rome. Equally important was the enlistment of the middle class in the business of government. The *equites* ceased to be the farmers of the taxes, but they were the class from which the civil service was recruited. They were the finest stock in the state, and gradually they ousted the freedmen from all the important positions. "The empire at its most prosperous stage was ruled by the upper middle class,"¹ and when it declined the Western Empire perished.

B. The Achievement.

CHAPTER 14. CHARACTER OF THE EMPIRE AND THE IMPERIAL IDEA.

It has often happened that at the end of a great war men have seen the vision of a new age. The war has settled something; it has made the world safe for—the particular ideal of the time. Generally the vision is an illusion, but in the years after Actium it was a reality. Contemporaries could not foresee the long peace that was to follow; there were many anxieties, and the stability of the new order seemed to rest on the life of one man whose health was precarious; but the sense of the new age was there. It had its expression in the noblest and most imperishable monument that a new age ever erected to be the embodiment of its hopes and ideals—the *Aeneid* of Virgil.

The hope was not frustrated because long life was granted to the man upon whom all depended; and he was given time to erect the new order upon the best and surest foundations. As he was first and foremost a great statesman whose sense of the ideal was always limited by a clear appreciation of the possible, who was willing to experiment and discard expedients that experience proved to be unworkable, who had a great sense of the past and wished to preserve all that was worthy of preservation, so the great structure was built and endured.

¹ Buchan, *Augustus*, p. 213.

The first point to observe is the difference between the Principate and the tribute gathering despotisms. Empires had always been founded on tribute, the Athenian no less than the Oriental, and the dominion of the Roman Republic was essentially of the same character. In some respects we can see the forerunner of the Roman Empire in the Persian Empire as reconstituted by Darius. The Persian monarch was the Great King, the deputy of the Gods; but his rule was marked by toleration, and its practice guided by expert advice; he interfered with religion, law, and custom as little as might be, and he facilitated administration by a great system of roads and posting stations. Nevertheless the Persian empire was not of long standing: it was Rome that endured and whose ideals survived.

From the first the Augustan empire ceased to be parasitic. No more were greedy governors sent to provinces to make what they could out of them; no longer were the farmers of the taxes merely exploiters of the people; no longer were crushing loans imposed upon unwilling borrowers; no longer were the provinces administered in the interests of Italy, but in the interests of the empire as a whole. It is true that Italy retained a position of some privilege; Augustus intended it to be the centre and mainspring of the Empire, and it was impossible as a political measure to deprive the city of Rome of her bread and games; but the Roman people ceased to be a privileged military aristocracy battenning upon subjected provinces.

The collection of the taxes was thoroughly reformed. It proved to be impossible at first to abolish the tax farmers entirely, but they were at least subjected to strict control and audit, and gradually, as the civil service grew in efficiency, they disappeared. The creation of the civil service was perhaps the most essential of the reforms of Augustus. It made the Empire strongest in the very points where the Republic had been weakest. At first, because of the necessities of the case, the service was recruited from freedmen; it became later the appendage of the middle classes. It substituted the expert for the amateur, the trained and professional for the chosen of the people. It opened a permanent career to all men of ability, to the quiet, knowledgable efficient men rather than to the noisy, shallow, popular men. And it provided a real career. As we have already mentioned, the Republic had no reward to offer to the good governor, but

success in the imperial service opened up a succession of desirable posts. Augustus, in building his empire upon the foundation of the middle class, was building it upon the strongest element in the Mediterranean world.

In the second place the basis of the Empire was an aggregate of city states. It was a federation of towns rather than an union of countries. To say this is not to ignore the fact that the empire was a huge agricultural state, or to minimise the importance, especially in the later periods, of the villas and the country estates. Rome was a city-state, and it was natural, and indeed inevitable, that her statesmen should regard the Empire from that standpoint. Along the Mediterranean littoral the process was easy, because the city-state was the prevailing organization, and the obvious proceeding was to build upon it. Even there the advance of the eagles was marked by the foundation of new towns, and all the great emperors were great makers of cities. But the same process was carried on in countries like Gaul, where the organization of society was tribal. We can see the method at work in far-distant Britain on the very edge of the empire. The tribes were not destroyed, but their headquarters were removed from hill-top forts to lowland towns, and the town became the centre of the tribe with a governing council or senate and an urban organization through which the central power could act. The towns were of different classes depending, until the edict of Caracalla,¹ upon the degree of Roman citizenship that the inhabitants possessed, but they were all alike in possessing local self-government. The hand of Rome was a light hand, and if the taxes were paid and order maintained, the central government would interfere as little as the inhabitants wished. The signs of subjection were unobtrusive, and the path to full Roman citizenship was made smooth.

It was in accordance with the idea of an empire conceived as an aggregate of cities that the emperor should assume the position of First Citizen. The persistent aversion of the Romans to the

¹ The "Constitutio Antoniniana" of 212 purported to confer Roman citizenship upon all the free inhabitants of the Empire. It was probably subject to some exceptions, and its unavowed motive was primarily financial. The older writers (e.g. Maine's *Ancient Law*, p. 144) treated it as a measure of great importance, but the trend of modern opinion is to regard it as a legislative recognition of existing facts rather than as a revolutionary accomplishment. See the discussion (by S. N. Miller) in *C. Anc. H.*, XII, p. 45 *et seq.*, and the authorities there referred to.

idea of monarchy seems to be more an obsession than a principle, but the idea was equally alien to the Greek city states. Aristotle certainly considers monarchy as an ordinary and legitimate form of polity, but chiefly barbarian or belonging to country states. The Lacedemonian was the only Greek form that he observed, and that amounted to little more than a perpetual generalship. The rule of an individual in the city-states generally took the form of tyranny, or a blatant reliance upon force and force alone. The Roman Empire was no tyranny. It might not be founded upon liberty because that idea appealed little to the Roman mind, but it was solidly founded upon legality, for the Romans were the most law-minded of peoples. The authority of the Princeps was conferred upon him by law, his powers were the exercise of established legal prerogatives, and his government was expected to be, and generally was, carried on upon accepted principles. It was this that made the Roman Empire a new thing, a definite addition to the recognised forms of polity. Aristotle had classified the forms of government, and his categories have endured; but he had not observed this form, because it had not been invented. A First Citizen governing by general consent in accordance with strict principles of legality is the form of polity that Rome bequeathed to the world.

To Augustus it would have seemed essential that the First Citizen should be a native of Italy, but he was wise enough to embody no such limitation in the constitution, or he may not have imagined any other possibility. Whether dictated by wisdom or chance, the consequences were of the utmost importance and benefit. After the extinction of the house of Caesar, the ablest emperors were provincials, and the First Citizen of the Republic could be chosen from the widest bounds of the Empire.

Thus far we have considered the imperial constitution from its secular and efficient side, but it would be entirely misleading to ignore its religious aspect. If it was careful to conceal the name and attributes of monarchy, it paraded the divinity of kings. Ernest Barker¹ founds the whole conception of the Empire upon the idea of divinity, but that seems to confuse the accidents with the essentials. The religious aspect of the Empire was old and oriental, it was the secular aspect that was new and western. It is

¹ "The Conception of Empire" in *The Legacy of Rome*, Essay II.

true that in the end, but only after three centuries, orientalism prevailed, and in the latter days the Roman Empire became an absolute autocracy; but it is not there that its vital principle is to be sought. The fact however is patent. To the eastern provinces, accustomed from time beyond memory to the worship of a divine monarch, Augustus became an inevitable divinity as soon as Actium had established his secular sovereignty. The remarkable fact is that the practice of emperor-worship developed in the western provinces with spontaneous enthusiasm. The evidence is that in all the settled districts the people themselves took the initiative; it was only in the newly-conquered provinces that the government thought it advisable to lend a helping hand. Nothing could have contributed more effectively to the stability of the state. If all religions were "to the magistrate equally useful", the most useful of all was the voluntary worship of the head of the commonwealth.

Again, the Empire unified and stabilised the heterogeneous congeries of cities and tribes by a steady process of Romanization and Hellenization. There was no attempt to impose a culture by force, but, as Seneca said, "wherever Rome conquers, she makes her dwelling".¹ The advantages and attractions of Mediterranean civilization were spread out before the eyes of the provincials, and were accepted by eager pupils. A great scholar in a classic work has explained the process and its effects in a remote province, and has demonstrated amongst other things how even a vigorous local art perished under the influence of universal forms.² If that were the case on the periphery how much more potent must have been the influence near the centre. It has been argued at length³ that Rome fell because she romanized the cities alone and failed to impart any real civilization to the unlettered peasantry. The argument at least attests the fact of Romanization, it only contends that the process was not carried far enough.

Finally, it is noteworthy that the Roman Empire neither imitated the oriental despotisms nor foreshadowed more modern monarchies in becoming a dynasty. There were indeed short-lived attempts to establish the dynastic principle, but they were

¹ Quoted in Buchan, *Augustus*, p. 237.

² Haverfield, *The Romanization of Roman Britain* (1906).

³ M. Rostovtzeff, *Social and Economic History of the Roman Empire*.

never of long duration and never manifested any real element of permanency. The Principate was established as an extraordinary magistracy under republican forms,¹ or a collection of extraordinary powers, and in theory at least it never lost that character. It has sometimes been argued that the instability of the succession was a major defect in the constitution of the Empire, whereas the characteristic was inherent in its very being. The four factors that influenced the succession were, first, heredity; secondly, designation of the successor by the reigning emperor; thirdly, forcible choice by the army; and fourthly, choice by the Senate. Of these, heredity was undoubtedly a factor of importance at different periods, but it always foundered on the inadequate personality of one of the successors and generally ended in a violent revolution. Designation of the successor by the reigning emperor was the original plan of Augustus, and for the most part procured an orderly succession when it was allowed to operate. It was simplified by the scheme of having two Augusti, but the unfortunate fact was that the two Augusti often distrusted one another and struggled for supremacy, with the inevitable result of civil war with its wastage of resources and weakening of the fabric. Choice by the army was unquestionably the worst, and needs no comment; and choice by the Senate, when it was really allowed to operate, was perhaps the best of all. The choice of the senate was not always agreeable to the army, and then an armed conflict ensued; but the principle had sustained vitality, and was asserted even in the troubled times of the third century as the instance of Tacitus (275) attests.

The Roman emperor therefore was neither an hereditary king, nor a parasitic despot. He was the first citizen of the republic, and as such the chosen of the people, while careful to inculcate that he was also the chosen of God. He was the personal embodiment of the unity of the known world, or at least of the world that mattered, the world of civilization. The fabric thus erected endured for centuries as a fact, and through all the welter of medieval and modern times has endured as an ideal. And "this vast fabric was the work of one mind. Augustus drew upon tradition and used existing institutions, but that he modified and these he transformed, and he added much that was new. His

¹ H. F. Jolowicz, *Historical Introduction to the study of Roman Law*, p. 332 et seq.

additions were effected so patiently and obliquely that they met with little criticism even from the most conservative. He achieved not only a formal, but a spiritual unity. He provided a system of defence which lasted for centuries, till the barbarians from the north and the Persians from the east broke in on its bounds. Moreover, though we may call it a 'perverted republic', it was in the main a commonwealth, and neither satrapy nor kingdom. He provided in his bureaucracy, and in the universal reverence for Rome, a mortar which held the walls together when the storm broke, and did not yield till the hurricane became an earthquake".¹

We may conclude with the author just quoted that the creation of the Roman Empire "may well rank among the foremost political achievement of the human genius".

CHAPTER 15. THE UNITY OF CIVILIZATION AND THE ROMAN PEACE

SOME of the achievements of the Roman Empire were permanent contributions to human civilization, such as the idea of Imperialism and the Roman Law; others endured as actualities for a time only, but remained as inspirations and ideals, distant but possible. Of these was the unity of the Mediterranean basin, which meant at that time the unity of civilization. No people before the Romans had even attempted to achieve such an union. The Greek cities occupied the mainland of Greece and the islands of the Aegean, but for the rest they were scattered round the littoral of the Mediterranean and the Euxine, sea-girt cities hardly attempting to dominate their own hinterland. Athens at the height of her power attempted nothing more than an union of the cities, and the character of her rule was parasitic. The ideals of Alexander went further. He appears to have had before his eyes a great state in which Greeks and Persians would dwell together in unity, their antagonisms forgotten, their differences reconciled, and their aspirations consolidated; but his time was short, and though his conquests promoted a great and permanent extension

¹ Buchan, *Augustus*, p. 238.

of Hellenic influence, his empire broke up into the unstable and warring states of the Successors.

But the dream of Alexander became the accomplishment of Rome. By the end of the Republic, the Mediterranean littoral and its hinterland was under her effective domination, and it was only left to Augustus and his successors to push forward the boundaries until a stable and scientific frontier could be obtained. That frontier was ultimately fixed, on the most vulnerable side, at the line of the Rhine and the Danube, joined together by the elaborate system of fortification known as the German *Limes*. Before the loss of the legions under Varus (A.D. 9) Augustus and his military advisers appear to have toyed with the idea of the shorter line presented by the Elbe and Danube, but that first-class disaster destroyed the aspiration; and even if it had been established, the superiority of the military line would have been counterbalanced by the difficulty and expense of holding a large area of wild, uncivilized, and unproductive country.¹ It was just this difficulty on a smaller scale that led to the abandonment of the Antonine rampart joining the Forth and Clyde estuaries in Britain and the establishment of the permanent frontier along Hadrian's wall between the Tyne and the Solway.

Within those frontiers, from the Atlantic to the Euphrates, and from the Danube to the desert, civilization was one and undivided. The jarring antagonisms were silenced, superficially at least; the citizenship to which all aspired was the citizenship of Rome; everywhere was an indulgent teacher, and everywhere eager learners. Within the same boundaries a new Roman people grew up. The first care of Augustus was the soundness of the people of Italy as the predominant partner in the Empire; for if the Empire were sound at its heart, its life blood could flow through all the provinces. As we have already remarked, the emperors themselves, after the extinction of the Julian line, were more often provincial than Italian, and the same force was exerted through all the departments of the state. The tide of

¹ James Fairgrieve in *Geography and World Power*, p. 202, has an interesting map showing that the boundaries of the Roman Empire on the north-east corresponded substantially with the boundary of the area that is frozen on the average during the whole of January. The frozen land was also the forest land, where the settlements were not continuous, but isolated clearings in the forest. The Mediterranean people were accustomed to cold, but disliked the combination of continuous cold and continuous forest.

Romanization spread thoroughly and irresistibly, all the provincials began to be conscious that they were citizens of no mean city; in administration, in literature, and in law they contributed to the advancement of the commonwealth, but the administration and the law were Roman, the literature was Latin and Greek. The civilised world for the only time in its long history was an unity.

The unity was not only political, it was also economic. Efforts towards the state regulation of industry were of the slightest kind, and when they were exerted were chiefly agricultural. Trade and manufacture were free to develop and they did develop. Piracy had been suppressed and the seaways were open. Production, even mass-production, increased, and trade and industry became reputable occupations even for Roman citizens.

The firm foundation of the unity of civilization was "the stupendous majesty of the Roman peace".¹ This was the fact that impressed contemporaries and was the wonder of succeeding ages. All through the huge area of the Roman world war had been banished, the soldier was a rare sight, and militarism had ceased to move men's minds. For two long centuries, though the barbarian might trouble the frontier guards, though a Trajan might fight an aggressive war to extend the boundaries of the Empire yet further, though a recalcitrant minority like the Jews might have to be suppressed violently, yet the vast area of the world of ancient civilization was at peace as it had never been before nor has been since. War became a thing far off and remote, an occasional incident on a distant boundary, not a matter of immediate or daily concern. It appeared to Gibbon that "if a man were called to fix the period in the history of the world during which the condition of the human race was most happy and prosperous, he would, without hesitation, name that which elapsed from the death of Domitian to the accession of Commodus".² Perhaps the most doleful of all historical reflections is that the longest period of continuous peace that history has recorded, was the prelude to the greatest disaster that civilization has ever experienced.

The peace endured for centuries but finally passed away; the

¹ "Immensa Romanae pacis majestas." Pliny, *Natural History*, XXVII, 3.

² Vol. I, 85.

unity lasted long but ultimately perished as underlying and permanent differences asserted themselves. A difference of language betokened a divergence of outlook and mentality. The western lands became latinized, but the eastern remained obstinately Greek resting upon a great substratum of orientalism. A brilliant thinker has even contended that the Empire itself was Greek, in literature, in thought, and in organization.¹ It is a pardonable exaggeration, and at least emphasises the strength of Hellenism. As the economic position deteriorated, and the fibre of government weakened, the ancient differences came to the surface. The Empire gradually divided, and the division was between east and west, between Latin and Greek. First sub-emperors or Caesars were appointed, then the whole empire was cut into two by Constantine, then the western half perished and the eastern survived, and finally the division extended to the church. The unity of civilization passed into a memory, to remain as an ideal and an aspiration.

CHAPTER 16. THE ROMAN ROADS

“THE main roads with their bridges and milestones are among the most durable monuments of Roman rule.”² They are also the most impressive, because they are so ubiquitous. Surviving Roman buildings may be comparatively rare, but everywhere, from the hills beyond Tyne to the deserts beyond Euphrates, along lonely mountain ridges as well as through fat plains, the magic words “Roman Road” will appear on the map and the traveller will step in the footprints of the legions.

In this matter the Romans had efficient predecessors in the Persians, although the Roman system was invented and built up without any knowledge of the earlier example. The Persian royal roads were probably initiated by Cyrus and improved by Darius: Herodotus (V, 52) describes in some detail the way from Sardis to Susa and implies that it was no new thing. The Persian roads

¹ Arnold Toynbee, essay on “History” in *The Legacy of Greece*.

² Bosanquet in Sandys, *Companion to Latin Studies*, p. 421.

were measured with accuracy, at intervals of four to five parasangs¹ there were posting stations, and at important points were set military guards. The lesser waters were probably crossed by bridges, the greater streams by ferry-boats, but there is no real evidence of the construction of the road itself. We do not know whether it was a metalled highway, or merely a track formed by use. The latter is the more probable alternative, especially as the ways themselves were already ancient, but a Moslem traveller of A.D. 900 bears witness to a stretch of road near Behistun "made artificially of blocks of stone".²

The universal consensus of ancient opinion attributes the invention of the Roman road system to the blind censor Appius Claudius, who constructed the "queen of roads", the Appian way from Rome to Capua, about 312 B.C. It formed the model that all subsequent roads were to follow. The carefully constructed causeway and the undeviating straight line were the marks of a main Roman road always and everywhere. The laying of the Appian Way involved the crossing of the Pontine marshes with a canal running beside the road for nineteen miles.

The principle of the straight line likewise emphasised the fact that the Roman road was primarily strategic in character, and that it mattered little to the makers if it avoided certain towns that might normally expect to be on the route.

From the time of Appius Claudius the making of roads progressed steadily, until by the end of the Republic the roads of the Italian peninsula were practically complete, and many had been made in the provinces.

Augustus reorganised the road system and extended it everywhere, as the essential means of working a centralised government and of maintaining administrative and military control. A regular state post (*Cursus publicus*) was established. Despatches at first were conveyed by relays of mounted couriers, but later the messenger himself travelled the whole distance and changed horses at the stages. Doubtless the newer system possessed the advantage that the messenger could be given verbal instructions to supplement the written communication, or confidential messages that it might not be safe or advisable to place on record.

¹ A parasang is about three and two-fifth English miles.

² Note in Lawrence's *Herodotus*, p. 451.

It must be remembered that the postal service was maintained for state purposes alone, and could be used only by persons holding the imperial diploma; the idea never seems to have entered the uncommercial Roman mind that the state service could have been extended to meet the needs of commerce, and that part of the heavy cost of maintenance could have been recouped in this way. Private persons were obliged to make their own arrangements. The cost of the imperial service was borne in the first instance at least by the cities and districts along the line of road; but the burden was always a heavy one, and the emperors from time to time were obliged to alleviate or adjust it.

The main roads (*viae publicae*) were constructed, maintained, and owned by the state, and after the time of Augustus the duty was performed by commissioners (*curatores viarum*) appointed for the purpose. Repairs were executed by contractors (*mancipes*) and the neighbouring landowners made fixed contributions to these expenses. The side-roads (*viae vicinales*) were controlled by the local magistrates and repaired by the landowners, and the private roads were kept up by the persons who made and used them.

The construction of the roads was most elaborate and must have been extremely expensive. The standard method is usually taken from the rules laid down by Vitruvius in *De Architectura* (VII, 1), but those are rules for laying down mosaic pavements, not for the making of roads. The facts as revealed by archaeological investigation are that the varieties of construction are infinite, and may vary from nothing more than a single layer of rammed gravel to something like an elaborate building. The method would clearly be conditioned by the character of the material available in the neighbourhood; and in particular the presence or absence of limestone would have great influence on the making of the road.

Perhaps two illustrations taken from Britain will suffice to make clear the general methods adopted. They are most impressive. Britain was always a backward and impecunious province on a far periphery of the Empire, and yet a modern engineer with all the resources of applied science at his call could hardly produce anything more durable, and neither Telford nor Macadam ever attempted to rival the solidity of Roman construction.

The first example is the Canterbury–London road where it crosses the marshy grounds of the Medway valley near Rochester.

From the foundations upwards the section of the road was as follows:—

1. A foundation of piles.
2. A layer of flints and Kentish rag 3 ft. 6 in. in thickness.
3. A layer of rammed chalk 5 in. thick.
4. A layer of broken flints 7 in. thick.
5. A layer of gravel or small pebbles mixed with black earth 9 in. thick.
6. A polygonal paving having the joints between the blocks filled with fine gravel.

The second instance may be more normal and represents a section of the Foss Way near Radstock.

1. A layer of rubble 5 in. thick.
2. A layer of coarse concrete made of the local oolite 1 ft. 6 in. thick.
3. A layer of fine cement of local stone pounded and mixed with lime.
4. Irregular paving blocks set in lime grouting.

Not only did the construction differ in different places, but so did the surface. In the neighbourhood of Rome the surface was formed of polygonal blocks of lava precisely jointed; in other regions squared flagstones took the place of the lava blocks; again, rammed gravel might be used where nothing better was available, and in the limestone districts concrete was the obvious choice. The surface was generally cambered to facilitate drainage and in the neighbourhood of towns the roads were provided with sidewalks for pedestrians.

No great civilization had left for the admiration of posterity a more impressive relic than the Roman road, in its deliberate if rather monotonous straightness the emblem of a strong purpose successfully accomplished.

CHAPTER 17. THE ROMAN BATH

No more cleanly people than the Romans ever lived upon the planet. The reasons for this eccentricity are entirely obscure. There does not appear to be any evidence, either archaeological or historical, that during early times the people were addicted to

regular bathing, and this conclusion is supported by the fact that the Latin name of the bath (*balneum*) does not appear in early Latin, and was borrowed directly from the Greek. The Romans carried the habit to an extent beyond the dreams of any Greek, and in the great bathing houses or *Thermae* created an institution not of Greek origin.

The elaboration and intricacy of the process can be ascribed to a long development, and can hardly be the result of a sudden inspiration. The *Thermae Stabianae* at Pompeii are an early example of a public bathing establishment, and have been dated to the second century B.C., but improvement followed rapidly until every artifice of luxury was introduced into these magnificent erections.

The essence of the Roman process was, first, sweating in a heated room, and, secondly, bathing in running water. By a most curious historical inversion the thing has returned to Europe as the Turkish bath, which suggests, quite erroneously, that one of the most beneficial of civilized inventions had originated among a remote people of the steppes. Actually it passed to the Turks as a legacy from the Byzantine or Eastern Roman Empire.

The first feature of the bath was the open-air *palaestra* in which gymnastic exercises were taken before, and occasionally after, the process of bathing. Then the bather passed to the *apodyterium* or undressing-room, and thence passed through a series of chambers graduated in temperature. The *frigidarium* was not heated, the second room or *tepidarium* was mildly heated, and the third or *calidarium* was strongly heated so as to produce abundant perspiration. After rubbing, the bather took the hot bath in the *calidarium*, and used the washing basin that the room also contained, and then returned to the *frigidarium* for a final bathe in cold water. Unguents were rubbed into the body during the sweating, and also before dressing, to prevent chills. The heating of the rooms was effected by a hot air process similar to that used for heating the main rooms in the greater dwelling-houses.

Baths of this kind, of a more or less elaborate form, existed in all the towns of the Empire, in all town and country houses of any pretension to elegance, and in every fort or military establishment. Nothing is more impressive than to find in a Roman fort like Gelligaer in the hills of Glamorgan, or Tomen-y-mur in the

wildest recesses of the mountains of Merioneth, a set of baths as an invariable adjunct to the meagre amenities of these remote and lonely stations. Next to military security and adequate food storage the first thought of the Roman military architect was the bath house. It is extremely probable that after the abandonment of the site, the grass-covered baths of Tomen-y-mur were the only baths that the county of Merioneth ever possessed until the nineteenth century was well advanced; and even then, the innovations were substitutes that any Roman would have regarded with the utmost disdain, even if he had considered that a modern bathroom could be dignified with the name of a bath at all. The thing that we call a bath is merely one of the Roman processes detached from its essential associations. We have still a long road to travel before our bathing arrangements approach those of the Romans in efficiency and comfort.

No part of the civilization of classical antiquity was destroyed more completely by the barbarians than the apparatus of personal cleanliness. The baths fell into neglect and decay because the desire for cleanliness had been destroyed. Perhaps the heaviest part of the responsibility for the deterioration must be borne by the oriental asceticism that the Christian religion adopted in defiance of the example and teaching of its founder. The faithful detested the baths as influences tending towards immorality, but they disdained equally any effort for personal cleanliness. The baths were destroyed quite as much by the efforts of the barbarians within the empire as by those without. The theory that the soul alone mattered, that the human body was "a vile body", had its natural and pernicious effects. The lousy anchorites of the desert and the stinking saints of the towns were regarded as shining examples to be followed instead of loathly objects to be abhorred. The ages of faith were the ages of dirt, and even now the most Catholic countries are the least cleanly. Mérimée said that "for a thousand years Europe was unwashed", but this aphorism is a gross understatement of the facts for the ages of dirt extended far beyond a millenium. A number of medieval monasteries did include in their designs washing, but not bathing rooms of a rather elementary character, which were at least a step forward;¹ but, for the rest, the nineteenth century

¹ For a few, but only a few examples of medieval filth, see Coulton, *Medieval Panorama*, p. 304 *et seq.*

was well advanced before any house in western Europe contained a bathroom, and no one yet seems to regard public baths of the Roman pattern as an essential part of the life of civilized man. The dirt of the orient still hangs heavily over a civilization to which it does not belong.

CHAPTER 18. ROMAN BUILDING

THE description of the Roman baths leads naturally to the subject of Roman building in general, because the bath houses were among the most magnificent efforts of the Roman architects. The Romans made such advances upon the previous standards in the art of building that their achievement can claim to be considered as a creative effort. The Greek temple, except in so far as it was adapted to the Basilican church, had no great future; but the Roman architecture spread into all lands and has remained as an abiding example and tradition. "The Romans were the first builders in Europe, perhaps the first in the world, fully to appreciate the advantages of the arch, the vault and the dome."¹

This statement can hardly be accepted at its full face value. It can be asserted that the Romans appreciated the possibilities of the arch and its sequels in a way that the Greeks never did, and it is an undoubted fact that they developed these features and transmitted them as a legacy to Western civilization; but they certainly did not invent them. The researches of Sir Leonard Woolley have demonstrated that the honour of their invention must be awarded to the Sumerians in a period that we still term prehistoric, but in which that great people had developed most of the basic arts of civilization.² The story of the transmission of the arch, "a commonplace of Babylonian construction", to the west is still obscure, but it probably came about as a result of the conquests of Alexander and the establishment of the Hellenistic monarchies. The Greek architects certainly experimented with it,

¹ D. S. Robertson, *Handbook of Greek and Roman Architecture* (1929), p. 231. The substance of this short chapter is founded for the most part upon this work.

² Woolley, *The Sumerians* (1928), pp. 37 and 191.

but only as a subsidiary and occasional method, not as a basic principle. To the Romans it probably came by way of their neighbours the Etruscans, and from the time when Rome was an Etruscan city. The *Cloaca Maxima*, the great sewer of Rome, is almost certainly an Etruscan construction, and embodies the principle of the arch in a most practical form.

No case, therefore, can be made for the claim that the arch, vault, and dome are original Roman inventions, but the genius of the Romans was shown in the methods of their utilization and development. The change was effected by the discovery of a new material, namely, concrete. It was this that enabled the Romans to make Roman buildings a synonym for grandeur, strength, and endurance. "In concrete they found an ideal medium. It was cheap, for its best ingredients were abundant in Italy; it was economical, for it swallowed all the mason's waste; it was incomparably strong; and it eluded all the stone cutter's difficulties."¹

The use of a mixture of stones and clay as a binding material laid between the stones of a wall was no new thing. The improvements that the Romans made were twofold. First, instead of the clay they used lime-mortar, but not mixed beforehand with the small rough stones. Secondly, the rubble was laid in position with the building stones or bricks in a complete course, and the liquid mortar was then poured in, and the whole allowed to solidify. In its essence the principle was that known in modern times as grouting, except that the mortar was not forced in under pressure. The strength of the finished structure was enormous, and enabled the Romans to erect buildings of a size never before attempted, and of a solidity that has enabled some of them to withstand the ravages of weather and neglect, and the more calculated and deliberate ravages of barbarous men, for two milleniums.

To discuss the matter in greater technical detail would be beyond the scope of this essay, but the monuments of Roman building are there for all to see. We can see the *Porta Nigra* at Trier towering above the modern town that looks puny beside it. We can admire the magnificence of the Colosseum at Rome, with its three tiers of superimposed arches after all the robbery

¹ Robertson, *op. cit.*, p. 232.

to which it has been subjected, and the great domes of the Pantheon and the church of Santa Costanza. The bridges are if anything more impressive. The aqueduct known as the Pont du Gard near Nîmes is partly ruined and unable to subserve its original purpose, but the Pons Fabricius at Rome, and Trajan's six-arched bridge over the Tagus at Alcantara in Spain, still carry the traffic that they were designed to carry.¹

CHAPTER 19. THE ROMAN LAW

"A WORLD without the Digest would not have been the world we know." So wrote Maitland, probably the greatest and certainly the most inspiring of the historians of legal institutions. To those who have not considered the matter the sentence may seem a meaningless paradox, to others a sober statement of historical fact, but at least it is something that calls for explanation. The importance of law in the development of civilization is ordinarily taken very much for granted, and consequently treated as a subject that the layman can conveniently ignore, and so economise substantially in his intellectual efforts.

The real fact is that the world of western civilization is divided into two parts, one of which is under the dominion of the Roman law and its derivatives, and the other under that of the English common law. They differ greatly in their antecedents, their methods of reasoning, and their machinery for the resolution of disputes; but it will be convenient to consider their differences at a later stage of this inquiry. For the present we are concerned with the development of the law of Rome.

Our curiosity will first be directed to the question why any system of law should have such influence. It is commonly said, when speaking in broad terms, that the principal portions of our inheritance from classical antiquity are Greek philosophy and Roman law. We never think of the Greeks, but always of the Romans, in matters of law, in spite of the fact that the Greek cities produced famous codes, and the law courts of Athens are

¹ There are a number of admirable photographic illustrations of Roman architecture in Stobart, *The Grandeur that was Rome*, and in the volumes of plates issued with the *Cambridge Ancient History*, as well as in much more expensive publications.

quite as familiar to us as those of Rome. It is evidently not a question of the actual provisions of the law of any particular state, because these may vary under different conditions, and in modern times tend to uniformity as the conditions of life tend to become the same. The Roman law retained until quite late in its development certain rugged relics of its own antiquity that were generally repellent to Rome's Mediterranean neighbours, and things that they never evinced the least desire to copy. But Rome (or rather the Roman Empire working in the Roman tradition, because many of the greatest names were not Romans at all) produced a class of men that no state had possessed before her time: the classical jurists, who worked out a system of legal reasoning to an unexampled perfection. The greatest achievement of the Roman intellect was the method of developing legal ideas, and in the writing of those jurists it gave to the world a system, a method, and an achievement from which men have continued to draw sustenance, and to which they return everlastingly. Because the Digest of Justinian contains the greater part that has survived of this mass of legal wisdom, men in all subsequent ages have turned and turned again to its pages, and that is the reason for saying that "a world without the Digest would not have been the world we know".

The history of Roman law is generally regarded as a continuous development from the assumed date of the Twelve Tables in 451 B.C. to the death of Justinian in A.D. 565. It is therefore somewhat arbitrary to treat the result of this long story as if it were a creative effort of the Augustan age. The general validity of this criticism must be admitted, and it applies in some, if not in equal, measure to the Roman roads and the Roman baths, both of which were the result of long periods of growth. At the same time the opening of the imperial age marks distinct and decisive forward steps. It was Augustus who set to work to extend the road system over the whole Empire as a matter of sustained policy; it was the early emperors who initiated the building of baths throughout the civilized world; and it was the reign of Augustus that marked the establishment of the authorised jurists who began the classical period of Roman law, and the formation of the two schools of jurists whose contests were contemporaneous with the greatest period of its growth. We can at least assert that this more than any other period marked the beginning of

the process that transformed the law of a city into a law of the world. The main stages in that transformation we must now consider briefly.

The whole course of their history marks the Romans as a people possessing an intense sense of legality and an ingrained aptitude for law. The reasons for this are beyond our knowledge, and we must be content to record the undoubted fact. The law first appears in the form of the Twelve Tables, an example of a primitive code to which parallels can be adduced from the history of many peoples. The Twelve Tables were an incident, and indeed a landmark, in the long internal struggle for political power between the Patricians and the Plebeians, but otherwise were not of fundamental importance. In 367 B.C. another event in the same struggle had decisive influence upon the course of legal development. The Licinio-Sextian laws of that year established a new officer, known as the *Praetor*, to whom the judicial functions of the Consuls were transferred. The mere transfer to a new official of part of the duties of an over-worked military and administrative officer would not of itself be a matter of great moment, but it was accompanied by developments in procedure to which there is no exact parallel elsewhere.

The origin of the formulary procedure of the Romans is involved in an obscurity that our materials will never enable us to dissipate, but in its mature form it is perfectly clear. The *Praetor* was not a judge in the ordinary acceptation of the term because he did not determine the cases that were brought before him. There were two distinct stages in a Roman civil action known respectively as the proceedings *in jure* and *apud iudicium*, a distinction that would never have been invented except by a people with an eminent genius for law. The parties first appeared before the *Praetor* as the trained legal expert, and he thereupon determined the exact point in dispute, a matter that every lawyer knows to be one of no small difficulty. After necessary argument the *Praetor* embodied the points of controversy in a statement known as the formula, from which the procedure derived its name of the Formulary System, and this issue (as we would say) was then sent to a *iudex*¹ for hearing and determination. The

¹ It is necessary to use the Latin term *iudex* to avoid confusion. The ordinary translation of *iudex* is judge, but the Roman *iudex* was not in the least like a modern judge. He was more like an arbitrator acting under a reference from the court, or perhaps better still, a jury of one man.

judex was a layman, apparently selected from a panel, and he heard the evidence and determined the dispute strictly in accordance with the formula that had been sent to him by the *Praetor*.

The legally-minded reader will at once be struck by the resemblance of this system to that of the English medieval common law. There the issue was settled by argument of counsel (or in technical language, pleading), before the judges, and, when the issue had been settled—that is to say when the exact point in dispute had been clarified—the question was sent for trial to a jury of laymen. The method whereby the exact question in dispute was settled by trained lawyers, the actual facts being determined by laymen, is common to the two greatest legal systems that the world has seen. It is probably to this fact more than to any other that both owe their quality and influence. The things that pertained to the lawyers were settled by the lawyers, but facts that could be discovered by ordinary men were so found. The results were beneficial to everyone concerned. Law was seen to be the concern of every man, and any man might be called upon to decide a legal dispute; but the law itself was applied by the experts, and not left, as at Athens, to the clamour of the crowd in the market place. It was no less beneficial to the lawyers. They were bound closely to the facts, and were obliged to state the legal problem involved in a way that any layman would understand without possibility of error. This led to precision of thought and clarity of statement, for nothing is better for an expert than to be obliged to explain his principles to the unlearned.

The second important and peculiar Roman institution was the Edict. Every magistrate who possessed the imperium was in the habit of issuing at the beginning of his term of office an edict which promulgated *in advance* the general principles by which his conduct would be guided. This system possessed in an eminent degree the qualities of certainty and flexibility. It was certain because men knew in advance the principles upon which the magistrate intended to act; and it was flexible because each new officer would as a matter of course re-enact the bulk of his predecessor's edict, but would make such additions and amendments as experience might suggest. The *Praetor* was the specialist in law, and by means of the edict he was enabled to modify the law without doing so in a manner that was too

obvious. So the *Praetor's* edict grew and grew, and by a method of gradual accretion formed a body of legal principles known as the *Jus Honorarium*. The growth was analogous to that of equity in the English system but, with this difference, that equity in England rested upon the authority of decided cases, while the Roman equity rested upon the authority of principles formulated in advance.

In his classical exposition of the nature of equity, Maine defined it as "a body of rules existing by the side of the original civil law, founded on distinct principles, and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles".¹ This statement undoubtedly is true of the system called equity in England because the theory supporting it was that of the king's conscience. The chancellor was the keeper of the king's conscience, and its susceptibilities were so delicate that it could not tolerate injustice, even if that injustice were a result of the strict application of established law. On the other hand, Lord Bramwell, in a famous epigram, sneered at the "piety or love of fees" of the chancellor's court. His observation would apply with equal force to the series of flagrant fictions whereby the courts of common law encroached upon each other's jurisdiction; and, indeed, the influence of fees on the development of law is a factor of the greatest importance.

It is not so clear that the Roman equity was founded on a distinct ethical basis, or in fact upon any theory at all; but the growth of anomalous systems of this kind, which appear to have been peculiar to Rome and England, was eminently suited to the mental atmosphere of the periods in which they arose. Legislation was a serious matter, not to be considered lightly; but a progressive society is always growing out of its legal clothing, and equity afforded an instrument of change that was not offensively conspicuous. For this reason it effected changes in a back-handed manner; not by purporting to alter the law, but by concentrating upon remedies. To those that reflect, the existence of a remedy connotes that of a right; but as the vast majority do not reflect it can be pretended that the law has not been altered. So the *Praetor* at Rome and the chancellor in England devised

¹ *Ancient Law*, p. 28.

new remedies for changed conditions, and so enabled their societies to effect the desired improvements in a way that direct legislation would not have dared to effect.

Before we turn to the third and most distinctive feature of the Roman law we must mention a development, partly practical and partly theoretical, that affected it profoundly. As the Roman territory expanded the city became the home or the refuge of increasing numbers of aliens or *peregrini*. They entered into legal transactions among themselves and with the citizens, and it became a matter of increasing urgency to determine the disputes that inevitably arose, and to formulate the law whereby they were to be governed. As early as 242 B.C., that is just at the end of the First Punic War, a new officer was appointed in the person of the *Peregrine Praetor*. Like other magistrates he issued an annual edict, and this edict in time embodied the famous system of law known as the *Jus Gentium*. It was a practical device to deal with an urgent necessity, and at first engendered dislike rather than respect. Its existence was due to "those aliens".¹ Clearly the full rigour of the civil law could not be applied to persons who were not Roman citizens, but it contained provisions, such as the law of the market, that could be so applied. So the *Jus Gentium* became "that part of the law which we apply both to ourselves and to foreigners",² while remaining all the time part of the Roman law. Then Greek ideas, and in particular the conception of natural law, began to permeate the unphilosophical Roman mind. Aristotle had distinguished between natural and human law, and had asserted that natural law was of universal application, world-wide validity, and common to all mankind. Among the Stoics the idea became a commonplace as part of their ideal of the life according to nature. It was Stoicism more than any other Greek philosophy that attracted the practical Roman mind, and the jurists were the last people to be insensible to such an influence. The impact of this idea upon the *Jus Gentium* was immediate and profound. If "the universality of a principle was the proof of its naturalness and hence of its validity"³ the rules

¹ The term *Jus Gentium* was borrowed by European publicists, especially in the 17th and 18th centuries, to denote International Law. Its original meaning was quite different.

² Jolowicz, *Historical Introduction to the Study of Roman Law*, p. 103.

³ Jolowicz, *op. cit.*, p. 103.

necessitated by the unwelcome presence of undesired aliens assumed a new significance. They were rules governing the relations of men as such, and were therefore natural; and the *Jus Gentium* itself began to be conceived as a law common to all mankind and equivalent to the law of nature. In its developed form the whole conception is set forth with complete lucidity in the opening words of the Institutes of Gaius:

“All peoples who are ruled by laws and customs use partly their own particular laws, and partly those that are common to all mankind; for the law that a people enacts is its own particular law, and is called the civil law as the particular law of the state; but that which natural reason has enacted for all mankind is in force among all peoples and is called the *Jus Gentium* because all people use it. So the Roman people utilises in part its own particular law and in part that common to all men.”¹

Under these influences there grew up an institution peculiar to the Romans, which was destined to be the most influential of their creations. In the times of the Republic a habit was formed (as we should say) of submitting “cases to counsel” for their opinion. The class of men to whom these cases were submitted were known as “the learned in the law” (*Juris prudentes*) and their opinions were technically known as *Responsa*. They appear to have required no particular qualification, though a qualification was probably imposed by custom,² but the weight of the opinion depended upon the reputation of the man who gave it. The opinion could be given to one or other of the parties to a suit, or to the *judex*; and although no-one was under any obligation to follow the response, a layman would hardly dare to ignore the advice of a jurist of established reputation. We may compare the system to the method whereby a lay arbitrator refers a point of law to the court for decision; or where parties who may be quite friendly, but genuinely uncertain of their exact legal position, refer the point to a counsel of eminence and agree to abide by his

¹ Gai. Inst., I, 1. It is perhaps needless to point out that natural law in this sense has nothing to do with a law of nature in the scientific sense of the term. The latter is an observed uniformity of phenomena and has no relation to the law of the lawyers.

² The process may have been analogous to that of a modern English physician setting up as a consultant and taking a house in Harley Street.

opinion. The *juris prudentes* were chamber lawyers who never appeared in court or argued cases. The advocates were not jurists, and though they must have known a great deal of law, never presumed to give legal opinions. Cicero, the most famous of all, was in this position and never claimed to be a trained lawyer.

Augustus brought this fluid but efficient system under the imperial influence in a characteristic manner. He and his successors gave from time to time a kind of patent of precedence to a certain small number of eminent jurists, and conferred upon them the right to deliver opinions with the authority of the *Princeps*. The opinions of the authorised jurists were given a favoured, but not an exclusive, authority. It is probable, and characteristic of the Roman mind, that the actual weight to be accorded to their opinions was never defined in any express enactment. Neither magistrates, nor *judex*, nor parties, were under any obligation to obtain the opinion of an authorised jurist, or any opinion at all. They were quite free to obtain an opinion from any lawyer that they might select. To the magistrate the opinion would probably be persuasive and to the lay *judex* authoritative, but this is merely an inference. In the event of a conflict of opinions they could follow whichever one they preferred; and the classical period of Roman law was overpast, and legal ability had sensibly declined, when Valentinian III in 426 promulgated a mechanical method for weighing juristic opinion. We know that for at least a century after the time of Augustus there were two schools of jurists called the Sabellians and Proculians, but the actual differences of principle between them are unknown, and are as difficult to discover as those between political parties in the United States.

It is to the reasoned opinions of the jurists, as they are preserved in the Digest of Justinian, that Roman law owes its fame and influence. Many of the fundamental conceptions of law are implicit rather than explicit in their writings, but their grasp both of principle and technique was profound. In legal theory as such they showed no great interest, nor did they shine in the logical arrangement of their subject matter. But in practical wisdom and in the application of principles to concrete cases they were supreme. "It is the wealth of case law and the practical

wisdom enshrined therein that gives to the classical law its unique value."¹ They developed a system that was both flexible and exact, a series of standards of legal conduct rather than a body of unbending rules. That system will retain its influence and its persuasiveness while civilization exists.

A great English jurist has summed up the position in a striking passage, and with his words this chapter may fitly conclude:²

"The Roman jurists of the first three centuries of the Empire were a unique phenomenon in the history of mankind, and they had a unique opportunity. They were at once the makers, the expounders, and the appliers of law. They worked for the whole civilized world. They were hampered by no meddlesome legislatures, for legislatures did not exist; and hardly at all by capricious monarchs, for the good Emperors encouraged them, while the voluptuaries, as well as the unlettered soldiers, left them alone. Their only restraint was that useful and necessary one which dwells in the deference of the wise for one another, and in the respect of the leaders of a great profession for the opinion of the profession as a whole. They were not indeed philosopher-kings in Plato's sense, but they were sufficiently imbued with the spirit of philosophy to value principle and rise superior to prejudice. Accordingly they were able to do a work which has been of inestimable value for all time, since it has become, like the philosophical ideas of the Greeks and the religious ideas of the Semites, part of the common heritage of mankind. Rome is the only city to which it has been given to rule the whole of the civilized world, once as a temporal, once as a spiritual power. In both phases she welded the diverse and incongruous elements into a united body, whose elements, even when they had again been disjoined, retained traces of their former union. And on both occasions it was largely through law that she worked, the ecclesiastical law of her later period being an efflux of the civil law of her earlier."

¹ Jolowicz, *op. cit.*, p. 417.

² Bryce, *Studies in History and Jurisprudence*, II, 155.

II. CHRISTIAN RELIGION

CHAPTER 20. THE RELIGIONS OF THE BOOK AND THE SEMITIC QUADRILATERAL

THE various complexes of belief and ritual, called religions, are universal features of human mentality. They begin, so far as observation of primitive peoples is able to demonstrate, in the idea of spiritual beings; that is to say that all the operations of nature, and especially those that affect directly the life of man, are controlled and animated by indwelling spirits. Pascal remarked that men were ruled by the strength of their imaginations, to which Bagehot replied that they were more ruled by the poverty of their imaginations. The primitive mind pictured all force as personal, because its own force was personal, and could not conceive of events happening except as the result of personal will.

To this fundamental concept Tylor in 1871 gave the name of Animism,¹ and his terminology has met with universal acceptance. The development of ideas appears to have been from animism to magic and so to religion. It will perhaps tend to clarity if we transcribe here an analysis of the marks of a primitive ritual as set forth by the greatest master of the science of religion.

“1. No special class of persons is set apart for the performance of the rites; in other words, there are no priests. The rites may be performed by any one, as occasion demands.

2. No special places are set apart for the performance of the rites; in other words, there are no temples. The rites may be performed anywhere, as occasion demands.

3. Spirits, not gods, are recognised. (a) As distinguished from gods, spirits are restricted in their operations to definite departments of nature. Their names are general, not proper. Their attributes are generic, rather than individual; in other words, there is an indefinite number of spirits of each class, and the individuals of a class are all much alike; they have no definitely marked individuality; no accepted traditions are current as to their origin, life, adventures and character.

¹ *Primitive Culture*, ch. XI. Some anthropologists object to the term but their practice does not always agree with their theory, e.g. A. M. Hocart, *Progress of Man*, ch. XVII, and *Kings and Councillors*. (Cairo 1936.)

(b) On the other hand gods, as distinguished from spirits, are not restricted to definite departments of nature. It is true that there is generally some one department over which they preside as their special province; but they are not rigorously confined to it; they can exert their powers for good or evil in many other spheres of nature and life. Again, they bear individual or proper names, such as Demeter, Persephone, Dionysus; and their individual characters or histories are fixed by current myths and the representations of art.

4. The rites are magical rather than propitiatory. In other words, the desired objects are attained, not by propitiating the favour of divine beings through sacrifice, prayer and praise, but by ceremonies which, as I have already explained, are believed to influence the course of nature directly through a physical sympathy or resemblance between the rite and the effect which it is the intention of the rite to produce."¹

The principle of the primitive but most persistent practice of magic is that the sequence of events in nature is determined by laws, in which it agrees with the principle of science; but that this sequence of events can be influenced by practices and observances. Religion, on the other hand, is "a propitiation or conciliation of powers superior to man which are believed to direct and control the course of nature and of human life".²

Gradually there grew up classes of specialised practitioners in the art of magic and the practice of divine propitiation, to whom we apply respectively the names of the sorcerer and the priest. They were probably the most ambitious, and often the ablest men of their times, because their expert knowledge gave them power; and the exercise of power over men is the most persistent of human appetites, and the most permanent of human failings. Magic and religion were founded on distinct principles; but it will surprise no one who realises the capacity of the human mind to accommodate contradictory principles at the same time, to know that they lived happily together often and long, and were commonly exercised by the same person. But in time incompatible ideas will separate themselves from one another; and antagonism between the sorcerer who practised direct action, and the priest

¹ Frazer, *The Golden Bough*, abr. ed., p. 411.

² Frazer, *op. cit.*, p. 50. Frazer's views have been criticized by Lord Raglan, *Magic and Religion* (Folk-Lore, Vol. I, 1939).

who relied upon indirect conciliation, gradually developed. When gods were really considered to be realities, it was felt to be insulting to their dignity that men should assume the power of exercising their prerogatives directly, and a relentless opposition arose between the priest and the sorcerer. In the more developed systems of religion the existence of evil spirits, who opposed the true gods, was postulated; and the sorcerers were explained as the servants of these devils. It is beyond our province to follow the subject here, but the history of witchcraft is one of the saddest stories in the painful evolution of human thought.

The most remarkable period in the history of religion is that lasting for something more than a millenium from about 600 B.C. to A.D. 600. It was the period of the growth of the book religions, that is the religions that possessed a canon of sacred writings. It is no matter of wonder that book religions should not have arisen at an earlier time; because they were clearly dependent, not merely upon the existence, but upon the widespread practice of the art of writing; but it is most noteworthy that they definitely ceased with the establishment of Mohammedanism in the early years of the seventh century.¹ The causes of this peculiar phenomenon are entirely obscure. The fact has not been widely emphasised, and its causes have never been examined, much less explained. Of its existence there is no question. All the great religions of the world came into being within a period of 1000 to 1200 years from about 600 to 500 B.C. to A.D. 622; and since that date there has been no attempt to establish an universal religion based on a sacred book. There have been prophets and movements in plenty, but the religion making faculty on the large scale appears to have ceased for ever.

The book religions can be divided into two main classes of the godly and the godless. The godless religions, that is those in which the idea of a god is entirely absent, or so subordinate as to be without importance, originated in India, China, and the Far East. The two principal creeds of this character are Confucianism and Buddhism. Confucianism has been described as a system of philosophy and morality rather than a religion; and it must be

¹ The date of the Hegira or flight of Mohammed from Mecca to Medina is 622. He died in 632. Latourette, *History of the Expansion of Christianity*, Vol. I, ch. 1, has some good observations on this matter.

conceded that "the propitiation of powers superior to man" takes up but a small portion of its observances, because these powers occupy but a small space in its theory.¹ The same remark applies with even greater force to Buddhism. The foundation of that great system was the theory of reincarnation or the transmigration of souls. The soul according to the excellence or demerit of its performance in life passed into a higher or a lower state in its next conscious existence, until the highest of all attain to Nirvana, or the condition of utter selflessness, when the soul passes into a state of complete serenity. The religion had no temples, no sacrifices, no priests, and no theology; but it favoured monasticism as a means of attaining perfection of peace through abnegation of self. Its attitude to theology was one of entire indifference. It would say with Laplace "I have no need of that theory". The existence of gods was not a serious subject to be debated; it was merely an irrelevance that was best ignored.

The adherents of these two principal godless religions number about a quarter of the total population of the world.

Intermediate between the godless book religions and those centred on monotheism are the systems like Hinduism and Zoroastrianism that postulate more gods than one; but in the case of Hinduism tend towards the idea of one supreme being, who is nevertheless completely incomprehensible to the human mind and is therefore an unfit subject for worship or propitiation.

So we pass to the Semitic quadrilateral and monotheism. It is hardly too much to assert that the idea of the Deity is a Semitic invention,² and like other inventions has a definite geographical distribution. As we have seen, the theory of one god does not obtain in the most populous regions of the world, India, and the Far East. The Greek philosophers toyed with the idea, among speculations of an entirely different character; and Zeus, the god of the sky, appears to have been advanced insensibly from the position of first among equals to that of supremacy.³

¹ The death of Confucious is dated 479 B.C.

² The term Semitic is used here in its only proper sense of the speakers of the Semitic languages. The student of history will find it prudent to ignore the idea of race in its biological sense and all theories founded upon it. It would be well if political speculators would do likewise. An excellent and concise book on the subject is *We Europeans* by Huxley and Haddon.

³ Dr. A. B. Cook's *Zeus: A Study in Ancient Religion*, is the life work of an eminent scholar on this subject.

An earlier and stranger revolution occurred in Egypt. Ages before the Jewish prophets had exalted the savage tribal god of the Israelites to one that loved righteousness and hated iniquity, the accident of birth placed on the throne of the Pharaohs a religious dreamer. He was a member of the great eighteenth dynasty, he reigned for sixteen years from 1380 B.C. onwards, and his name was Amenhotep IV, which he changed in honour of the new cult to Ikhnaton. He seems to have headed a movement that was in existence in the time of his immediate predecessors to exalt the ancient Disk or sun-god to the position of the one and only deity under the name of Aton. The new religion had no ethical content, and was contemplative rather than practical,¹ but the idea of one god that ruled all mankind, and was not the peculiar possession of the Egyptians, was revolutionary in the extreme. It was the universalism of the Egyptian empire translated into the form of religion, just as at a later time the worship of the emperors symbolised the universalism of Rome. The established priesthood of Amon would have nothing of the new idea, nor would the people themselves. The age-long rivalry between the palace and the temple broke out into an acute conflict, because the palace was forsaking its own sphere and dictating to the temple in its concerns. For the moment the palace prevailed, for the resources of the Pharaoh were too powerful to be withstood. The worship of the old gods was suspended, and the king erected a new capital between Thebes and the head of the Delta and named it Akhetaton, or the Horizon of Aton. But the forces of conservatism slowly re-established themselves. Ikhnaton, who had no male heir, retired gradually from the conflict, and died at an early age. His capital was deserted, and became as though it had never been; until, under the name of Tell-el-Amarna, it rewarded the excavators of our time with some of their most momentous discoveries. The old priesthood was restored, and set its feet on the necks of the people to an extent almost without parallel.

Ikhnaton is merely a half-forgotten interlude, but Semitic monotheism is a prevailing force. For upwards of 5,000 years people of Semitic speech have been indigenous to the quadrilateral formed by the Arabian peninsula, Syria and the Tigris

¹ T. Eric Peet in *C. Anc. H.*, II, 206.

and Euphrates valleys up to the mountains of Armenia and Iran. From that region, where religions grow wild, have sprung the three religions of the book whose influence has been perennial and profound.

The three religions that have succeeded, and the numberless faiths that have failed, have all been promoted by prophets. The careers of these prophets followed a set pattern. Forsaking the crowded life into which they had been born, they retired to the desert for meditation and refreshment and returned later to preach the message that they had conceived. Though not originally of the desert, the desert entered deeply into their souls and set its mark upon them. The message that they imbibed was the futility of life and the vanity of the world. Nothing could be further removed from the Greek idea of the value of life and that man is the measure of all things. Instead of man being ennobled and exalted he could do nothing of himself and was little better than a degraded outcast. "Vanity of vanities, saith the Preacher, vanity of vanities; all is vanity" and "he that increaseth knowledge increaseth sorrow". As knowledge was useless they did not condescend to it; Plato would have been as unintelligible and repulsive to them as Aristotle; they never argued, they always asserted and usually shouted.¹

There are no half tones in the desert and there were none in the Semitic prophets. Things were either black as coal or white as snow; there were no greys, no shades, no means, no balance. All their messages were dogmatic assertions, devoid of reasoning, devoid of philosophy, devoid of rational quality of any kind. So their beliefs were hard as the desert is hard, repellent as the desert is repellent, without sympathy and without appreciation of difficulties. Everything was extreme and superlative; all the contrasts were glaring contrasts. Truth was set against untruth, belief against unbelief; there could be no degrees of either, no weighing of evidence, no balancing of probabilities, no exercise of the powers of the human mind, but either complete acceptance of the prophet's message or absolute opposition to it. Because of this the message could hardly fail to be vivid; neither could it fail to be narrow and intolerant. It was a matter of intuition and instinct,

¹ "All Asiatic philosophy is dogmatic in form as far as I know; Not 'let us see' according to Plato's or Aristotle's way, but 'thus said the Master'." Sir F. Pollock, *The Pollock Holmes Letters*, II, 54.

a pure appeal to emotion in which the reasoning faculties were degraded to the lowest possible position. Matthew Arnold was emphatically right when he made the contrast between Hellenism and Hebraism one of the basic contrasts in the history of civilization.¹

From this seething cauldron were generated, at considerable intervals of time, but all within the millenium of the book religions, three several creeds all founded on the idea of one god. Judaism, the oldest of the three, has remained the possession of a most peculiar people; and though spreading with its possessors over much of the world, has hardly aspired to universalism. The two younger, Christianity and Islam, have both claimed to be universal religions, and have attained an extended, but definitely limited, geographical distribution.

CHAPTER 21. THE FORMATIVE INFLUENCES OF CHRISTIANITY

A. Judaism

CHRISTIANITY, then, is a product intellectually of the Semitic religious genius, and geographically of the Semitic quadrilateral, the home of the three great book religions based on the idea of a single deity. It is the product of a social environment and makes no break in the ancient and persistent religious pattern. Of those three book religions the two later owe much to Judaism, and Christianity more than Mohammedanism. The indebtedness of the former is too obvious to be ignored. Jesus was a Jew, the son of Jewish parents, brought up in a Jewish community, and Paul was steeped in the Jewish tradition. Christianity indeed boldly appropriated the whole of the Hebrew canonical writings and devoted them to its own uses, on the specious excuse that it was their crown and fulfilment. Nothing can be plainer than the Jewish influence upon Christianity.

It is the most obvious of commonplaces that the Jews were a peculiar people, and their peculiarity and aloofness has been

¹ The classic authority on this matter is T. E. Lawrence's *Seven Pillars of Wisdom*, ch. III.

observed by all who came into contact with them throughout ancient and modern times. This characteristic has been emphasised by themselves no less than by their neighbours—"the people shall dwell alone, and shall not be reckoned among the nations".¹ Their peculiarity is manifest, because their history is unique. In its earlier stages the Jewish religion differed in no great degree from the general pattern common to most agricultural peoples. It possessed numerous local cults whose chief object was to insure the fertility of the soil by means of sacrifices, dancings and feastings that were guaranteed to secure that the forces of nature should be subservient to the necessities of man. This religion was transformed by a succession of great prophets in the seventh and sixth centuries B.C., who effected a religious revolution by giving an ethical basis to religion and by reducing the multitude of gods to one. The prophets as a class were of the unchanging nature that Lawrence has described so vividly, but their outstanding capacity made their influence permanent. Their utterances, moreover, were reduced to writing and so became enduring possessions. The desert is very near to them, especially to Amos; they knew the practices and the dangers of pastoralism; they also knew the difficulties of agriculture, and the troubles that beset the cultivation of the fig, the olive and the vine. From these they drew the majority of their illustrations; but, true to their type, they never argue; they denounce and tell forth. Their black is deep black, their white a dazzling whiteness; the grey tones of reality have no place in their composition. They have no power of rationalization and little of argument, their language contains few abstract terms, but their vision is personal, direct and vivid.

The first revolution that they effected was to make religion ethical. There is no necessary connection between morality and religion, and the vast majority of religions, indeed all except the book religions, have no ethical contacts at all. The purpose of religion is the propitiation of the unseen powers in order that they may promote the welfare of their worshippers and save them harmless in a hostile world; and this object is effected by performing the prescribed ceremonies with punctuality and accuracy, and, in particular in the priestly religions by obeying

¹ Numb. xxiii, 9.

the behests of the priests as the accredited representatives of the gods. The Mediterranean paganism had no ethical relations,¹ and the monotheism of Ikhnaton is equally devoid of it, as is evidenced by the hymns to Aton that have survived.² Nor was the Hebrew religion in its earlier development at all different; but it is the distinction of the great prophets that they conceived the deity as righteous, and consequently as imposing righteousness on man as the greatest service that he could render to the Almighty and the most likely to gain his favour.

This ethicalisation of religion is one of the watersheds in the intellectual development of mankind and has all the marks of a great revolution in thought. It is illustrated in a striking fashion by the complete change that was effected in the character and contents of the Decalogue.³ A fortunate conservatism preserved the ancient form of the Ten Commandments when the books of the Hexateuch were revised after the Exile and scholars have been able to restore them in great measure. In their primitive form they were a series of ritual observances and taboos devoid of any ethical influences. In the revised form that we know so well they are theological and ethical. The transition from the earlier to the later forms illustrates the great intellectual revolution effected by the prophets. The first prophet who said "The Lord thy God is a righteous god" was a revolutionary of the first order. In fact the most remarkable and surprising feature of the revolution was the fact that the priests were unable to suppress it, and were obliged to admit into the sacred canon utterances that struck at the very roots of their own power and pretensions.⁴

Perhaps a longer period of development was necessary to achieve the unity of the godhead. It is evident from the numerous and disparaging references in the priestly portions of the Old Testament to other gods that the struggle to achieve monotheism was long and severe. Nevertheless it was an essential part of the

¹ The most vivid picture is the 15th Idyll of Theocritus and the hymn to Apollo that it contains. The subject is discussed pleasantly but not too accurately by Matthew Arnold. "Pagan and Medieval Religious Sentiment" in *Essays in Criticism* (1865).

² One is translated in *C. Anc. H.*, II, 117.

³ Frazer, *Folk-Lore in the Old Testament*.

⁴ E.g. *Micab* vi, 8, "What doth the Lord require of thee but to do justly and love mercy, and walk humbly with thy God?" The implication of this and like sentiments was that any priestly intermediary was superfluous.

message of the great prophets and in Jeremiah¹ it is elevated into the conception of a new covenant between Jehovah and the individual Israelite that renders both the written law and the organised worship superfluous. But this was unpalatable doctrine for a priesthood aspiring to rule a theocracy, and though the prophetic writings were accepted as part of the canon, those subversive sayings had to be watered down considerably in practice; because, if religion could be considered as a personal relation between the individual and the deity, the occupation of priest would be gone, and the temple offerings would dwindle into insignificance.

But if the influence of the prophets was great, that of the law was probably greater. The law, as it has come down to us in the canonical books of the Old Testament is the product of a lengthy development and many influences. "Three major collections can be distinguished, pre-Deuteronomic, Deuteronomic, and Priestly",² and it is on the whole the law of a somewhat undeveloped and predominantly agricultural community. It is essentially a canon not a secular law. The dominant idea is the relation between the one jealous god and his chosen people; but the jealousy of the god, though easily aroused particularly by any tendency towards polytheism or idolatry, can be mollified by evidences of affection and gratitude. The law is the command of a legislator, and the legislator is Jehovah, so that even the most secular provisions, equally with the most religious, are sins against the deity as well as offences against society. In this aspect the Jewish law is not unique, but it is perhaps the most conspicuous example of the theocratic principle.

There existed in this conception an inherent contradiction that Judaism throughout its long history has never been able to resolve.³ The Jewish religion was definitely and defiantly particularist. It had no aspiration to become a world religion. A national cult will harmonise with a national god, even if the national god is one and unrivalled, but a universal god requires a universal cult and worship.⁴ Except for some efforts towards

¹ xxxi, 31, *et seq.*

² *C. Anc. H.*, III, 481.

³ Montefiore, *The Synoptic Gospels*, Intro., p. lxxx, *et seq.*

⁴ "The Jewish religion was admirably fitted for defence, but it was never designed for conquest." Gibbon, II.5.

proselytism, most marked during the period immediately before and after the commencement of our era among the Hellenistic Jews of the dispersion, it was bitterly hostile to the "nations" which comprised the rest of the world. Yet this particularist religion with its national ritual predicated an universal god. If there were one god only, and Jehovah were that god, then the gods of the heathen had no existence at all; but their worshippers were forbidden to approach the one and only true deity and were denied knowledge of his existence. Judaism has continuously failed either to admit "the nations" to the worship of their god, and so proclaim him as the universal god of all mankind; or to admit that there were other gods and that other religions had substance.

Any exact description of the actual condition of Judaism at the opening of the Christian era is practically impossible because the sources do not exist. Five hundred years later there are sources in abundance, but it is a matter of conjecture how far the Rabbinic Judaism of A.D. 500 or even 300 can be equated with the Judaism of the time of Jesus.¹ The destruction of the temple had made a great difference in outlook and practice. After that Judaism was driven in upon itself, the synagogue rose in importance with the cessation of the temple worship, the aristocratic priesthood and the politically minded Pharisees vanished with the temple, and the religion became more homogeneous. In the earlier time of which we are speaking there was more variety. The main divisions of Jewish thought, the Rabbinic, the Apocalyptic, and the Hellenistic, were fluid without precise lines of demarcation; the later Judaism of the Dispersion was subject to outside influences and was tending to looseness in doctrine and practice; political influences were strong; and the notion of personal immortality, that somewhat curious product of human vanity, had not crystallised into a dogma.

Nevertheless the main features of the religion were constant. It postulated an intensely personal god, the creator of the world, but the father of Israel, in some manner seated in a heaven somewhere above the earth, without form and of no material substance, yet able to hear and see everything, immensely powerful but of a loving and merciful nature. This conception is emotionally

¹ On this subject the works of C. G. Montefiore, *The Synoptic Gospels and Judaism and St. Paul* are of great value.

agreeable but philosophically impossible; any philosopher would tear it to shreds without difficulty; but the Judaism of antiquity in its Semitic environment never produced a philosopher. It was in a different setting and under other influences that Maimonides arose in the middle ages, Spinoza in the seventeenth century and Einstein in the twentieth.

The Jewish god, moreover, delighted in the repentance of man for his transgressions, and was ever ready to forgive them, particularly on the day of atonement. The worshipper could approach him directly without the intervention of a mediator. The arrival of a messiah was, and still is, expected at some indefinite future time, but he would be neither divine nor semi-divine. He would be a man "of the house and lineage of David" differing from other men only in his superior righteousness. The ancient taboos of the law, especially in the matters of the sabbath and food-restrictions, had to be punctually observed, but were felt by the faithful to be privileges rather than burdens. In the words of a modern Jewish scholar it was "a joyous simple and ardent religion for the healthy-minded".¹

It may be so, but Judaism, like the author of the fourth gospel and his followers, condemned the vast majority of God's children to eternal death without pity or remorse. Possibly on this account the countless millions of the damned may not have appreciated its simplicity or its joyousness with the same ardency as its adherents, and may have thought that its god was not quite as loving or as merciful as he appeared to his chosen people.

Another feature of the Jewish writings that influenced Christianity was the apocalyptic or revelatory closely associated with the idea of a messiah. The first document of the kind that has come down to us is the Book of Daniel. It probably dates from about 166 B.C. during the profanation of the Temple under Antiochus. During the next three centuries, in both Jewish and Christian times, literature of this kind was produced in considerable quantity. It possessed a well marked individuality. It was always anonymous, because it was fathered upon some figure in the remote past whose work had been preserved in secret to be revealed at the appropriate moment. It was distinguished from all other Hebrew literature by the possession of

¹ Montefiore, *Judaism and St. Paul*, p. 48.

something in the shape of a philosophy of history; there is a pre-ordained succession of empires which shall abide for their appointed time and no longer. The end in the Jewish system was the coming of the messiah who would inaugurate the kingdom of the righteous, and the Christians could take over the theory in its completeness with the substitution of the idea of a heavenly kingdom for all the saved in place of a particular kingdom for the benefit of the Jews.

Besides supplying an historical theory the apocalyptists influenced both the Jews and the Christians in two directions, viz. the belief in immortality and the belief in evil spirits. The hope of a future life was first clearly uttered in Daniel (xii, 2, 3), and though among the Jews it had a long struggle against the persistent opposition of the Sadducees who were in possession of the temple services, it was ultimately taken over by Rabbinic Judaism and made the foundation of Pauline Christianity.

The ideas of the existence of evil spirits, prominent in the apocalyptists and a background to the poem of Job, was clearly derived from Zoroastrianism. The idea of the Evil Power and his satellites in perpetual opposition to the Good Power is basic in that religion, and the apocalyptists acclimatised it among the Jews. It is quite evident that it was common in gospel times and thereafter received the imprimatur of the church.

“If there were any doubt that the belief in personal forces of evil at work in the world came to be a part of the Jews outlook in consequence of their contact with the Persians, such doubt should be dissipated by the fact that the name of the evil spirit in Tobit, Asmodeus, is actually the Aeshma Daeva of the Avesta.”¹

The idea of God may be a Semitic invention, but the Devil is undoubtedly Persian.

B. Hellenistic Philosophy

Christianity in its developed form is a religion of the Mediterranean basin and its northern extensions; and until its adoption as the official religion of the Roman Empire it was a Mediterranean cult. In consequence its association with the thought of

¹ E. R. Bevan in *C. Anc. H.*, IX, 421.

that area was intimate and continuous; if it were Semitic in origin and Roman in organization it was Greek in language and thought. But the Greek philosophy under whose shadow Christianity grew to maturity was not the philosophy of the classical age. "It is owing to their wonder that men begin to philosophize . . . pursuing science in order to know, and not for any utilitarian end." These ringing words of Aristotle, "the father of them that know", were spoken of the greatest creative movement that the world has ever witnessed. That movement grew up in the intense life of the Greek city state; and although its momentum was so great that it survived the extinction of Greek political independence, and lasted into the time of the Roman Empire, yet it had lost the faculty of originality; it was being arranged and systematised in the first and second centuries, and it was engulfed in the welter of the third. With the extinction of the city state the Greek had lost his spiritual and intellectual anchor, and he was seeking a new way of life rather than the path to greater knowledge.

It was a way of life that the later popular philosophies endeavoured to inculcate. In knowledge for its own sake they were not greatly interested; and, indeed, at no time has that ideal appealed to more than a small minority of mankind. They addressed themselves to the three-fourths of life that is conduct and they tried with no mean success to provide a guide to life. At the same time they were Greeks, and had not lost touch with the life of Greece. The philosophers became missionaries of Hellenism in a larger world, and spread their message until it became a permanent heritage. These later philosophies were philosophies, they were neither creeds nor cults. They appealed to the reason and to the reason alone; they pretended to no supernatural revelations, they produced no visions of the unseen, they claimed no divine authority; the god of the philosophers as he was gradually precipitated from the gods of the people was conceived as the embodiment of the reason of the universe, not as a heavenly father. "The Greeks lost their independence, but not their spiritual importance. Rome provided the body of the empire: Greece provided the soul."¹

There were three greater missionary philosophies of Hellas,

¹ Sir R. W. Livingstone, *The Mission of Greece*, p. 4.

Epicureanism, Cynicism, and Stoicism. Concerning Cynicism we shall have somewhat to say in another place.¹ Epicureanism is named after its founder Epicurus, who lived in Athens from 341 to 270 B.C. In the passage of time the names of epicure and epicurean have acquired a questionable flavour, as if they denoted a quality of over-niceness, but this is because Epicurus has joined the great multitude of the misunderstood. He was providing an answer to the very pressing problems and difficulties of practical life, and attempting to give a sure refuge in time of trouble. The intellectual basis of his system, that nothing exists but atoms and a void, he borrowed from Democritus. Atoms may be of the most varied character, for the atoms that make a man's mind and those that form an iron sword are altogether different; but atoms they are, and atoms they remain.

Upon this basis of thoroughgoing materialism he constructed a practical theory of morality. Whatever else may be denied, the existence of our feelings and sensations are absolute certainties, and, as some feelings are pleasant and others very much the reverse, the supreme good is the production of pleasant feelings. In saying that pleasure is the ultimate object of desire, Epicurus is very far from visualising pleasures merely sensual; the desired pleasures are those that commend themselves to right reason.²

The philosophy of Epicurus may be called a convention of evasion, almost a renunciation of the world, such as led at a later time, and in a more desperate calamity, to the usage of monasticism. Stoicism on the other hand offered a mind at peace, but at the price of facing the utmost rigours that adversity could impose—the practice of an active rather than a cloistered virtue. It therefore appealed strongly to the active practical Roman mind, and among its greatest exponents were Seneca, the tutor of an emperor who signally failed to absorb its precepts, and Marcus Aurelius, the emperor who endeavoured to carry them into practice, and recorded his principles, his troubles and his yearnings in a book that every subsequent age has treasured.

Stoicism was founded by Zeno³ at Athens, and takes its name

¹ *Infra*, p. 254.

² Illustrative passages are translated in *The Mission of Greece*, p. 17 *et seq.*

³ Died *circa* 261 B.C.

from the painted porch, in which the discussions of the originators were carried on. During an existence of 500 years it underwent developments and modifications, but its main doctrines are best known to us from the writings of Epictetus, Seneca, and Marcus Aurelius, all of whom lived in the first two centuries of the empire.

In opposition to the materialism of Epicureanism, which nevertheless admitted a god composed of atoms, Stoicism had a definite theology and postulated the unity of God. It was a theory of divine immanence, which may almost be called pantheism. As Epictetus says: "You are a fragment of God himself, you have in yourself a part of him. Why then are you ignorant of your high birth"¹ Consequently any unworthy action is done in the presence of God. But the portion of the deity that is immanent in man is not the body which man shared with all other living creatures, but the reason that he shared with God. So long as he acts in accordance with right reason, man can be indifferent to all other things, to calamity and prosperity, to failure and success, to servitude and freedom; for the things that are not under our control are insignificant, but the reason that is under our control is paramount. Reason then is supreme, and good living is living according to reason, which is the essence of God within us. Upon these principles the Stoics constructed a noble system of ethics, which may be read at large in their writings, and especially in the ever popular Marcus Aurelius.

It is small wonder that the Christians found it difficult to reconcile these things with their theory of the abominations of paganism, and ultimately arrived at the consoling conclusion that the Stoics were really Christians in disguise. The fact is that the Stoic ideal has been a strong influence upon the development of Christian thought.² The ideals of temperance and endurance, of fortitude in trouble, of indifference to suffering, are Stoic in origin and appeal. The influence is not present in the gospels, but in the Pauline writers and the Fathers there is no doubt of its persistence. A recent critic, adopting a certain air of superiority, has written:

"Stoicism was indeed a nobler creed than Rome had yet known, and might have made a great popular appeal, but that

¹ Quoted in *Mission of Greece*, p. 40.

² E. V. Arnold, *Roman Stoicism* (1911).

it was too intellectual; 'a real active enthusiasm of humanity was wanting in it'.¹

Yet these principles in spite of being "too intellectual" maintained their popular appeal for 500 years, and only lost it when society ceased to be intellectual, when reason was swallowed up in superstition, and when religion and barbarism had extirpated every form of rational theorizing.

C. The Mystery Religions

A learned writer upon Christian origins has propounded the opinion that the evidence of deliberate copying of the mystery religions by Christianity is not clear.² The fact is that it is difficult to imagine how they could be much clearer. Christianity is a mystery religion and the latest example of its class. It grew to maturity in an atmosphere of mystery religions, and its resemblances to the older cults are numerous and striking. Under these conditions it is sound to assume that the later religion borrowed from the earlier.

The first of the mystery religions, the Great Mother of Phrygia, had come to Rome as early as 200 B.C. at the close of the Second Punic War. Her advent caused alarm among the governing class, and the Senate endeavoured to make controlling regulations; but from that time the influence was persistent and continuous. These cults came partly but not wholly from the Orient, because their origin is to be sought in the fertility cults whose distribution is world-wide because they testify to a need that is universal. The Eleusinian mysteries, into which no less a person than Augustus is said to have been initiated, were centered at Eleusis in the Attic Peninsula, and were built round the myth of Demeter and Persephone. The Homeric hymn to Demeter is probably as early as the seventh century B.C. Dionysus, whom the Romans called Bacchus, and Orpheus originated in

¹ Cyril Bailey in *C. Anc. H.*, VIII, 465. The last words are taken from Warde Fowler, *Religious Experience*, p. 375.

² Latourette, *History of the Expansion of Christianity* (1938), Vol. I, p. 313. A most careful and scholarly work. The author's endeavours to reconcile the views of "an American protestant of the evangelical school" with the principles of historical criticism are occasionally entertaining; but it is fair to say that the principles of criticism generally prevail.

Thrace, but were adopted throughout Greece. More definitely eastern, but belonging to the same family were the Great Mother from Phrygia on the Anatolian plateau, Aphrodite and Adonis from Syria (which are the Greek forms of the Babylonian names Ishtar for the female goddess of fertility and Tammys for the male), Isis and Osiris from Egypt, and Mithra from Persia. All these religions had a strong family likeness, partly due to the fact that they borrowed from one another, but more so because they appealed to similar instincts and arose from like needs.

Perhaps their greatest merit from the point of view of the worshipper was that they made a personal appeal. They were not concerned with the welfare of the state, or even of the family, but conferred a blessed hope of immortality upon the initiated person as an individual. They were therefore selfish rather than altruistic.

They were alike, too, in being religions of redemption. In every instance there is a saviour god who dies and rises again; and the worshipper by the ceremonies of initiation achieves union with the saviour, and by being filled with the god attains to the certainty of immortal life. The initiation ceremonies were dramatic, highly emotional, and in many cases extremely repulsive.

A prominent feature of the rites was a common meal, which was adopted by Christianity as its chief sacrament, but the grosser ceremonies it refined or discarded. In the process of refinement Christianity was probably influenced to a large extent by the Isis-Osiris myth of Egypt which was widely disseminated over the Mediterranean area. It was, like the others, a vegetation myth which involved the annual death and resurrection of the god who also became royal and a hero. The ritual pattern of its ceremonies can be seen in the coronation of kings, the consecration of bishops and priests, the initiation of catechumens, monks and nuns, the ceremony of marriage, and the last rites of the dying.¹ The god, as represented by the king, underwent a mimic death and resurrection at the spring festival to insure the fertility of the land, and this has been adopted with great completeness as the Easter festival of the Church. The interpretation of these myths as typefying the yearly death and

¹ E. O. James, *Christian Myth and Ritual*, p. 299.

resurrection of nature was as clear to the ancients as to ourselves. Plutarch writes in this strain, but also sees Isis as the female principle in nature, and Osiris as the Logos who brought the rational world into being. The doctrine of the Logos (or Word) may be derived ultimately from Plato, with contributions from Philo, but it was developed in the schools of Alexandria and thence passed into the Fourth Gospel. It is an attempt to rationalise the mysteries. The influence of the Isis ceremonies was altogether on the side of dignity and decorum, and it is to the credit of Christianity that while it borrowed so much from the more bloody and licentious mystery religions it took its ceremonies from more stately and seemly sources. Frazer has a striking passage on this subject:¹

“We need not wonder, then, that in a period of decadence, when traditional faiths were shaken, when systems clashed, when men’s minds were disquieted, when the fabric of empire itself, once deemed eternal, began to show ominous rents and fissures, the serene figure of Isis with her spiritual calm, her gracious promise of immortality, should have appeared to many like a star in a stormy sky, and should have roused in their breasts a rapture of devotion not unlike that which was paid in the Middle Ages to the Virgin Mary. Indeed her stately ritual, with its shaven and tonsored priests, its matins and vespers, its tinkling music, its baptism and aspersions of holy water, its solemn processions, its jewelled images of the Mother of God, presented many points of similarity to the pomps and ceremonies of Catholicism. The resemblance need not be purely accidental. Ancient Egypt may have contributed its share to the gorgeous symbolism of the Catholic Church as well as to the pale abstractions of her theology.”

If the ceremonies of Isis were dignified and appealing some of those belonging to Mithraism were much the reverse. The initiation was effected by a bath in the hot blood of a slaughtered bull, which may have produced a feeling of exhilaration in the initiate, but could hardly have failed to arouse one of disgust in others. Mithra was a Persian god, whose cult was especially popular in the Roman army, and whose religion was the most

¹ *Golden Bough*, abridged ed., p. 383.

formidable competitor of Christianity. The points of resemblance between the two religions were so numerous and close that they can be exhibited most clearly as a table.

1. Appeal to the poor and the oppressed.
2. A saviour god who performs a mystical sacrifice and thereby redeems the initiates.
3. The descent of the saviour into the underworld.
4. By initiation the believer is reborn into a new and immortal life.
5. The ceremony of initiation was a baptism.
6. An essential ceremony was a communion service of bread and wine.
7. After resurrection there was a last and righteous judgment with the respective consequences of heaven and hell.
8. The 25th December as the sun's birthday in Mithraism was borrowed by Christianity as the birthday of Christ.¹

It is small matter for wonder that the Christian Fathers were so impressed by the resemblances, especially of the sacraments, that they regarded the Mithraic ceremonies as the inventions of devils. His satanic majesty and his satellites have now receded from the position of historical causes, and tacit borrowing is considered a more likely explanation of the resemblances than diabolic invention.²

Gnosticism, which attained to the dignity of an acknowledged heresy instead of being hidden as an unacknowledged influence, may be reckoned among the mystery religions, though not strictly belonging to them. It was pre-Christian in origin, and may be defined as a vague theosophy comprehending within its ample purview all the partial faiths of which Christianity was

¹ Frazer, *op. cit.*, p. 358-9.

² Accounts of the mystery religions, in addition to the indispensable *Golden Bough*, may be found in Latourette, *op. cit.*, ch. VII; Case, *Evolution of Early Christianity*, ch. IX; Westbury-Jones, *Roman and Christian Imperialism*, Intro.; Robertson, *Short History of Christianity*, p. 37 *et seq.* Latourette contains an ample bibliography. Bevan, in *Christianity in the Light of Modern Knowledge*, ch. IV, seeks to prove that features attributed to the mystery religions are really Hebraic. The prayer of a suppliant in the Mithra liturgy quoted by Case, p. 329, is most striking.

one.¹ It was a comprehensive creed that compensated for the vagueness of its tenets by the universality of its pretensions. Its god was transcendent and the world was very evil, but man was capable of redemption, and might ultimately rise to communion with the divine, and even to union with the Deity. The means of communion was the attainment of Gnosis or transcendent knowledge, and this knowledge might be attained by way of the intermediate creeds, and for this purpose Christianity was as good as any other, and better than some.

The writer already referred to has summarized the theology of Valentinus who, in the second century, may be considered as representative of the Gnostic element within Christianity:

“In the beginning were Depth and Silence. From them came forth Mind and Truth; from those Word and Life, and from these in turn Man and Church. These are the eight original essences. Further emanations, in groups of ten and twelve respectively, resulted in a Totality (*Pleroma*—the word had already been used by the Colossian ‘gnostics’ and adopted from them by Paul)² of thirty ‘aeons’, forming a hierarchy of spiritual beings, a divine universe uncorrupted by material existence of any kind. But the youngest of the ‘aeons’, Wisdom, fell a prey to passion and desire; she desired to know the Unknowable Depth, and the desire was her undoing.”³

And so forth, but it is perhaps unnecessary to continue the quotation. The readers must judge what, if any, intelligible meaning can be attached to these speculations, and the historian is fortunate because he is under no obligation to make any pronouncement upon the validity of the doctrines that he records. There is no doubt at all about their influence upon the development of Christian theology and practice. The influence was partly by way of attraction and partly of repulsion. The Gnostics first established literary habits in Christianity and forced the latter to define its own terms. This influence has been traced as early as the Epistle to the Colossians.⁴ The connection between the Gnostic theory of supernatural knowledge and that of the

¹ A very clear account of the subject is given by C. H. Dodd in *Christianity in the Light of Modern Knowledge*, p. 434 *et seq.*

² Col. I, 19; II, 9.

³ *Christianity in the Light of Modern Knowledge*, p. 437.

⁴ Col. II, 8, 23.

Logos as the human embodiment of that knowledge is obvious, and the Logos doctrine became the theoretical basis of the fourth gospel. Christianity, however, was not in the least prepared to accept the secondary position accorded to it by Gnosticism because it claimed to be the sole universal religion, and refused to be relegated to a mere stepping stone to higher things. Nevertheless the challenge had to be met, and it could only be met by opposing to it a body of speculative dogma that possessed logical cohesion and some measure of rationality. Marcion, in the second century, brought the matter to a clear issue. With the most devout object and pious intention he proposed to abolish the Old Testament, to degrade Jehovah to the position of an inferior and secondary creator, and to reduce the New Testament to Ten Epistles and an expurgated edition of Luke's gospel. A reform so comprehensive as this was more than even an imperfectly organised church could be expected to accept, and the astonished Marcion had to be informed that piety and devotion were no excuses for doctrinal error. It was felt that it was insufficient to condemn error without defining truth, and so Christian doctrine began to crystallize into creeds, and Gnosticism became a mother of orthodox theology: "Gnosticism was the acute Hellenizing of Christianity".¹ Without it we should probably have never known that elaborate piece of mysticism the creed attributed to Athanasius, with its nice distinctions between division of substance and confounding of persons, and its eternal godhead as incomprehensible as itself. The Marcionites themselves, in spite of persecution, survived as a sect into the fifth century, and as an influence into the Middle Ages.

CHAPTER 22. THE GALILEAN

THE great difficulty that faces an inquiry into the origins of Christianity is the paucity of the evidence and the deficiencies of the documents. Every portion of it is highly controversial, and the historian faces the task with the conviction that whatever view he may take will be extremely distasteful to a majority of

¹ Harnach quoted by Mencken, *Treatise on the Gods*, 275.

his readers. He is faced with the certainty of censure, and the improbability of appreciation.

No one would deny that the rise of Christianity to the position of the dominant religion of Europe is a phenomenon of the first historical importance; yet our information with regard to it is meagre, and our sources deservedly suspect. For the first century of the era that we designate Christian, the evidence from the pagan side is nugatory, and, what is still more significant, that from the Jewish writers is non-existent. There is not even the evidence of repulsion; Christianity is simply ignored. It is only from the New Testament documents that we can learn anything of Christian origins, or even obtain an assurance that such a person as Jesus ever lived, and these documents cannot be checked by extrinsic evidence. The literature of the subject is stupendous¹ but it is composed of theory piled upon theory, hypothesis upon hypothesis, conjecture upon conjecture. It is safe to say that nine tenths of it would have been superfluous if the historical sources had been even reasonably satisfactory. There are certainly great religious figures in history whose outlines are shadowy, and whose dates are uncertain; but they are mostly remote in time and distant in place; Jesus on the other hand lived at the most flourishing period of the Roman Empire, when great writers abounded, literary interests were widespread and diligent inquirers were abroad; yet his figure is if anything more shadowy than any other. Mohammed lived in no such environment, but we have evidence for his life and career of adequate cogency; the main dates of his life are sufficiently attested; we have no certain date of Jesus; Mohammed wrote the Koran, but Jesus never wrote a line.

The deficiency of evidence, and even of curiosity, is the more striking because the Roman world at that time was much interested in religion, and in particular was welcoming multitudes of oriental cults. The main reason for this neglect was that in the eyes of the pagans Christianity was not separated from Judaism, and was regarded as a small and obscure sub-division of it; and there were no Christian documents in existence that would rectify the impression. To this obscurity the Christians themselves contributed. For the most part, and for a long time, they

¹ The bibliography, chiefly of modern works, in Guignebert's *Jesus*, runs to more than 400 items.

were not in the least interested in the life of Jesus. The authors of the New Testament epistles, and in particular the Pauline writers, never quote a saying of Jesus, never refer to any event in his life, and evince no interest in his personality. Their whole interest was in the risen Christ, and in the imminence of his second coming. The time was short, the great day of the Lord was at hand, and it was a needless exercise to inquire into the details of his earthly life when all would be revealed so quickly. When the passage of time had relegated the expectancy to an indefinite future, the greater part of the historical evidence had been lost beyond recall.¹

For any evidence, therefore, of the actual life of Jesus, we have to rely upon the gospels, and especially upon the three synoptics, because the fourth gospel is in form and contents dominated by a dialectical and metaphysical hypothesis, and is moreover a late production. The dates of the composition of the gospels are extremely uncertain, and they have certainly undergone considerable revision before they attained their present form. It would be impossible to discuss the technicalities of the problem in this place, and it must suffice to state that, in the general opinion of scholars, Mark, which is the earliest of the three, was not written until about fifty years after the death of Jesus. To estimate the historical value of such a work, one can imagine a life of Wellington written at the date of the Boer War, for the statements in which the work itself was the sole authority.

Because of the deficiency of evidence a whole school of writers has arisen who deny the existence of Jesus at all. This is not a mere aberration of extravagance, but in the words of one of the greatest of modern critics, "the position that Jesus had no historical existence is a perfectly legitimate theory entitled to serious discussion".² These critics point out that Jesus is not mentioned at all in any Jewish or pagan literature that is contemporary or even approximately contemporary; that the New Testament writings are not trustworthy historical sources; that the narratives differ from one another completely; that they are

¹ "Had all these letters (i.e. the epistles) been lost we should still know hardly less than we do about Jesus." Wernle quoted in Guignebert, *Jesus*, p. 24.

² Guignebert, *Jesus*, p. 64. The question is discussed at length by F. C. Conybeare, *The Historical Christ* (1914). More recently it has been discussed by M. Loisy and M. Couchoud in papers in *The Hibbert Journal*, 1938-39.

indifferent to geography and history; that they are treatises relating to a god, and intended for the confirmation of a faith already established. This is cogent reasoning; but it may be argued on the other side that an invented figure would probably have been deprived of all human attributes; that he would not have been represented, as Mark represents him, as showing signs of fear, of breaking off his mission, and attempting disguise; but would have been portrayed as a figure inhuman in its perfection. Moreover, the synoptic gospels leave an indelible impression of a distinct and impressive personality, of a personality entirely in the tradition of the Semitic prophets, proving its reality by its limitations, and its genius by the point and vigour of the parables and sayings. It is true that the gospel writers were not greatly interested in Jesus as a man,¹ because their primary concern was Christ the god, but we can hardly believe that they were capable of inventing such a figure as they actually portray. They were concerned with a cult legend already established, and in particular with its conformity to Jewish prophecies real or supposed.

From such materials a reconstruction of the life of Jesus is a sheer impossibility, and the most that can be attempted is the establishment of a few probabilities. There are no certain dates of his birth or his death, nor any evidence of his age.² He was almost certainly born in Galilee and most certainly not at Bethlehem.³ For the rest his whole mission and inspiration belongs to the general type of a Semitic prophet, and instead of indulging in vain speculations as to the details of his life, it is

¹ Guignebert, *op. cit.*, p. 73.

² The synoptics represent him as about 30 years of age, and John as "not yet fifty".

³ A Jewish Messiah must be of the house of David and a birth at Bethlehem is necessary because of Micah v, 2. The virgin birth, so far as it is not borrowed from the mystery religions, rests upon Isaiah vii, 14. "Behold a virgin shall conceive", etc. It was pointed out in antiquity by Jewish scholars that the Hebrew word translated as "virgin" in the Septuagint and all subsequent versions really means "young woman" and that the prophet was merely predicting the birth of an heir to the throne of Ahaz (e.g. Origen *Cont. Cel.* I, XXXIV-XXXV). The objection was naturally suppressed because to the theological mind no fact can prevail against a dogma. I wonder if any other mistranslation has produced so great a result. The story of the census, if it has any foundation in fact at all, is palpably absurd. The Roman administrators really did not conduct their operations so as to produce the minimum of efficiency at the cost of the maximum of trouble. Incidentally it was not necessary for women to appear at a census at all. (Montefiore, *Synoptic Gospels*, II, 858.)

more to the purpose to consider certain of the main aspects of his teaching.

That he was an enthusiast dominated by religious emotion is clear, and that he was a peasant with limited knowledge and restricted outlook is no less so.¹ He shows all the inherent prejudices of the peasant mind against the rich, that is to say, those who are in a better worldly condition. Again and again the rich are pilloried not with any regard to moral obliquity, but simply because they are rich. The story of Dives and Lazarus (Luke xvi, 19-31) is entirely unmoral; Dives has a bad time hereafter because he had a good time on earth, and Lazarus the reverse for the contrary reason, but there is no suggestion of the comparative morality of either.² The rich, too, are described with all the naivety of the peasant. He has no idea of the framework of their lives; it never enters his mind that they work or that they have troubles or anxieties; they are just people who feed sumptuously every day and invariably wear fine raiment. As Renan remarked, "a king's court was, in his eyes, a place where people wore fine clothes".

He exhibits, too, in an emphatic manner the characteristics of the Semitic mentality as Lawrence saw it. Everything is a glaring white or a pitchy black; the gradations of the greyness of reality have no place at all in his vision. The rich are rich and the poor are poor, but the degrees of wealth and the possibility of moderate means are never considered. It is the same with morality. Mankind are sharply divided into the sheep and the goats, the virtuous and the wicked, the blessed and the damned; but there is no hint of a doubt that it might be difficult to place an individual in either class, that a man might do a good deed from bad or mixed motives, or a bad deed with the best intentions, or, in short, that the mentality of man is made up of the strangest mixture of motives, inhibitions and desires. An elaborate and rational analysis of ethics, such as Aristotle effected, would have been completely beyond his horizon, even if it were within his understanding. At the same time his limitations were part of his power. His appeal was to the humble, and they hardly appreciate fine distinctions, but can be moved by strong

¹ Guignebert, *op. cit.*, p. 178.

² The miracles of the Gadarene swine and the blasting of the fig tree are not merely unmoral but immoral.

appeals delivered with all the vigour of a great personality. Yet in a higher degree than his predecessors, the Hebrew prophets, he exhibits the virtues of good sense and moderation. He never practised or preached asceticism, he saw no particular merit in celibacy, he had no aversion to the drinking of wine, nor to the enjoyment of food within the limits set by the taboos of the law.

He had in fact no reasoned or systematic code of ethics. He is wholly in the tradition of the prophets, and his morality is the morality of the great Jewish teachers and especially of the Wisdom literature. It is based on the Jewish idea of the fatherhood of God and the law of love—"thou shalt love thy neighbour as thyself".¹ There is nothing at all original in the ethics of the gospels, and it would have been strange if there were, for "the marvellous superiority of Christian ethics is only a theological illusion".² The central and consuming idea in the teaching of Jesus, the backbone of his message, was the imminence of the kingdom. It was at hand, and he was its messenger;³ it was useless to be busied about the things of the world, to encumber oneself with riches, or even to be careful about the food of the morrow. It was needless to fight against evil, or to be active at all; but essential to disencumber oneself of all the cares of ordinary life and await the coming comfort of the quiet and the poor. The kingdom was nothing more than the general Jewish expectation of a material transformation of the present evil world into a reign of righteousness established by an outstanding miracle. To the Jews of the time of Jesus the only possible centre of the kingdom was Jerusalem and its temple, and this is the probable reason why the Galilean prophet undertook his fatal journey thither.

Jesus never formulated a body of doctrine, nor did he attempt to found an institution or an organization. The one thing in after times that would have filled him with the most unqualified astonishment would have been the Christian church.

It is unavoidable even in a slight sketch of this kind to omit all reference to the Passion, although the subject is the most controversial in the historical record. The view here taken is that in

¹ Lev. xix, 18. The word "neighbour" in this passage was probably intended to be confined to the Jews; Jesus gave it an universal significance.

² Guignebert, *op. cit.*, p. 387.

³ E.g. Mark ix, 1, and xiii, 30.

detail the gospel narrative is not historical at all, but the record of a cult drama devised to fulfil the maximum amount of prophecy real or supposed. No one can deny that the story is dramatic in the highest degree all through; and that of itself creates a presupposition that it is not historical; because although there are dramatic moments in history, few historical events are consistently dramatic.¹ The exact adherence to prophecy is another great element of suspicion especially when the prophecies are twisted into unnatural senses. Coming down to detail it must suffice for our present purpose to take a few of the events, and to show that their setting is that of the stage and not of sober fact. In the words of the great critic whom we have often quoted, "Jesus was arrested, tried, condemned, and executed. Of that alone we are certain".²

1. The entry into Jerusalem and the purification of the temple. The dramatic character of these events is obvious, especially as a prelude to the tragedy that was to follow. But it seems certain that if anything of the kind had really occurred, the career of the prophet would have ended forthwith. It must be remembered that these events were supposed to take place just before the great Jewish feast of the Passover, in a highly inflammable city which the Roman pro-consul visited at that time in person to impress his authority. In these circumstances a prophet from afar enters the city in state, and proceeds without authority or justification to take possession of the temple court, and to oust the buyers and sellers with violence and damage. It was clearly an act of riot; in the prevailing conditions it could easily have been interpreted as an act of revolution; yet according to the gospels nothing happened. Can it be doubted that in reality the perpetrator of such an act at such a time and place would have been hailed off to summary judgment and certain execution?

2. The agony in the garden of Gethsemane. The capital objection to the story from the historical standpoint is that even as recorded there were no witnesses, and if there were no witnesses no record could have been preserved. If on the contrary we

¹ Passion plays were a common feature of Christian ceremonial. The famous example of Oberammergau is merely the last survival.

² Guinebert, *op. cit.*, p. 489.

supposed that it was part of an acted drama, the whole scene and effect becomes perfectly comprehensible. It is one of the commonest of dramatic devices—a monologue on the stage. On one side are the three disciples asleep, and on the other side “forward a little” is the chief actor enacting the scene of which the spectators are the witnesses.

3. The Betrayal. The motive for this is the fulfilment of the assumed prophecy in Psalm xli, 9.¹ It produces a scene of intense drama that is as moving to read as it must have been thrilling to watch. As an actual event it is highly improbable and entirely unnecessary. Jesus himself is represented as making a most reasonable comment in the words, “I was daily with you in the temple, teaching, and ye seized me not”,² and adds “but the scriptures must be fulfilled”. It is here that the double purpose of the incident is exhibited most clearly. A commonplace arrest in the market-place would have had no particular dramatic value; but an arrest in a lonely garden in the dead of night, and a betrayal with a kiss by a trusted disciple are highly dramatic, and moreover, bring in the second element of prophecy fulfilled. If Jesus were teaching daily in the temple it would have been known; and the rulers in full charge of the police force of the city need have resorted to no stratagem to secure his person. Luke, indeed, adds to the vilification of Judas by placing the betrayal after the last supper and the institution of the Eucharist, at which Judas is represented as having been present. Even orthodox theologians, who are not easily shocked, have been shocked at this.³

4. The Trial. In the synoptic writers there appear to be two trials, one before the Sanhedrin, and a second before Pilate the Roman governor. It is merely one of the minor improbabilities of the account that if the last supper were a paschal meal, as it is represented to have been, the trial before the Sanhedrin would have taken place during the festival of the Passover, and

¹ “Yea, mine own familiar friend, in whom I trusted, which did eat of my bread, hath lifted up his heel against me.”

² Mark xiv, 49.

³ Luke xxii, 21. Judas was apparently the treasurer of the funds of the disciples, and could have absconded with them if he had desired to do so. The necessity for the thirty pieces of silver is to fulfil Zech. xi, 12: “So they weighed for my price thirty pieces of silver”.

consequently would have been a flagrant illegality, of which no strict Jew, much less the chief priest, would ever have been guilty.¹

Points of this kind, however, are hardly worthy of serious discussion because the trial of Jesus is as unlike a real trial as it can well be. The fact is that a trial at law is unsuited to dramatic representation. Civilized legal systems differ greatly in their procedure,² but in their essentials they are painstaking efforts to arrive at the truth. They involve the examination of witnesses, the perusal of documents, the anxious weighing of evidence; all very necessary, but generally to all except the participants saturated with the quality of dullness. It is for this reason that trial scenes are so infrequent upon the stage, and when used, are so remote from reality. That excellent man of business, William Shakespeare, must have been perfectly acquainted with the legal procedure of his time, yet in the famous trial scene in the *Merchant of Venice* he exhibits no trace of that knowledge. Not only do the judges abrogate their functions, but Portia, the imported and unknown lawyer, proceeds to decide the case upon a pedantic quibble that no serious lawyer would entertain for a moment. It is intensely dramatic and completely unreal.

The trial of Jesus is just of this character. Whatever his other qualifications might have been a Roman procurator would have served in a series of legal offices in the city—the *Cursus Honorum* as it was called—and would have been thoroughly acquainted with the essentials of legal procedure. It is not to be imagined that a man so qualified would have forgotten his whole training, and conducted such a travesty of a judicial hearing as the trial of Jesus is represented to have been. He can find no evidence against him; and then, abrogating his function as the judges are represented as doing in the *Merchant of Venice*, he enters into an argument with a crowd which he certainly despised; and finally condemns Jesus and releases a rioter, murderer, and robber named Barabbas. No Roman governor would have acted with such flagrant disregard of legality, or such pitiable weakness in the presence of a shouting mob. It was not after that manner

¹ Numb. xxviii, 18.

² Sir John Macdonell, *Historical Trials* (1927). Perhaps I may also refer to a paper of my own, "Sir John Macdonell and the Study of Comparative Law", *Journal of Comparative Legislation*, XII, p. 188 (1930).

that Rome governed her empire. The alleged custom to release a prisoner at the festival of the Passover is almost certainly an invention and otherwise entirely unknown. It can be said with some confidence that the story of such a proceeding before a Roman governor is unworthy of credence.¹

The answer to the question is that it was not so intended. The evangelists, like Shakespeare, are not describing historic reality; they are describing a dramatic representation in which historical reality has no place.

5. The last Words on the Cross. The dramatist excels himself in this account. Jesus, immediately before his death, is represented as crying with a loud voice the opening words of the 22nd Psalm, "My God, my God, why hast thou forsaken me?" As the final cry of a disappointed visionary in the supreme moment of disillusionment the expression could hardly be surpassed; but the evangelist seems to have been so overcome with the dramatic appropriateness of the words as to have forgotten that he was purporting to describe the Son of God to whom all things were known. He has also forgotten, or not known, that he was describing a physical impossibility. One of the effects of crucifixion is to produce an agonised breathing that after some lapse of time makes any loud cry out of the question.² Once more we are in the region of drama and not of fact.

Finally, a very competent critic has said that "it is unscientific to write a sketch, however short and one-sided, of the life of Jesus, and leave out the resurrection".³ That may be so, but no amount of science can overcome the difficulty of deficiency of evidence. Even if we can treat such late documents as the gospels as historical they "exhibit contradictions of the most glaring kind"⁴ quite apart from the complete improbability of an event of the kind even if it rested upon historical evidence of the most cogent character. There are, however, factors that relieve the historian of his task. In the Pauline account⁵ the writer places

¹ There are excellent notes on the impossibilities of the two trials in Montefiore's *Synoptic Gospels*.

² Guignebert, op. cit., p. 486.

³ F. C. Burkitt in *Christianity in the Light of Modern Knowledge*, p. 253.

⁴ *Enc. Biblica*, Art., "Resurrection and Ascension Narratives", Vol. IV, col. 4041. A most excellent article in which the whole subject is discussed thoroughly and with ample learning.

⁵ I Cor., xv, 1-15.

his vision on the road to Damascus in exactly the same category as the other post-mortem appearances of Jesus. That was clearly a subjective vision, and we are justified in assuming that the other appearances, if they ever occurred, were of the same character. With a feeling of relief, therefore, the historian can transfer the resurrection and ascension to the skilled attention of the psychologist, and the student of comparative religion.

CHAPTER 23. PAULINISM AND HELLENIZATION

THE early history of the church after the death of Jesus is wrapped in an impenetrable obscurity that no depth of learning can dissipate and no acuteness of criticism dispel. The plain and obvious fact is that we know nothing at all about it; and it must be realized that conjectures, however reasonable in themselves, are founded upon documents written so long after the event that their historical value is negligible.

Certain facts, or at least tendencies, are nevertheless reasonably clear. The first is that the death of Jesus produced a complete change of perspective, because the coming of the kingdom that formed the core of his teaching was evidently not to be accomplished during his lifetime. Secondly, the force of his personality and the transcendent influence of his religious genius persisted; and his faith did not become one of the fallen religions strewn about "the meeting of the desert and the sown". His teaching as it stood could not survive his death. The coming of the kingdom had to be transformed into the expectation of a future coming in which he would be the central figure, and while he had preached the kingdom his followers began to preach him.¹ From a human prophet he had to be transformed into a risen Christ, and the disciples had to wrestle with the idea, so utterly repugnant to Jewish minds, of a crucified messiah. For this purpose ideas had to be assimilated, not from the Hebrew canon, but from the saviour gods of the mystery religions. We are completely ignorant of the method whereby the transition was accomplished, and the period during which it was effected; but

¹ Montefiore, *Synoptic Gospels*, Intro., xc.

in the Pauline letters we are in the presence of a developed Christology which was assuredly not the work of a day.

Like everything else in the early history of Christianity the origin and date of the Pauline letters is a matter of acute controversy. Profane history in the first century knows no more of Paul than it does of Jesus. Though there is no real reason to doubt the existence of such a person, there is every reason for uncertainty about his date, and more for doubt concerning his authorship of any of the epistles attributed to him. Like the gospels they have probably been edited and re-edited, and what we possess is merely the ultimate product of many rescensions. For this reason modern critics have ceased to a large extent to speak of Paul, but only of a tendency called Paulinism. Some passages in the epistles are only intelligible on the supposition that they were written after the destruction of the temple in A.D. 70¹ and references to persecutions likewise presuppose a later date.² It is evident, too, that a development which involved a thoroughgoing reconstruction not only of the teaching of Jesus, but also in all probability of that of the early church, was a product of much controversy and a long time, and certainly could not have been accomplished in a few years after the death of Jesus.³ The idea of a world religion claiming legitimate succession from Judaism but not identical with it, could hardly have been conceived while the Jewish state was in being and the temple in full operation.⁴

The most superficial reader of the New Testament must be struck by the complete change of atmosphere and outlook that occurs when we pass from the gospels to the Pauline letters. There is all the difference in the world between the benignant humanity of "neither do I condemn thee; go thy way and sin no more", and the inflexible dogmatism of "Oh foolish Galatians, who hath bewitched you". On the one hand we have a deep religious fervour that never condescends to argument, but is gently tolerant of human failings and frailties; accepting the main institutions of humanity, and showing no repugnance to

¹ Examples are Gal. iv, 24-26; I Thess., ii, 14-16; Rom. ix-xi.

² Rom. v, 3-5, viii, 17-39, xii, 12-14; II Cor. i, 3-7.

³ The whole subject of the late date of the Pauline epistles is discussed with great learning and candour by the Dutch critic von Manen in *Enc. Biblica*, Art., "Paul".

⁴ I.e. before A.D. 70, Whittaker, *Origins of Christianity*, 241.

the good things of life; having no small sense of humour, and filled with the ideas of repentance, forgiveness, and reliance upon the fatherhood of God. On the other hand is a pessimistic mysticism relying upon faith as the sole road to salvation, filled with the idea of the wrath of God instead of his loving kindness, dogmatic, intolerant, humourless, and hardly deigning to mention the idea of repentance and forgiveness.¹ The Pauline writer is hardly more interested in the life of Jesus than in his teaching. As has already been remarked, he never quotes a single saying of Jesus, not even the Lord's Prayer or the Sermon on the Mount; he never mentions one incident in his life; in short, he is completely insensible to the human Jesus; his only interest is the risen Christ as the saviour god.

The faith of the Pauline writer is a mixture of mysticism and pessimism. The whole theory is based upon the doctrine of the fall of man; "for as in Adam all die, even so in Christ shall all be made alive".² This is central in Paul, but is certainly borrowed neither from Judaism nor from Jesus, because there is no reference to it in the Prophets, the Psalms, the historic books, or the gospels.³ It was probably borrowed by the Pauline writer from the gloomy, pessimistic and inferior Hellenistic Judaism of the Dispersion to which he belonged if he were really a Jew at all.⁴ Coupled with this is the dogma known to later ages as justification by faith—that the only road to salvation is belief in the redeeming quality of the risen Christ. This again is as distant as possible from the benignant fatherhood of God, because it is centered on the doctrine of God's wrath, but it is essential to the Pauline theory, though not sustained by him to the extreme lengths to which it was carried by the author of the fourth gospel. The Pauline writer, who agrees in this respect with Rabbinic Judaism and the orthodox doctrine of the church, has no hesitation in regarding the majority of mankind as "vessels of wrath created for destruction". This gloomy doctrine, with its vengeful god, has undoubtedly been influential, and has supplied many generations with a strong if unpleasant faith, the appeal of which is difficult to explain. Its most secure basis is

¹ Montefiore, *Judaism and St. Paul*, 75.

² I Cor., xv, 22.

³ S. Reinach, *Orpheus* (Eng. trans.), p. 187.

⁴ Montefiore, *Judaism and St. Paul*, 93.

probably vanity. The believer is filled with a sense of his own superiority as one of God's elect, and he cannot think that any reasonable kind of deity could possibly regard such an upright person as fit for the nethermost pit, while the shortcomings of all his neighbours are painfully obvious to any seeing eye.

The origins of this body of doctrine are diverse, but not too difficult to discern. The Jewish element in it is certainly not of the Rabbinic school, but belongs to the Hellenistic Judaism of the Dispersion. It has been well said that the doctrine of the spirit and the flesh set out in Romans viii was neither in the tradition of the Rabbis nor in the spirit of Jesus¹ and that the preceding chapter of the same epistle could not have been written by a converted Rabbi.² Sir W. M. Ramsay, though he tried to minimise the importance of the admission, wrote that "Two of the most learned Jews of modern times³ were perfectly certain that none of the Pauline letters could be genuine, because there is much in them which no Jew could write".⁴ The doctrines of the fall of Adam and its pernicious effects, of the resurrection of the body, and of the devil and the powers of evil are conceptions of the Pauline theology that have disappeared from liberal Judaism if they ever had any influence upon it;⁵ and the Jew would reject Paul's pessimism, his Christology, his conceptions of sin, the law, and God's wrath, his demonology and his views of the past and future.⁶ If the Pauline writer were a Jew at all, he was assuredly a very bad Jew.

The influence that is most apparent in the Pauline theory, both in its doctrine and its terminology, is that of the mystery religions. Tarsus, the traditional birthplace of Paul, was a centre of the worship of Adonis, and if Paulinism originated in Syria, it is highly likely that it would have been influenced by the cult. Loisy notes the following points in which the mystery religions directly influenced Paulinism, and they are all doctrines that could not have originated in Judaism.

1. The assurance of a happy immortality.

¹ Montefiore, *Judaism and St. Paul*, 80.

² *Ibid.*, 104.

³ He was possibly referring to C. G. Montefiore and J. Abrahams.

⁴ St. Paul's Philosophy of History in *Cont. Rev.*, Sept., 1907, quoted in Whittaker, *Origins of Christianity*, p. 227.

⁵ Montefiore, *op. cit.*, p. 135.

⁶ *Ibid.*, p. 141.

2. The guarantee of immortality founded on communion, with a suffering divine hero who died and was resurrected.
3. By participation in rites of initiation and sacrament the believer was identified with the saviour in his life and death, and could not fail to be as closely associated in the glory of immortality.
4. Salvation comes by divine grace and through faith.¹

The formulation of Paulinism was probably the event of most decisive importance in the early history of Christianity, and without it Christianity would hardly have survived to become a world religion. Paulinism fitted Christianity for export.

In the first place, Paulinism was definitely urban, and for the first three centuries of its existence Christianity remained a creed of the cities. This was a decisive break with the original disciples and with the practice of the founder. Jesus was of peasant stock, and taught for choice among peasant people in the countryside; he seems to have felt out of place and ill at ease in the cities. Paul was as essentially urban as Jesus had been rural, and in the Mediterranean world of that time it was the cities that mattered. At a later date, when the city life was perishing, it was vital that the message should spread to the rural pagans and the barbarians, but that movement was no part of the origins.

In the second place, and most vital of all, was the process of Hellenization. Jesus spoke Aramaic, and it is highly unlikely that he knew any Greek, but every Christian document is written in that language. Without this change Christianity could not have spread along the Mediterranean littoral, and Jesus would have remained among the forgotten prophets of the Semitic quadrilateral. In this respect Christianity is unique; it is the only book religion whose sacred books are not written in the language of its founder. The Pauline writer was steeped in stoicism as well as in the mystery religions; and it is noteworthy that Tarsus, the traditional city of St. Paul, was also the city of Antipater; it was a centre of Stoicism as well as of the mysteries.² The influence of Hellenism is so deeply ingrained in the substance of

¹ Loisy in *Revue d'histoire et de la littérature religieuses*, 1932-33, quoted in Montefiore, *op. cit.*, 229 *et seq.*

² Case, *Early Christianity*, p. 268, "I am debtor both to the Greeks, and to the Barbarians", Rom. i, 14.

Christianity that it needs no emphasis; but its consequences were of the utmost importance. It was this alone that fitted Christianity for export. It could claim, as Judaism was never able to claim, the quality of universalism. When Paul claims in the well-known passage that "by one spirit we are all baptized into one body, whether we be Jews or Gentiles, whether we be bond or free"¹ he is adopting for Christianity the universalism of Rome, and putting aside all idea of a national religion for a peculiar people.² Christianity, like Rome, was claiming an empire over the Mediterranean world which, though Roman in organization, was Greek in thought. It also implied and effected a definite break with the nationalism of the Jews. That there was a sharp struggle is obvious, for the scars of the conflict are apparent in the New Testament. For a time some appearance of unity was kept up and sweetened by a monetary subsidy to the original church of Jerusalem,³ but the basic antipathy was too strong to be glossed over. The church of Jerusalem was keeping to the tradition of Jesus, for he never dreamed at any time of preaching outside the bounds of Israel;⁴ but the future was with Paulinism, Hellenism, and the Universal Church. It was the Jews who seem to have taken the initiative in the separation. Jesus as an ecstatic prophet calling men to repentance was entirely in the Jewish tradition,⁵ but his elevation to divine honours after his death was utterly shocking to their ideas. The expected Jewish messiah was not a divine hero but a man, and it was totally repulsive to Jews to be asked to render honours to the risen Christ, when those honours were reserved for God alone. The ecstasies and prophesyings of the Christians were probably also obnoxious to them, but not to the same degree as the apotheosis of a man. Finally, the religious antipathy was strengthened by what the Jews regarded as a political betrayal. During the Jewish war of A.D. 66 to 70 the Jewish Christians withdrew from the conflict and retired to Pella. It was a repudiation on the part of the Christians of any further concern for the preservation of the nation, and offended Jewish patriotism where it was most

¹ I Cor., xii, 13. Cf. Gal. iii, 28.

² It is noteworthy that the claim to universalism is most clearly expressed in the epistle to the Romans.

³ Rom. xv, 25-28; Gal. ii, 10; I Cor. xvi, 1-3; II Cor. viii-ix.

⁴ Montefiore, *Synoptic Gospels*, Intro., lxxxv.

⁵ Case, *Early Christianity*, 138.

sensitive. The Christians had added to the sin of religious apostasy the crime of political treason, and so were rightly cut off from Israel. The indebtedness of Christianity to Judaism was immense, but it was only after separation that it could appeal to the world at large.

CHAPTER 24. THE ADVANCE OF CHRISTIANITY

THE reader who is curious on the subject of the influences that favoured the spread of Christianity may still revert with profit to the famous five secondary causes of Gibbon,¹ or may study the more ample catalogue compiled by Harnack.²

The five causes of Gibbon were:

1. The inflexible and intolerant zeal of the Christians, derived from the Jewish religion.
2. The doctrine of a future life.
3. The miraculous powers ascribed to the primitive Church.
4. The pure and austere morals of the Christians.
5. The union and discipline of the Christian republic which gradually formed an independent and increasing state in the heart of the Roman Empire.

Harnack expands the list by adding:

1. The diffusion of Judaism.
2. The Hellenization of the East which spread to the West.
3. The Roman world monarchy involving the political unity of the Mediterranean peoples.
4. The facilities of communication created by the Roman Empire.
5. The idea of the unity of humanity encouraged by the world monarchy.

¹ *Decline and Fall*, ch. XV.

² *Expansion of Christianity in the first three centuries.*

6. The tolerant attitude of the government towards religion.
7. The diffusion of the mystery religions.
8. The kinship between Christian doctrines and Hellenistic syncretism.¹

It is unreasonable to doubt that all these are valid causes, but it is equally essential to observe that they are for the most part matters of conjecture. The fact, which was as evident to Eusebius when he wrote his *Ecclesiastical History* in the early years of the fourth century, as it has been since, is that for the centuries before Constantine, it is impossible to reconstruct even the main outlines, much less the details, of the manner in which the new religion grew to maturity. "The scanty and suspicious material of ecclesiastical history seldom enables us to dispel the dark cloud that hangs over the first age of the church."² All the above-named causes are important, and it is unscientific and dangerous to attempt any over-simplification of the problem. The unity of the Roman world, the growing uniformity of culture and the faculties for communication were favourable conditions, but they were equally favourable to any other cult that had the strength to take advantage of them. Christianity supplied the attractions of immortality and salvation, but so did the mystery religions that it ultimately vanquished. It also made an appeal to all mankind, but so did they. Without attempting to dogmatise on a subject that must always remain tantalizingly vague, we may suggest that the two most potent reasons were the organization of the church and the appropriation of the Jewish literature.

The church was an organization unlike any other in the Roman Empire. It was probably modelled upon the Jewish synagogue, but it ultimately obtained a coherence and unity that no other society possessed. Its rivals, even the Jewish synagogues, much less the mystery religions, were organized with no such thoroughness. Even before Constantine permitted it to become a political power its advantage in this respect was considerable.

The second and greatest advantage was the fact that Christianity was a book religion. None of its rivals possessed

¹ Bury's note in Gibbon, II, 2.

² Gibbon, II, 1; Latourette, *Expansion of Christianity*, I, 86; *Christianity in the Light of Modern Knowledge*, 390.

a literature; and, as we have already seen, Christianity by about the middle of the second century had created a small literature of its own, some of it of outstanding beauty, which has been an inspiration and comfort to generation after generation, and had boldly appropriated to its use the great and varied sacred literature of the Jews. An organized book religion will always possess substantial advantages in a rivalry with an unorganised non-literary one.

There seems to be a fairly general consensus of opinion that the early Christians were decidedly unpleasant people. The aphorism of Gibbon is universally quoted: "but it was not in *this* world that the primitive Christians were desirous of making themselves either agreeable or useful."¹ Even if this be discounted as an example of Gibbonian prejudice, the substance of it is repeated by Walter Bagehot, whose temper, outlook and setting were far different from those of the great historian.²

Their character may be summed up by saying that it was marked by the intense emotionalism which is present in every outburst of religious feeling, and further by quarrelsomeness, disorderliness, intolerance and self-righteousness. "Christianity has been the most quarrelsome of religions"³ and it was so from its first establishment. For the proof of this it is not necessary to go beyond the New Testament. The Pauline epistles are full of references to disputes and differences, in fact the writer is generally engaged in refuting an error or stilling a controversy. The maturity of the religion has in this respect by no means belied its early promise. Sects and schisms, heresies and apostasies have marked the development of Christianity throughout its history, and even at the era of its greatest power the universal church was unable to suppress them completely. Heresy and schism may be evidences of vitality, but they are also symbols of disorder.

The disorderliness was perhaps the feature that was most repulsive to the Jews and the pagans, who, if they had nothing else in common, had at least a feeling for decency and decorum in the conduct of religious worship. "Indeed the Christian assemblies were disorderly in the extreme. Those who possessed

¹ II, 37.

² Essay on Gibbon, *collected works* II, 170.

³ Datourette, *Expansion of Christianity*, I, 63

the so-called 'Gift of Tongues' exercised it with a want of restraint which contributed nothing to edification, the prophets delivered their messages with no regard to one another, and, as St. Paul says, if a heathen entered the apartment he would say it was filled by little better than frantic enthusiasts celebrating their orgies."¹

It was after a long time and by dint of great efforts that the church through her overseers or bishops succeeded in imposing definite forms of worship performed by accredited ministers, and in suppressing the enthusiasms of individuals who considered themselves filled by the spirit. The Church in the interest of order set its face sternly against the aberrations of enthusiasts, but these, and their accompanying disorders, were always apt to appear in times of religious revival. If they were too strong to be suppressed, the Church adopted and then moderated them.

One of the secrets of Roman rule was an easy tolerance of the customs and doctrines of the subject peoples, unless they assumed a political character and threatened the order of the commonwealth. The only people and religion that refused to be assimilated and remained rigidly intolerant was the Jewish, and Christianity derived from its Jewish ancestry a liberal dose of both characters.² The Christians shut themselves up into a markedly separate community; they were eager to make converts, but refused to be assimilated into the social structure. They were especially hostile to the pagan sacrifices and the worship of the emperor, and would extend to no other religion the toleration that was so liberally accorded to themselves. The attitude of the pagans towards the failure to make the accustomed sacrifices was not that it was irreligious but anti-social; the purposes of the sacrifices were to bring good fortune, and those who failed to make them brought bad luck not upon themselves alone but on all. When we consider the exclusiveness and intolerance of the early Christians, we may reasonably wonder that the persecutions to which they were occasionally subjected were so slight and so few.³

As we have already seen there was nothing new in the ethics

¹ F. J. Foakes-Jackson in *Christianity in the Light of Modern Knowledge*, p. 414.

² Latourette, *op. cit.*, I, 128.

³ Gibbon's famous 16th chapter still maintains its position. Bury's appendix 7 deals with the modern literature up to the date of his edition (1909).

of Christianity, even if there can ever be anything new in that particular domain. The absence of originality, however, does not prevent considerable difference of emphasis. The kingdom was coming, and the time was at hand, "the coming of the Lord draweth nigh."¹ The christian ethic was therefore "a stop-gap ethic, an ethic of the death-house"² only to be endured on the assumption that it could not last very long. The passage of time falsified the assumption, and so the inconveniences of a short term morality insensibly protruded themselves beyond endurance. This aspect of Christian ethics was not actively irritating, but the self-righteousness of the Fathers must have contributed greatly to the general dislike of the faithful. No assumption of superiority contributes to popularity, and if it assumes moral superiority it is likely to be particularly distasteful. The early Fathers blandly assumed that Christianity was the legitimate heir of all the goodness that had previously existed, and that any similarities between pagan and Christian ethics must be the result of borrowings from the wisdom of the Jews.³ The pagans and the Jews naturally and effectively replied that if there were any question of robbery the late comer was the guilty party.

The second shifting of emphasis was towards the servile virtues, humility, obedience, patience and resignation, rather than towards the freeman's virtues of magnanimity, self-reliance, dignity and independence.⁴ The foremost Christian virtues were negative in character rather than active and civic. In later times, when Christianity had become dominant, a feeling of patriotism reasserted itself. Augustine wrote his greatest book because he was troubled by the taunt that Rome had fallen in the Christian times, but no such feeling was present in the formative period. The reason for this was that during its advance Christianity was almost entirely a religion of the poor and the masses: a fact amusingly illustrated by the air of triumph that the Christian writers adopt when they can claim a convert among people of position. "It is always easy, as well as agreeable, for the inferior ranks of mankind to claim a merit from the contempt of that pomp and pleasure which fortune has placed beyond their reach.

¹ Jas., v, 8.

² Mencken, *Treatise on the Gods*, 323.

³ Case, *Early Christianity*, 183-6.

⁴ Lecky, *European Morals*, II, 72 and 148-9.

The virtue of the primitive Christians, like that of the first Romans, was very frequently guarded by poverty and ignorance."¹

In this way historians have propounded the reasons for the advance of Christianity, but the central fact of the extent of its advance has been less closely examined. Some inquirers at least appear to have accepted the rhetoric of ecclesiastics at its face value, without stopping to inquire whether the reality in any way accorded with the pretensions. The evidence points to the fact that during the first two centuries, in spite of all its manifest advantages that have been enumerated, the Christian cult remained small and obscure; and it was only with the disorders of the third century, and the rapid decline of ancient civilization, that it made any notable advance. During the second century Mithraism in particular appeared to be in a stronger position than Christianity, and might well have aspired to the status of a dominant religion. The question is undoubtedly difficult, because before the edict of Constantine it is impossible to reconstruct even the main outlines of Christian growth; a fact that in itself raises a presumption that it was nothing very remarkable.² A recent historian who has examined the question with care comes to this conclusion as to the position in the middle of the third century: "Our estimate of the size of the Church" (in Rome) "shortly after A.D. 250 based upon contemporary statistics of the number of clergy and widows supported by it, places it as at least 30,000, but this is admittedly conservative, and other conjectures are higher."³ This agrees with the conjecture of Harnack, and others follow Gibbon in estimating the Christians at Rome in the middle of the third century as at the most a twentieth part of the total population, while the church at Rome was "the first and most populous in the Empire".⁴ In the other cities, with perhaps the exception of Antioch, the proportion of the Christian population is not likely to have been so high. When one compares this with the spread of Buddhism and Moham-medanism in a like period it is evident that the growth of Christianity in 250 years was no great matter.

¹ Gibbon, II, 38.

² Latourette, *op. cit.*, I, 86.

³ *Ibid.*, I, 95.

⁴ Gibbon, II, 65, and Bury's Note.

Augustine was stung by the taunt that Rome had fallen in Christian times, and it is the undoubted truth that the advance of Christianity was contemporary with the decay of ancient civilization. The causes of that decay are still to some extent matters of debate, but the fact itself is only too evident.¹

The cities, upon which the whole civilization was founded, declined in vigour and population; literature, and even law, ceased to be creative; the peasantry became the predominant partner in the commonwealth; the army was barbarized from within; and economic life stagnated. Life in the third century was based on violence with its inevitable accompaniment of corruption. The cities no longer romanized the countryside, but the countryside engulfed and barbarized the cities. The pressure of the barbarians without was strengthened by a steady barbarization from within.

In the welter of disease,² disorder, and decay the minds of men turned from intellectual achievements to the emotional consolations of religion. The calamity of the people is the opportunity of the priest, and the advantages possessed by Christianity then, and then only, swept it forward to ultimate triumph. If "religion is the last refuge of human savagery"³ the terror of the times presented it with an unrivalled opportunity.⁴

Many, in fact most authors who have treated of this subject have described the advance of Christianity in the Mediterranean basin, and have left the story at that point as if there were nothing further to be said. As a result they have not approached, if they have apprehended, the real peculiarity of the religion.⁵ The distinguishing feature of Christianity is not its expansion but the limits of its expansion. It was eastern in origin, but western in influence; springing from the Semitic quadrilateral, it ceased to be Semitic; it remained for all practical purposes associated with

¹ M. Rostovtzeff, *Social and Economic History of the Roman Empire*, ch. XII, discusses this matter at length with full references to the other authorities. Some of his criticisms of other theories seem inadequate. There were many converging causes, and our knowledge is probably insufficient for a full explanation.

² The spread of malaria was one of the potent causes of economic decay, and from the second century onwards its maleficent effects were supplemented by periodic outbreaks of plague.

³ Whitehead quoted by Mencken, *op. cit.*, 326.

⁴ Hocart, *Kingship*, p. 241 *et seq.*, has some good observations on this subject. "Ages of decadence are ages of spiritual discovery."

⁵ An honourable exception is Latourette, *op. cit.*, ch. I.

the Mediterranean culture, and the northern expansions of that culture; it never dominated, or even influenced greatly, the East in which it was born.

Christianity ultimately, and with reservations, prevailed against the rather feeble religions of the West; but it has never been adopted in the East where pre-Christian culture remained intact. It made strenuous attempts to spread eastwards, but the attempts met with ultimate failure. The chief agents of such eastward expansion as took place were the Syriac speaking merchants, who travelled widely after the manner of merchants, and the apostles of the Nestorian heresy. In the Persian lands the itinerant merchants were always somewhat despised by the military aristocracy and kept in a position of subjection. The Nestorians, who spoke Syriac, were suppressed by the catholics within the Empire in the interests of orthodoxy; but fleeing from the persecution of their co-religionists they retained their enthusiasm and missionary zeal. It carried them across Persia and into India, where a community of Christians was settled for centuries on the coast of Malabar, to be discovered by the Portuguese in the fifteenth and sixteenth centuries, and then found to be heretics. Even more remarkable was their penetration into China, attested not merely by literary sources, but by the unimpeachable evidence of the inscribed stone of Si-*Ngan-fu*.¹ But the ultimate effect of these efforts was transitory and the number of adherents inconsiderable. Christianity failed to spread when it was opposed by an organised, and especially by a book, religion. Semitic in origin, Greek in thought, Roman in organisation, Christianity has remained a purely western, and, for ages, a European religion. Its expansions beyond Europe have been coincident with the expansion of Europe beyond the seas. The Western and Northern peoples have never made any real attempt to found a book religion.

The reasons for this peculiarity of geographical limitation have never been properly examined, but are eminently worthy of examination. All that can be hinted here is that its absorption into the Mediterranean culture rendered it unfitted for export into lands where that culture was either exotic or absent. As will

¹ As Bury rightly remarks (*Decline and Fall*, Vol V., app. 7), Gibbon's acceptance of the genuineness of this inscription, against the scepticism of Voltaire and others, is a striking tribute to his critical perspicacity. This appendix surveys the whole subject.

be remarked later it became to a large degree paganised because the culture into which it was absorbed remained pagan at heart; and its theology was transmuted into a debased monotheism by the conversion of the godhead into a trinity. The religions that have prevailed in the nearer East—Judaism and Mohammedanism—were purely monotheistic; and it may be that they made a greater appeal on this account than the variegated and metaphysical theology of Christianity.

CHAPTER 25. THE IMPERIAL CHURCH

“AND if a man consider the originall of this great Ecclesiasticall dominion, he will easily perceivē that the *Papacy* is no other than the *Ghost* of the deceased *Romane Empire*, sitting crowned upon the grave thereof: For so did the Papacy start up on a sudden out of the Ruines of that Heathen Power.”¹

The great aphorism of Hobbes is as true as it is famous, and can be worked out in detail in a way that he never attempted. “The second World-State which had its seat on the Seven Hills has followed closely on the footsteps of the first. It is not too fanciful to trace, as Harnack has done, the resemblance in detail—Peter and Paul in the place of Romulus and Remus; the bishops and archbishops instead of the proconsuls; the troops of priests and monks as the legionaries; while the Jesuits are the Imperial bodyguard, the protectors and sometimes the masters of the sovereign. One might carry the parallel further by comparing the schism between the Eastern and Western Churches, and the later defection of Northern Europe, with the disruption of the Roman Empire in the fourth century; and in the sphere of thought, by comparing the scholastic philosophy and casuistry with the *Summa* of Roman Law in the Digest.”²

If ever there were a decisive historical event imposed by the influence of a dominant personality the recognition of Christianity by Constantine in the Edict of Milan (A.D. 313) was such an event. “A revolution defiant of the wishes of the vast majority

¹ Hobbes, *Leviathan*, ch. 47, Cambridge edition, p. 516.

² W. R. Inge, *Outspoken Essays*, I, 138.

has never in the world's history been accomplished on so large a scale."¹ As we have seen, at the beginning of the fourth century the Christians probably numbered about a twentieth of the population. The actual proportion is a matter of conjecture, but it is admitted universally that they were a minority, and very unevenly distributed through the Empire. Constantine not only obtained supreme power, but like Augustus retained it for many years, and his work was established and abided. If the accident of events had elevated another to the supreme command, Christianity might have secured toleration but hardly privilege. The editors of the Cambridge Histories have taken the conversion of Constantine as the dividing line between the ancient and the medieval, and it is difficult to convict them of error. The consequences of this decisive event were far-reaching and it will be convenient to consider them in order.

1. The church became a political entity whether it desired it or not. Gone for ever were the obscure communities of the saints with their enthusiasms, their loyalties, and sometimes their sufferings. Christianity was now supported by the government and had power behind it as an incentive to faith. Missionary work could become open and avowed, and could add the persuasions of temporal advantage to the promise of personal immortality. It became profitable to be a professed Christian and so all the indifferent and the worldly-wise swelled the nominal congregations of the church. The church became a political institution with governmental support, and men rise to positions of authority and influence in political institutions by the possession of qualities and the exercise of means that are much the same everywhere and at all times. It is easy for the severe moralist, especially if he lacks political experience, to wax angry and sarcastic at the expense of those who devote themselves to the most difficult art of government, but it will be sufficient to observe that the principles of political practice are not those sanctioned by the gospel teachings.

2. The church was the successor to the empire and was founded on its model. "It might with some justice be said that by the time the church had conquered the empire, the empire had already conquered the church."² The imitator improved

¹ J. B. Bury, *Selected Essays*, p. 64.

² J. Westbury-Jones, *Roman and Christian Imperialism*, p. 6.

upon its model. The church did not succeed to the principate of Augustus but to the despotism of Diocletian, and it endeavoured, and in great measure succeeded, in imposing a tyranny that the earlier emperors would hardly have imagined. The Roman Empire imposed no dominion on the mind of man, but left speculation free so long as the vital principles of politics were avoided. The church not only required implicit obedience in practice, but shackled thought to its purposes. It invented heresy as an offence. Men were required not only to obey the orders of the government in their conduct, but to conform their thinking to the model officially approved. An intolerant religion from the beginning, it was only the alliance with the state that enabled Christianity to practice intolerance without restraint.

“But it at least ‘gives to think’ that some of the greatest names in early Christianity are tainted with heresy or schism. Origen himself suffered excommunication from the church of Alexandria; his orthodoxy was always suspect, until, long after his death, he was anathematized as a heretic. Three of the finest minds of Western Christendom in the first three centuries were in one way or another ‘dissenters’—Hippolytus, the most learned writer of the Roman Church; Tertullian, whose genius dominated African Christianity; and Novatian, the author of the first ‘orthodox’ treatise on the Trinity.”¹

The rise to political power changed all this. The systematic and ceaseless application of force to the suppression of dissenting opinion was a new and sinister development of the principles of autocratic power.

The alliance with the government at the same time raised a question that has never been resolved, and upon the matter of principle has always proved incapable of resolution. The question was that of the terms of alliance between the high contracting parties of church and state. The pretensions of both were limitless so that a conflict was bound to ensue. The church claimed unlimited jurisdiction over the human mind on earth, and over the human soul after death, while the state claimed obedience equally unlimited from its subjects. Between the two claimants to universal dominion there could never be any accommodation in principle, and no permanent division between the temporal and

¹ C. H. Dodd in *Christianity in the Light of Modern Knowledge*, p. 463.

spiritual spheres. The story of their endless conflict is written large on the pages of history; and while men believe in the unbounded pretensions of church or state no settlement in principle is possible, though compromises in practice may be attained.¹

An important though obscure result of the political power of the church was the extension of the Christian religion to the rural areas during the fourth century. At its inception Christianity was an urban religion, as ancient civilization was predominantly urban. The demoralization of the third century sapped the life of the cities, and if Christianity had remained urbanized it would have perished with the city life in which it flourished. Without political force and open propaganda it had been unable to penetrate to the rural areas, but with the help of these auxiliaries it was able in a large measure to subdue the reluctant countryside. The barbarian invasions of the fifth century completed the destruction of the cities that the disorders of the third had begun, but by that time the religion was firmly seated, in name at least, in the country as well as in the town. It was this circumstance more than any other that secured its survival.

3. The Reception of Paganism. Christianity survived by absorption into the Mediterranean culture, but the condition of its survival was adaptation to the conditions in which it was living. It bears the marks of the world and the culture in which it was cradled. It was not of set purpose but by the overwhelming pressure of conditions that the church was forced to compromise and to abate its pretensions, as a condition of existence. The Christians had stoutly maintained their exclusiveness and intolerance in the days of obscurity, and these principles at least they never abated in the days of prosperity and power. For their occasional persecution of the Christians the Pagans had at least the excuse that they were confronted by an anti-social body, but no such apology can be pleaded for the aggressions of the victorious church. The pagans were in no way subverting the state; they were easy-going and tolerant; they were animated by no zeal, or indeed desire, for proselytism; they claimed no universality for their varied cults. But the church would brook

¹ There is an excellent summary of the subject, with the usual full bibliography, in *C. Med. H.*, VI, chap. XVIII, "Political Theory to 1300" by W. H. V. Reade. It is treated at large in Carlyle, *History of Medieval Political Theory in the West*.

no opposition, and claimed universal dominion over the body and the mind.

In this effort it was defeated by what Inge called the ancestral paganism of the Latin races,¹ and Fisher "the ineradicable polytheism of Mediterranean man".² It is true that the church with the persistent aid of the monastic bodies succeeded in destroying the organised worship of the ancestral religion; but only by appropriating its ceremonies and conforming to its customs. The temples might be destroyed and their priests subverted, the hierarchy of Olympus might be obliterated in name, but they crept back into the chancels of the churches through the priest's doorway. "The religion of Constantine achieved in less than a century the final conquest of the Roman Empire; but the victors themselves were insensibly subdued by the arts of the vanquished rivals".³ The sacred places were respected and converted to Christian uses, the more tractable of the deities and spirits were transformed into saints and angels, the less tractable into demons, and so all lived happily ever after. We are not reduced to conjecture, however probable, on this matter; because the policy of the church is explicitly set forth by no less a personage than Gregory the Great in his letter of instructions to Mellitus for the conversion of heathen England. The missionaries are instructed to avoid shocking prevailing prejudices; to adapt the heathen sites to Christian uses; to keep the accustomed feasts and festivals; and even to continue the ancient sacrifices, but "no longer offer beasts to the devil but kill cattle to the praise of God".⁴ These instructions from a Pope to his missionaries read strangely when one remembers the fierce denunciations of the heathen practices by the early Fathers, and the martyrdom of believers for refusing to make the official offering to the reigning emperor. There is no evidence that the intolerance of the church had abated one jot when it had free play; and before its haughty leaders could have been induced to bow down in the house of Rimmon in this manner,

¹ W. R. Inge, *Outspoken Essays*, I, 142.

² *History of Europe*, I, 152.

³ Gibbon, III, 227. Gibbon must have written this sentence in imitation, conscious or unconscious, of Horace's "Graecia capta ferum victorem cepit".

⁴ Bede, *Ecc. Hist.*, ch. XXX. Coulton, *Medieval Panorama*, p. 24.

they must have felt themselves confronted by an opposition as unconquerable as it was impalpable.

So paganism, not immediately but slowly and steadily, reconquered the church. The birthday of Mithra at the winter solstice became the birthday of Christ and retained its ancient trappings; the spring festivals of the fertility gods were transformed into Lenten carnivals and Easter rejoicings; all the ceremonies of the agricultural year like the blessing of the crops were adopted with as much Christian significance as they could be made to bear; the worship of saints and martyrs and adoration of their relics was appropriated from the pagan gods, and is attested by "similarity of names, similarity of attributes, and identity of festal dates".¹ The Mediterranean church had travelled far from the purity of Semitic monotheism.

Perhaps we may illustrate the subject by the two specific instances of the growth of image worship and the Adoration of the Virgin Mary.

The worship of images was viewed with repugnance by the early Christians, and it was only after the reign of Constantine and the official recognition of the religion, that they were introduced at first privately and later openly. The practice steadily increased until in the eighth century opposition was made manifest by the iconoclastic emperors of the East headed by Leo the Isaurian. The decrees of Leo and his successors were received with opposition in his own dominions, and were openly denounced by the Popes as the representatives of Western Christianity; and in the end the opposition prevailed, and the Imperial attempt to restore the unpaganised Christianity of the early church met with final and hopeless failure.²

The adoration of the Blessed Virgin Mary was likewise a slow growth that gained momentum after the recognition of the Christian religion. More than a century after the conversion of Constantine the heretic Nestorius brought the matter into prominence by denying to Mary the character of Mother of God. The council of Ephesus in A.D. 430 quickened a process that had been growing steadily by affirming her character in

¹ J. B. Bury, Note in Gibbon, III, 237, which also contains references to some modern authorities.

² Gibbon's ch. XLIX is still by far the best account of the introduction of images and requires little annotation or addition.

condemning Nestorius; and from that time on the Virgin was raised to the position of the most efficient mediator between the repentant sinner and the son of God. St. Bonaventura in particular carried the practice to its most extreme length. Both the eastern and western churches instituted festivals in which she was the central figure, the Conception, the Nativity, the Purification, the Annunciation, the Visitation, and the Assumption; her sanctuaries were everywhere and her parochial dedications hard to enumerate. The fact is that the reception of paganism was incomplete without the presence of a female deity. They were present throughout the Mediterranean lands, and the Egyptian Isis, the Great Mother, Artemis, Diana, and Ceres are only prominent examples of a great multitude. The people could not be satisfied without a goddess, and so the Virgin Mother gathered into her ample folds the attributes of all her predecessors.

4. The position of Rome. The transfer of the centre of Christian sentiment from Palestine to Rome was the most striking result of the recognition of the church, and of the position of the church as the successor of the Roman empire. It is true that Buddhism has faded away from the land of its birth, but, with this exception, there is no other example of a great religion so completely dissociated from the place of its origin. From the gospels it appears that Galilee had little enthusiasm for the teaching of Jesus during his lifetime, and the original church of Jerusalem was nothing but a faint memory that declined into obscurity and vanished into extinction. Galilee never received Christianity at all; and it never struck any real roots in the soil of Palestine either. The holy land of the Christians has always been one of the least Christian of all lands. Even the coastal and Hellenized strip was not converted until the fifth century: that is, long after the empire was nominally Christian, and only just before the permanent irruption of Islam.¹ Palestine from that time onwards has been a Mohammedan country; it was never at any time really Christian.

We will not pause to speculate upon the causes of this remarkable phenomenon, but only emphasise the fact that it facilitated the supremacy of Rome. Rome had always attracted

¹ *Antiquity*, Vol. XII (1938), p. 180 *et seq.*

all creeds to itself, and its church seems from the beginning to have been comparatively strong. The prestige of the imperial city was enormous, and its bishop acquired a commanding position from the mere fact of his place of residence. The recognition of the religion increased the prestige, and the abandonment of Rome as the seat of government by the emperors, followed by the extinction of the Western empire, left the Pope as the greatest figure in the greatest city. Legend fortified fact,¹ and though Rome could not be claimed as the seat of the ministry of Jesus, it could by appropriate and convenient traditions be made a primary scene of apostolic activities. As the emperors vacated the Imperial city the Popes ascended the Vatican, and insensibly attracted to themselves and their city all that remained of imperial sentiment. The centre of Christianity has been Rome, and not Palestine, because Palestine never became Christian, and no other city could compare with Rome in prestige, sentiment, and tradition. A religion that was universal in theory but Mediterranean in fact could have no other capital.

5. The Canon Law. The great legal systems of the world can be divided broadly into the two classes of religious and secular. The religious systems belong to the earlier stages in the development of thought, when religion permeated everything, and when men had not yet learned to distinguish between a sin as an offence against the decrees or desires of the unseen powers, a legal wrong as an offence against the law of the community, and a moral delinquency as an offence against the accepted principles of ethics. In the religious systems every species of offence is regarded as a sin; a sin that may have unpleasant consequences imposed by the human executants of the wrath of God, but still first and foremost a sin. The best known examples of the religious systems are the Jewish and the Mohammedan, and it is noteworthy that both are eastern in origin. Every ordinance of the Jewish law is prefaced by the words "Thus saith the Lord" or some similar formula, and the ordinance itself may relate to a ritual observance, a disposition of property or a mere case of conscience. We observe the religious sanction and the mental confusion. As a necessary consequence the exposition of the law is in the hands of the priesthood, for it is

¹ The "Petrine" theory, as a question of historical fact, is not even worthy of a footnote.

the depository of the divine will. The lawyers of the gospel were not members of a secular profession, but priestly specialists.

The laws of the Mediterranean basin were definitely secular. They had in their composition the smallest possible admixture of purely religious elements; their tribunals were secular, their lawyers were professional, and their reasoning was profane. We have already considered the creation of Roman law as one of the great achievements of civilization, but the church tacked on to it a legal system of its own devising known as the Canon law. It is one of the most peculiar institutions that the wit of man has ever conceived. It is not, though it endeavoured to be, a religious system of law; but it is a sacred system acting as an appendage to a secular system, a definite capture by the church of certain portions of the legal system that would ordinarily belong to the state. It is the most striking, though perhaps the least observed, of the results of the ecclesiastical assumption of political power, and in it the ghost of the deceased Roman Empire became a potent reality. We shall hardly exaggerate if we call it an unique historical phenomenon. Religious systems of law we know; but they are primitive things belonging to periods and times when religion covered everything, and the secular had not yet been differentiated from the sacred. The canon law was not of this kind; and there is no other example of a priest-made law arising within a secular system and appropriating to itself definite portions of that system

The early Christians were an exceedingly quarrelsome body, and to moderate their quarrels something more than the exhortations of a Paul were necessary. By slow stages a semi-monarchical form of government arose. Each congregation or church became subject to an overseer,¹ and this overseer insensibly obtained powers that began to bear a close resemblance to legal jurisdiction. In the first centuries these congregations were merely voluntary societies, which at times were regarded as illegal societies, but they possessed the right inherent in every voluntary society of making rules and regulations for the conduct of their internal affairs. These regulations could be enforced by suspension of membership or expulsion from the society, which

¹ Bishop, from Gk. *episcopos*—an overseer, or overlooker.

later ages were to call the lesser and the greater excommunication. The position was precisely analogous to that of a social club, where a recalcitrant or disobedient member can be suspended, or, in the last resort, expelled.

But after a time we cease to speak, like Paul, of the churches; we begin to speak of the Church, and we accord to it the dignity of a capital letter. "These various communities were becoming united by bonds that were too close to be federal."¹ The church long before it obtained legal recognition was organising itself on the model of the empire. With the virtual disappearance of the Holy Land as a Christian country, the overseer of the congregation in the capital city steadily attained pre-eminence, until he began to look exceedingly like the emperor, and the overseers of the other congregations like the governors of imperial provinces.

The result was that when recognition came in the reign of Constantine, the church was already organised upon imperial lines. In nothing was this more manifest than in the field of law. The voluntary society found itself in possession of the coercive power of the state, and by virtue of that power its rules became legal rules, and could be enforced as such, not merely against the members of the society, but also against the non-members. That, however, was not precisely the theory. Within a century of the conversion of Constantine Christianity became the only lawful religion; and there were then, in theory at least, no non-members of the Christian society. The non-members were classed by an intolerant church as apostates or heretics, and therefore outside the society to which they ought to belong. As the state had become Christian the law of the church could be enforced against all. The sanction of excommunication ceased to be the natural remedy of a voluntary society, and became the basis of an organised system of religious terrorism.²

As time passed not only did the bishop of Rome begin to look increasingly like an emperor, but the church began to assume the very image of a state. The full development of the theory and practice in all its implications was not completed for many

¹ Pollock and Maitland, *History of English Law*, I, 2. The question of the constitution of the Church being unitary and not federal is discussed in detail by Maitland in *Canon Law in the Church of England*, ch. III.

² Lecky, *History of European Morals*, II, 7-8.

centuries, but the principle was inherent in its constitution from the first.¹ Let us hear our greatest legal historian on the subject.

“The medieval church was a state. Convenience may forbid us to call it a state very often, but we ought to do so from time to time, for we could frame no acceptable definition of a state which would not comprehend the church. What has it not that a state should have? It has laws, lawgivers, law courts, lawyers. It uses physical force to compel men to obey its laws. It keeps prisons. In the thirteenth century, though with squeamish phrases, it pronounces sentence of death. It is no voluntary society. If people are not born into it, they are baptised into it when they cannot help themselves. If they attempt to leave it, they are guilty of the *crimen laesae majestatis*, and are likely to be burnt. It is supported by involuntary contributions, by tithe and tax. That men believe it to have a supernatural origin does not alter the case. Kings have reigned by divine right, and republics have been founded in the name of God-given liberty.”²

Nevertheless it is to be remembered that the cleavage between the eastern and western churches, between Greek and Latin Christianity, began very early, and the position of the canon law in the eastern empire was very different from its position in the western states. The empire survived in the east, but it perished in the west. The Byzantine Patriarch could not succeed to the position of the Emperor because the Emperor was there, and saw to it that no aspiring ecclesiastic undermined his position. In the west there was no Emperor after A.D. 476, and no ghost of one until the coronation of Charlemagne. The Pope had no rival as the successor of the Caesars, but the Patriarch of Constantinople was kept in his proper place, and strong emperors such as Justinian and the members of the Isaurian or iconoclastic dynasty legislated without question for the church as well as the state. The Patriarch might well be in the position of the head of a department, but the Pope was determined to be nothing of the kind. He was the head of a state that claimed universal dominion.

¹ It culminates in the picture of Boniface VIII at the jubilee of A.D. 1300 seated on the throne of Constantine arrayed with sword, crown and sceptre shouting “I am Caesar. I am Emperor”. Bryce, *Holy Roman Empire* (ed. of 1904), p. 108. The story may not be strictly true, but it is well found.

² Maitland, *Canon Law in the Church of England*, p. 100.

The sources of the canon law were threefold: the Holy Scriptures, the traditions and customs of the church, and the legislation of councils and Popes. The contents of the Scriptures had to be watered down considerably, because their complete adoption would have meant the reception of the Jewish law, which would have been repugnant in theory and unsuitable in practice. In fact, the adoption of the Scriptures was confined to such moral precepts as were of general application and acceptable to the ecclesiastical power. The tradition and custom of the church was always accepted as a valid source of law; but the statute law, the conciliar and papal decrees gradually overshadowed all the other sources.

The development of the law is marked by a steady growth of despotism. The earlier law is conciliar and for long the Nicene canons (A.D. 325) which embodied the canons of the earlier fourth century councils were the only accepted statute law of the western church. But steadily and remorselessly the Pope enlarged his legislative power, and as time passed the decretals of the Pope superseded the occasional decrees of the infrequent councils. The culmination of the process takes us far beyond the period that we are discussing.

The subject-matter of the canon law was the result of long struggles between the secular and ecclesiastical powers. The church claimed exclusive cognizance of matters of ecclesiastical ceremony and economy, the supervision of all persons in orders, and the internal regulation of corporations. It claimed, but did not succeed in establishing permanently, jurisdiction over church property including tithes. Marriage, divorce, and legitimacy were definitely conceded to it. In England, but not elsewhere, it obtained control of the last will and testament, and administration of the goods of the intestate.¹ It did not succeed, though it made the attempt, in appropriating the law of contract under the guise of enforcing oaths and pledges of faith. The tide of jurisdiction flowed this way and that in different countries and at different times, and its jurisdiction over the cleric was large and over the layman not inconsiderable.

¹ The curious and incongruous mixture of jurisdictions in the English Probate Divorce and Admiralty Division of the High Court of Justice arises from historical causes. The subjects have nothing in common except that they were formerly dealt with by the ecclesiastical courts and by lawyers trained in the Civil Law of Rome.

The canon law was the latest product of the legal tradition of Rome.¹ Its principles, its methods, and its procedure were all Roman, but adapted and expanded to meet the purposes of the church. Its culmination belongs to the Middle Ages, but it grew during the Dark Ages, and it was the only intellectual product that expanded during those dreary centuries.

¹ *C. Med. H.*, V, ch. XXI, at p. 697.

PERIOD III

THE FLOWERING OF THE MIDDLE AGES

CHAPTER 26. THE DARK AGES

So the Roman Empire fell, and the forces of barbarism and religion began their long sway, for

“To-day the Roman and his trouble
Are ashes under Uricon”.

It was “the greatest, perhaps, and most awful scene in the history of mankind”;¹ the stupendous catastrophe that shattered all illusions of an inevitable march of progress, and demonstrated the frailty of the foundations upon which civilization rests. The fall of Rome has only one historical parallel, of shorter duration and less devastating consequence, and so obscure that it is a matter of archaeological inference rather than of historical demonstration. We know that at some time about or shortly after 1200 B.C. a great irruption of northern savages² destroyed the Hittite Empire in Hither Asia so completely that it had receded to a vague memory in classical times, only to be recovered to some extent in the twentieth century by the spade of the excavator. Of greater consequence was the contemporary overrunning of Greece and the Aegean by the Dorians, which extinguished the more important cultures that we know as Minoan and Mycenaean. Only after the lapse of some three or four centuries does the veil begin to lift, and we see the faint beginnings of the classical ages in a culture that has passed from the age of bronze to the age of iron. The Minoan culture had been obliterated to such an extent that its memory only survived in doubtful legends. Fortunately Egypt felt only the fringe of the onrush, and was able to withdraw into the seclusion of its valley; and the Mesopotamian lands were beyond its influence.

¹ Gibbon, VII, p. 338.

² Their northern origin is probable but not certain, and northern in this connexion need only mean the Balkans and the Danube valley. See D. G. Hogarth in *C. Anc. H.*, II, 268, and Wade-Gery in the same volume, ch. 19.

Mesopotamia, in fact, was able to play a similar part to that of Byzantium in the later and greater catastrophe; the part of a preserver but not a creator.¹

A modern futility seeks to explain, or at least to minimise, the extent of the disaster of the fall of Rome by representing it as the birth pangs of the nations rather than the death of the empire. This is little more than a subtle and misleading variation of the fallacy that there exists a parallel between the life of societies or peoples or nations—always defined vaguely or not at all—and that of a living organism. The pretended analogy has been refuted times without number, but is still a perennial resource of woolly thinkers. It is supposed that, because schoolboys are always barbaric, barbarian tribes must be youthful, and a society living in comfort and practising the arts of civilization must be drifting into senility. History affords no support either for the fact or the inference, and certainly none for the theorem that a cycle of savagery must precede an advance in civilization. We know neither the cause nor the cure of civilization, and we shall never discover it by inventing supposed analogies instead of investigating facts.²

It is quite beyond the ambit of this essay to examine the various causes that have been suggested for the great eclipse of civilization. A large amount of research and speculation has been devoted to the subject³ but it is doubtful if any theory or combination of theories is valid or conclusive. The only certain conclusion that seems to emerge is that the disaster could have been prevented if there had been sufficient knowledge and good-will available. It is so difficult to differentiate causes from symptoms, and for the vital third century in particular our sources are neither adequate nor ample. There are two major unsolved problems in history, the causes of the rise of Rome and those of its fall. When these have been determined, if ever, we may make some approach to a philosophy of history, but not until then.

¹ For a vivid description see S. Casson, *Progress and Catastrophe*, esp. ch. X. His colours may be a little heightened, but in essentials his argument seems sound.

² The analogy has been utilised extensively in political propaganda. The modern Italians, for example, have been described as a youthful nation, but the Italian people is just the same as it has been for the last millenium.

³ Notably by M. Rostovtzeff in *Social and Economic History, of the Roman Empire*. This contains full references to the various theories and theorists.

Of the terrible nature of the fact there is no possibility of doubt. From its beginnings in the valleys of the Tigris, Euphrates, and Nile, and possibly the Indus, some 7,000 years ago until the fourth and fifth centuries of our era, the progress and diffusion of civilized life was continuous. There were severe set-backs, such as the destruction of the Minoan and Mycenaean cultures, but no universal eclipse over the whole area. The outstanding features of the Dark Ages were the wide extent of the collapse, and the prolonged period that elapsed before any recovery was possible. We always foreshorten history and imagine that times that were comparatively uninteresting were actually short. There can be no greater fallacy.¹

The Dark Ages were long ages. The period, upon any calculation, cannot be confined within less than six centuries, at least as long as the time between our first Edward and our seventh. It was as long as the whole modern period and half the medieval together; yet it invented nothing, created nothing, and accomplished little. Such a tract of time cannot be dismissed lightly as a mere interlude. Six centuries are six hundred years, and no effort of forgetfulness will make them any less. The Dark Ages were long ages and deserved their name. No specious reasoning can obscure their squalor, and no perverted imagination can gloss their barbarity. In our country in particular it is only necessary to compare the material remains of a town house or a country villa of the Roman period with an Anglo-Saxon hutment, to visualise the depths to which civilized life had fallen. Town life had gone, the amenities and even the elementary comforts of existence had disappeared; the countryside was little better than a gigantic slum.

The main cause, or perhaps the chief symptom, of this giant catastrophe was the complete breakdown of political organization. The Roman Empire became a centralized state; though in its earlier stages it had been tolerant of local divergencies, and indulgent towards the idiosyncrasies of peoples. Egypt was not

¹ The latest example of this infirmity of a noble mind is Fisher's *History of Europe*. In spite of its many excellencies its ground-plan is exceedingly defective. The first volume carries the story to the end of the Middle Ages, the second describes the next four centuries, and the third is devoted entirely to the nineteenth century. Such a scale is pandering to a prejudice that the historian should endeavour to correct. The editors of the Cambridge Histories made no such mistakes.

governed as Britain was governed because Egypt was not Britain. Nevertheless the ultimate seat of authority was in the centre, the provincial governors were the delegates of the imperial government, the final appeal was the appeal unto Caesar. The unity of the civilized world finally effected by Rome was the culmination of a long process. Athens had begun the process of aggregation. Alexander imposed it with a stronger hand and a more ample force; the successors of Alexander continued the same system over smaller areas; and Rome finally gathered the whole into her own hands. It was a system that the barbarians might and did admire, but it was beyond their capacity to understand, and beyond their power to imitate. The contacts between Roman and barbarian were much the same as those between civilized and savage peoples in modern times, except that in modern times force is always on the side of civilization. It is impossible to overleap in a short time and in a few steps the long ages of martyrdom whereby man has painfully attained civilized life, and the mixture of two divergent cultures in intimate contact is likely to be the survival of the worst elements of both.

The existence of two particular features effectually prevented the assimilation of the barbarians by the Empire. The Roman Empire was essentially an aggregation of cities, because the Mediterranean civilization was founded on town life. This is something of a paradox, because agriculture, used in the sense of the cultivation of the land in all forms, olive groves and vineyards no less than ploughed fields and cattle ranches, was the very basis of its economic life. The countryside was centred upon and governed by the town; it was a tract of territory attached to a town. Even in Gaul and distant Britain where Rome could only found her system upon the inchoate towns that we know as the hill-top camps, the city was imposed on the tribe, and the new town in the valley superseded the fortress on the hill. It was given its senate or council and the tribal area became its territory. An urban civilization based upon agriculture may be a paradox but paradoxes are sometimes true.¹

Into this life the invading barbarians could not fit: their organization was too loose, their discipline too feeble, their way

¹ The self-contained country estates that we know as Roman *villas* increased in importance as town life declined. They were not characteristic of the Empire at its period of greatest strength.

of life too remote, their spirits too restless to submit to the ordered life of an urban community. The Dark Ages began when the cities were destroyed or deserted.

The second feature was the tribal structure of barbarian society as opposed to the territorial organization of the empire. No greater change can take place in a society than the transfer from tribalism to territoriality. It substitutes the tie of locality for the tie of blood. The bond of the tribe is the bond of kindred; there might be considerable elements of fiction about the relationship, because primitive societies can play the game of "Let's pretend" with as much assiduity as young children; but in theory the tribesmen were all related to one another, and the chieftain was the father of his people. To change this bond of kindred into the principle that men should be united to one another merely because they happen to live in the same place is a break so momentous that we fail to realize its importance because of its remoteness. It was remote in feeling but not necessarily in time, for in medieval Wales we can see tribalism merging into feudalism, and in the highlands of Scotland the clan system continued until the "Forty Five", to be portrayed for us by the memory and genius of Sir Walter Scott.

The process always needs time, and in the breakdown of the Roman Empire no sufficient time was available. The contiguous societies were too far apart to unite, and so they remained apart, with the consequent deterioration and final eclipse of all government.

This condition of affairs produced the unique system known as the personality of law. It was first recognized in terms in the law book of the Riparian Franks, which was probably compiled in the latter part of the sixth or the earlier part of the seventh century; but the principle is likely to have been recognised and practised before gaining its place in a formal code. It gave to each man his own law as an individual status that he carried about as a personal possession, and by his law he was generally allowed to be judged. Such a conception was radically different from the position of a foreign law in a territorial state as visualised in ancient Rome or in modern communities. Questions as to the law to be applied occur when legal relations arise between a foreigner and a citizen, but the degree of recognition to be accorded to the foreign law is a matter to be determined by the

law of the country where the case is heard. The rules of Private International Law, to use a modern term, are as much part of the law of England as the rules relating to the sale of goods, and the principle underlying the recognition of foreign law is merely that justice may be done between the parties.

On the other hand there was no question of recognition by permission in the personality of law. All systems were of equal dignity, and the recognition of a man's law was not by permission but of right. The confusion of such a negation of system is obvious. In the quaint words of Bishop Agobard of Lyons in the ninth century, "it often happened that five men were present or sitting together, and not one of them had a law the same as another". It is equally clear that such a condition of affairs would give rise to questions of the utmost nicety on the subject of conflict of laws. When questions of this kind arose, which must have been more often than not, two general principles were brought into play which may be comparatively easy to state, but must have been exceedingly difficult to apply. The first was that as far as possible effect should be given to all the competing laws; and the second that when one law had to be followed, favour should be shown to the law of the person whose interest was dominant. A modern lawyer may congratulate himself that these problems at least do not disturb his rest.

The reader may be tempted to remark at this point that these obscure and buried matters can hardly claim even an historical interest, and might be left to the attention of legal specialists; but his intelligible protest would not be valid. As McIlwain rightly remarks, "the importance of this phase of European legal history in the development of political ideas is incalculable".¹ But for the existence of personality of law the Roman law could hardly have survived in the welter of confusion of those troubled times, but as the personal law of the Romanised peoples it persisted, and its continuity was never broken. Without the survival of the Roman law civilization would have been bereft of one of its main elements.²

Personality of law persisted from the sixth century to the ninth and then perished. It was succeeded by feudalism which

¹ C. H. McIlwain, *Growth of Political Thought in the West*, p. 169.

² For Personality of Law see McIlwain, *op. cit.* p. 168 *et seq.*, and the *General Survey* in the *Continental Legal History Series*, p. 60 *et seq.*

has influenced the development of all the countries of Western Europe until very modern times. Although the main outlines of feudalism are fairly clear, it is exceedingly complicated in detail, and there is great danger that easy generalisations may err in the direction of over-simplification. The best-known and most influential outbreak of feudalism occurred in the early middle ages; but it is a state of affairs that is likely to occur whenever the surrounding conditions are favourable. Japan was a feudal country before its modernisation in the nineteenth century, and traces of it were visible in ancient Parthia.

The effort of Charlemagne to unify the greater part of Western Europe by a revival of the Roman Empire rested upon the influence and ability of a dominating personality. It was unstable and short-lived, though it survived as a potent memory and an influential example. It was lacking in machinery, in money, and in spirit. The machinery for a great centralized government did not exist; and there was neither the human material out of which a civil service could be educated and created, nor the financial resources out of which it could be paid. The mental atmosphere for the creation of an unity was likewise absent; except in the church, the outlook of men was tribal and local. When Otto I created the medieval empire 150 years later, it was upon a different basis. Charlemagne rested his empire upon all the Frankish peoples, Otto upon the Germans alone. Charlemagne could claim universality as the ruler of all Teutonic Christianity, Otto was the ruler of a fraction. Charlemagne was the successor of a line of kings reaching back for 300 years, Otto was a Saxon thane who had risen to power. Charlemagne was the head of a people, Otto of a state rapidly passing into feudalism. Charlemagne broke down every form of organized local resistance, Otto saw it gathering force under his eyes and was unable to check it.¹

The disintegration of the empire of Charlemagne left society in its worst stage of degradation. The ninth century was the darkest of the centuries, the apogee of civilization. The disorder was chronic, the unrest perpetual, government had failed, the rule of force was naked and unashamed. The only device open to the common man was to place himself under the protection of the

¹ Emerton, *Medieval Europe*, p. 142 et seq.

wielder of a heavier sword, whatever loss of independence that might mean.

“The general results of the social processes may be summed up under three heads: (1) a debasement and breaking up of the class of common free men, (2) the rise of a landed aristocracy, (3) the formation of a large and varied mass of half-free people.”¹ The process was the exchange of dependence for protection, of liberty for safety. The two essentials of the feudal relation were homage and fealty: the hand grasp by which the dependant became the “man” of the lord, and yielded up his land to be held henceforth of the lord upon the stipulated services, followed by the oath whereby he swore personal allegiance. The regrant of the land by the lord to the tenant (as we must now call him) was at first a grant at will, perhaps modelled on the *precarium* of Roman law, but it soon became a grant for life, and ultimately developed into an hereditary estate. At the same time the hereditary estate retained a vestige of its former condition of an estate for life in the relief that the heir was obliged to pay on succeeding to the property.

The transition from tribalism to feudalism was assisted materially by another consequence of the migrations. It was as congeries of clans that the barbarians settled within the empire, but the clan system is not well adapted for the waging of war. Tacitus had noted that the leaders of the Teutonic tribes in his day surrounded themselves with a body (*comitatus*) of personal followers sworn to fidelity and allegiance. The system developed with the passing of time and the persistence of war, and some have discerned in it the germ of the territorial state.² At the very least it was a factor that made for the disintegration of tribalism and the growth of territoriality. The personal followers were neither necessarily nor often attached to the chieftain by ties of blood, but they were attached by bonds of allegiance. Moreover they could only be supported or rewarded by grants of land, and so there grew up independently of the tribe a body of landholders who were followers and subjects of the king rather than his kinsmen. Whether this were the germ of the state or not, it was assuredly the germ of a territorial aristocracy.

¹ Vinogradoff in *C. Med. H.*, II, 652.

² E.g. Jenks, *Law and Politics in the Middle Ages*.

This system of landholding, of tenure and estates as opposed to the unqualified ownership (*dominium*) envisaged by the civilized law of Rome, was one aspect of feudalism; the other was that of private jurisdiction. The one vital thing that induced the small man to deliver himself bound into the hand of the great man was the protection that the great man could afford him. The protection could be effective only if the lord assumed the power to administer justice, or at least to decide disputes. He must set up a court, and the tenants must owe him suit of court; they must be compelled to attend his court and partake of its business. It might well be that the court of the lord was the successor of the local courts of the township and the hundred; but it became his court, it ceased to be in any sense the court of the central government. Over his court the lord maintained a tight hold and a jealous grip, for the profits of justice were considerable. Those who sought justice in private suits must pay for the privilege; and as to criminal matters, if it was an expensive nuisance to hang malefactors, they might possess goods and those goods would be forfeited.

In this is shown most clearly the default of governance that was the mother of feudalism. Civilized people rightly regard the maintenance of justice as the first function of government; the king sitting in the gate to hear the petition of the humblest is the earliest picture of orderly administration. If a central government was unable to do this, it could hardly claim the name of a government at all. "After the great effort of conquest and invasion, Western European society relapsed into political life on a small scale, into aristocratically constituted local circles."¹

Feudalism is the negation of all that is most important in our conceptions of the state and citizenship.² It has been variously described as organized anarchy and confusion roughly organized³ but to our eyes the anarchy and the confusion are more prominent than the organization. We may be certain that it was a growth arising out of the conditions of the time, for no intelligent person would have devised such a system, and nobody would have lived under it as a matter of choice. It obliterated the

¹ Vinogradoff in *C. Med. H.*, II, 654. Holdsworth, *History of English Law*, I, 17-18.

² H. C. W. Davis, *Medieval Europe*, p. 93.

³ H. G. Wells, *Outline of History*, p. 339.

distinction between public and private law, for private jurisdiction is almost a contradiction in terms. It has been said¹ that the middle ages were essentially unpolitical in comparison with the preceding and following ages, but if they were unpolitical it was because politics had receded so far as to be almost invisible. The history of the centuries succeeding the dark ages can be regarded as a long struggle on the part of governments to regain possession of their essential functions. The struggle was long and arduous because feudalism was embodied in the very warp and woof of the social structure. Personality of law perished and the traces of its existence are not conspicuous; but much of feudalism remained in France until the days of the Revolution, and in England, the first of the modern states, the military tenures were not abolished until the Restoration of the Monarchy in 1660, and all traces of it were not finally expunged from the land law until the property legislation of 1925.² The history of the Middle Ages can be regarded as the steady subversion of feudalism; but no series of institutions, the product of peculiar conditions, ever showed greater vitality.

After it had long ceased to function as a method of government, feudalism retained persistent influence as a basis of social distinctions. The most honourable services were the military, pursued, but always at a distance, by the profession of the law³, the administrative service of the king, and the dignity of the church. Service, preferably military, was alone worthy of respect; and anything in the nature of trade or of manual labour placed the man who practised it in a condition of social inferiority from which he could hardly hope to raise himself either by ability or industry.⁴ Many ages would pass before anyone would be bold enough to speak of the dignity of labour. Even in the novels of Jane Austen, that perfect mirror of early nineteenth century society in England, the only callings open to the families of the

¹ Bryce, *Holy Roman Empire*, p. 90.

² Perhaps even this is an overstatement. All land is still theoretically held of the Crown in its capacity of feudal overlord, and feudal doctrines still constantly crop up in odd places.

³ E.g. the noblesse de la robe in France.

⁴ The medieval theory and practice was that of a society arranged in definite classes fixed by law. Every difficulty was placed in the way of a man who wished to rise from one class into another. The only approach to a career open to the talents was in the church. Holdsworth, *History of English Law*, II, 464. Cunningham, *Industry and Commerce*, I, 464.

country gentry were the army, the navy, the bar, and the church. A prosperous merchant in a large way of business was faintly recognised. A century earlier Swift had declared in set terms that every gentleman's son who was not handsome enough for the army, and had not brains enough for the bar, went into the church.

The feudal idea is simplicity itself, but the feudal system, if the phrase is really allowable, was one of the most complicated ever devised by the wit or folly of man. Its great advantage was its flexibility, because it could be applied to offices of all kinds as well as to the normal fief held of military service. Even such a humble office as the reeve of a township was held by feudal tenure, usually by virtue of the possession of a defined piece of land. To adapt a well-known aphorism, "there was no damned nonsense about merit" in feudalism.

It has been said that feudalism was a continuous development from Roman or barbaric roots,¹ and the industry and insight of historians can trace these roots in the varied institutions of barbaric tribalism and the declining civilization of the later empire. There is truth in this view, because all institutions are developments of preceding arrangements, but the dominant influence in the formation of feudalism was the utter breakdown of government. The institutions would not have developed in the way that they did except under the overmastering incentive of the prevailing conditions.

The two factors that worked steadily, and in the end irresistibly, for the disintegration of feudalism were the king and the church. The hope of orderly government was centralized in the monarchy, and only when the king was able to transform his office from a feudal overlordship into a national institution, and his people from tenants into subjects, were the forces of order able to prevail against the forces of anarchy. The process was long, the way difficult, and its details must be sought in the general history of the Middle Ages.

The strong hands of her Norman and Angevin kings made England the forerunner in the movement, and converted the island kingdom into the first of the national states; but all through western Europe men saw in the strength of the

¹ Vinogradoff in *C. Med. H.*, II, 630.

monarchy the seed of good government. The chief engine in the hands of the central authority was the mercenary soldier hired for wages, a fighting man by profession owing duty to none but to the king who employed him. Later the position of the king was strengthened by the invention of gunpowder. When it came to pass that the king alone could afford a park of artillery the days of private warfare were drawing to their inglorious close.

Equally potent was the influence of the church. The church had become feudalised because it could not help it, but it fitted uneasily into an alien structure antagonistic to its principles and its ideals. It was a solvent both of tribal and of feudal society. Nurtured in a world state subject to a single ruler, it carried over into a society that had "relapsed into political life on a small scale, into aristocratically constituted local circles"¹ the ideas of an older and more civilized world. In fissiparous societies of little antagonisms it maintained the idea of an universal society of which it was the emblem, and when they practised division it preached unity. Among peoples strictly bound into classes from which escape was almost impossible, it taught the worth of the individual soul and the equality of all men in the sight of God. The ringing words of the Pauline writer, "Where there is neither Greek nor Jew, circumcision nor uncircumcision, barbarian, Scythian, bond nor free: but Christ is all in all",² must have sounded like the call of a trumpet in a society wherein distinctions were determined by birth. The distinctions were to remain for long because they could not be escaped, but there is small wonder that rulers refrained for ages from placing this revolutionary literature in the hands of the common man.

The Dark Ages ended with comparative suddenness. There was no single decisive event that marked their termination, any more than one event marked the fall of the Roman Empire in the west; but a date that is at least significant is the one date that everybody remembers, that of the Norman conquest of England in 1066. The Dark Ages were in the greatest measure ages of migration and movement. They began with the long series of incursions of barbarians into the empire, and with the great movements in Asia that were behind the incursions. They were

¹ Vinogradoff in *C. Med. H.*, II, 654.

² Col. IV, 11. Also Gal. III, 28.

continued by the huge Arabic conquest that followed the establishment of the Mohammedan religion, and these were succeeded in turn by the raids and settlements of the Viking pirates of the north, and the invasion and settlement of the Danube basin by the Magyars or Hungarians. The Hungarian raids were terminated finally by Otto I, the effective founder of the medieval empire, at the battle of Leckfeld in 955, and the Norman conquest of England can be regarded as the last of the Viking raids. The ages of movement were over, and the ages of stability had begun. A stable society, the primary condition for an advance in civilization, began to be present. This statement cannot be made in an absolute sense, because the Crusades and the Turkish overthrow of the Arabian and Byzantine civilizations were yet to come, but for western Europe it is substantially correct. The mass movements of the Dark Ages were over; and if war was endemic in Europe until well into modern times, it was at least local in its incidence and transient in its effects. The crusades indeed were one of the factors making for stability because they afforded a continuous outlet for the most turbulent members of a warlike society. They were enabled to indulge their passion for adventure and slaughter in a distant land, among people other than their own, and with the added glamour of a religious sanction. It was the crusade that spared England the effective rule of Richard I, and many another rampant warrior attained almost to sainthood by spending his energies far from home.

The stabilization of Europe was marked by two events that affected profoundly the later Middle Ages. The one was the refoundation of the medieval empire on a purely Germanic basis by Otto I, and the other was the establishment of the aggressive medieval Papacy by Gregory VII or Hildebrand.¹ Neither of these things can be called the causes of that great outpouring of the human mind that has been named the Renaissance of the Twelfth Century.² We cannot as yet discern the causes of these creative movements and we must be content to record them.

¹ He died in 1085 uttering one of the most famous of all last words: "I have loved righteousness and hated iniquity, therefore I die in exile". It is a question of definition of terms. What Gregory called righteousness others might describe as aggression.

² By C. H. Haskins in his book bearing that title.

CHAPTER 27. THE GOTHIC ARCHITECTURE

THE Gothic architecture¹ was the most conspicuous, if not the most permanent, of the legacies of the Middle Ages. At the same time it may be objected that it does not fall within the scope of this essay, because it ceased as a living and creative movement about the end of the fifteenth century. The Gothic revival, especially in the nineteenth century, was one in which the perfection of the mechanism failed to conceal the departure of the spirit. To this objection I would offer a plea in confession and avoidance. In confession, by admitting the validity of the objection; and in avoidance, by submitting that a heritage so glorious as the relics of Gothic architecture could not be passed by in silence.

Theory degenerating into fancy has played round the origins of this great achievement as it has round other outpourings of the spirit of man. It has been contended seriously that the nave of a great cathedral church was a deliberate imitation of the overarching trees of a forest glade, and that such an idea inspired by a kind of natural instinct the men of the northern forests. "These things are but toys", and the reality may be more prosaic but hardly less mysterious. We may trace the steps whereby the Gothic architecture grew through experiment to perfection, but the reasons why such a development should have taken place at that time elude our scrutiny.

The Roman architecture, solid and substantial, was a development and perfection of the principle of the arch and column rather than a new invention; but Byzantium, the great preserver of ancient civilization, did make one and only one creative invention. The architects of Byzantium solved for all time the problem of covering a rectangular building with a dome by the use of arches that are known technically as pendentives. The method was used to a certain extent in the developed Gothic, but it is worthy of mention as the only invention of the first importance between the early classical period and the twelfth century.

A passion for building in stone was one of the first results of the comparative stability that arose in Europe in the latter part of the eleventh and the early part of the twelfth century. The art

¹ The name was given in derision by the writers of the Renaissance, and though less appropriate than many nick-names it became permanent.

of the mason had never perished during the darkest of the dark ages. The barbarians, when they built at all, used wood and mud for their exiguous dwellings, but in the imperial provinces the workers in stone carried on their ancient tradition, and there remained multitudes of buildings of a happier time to serve as examples of method and achievement. Even in our own country, where the art had probably to be reimported from the continent, the remains of Anglo-Saxon architecture are now held to deserve an amount of attention that was not accorded to them in the not far distant past. But in the eleventh and twelfth centuries things began to move with astonishing rapidity. The architecture that supervened is generally known as Romanesque but in this country is called Norman. It deserves the name that we have given it. Those marvellous marauders, the Vikings, who settled in northern France, assimilated and developed the best of the civilization that they found. They acquired the language and with it the literature, and improved every art that they found, not forgetting such relics as subsisted of the art of government. Hard, cruel, and ruthless they might have been; but they exploited economic resources to the limits of their capacity, they attempted to establish order in a world where it was hardly known, and they appreciated and favoured the arts, and in particular the art of building.

Monasticism, the only means of obtaining a certain degree of quiet and leisure in times that were incredibly disorderly, was flourishing in the eleventh century, and the first of the great builders were the Benedictine monks. Therefore, the medieval architecture at its inception was in no sense a popular architecture, but one fenced in upon private property, and erected in name for the greater glory of God, but in fact to emphasise the dignity and gratify the ostentation of the monastic communities. There is no doubt about its beginning. Sometime in the decade from 1040 to 1050 the abbey church of Jumièges near Rouen was started with the avowed intention of being the greatest building in Europe of its time. That intention was accomplished, and it was "not only the largest erection of masonry that had been built in West Europe since the Romans, but the most consequential for the after development of the medieval arts".¹ From this can be

¹ E. S. Prior, *English Medieval Art*, p. 15.

dated the great outburst of building that marked the next 150 years, and spread over the whole of western Europe except Mohammedan Spain. Before the Normans came Edward the Confessor was building his abbey church of Westminster on the model of Jumièges; and after the conquest the great abbeys began to spring up, at Durham, Ely, Peterborough, Norwich, Gloucester, Tewkesbury, and so on, and parish churches began to imitate monasteries. But the building was not exclusively ecclesiastical. It is a common error to regard the churches, both of the Norman and the succeeding Gothic periods, as the sole examples of their styles. It is true that churches have survived in greater numbers, and generally in better condition than secular buildings, but the latter belong to the same periods as the former. The castle of Durham and the Tower of London are as much examples of Norman architecture as any abbey; and castles, town halls, barns, manor houses, and colleges are as Gothic as any church.

It is not our purpose to trace the development of Romanesque except as the precursor of Gothic, but Gothic would not have been possible unless Romanesque had preceded it. Gothic depended for its existence upon superb skill in the manipulation of small stones, and unless the innovators had been able to rely upon the craftsmanship acquired by the masons during the preceding century their ideas could never have been translated into facts. "The centuries of Gothic building found expression in no other creed than to save stone by workmanship."¹

Gothic is a product of northern Europe, and more particularly of north-eastern France, and the builders in these regions had to face problems that hardly troubled the men of the Mediterranean littoral. The first was that they were obliged to have more light, whence came the invention of the clerestory. In northern latitudes the sun is welcomed as a friend whenever it can be induced to appear: in southern it is regarded as an enemy to be excluded, or at least guarded with care. The second was the problem of snow. On a flattish roof covering a large building a heavy fall of snow might easily become dangerous, and consequently roofs had to be steep so that the snow would slide off before it became a menace.

¹ E. S. Prior, *op. cit.*, p. 32, abbreviated.

The first beginnings of the transition from Norman to Gothic can be seen in the abbey church of St. Denis near Paris, rebuilt under the direction of abbot Suger, the choir of which was consecrated in 1144. The lordly abbot deliberately attempted to create the most beautiful church of his time, just as his predecessor at Jumièges had done a hundred years before. It was not only for the building itself, but for the monumental sculpture, the metal work, the glass work, and the painting that he gathered around himself the greatest experts that he could find, and his example had a profound influence upon the industrial as well as upon the structural arts.

St. Denis was an abbey church, but the transition to Gothic is marked by a distinct shifting of influences. The century of Romanesque, so far as it was ecclesiastical, was a century of monastic building; the first century of Gothic was episcopal and parochial. In the interval the monastic ideal had been divided. The Benedictines, under the influence of Cluny, aimed at the maximum amount of decoration in their churches; but the Cistercians, following the teaching of St. Bernard, aimed at temperance in building, and yet found beauty in craftsmanship skilfully applied to a practical purpose. They imbibed Gothic in spite of themselves. There was no such limitation upon the cathedral builders, nor upon those in the parishes. The monasteries definitely ceased to take the lead in building; and the patronage of the art passed to bishops who rivalled one another in the magnificence of their cathedral structures, and spread from them to parishes with a rivalry even more intense.

The problem before the builders of the time was that of supporting a stone roof, and this was effected by the insertion of a series of stone ribs. The Norman builders used the method but they were faced by two great difficulties; first, the counteraction of the outward thrust produced by the weight of the stone roof due to the operation of the ordinary law of gravitational attraction; and secondly, that circular arches or barrel vaults meeting one another must have the same radius if the arches were to be of the same height. The first was solved to a limited extent by constructing walls and arches of such massive thickness that they resembled engineering works rather than buildings; but the second remained insoluble.

The Gothic builders solved both problems by the twin inventions of the flying buttress and the pointed arch. The essence of the solution was to save stone by workmanship, and to achieve success by obedience to scientific laws of which they were not aware. The flying buttress outside combined with the ribbed arch inside the building distributed the strains and stresses to perfection; so much so indeed that the walls ceased to perform any structural function, and could be utilised as a basis for decoration. It was precisely the reverse of the principle of the Romanesque builders. The latter relied upon the immensity of the walls to support the thrust of the roof, but their Gothic successors took the thrust entirely off the walls and on to the buttresses. One result of the change was to make a Gothic cathedral an indivisible whole. A Romanesque building can be removed piece by piece, and the remainder will still stand; but if the balance of a Gothic building is impaired the whole structure at once becomes unstable. A further device to relieve the internal stresses was the multiplication of towers. A Norman church usually possesses a central tower, solid, squat and severe, giving the outward impression of great strength. In a Gothic building the central tower remains, but soars into a graceful spire pointing heavenwards; and added to it are towers at the western end almost always, and in the transepts often. Like every other portion of the building they are made to carry elaborate decoration.

The second and, to outward seeming, the most characteristic feature of Gothic was the pointed arch. The pointed arch in its essence is two separate sections of a far larger circular or elliptical curve, and, if the ends are properly abutted, is structurally sound. Its inventor is not known, and the idea may possibly have been transmitted from the east, but its invention permitted an almost infinite amount of experiment and adaptation. Within due limits the problems arising from the differing heights and widths of adjoining portions of the building were solved.

Flying buttresses and pointed arches are the main ingredients of the Gothic architecture, but by no means exhaust its possibilities. Its creators evinced a perfect passion for decoration. The walls, no longer required for structural stability, could be used to carry windows of ever increasing intricacy, and the structural

necessities of the flying buttresses and the interior arches were concealed beneath a profusion of ornament. It would be an exaggeration to assert that the results of this abundance were always successful or pleasing. Every medieval architect was not an artist, and however painful the statement may be to extremists of the Gothic persuasion, it must be asserted that some Gothic buildings are positively ugly. It has been said that "none but the most pig-headed medievalist can sincerely maintain that, in the west front of Salisbury for instance, the thirteenth century yields anything to our own in the way of pointless confusion and downright ugliness".¹ Others might say the same of the west front of Laon. At the same time things of this kind are rather exceptional, and emphasise the extremely high level of beauty attained by the Gothic builders as a whole, not only in the great abbeys and cathedrals, but also in the multitudes of parish churches, halls, barns, and lesser structures.²

Gothic was a development of the "western love of the vertical", and there was obviously great competition and rivalry between bishops and towns as to the possession of the highest cathedral. The builders of Notre Dame had been content to rear a nave 110 feet in height, but both Rheims and Amiens rose to a height of 140 feet upon a width of 46 feet. Beauvais determined to better both, and vaulting ambition overleaped itself. The height was 154 feet, and the building was sacrificed for the extra 14 feet. The roof fell, but the undeterred builders erected it again. Ten

¹ O. Lancaster, *Pillar to Post*, p. 14.

² A competent economic historian should make a study of the finance of medieval architecture. It must have been an enormous strain upon the resources of the community. It has been said that Gothic, depending as it does upon supremacy in craftsmanship, is too expensive for modern mechanical building, and it was comparatively more expensive when it was produced. The details are difficult to obtain, but as a foundation we have the accounts relating to the building of the Edwardian castles in North Wales. Beaumaris, which was never entirely completed, cost £7,000 over a period of a few years. Applying Mr. Coulton's multiplier of 40 to give the equivalent in modern money before the crisis of 1931, we have a sum of £280,000 for one castle. It is true that Edward left a depleted treasury to add to the troubles of his feckless son; but, even so, the sums must have been found without any of our modern financial devices for saddling improvidence upon posterity. It is difficult to imagine how even a mighty subject like Gilbert de Clare managed to erect the huge pile of Caerphilly castle out of his own resources, as he undoubtedly did; and then we have all the cathedrals and abbeys and a church in every one of the ten thousand parishes. It was all accomplished by an agricultural people of not more than 4,000,000 with a low standard of productivity. Here is a task that awaits the attention of an accomplished scholar.

years later it fell once more, but at the third attempt they doubled the number of the supporting piers, and by sacrificing the proportions of the building, at length attained stability. The force of the example was not lost, and rivalry expressed itself in profusion of ornament instead of excessive height.

It is no part of our purpose to follow the development of Gothic through its successive stages of Early English, Decorated, and Perpendicular, and Early Rayonnant and Flamboyant in France,¹ but it is necessary to remember that the Gothic period was not only one of development in architecture, it was also one of the great periods in sculpture. Every part of the building was made a vehicle to carry decoration; and this passion for decoration expressed itself, not only in the actual structure, but in the ancillary features, the stained glass in the windows, the vestments of the priests, the metal and jewelled work of the vessels, the lettering of the inscriptions. In this decoration there was a strong tendency towards naturalism, the faithful representation of real things, instead of the formalism and convention of the preceding periods. The summit of naturalism is the faithful reproduction in stone of the human figure, and to that summit the medieval sculptors attained. The art of sculpture, however debased from the great models, had never disappeared completely, and was practised in some degree by the makers of sarcophagi; but in the twelfth and thirteenth centuries it burst forth into a marvellous flowering that we can merely record without attempting to explain. To be intelligible these things must be studied in detail, and that detail would be out of place here.²

CHAPTER 28. THE UNIVERSITIES

IT is to the men of the middle ages, and to them alone, that we owe the idea of an university. The schools of Athens and Alexandria were centres of learning of a similar character, but

¹ The English classification, now generally accepted, is due to Thomas Rickman (1776–1841), a Quaker, who was successively a grocer, a doctor, clerk to a corn factor, assistant to an insurance broker, and finally an architect. See *An attempt to discriminate the styles of Architecture in England from the Conquest to the Reformation* (1817). Perpendicular was our exclusively English development and was never exported.

² *The Legacy of the Middle Ages* contains excellent chapters on Medieval Sculpture and Decoration and Industrial Arts by M. Paul Vitry and M. Marcel Aubert respectively.

they failed to survive. It was the middle ages that evolved the idea of an ordered course of education with a degree or certificate of fitness at the end of it, which has spread over the world as the university.

We can touch but lightly upon the much discussed problems of the survival of ancient learning and of the means of education during the Dark Ages. That a considerable something survived is attested by the fact that we still possess a classical heritage, but the means and localities of the preservation are alike obscure. In the process Ireland and England, placed on the periphery of the western world, played a notable part. Ireland suffered no invasion at all until the coming of the Vikings, and its disorderliness was native and natural; and Northumbria after its conquest by the Angles settled down for a long time into a condition of comparative peace. The monastic schools of Ireland rose to the level of their opportunity and it was there in the seventh century that the keenest thirst for knowledge existed and the work of teaching was most active. It is especially noteworthy that although Ireland was never under Roman domination, and that Latin was therefore a foreign and clerical language, there is much evidence that many Irishmen knew Greek and were in contact with sources that could only be eastern.¹ In Adamnan Ireland produced an author whose works have survived by their own merit, and in John Scotus the only philosopher of the Dark Ages, an Irishman—for Scotch meant Irish in those times—whose genius could not be reduced to desiccation even by the intellectual aridity of those unquiet times. From Ireland the primacy passed to Northumbria, and Bede is not only the first of the great English authors, but the width and character of his learning are the best evidence of the survival of the ancient literature and of the education that the monastic schools provided.

Charlemagne gave the next great impulse to the cause of learning and education. His palace schools, like his empire, were a spasm rather than an abiding force; but under the influence of Paul the Deacon imported from Italy, and Alcuin imported from England, they flourished for a time throughout his wide dominions. In addition to teaching they copied manuscripts with enthusiasm, and thereby preserved several of the classical authors whose

¹ M. R. James in *C. Med. H.*, III, chs. 19 and 20, and references there given.

works might otherwise have been lost. For the work they invented the Caroline minuscule, a script both legible and beautiful, the influence of which persisted from manuscript to print.¹ The dark period that succeeded is known as the Benedictine Age in education, because it was mainly in the hands of the monks seconded by the noteworthy efforts of the Irish scholars exiled by the Vikings from their native land.

In the northern lands education was entirely in the hands of the church, and although its educational ideal was narrow, it alone possessed one of any kind. In Italy on the other hand the idea of lay education never died out, and this fact was to be a decisive influence in the formation of one of the two main types of university and in establishing the curriculum of secular studies. The imperial schools of rhetoric at Rome were open to all who could pay the fees, and their tradition was imperial rather than Christian. In Italy they never perished, and they maintained a tradition of lay scholarship that the ecclesiastics never succeeded in suppressing.

In the northern lands the primacy in education was in the hands of the monastic schools, but side by side with them the secular clergy were establishing schools under the shadows of the cathedrals, and it was from them that the impulse came which created the universities. The problem whether the revival of learning in the twelfth century produced the universities, or whether the universities produced the revival of learning is much like the ancient question of the priority of the hen or the egg. In fact the two grew up together and acted and reacted upon one another. The life of Peter Abelard; one of the greatest men of the Middle Ages, is decisive for both. He was born in 1079 and died in 1142, so that the period of his maximum activity was the early part of the twelfth century. He was inevitably a theologian and a philosopher, and his achievement and his offence was the application of rationalism to the doctrines of the church. "To accept the doctrines of the church because they were rational, was hardly less offensive than to reject them as irrational."² The second event was the rediscovery of the complete works of

¹ There is an excellent illustrated paper on handwriting by E. A. Lowe in *The Legacy of the Middle Ages*.

² Rashdall, *Universities*, etc., Vol. I, 57.

Aristotle, whose influence upon medieval thought was thenceforward decisive. It changed its current from humanism to logic, and thereby secured its eventual fall. The progress of thought can be measured conveniently by the growth of heresy. While there was life in the ancient world heresies abounded, and the greatest of them threatened the very foundations of organized Christianity. Britain, or possibly Brittany, may claim the honour of having given birth to the last of the great heretics in the person of Pelagius. Then from the fifth century the darkness descends, and there is nothing in the domain of thought that can be dignified by the name of heresy. The term is applied to controversies concerning the procedure of worship such as the disputes about images. With Abelard the long line begins again, thereafter to remain unbroken.

Dr. Rashdall devoted many learned pages to the discussion of the question of the date when the University of Paris, as the archetype of the university of masters, came into being; and concluded that somewhere about 1170 was the most precise estimate that could be made. In reality the development of an institution is as continuous and indefinite as the growth of a living creature. We can say that at one period the essential characteristics of an university do not exist, and that at a later period they are present, just as we can call a human being a boy at one time of life and a man at another, but the precise period of transition is as elusive in the one case as in the other. It is more profitable to study the process than to fix the date. Certainly in the time of Abelard no university existed. Paris had a great cathedral school, but there were many others; and students passed from one school to another as they were attracted or repelled by the lecturers, following no prescribed course of studies, bound by no limitations of time, and passing no test of competence.

Abelard and his successors attracted hordes of students, and the mere weight of their numbers created problems of administration and organization. A convenient precedent was ready to hand. All over Europe the merchants in the towns were organizing themselves into guilds with a definite corporate structure, strict rules of entry, and evidence of competence. Upon this model the universities were gradually formed. The decisive move was the grant of the licence to teach which afterwards became

known as the degree. It was a certificate of competence, and insured that no teacher should be permitted to work his will upon the students until he had been properly taught, and had obtained the sanction of his own teachers. All the rest followed from this. The qualified masters assumed the management of the school, the elected rector became the head of it, and the school assumed the title of a *Studium Generale*, or alternatively of an university.¹

In the great intellectual upheaval of the twelfth century the schools multiplied; and with the increase in numbers came the necessity for definition. In the formative period the schools were distinguished only by their reputations, but gradually the term *Studium Generale* was restricted to institutions of university standard. The title did not mean, as might be supposed, a place where everything was taught, but a place where students from all parts were received. The general licence to teach (*Jus ubique docendi*) was the hall-mark of an university trained man, and it was necessary that it should be granted not only to a person of proved competence, but also by an approved institution. Easy short cuts would be as popular then as later; and pretenders might sport the licences of obscure schools, just as at a time within our memory preachers more distinguished for eloquence than learning obtained doctorates from the less scrupulous or more impecunious of the American Universities. A practice also arose of granting dispensations from residence to the beneficed clergy for the purpose of study; and, to prevent abuse, it was essential that the course of study should take place at a recognised university. The process of definition was not really difficult.² The term *Studium Generale* was restricted to institutions that opened their doors to all, that had a sufficiency of resident masters, and that possessed one at least of the higher faculties of Theology, Law, or Medicine. Insensibly a Papal Bull or a Charter from a recognised government was considered necessary or advisable; but still some of the greater seats were universities

¹ Many points of detail and importance are necessarily omitted in this brief summary. There is the peculiarity that the rector at Paris became the head of the university though elected by the faculty of arts alone, and the long controversy as to the position of the chancellor there.

² Rait, *Life in the Medieval University*, p. 8 *et seq.*

by prescription, and rested their titles upon custom rather than grant.¹

The northern universities which derived from Paris were distinguished by two characteristics; they were guilds of masters or doctors² in whose hands the management of the university was vested; and they were clerical institutions; for all, masters and students alike, were at least in minor orders, and consequently amenable to ecclesiastical discipline. In the south, following the example of Bologna, there arose at approximately the same time the student universities. They were among the most extraordinary of all institutions, the kind of thing of which one could say, "if this were played upon a stage now, I would condemn it as an improbable fiction". They were lay institutions, under no clerical domination, and regarded with considerable dislike by the ecclesiastical authorities. The professors had no part in the government (except in the granting of degrees) but were reduced to the humble and obedient hirelings of the entrenched students. They were just the kind of universities that Alice might have seen through the looking-glass.

The position of Italy differed from that of the northern lands. The old tradition of the imperial schools of rhetoric and the memory of the Roman municipal system survived; the growth of feudalism was less rigorous; the influence of monasticism was smaller; and learning was not so strictly confined to the clerical caste. The renaissance of the twelfth century found the Italian cities entering upon their struggle for independence against the combined forces of Emperor and Pope; and in consequence there appeared for the first time for centuries an intense interest in politics, and with politics in law. The development of the university of Bologna was the central force in the revival of the Roman law, but that is a subject so important that a separate chapter must be devoted to it. Here it may be noted that Bologna, like Oxford, owed much of its importance to its geographical position. It was situated on the borders of four provinces, and at the centre where the lines of communication between the northern gateways into Italy and those of its central regions converged.

¹ We may compare the boroughs by prescription of English Law. Oxford never obtained a papal Bull, and Padua only accepted one by way of confirmation.

² The terms were synonymous.

Bologna possessed a guild of doctors from an early date, and it might have been anticipated that this guild as in Paris would have developed into the university. It did nothing of the kind. The atmosphere of the cathedral school was absent, and the prevailing authority was not the church but the city. Moreover, the professors were citizens and their financial interests were those of the city, whereas the vast majority of the students were foreigners. With the revival of the Roman Law under Irnerius and his successors multitudes of students flocked to Bologna to imbibe the new learning, just as they flocked to Paris to hear Abelard. But Paris developed out of a cathedral school, and all the students were at least in minor orders, so that the ecclesiastical authorities in command had the means of enforcing some kind of discipline. No such conditions obtained at Bologna. The foreign students had no rights at all in the city, but their custom was valuable and their numbers impressive. They therefore followed the general and recognised custom of the time and formed themselves into guilds—originally four and afterwards two—and hired the citizen professors to lecture to them. Consequently the students owed no kind of obedience to the teachers and gradually worked themselves into a position of practical supremacy. The advances or encroachments of the students were facilitated by the fact that they were for the most part not mere boys as at Paris, but lawyers of some experience or beneficed ecclesiastics. The right to elect a rector as head of the university was ultimately conceded, and consolidated the position of the students. The position of the city and the citizen professors, though apparently strong, was fundamentally weak. While there were no colleges and no endowments, migration to another town was easy, and from time to time was practised. The city dared not lose the money that the students in their hundreds brought with them, and the professors were laymen with no comfortable benefices to fall back upon, and dependent upon their fees or salaries for subsistence. So the students steadily gained power and the professors retreated as steadily, and with as much grace as they could muster. The students' weapon against the city was the threat of migration, but against the professor they employed the interdict or sending to Coventry, and deprived him of their presence and his fees. In the thirteenth century permanent arrangements were ultimately agreed because it was in the

interest of both parties to make them, but they included the oath of obedience from the professor to the student rector, and that oath was no mere pageantry, but an obligation steadily enforced. Rait illustrates the position in these words:¹

“If the learned doctor ‘cut’ a lecture, our student would find himself compelled to inform the authorities of the University, and he would hear of fines inflicted upon the doctors for absence, for lateness, for attracting too small an audience, for omitting portions of a subject or avoiding the elucidation of its difficulties, and for inattention while the ‘precepta’ or ‘mandata’ of the Rector were being read in the schools. He and his fellow students might graciously grant their master a holiday, but the permission had to be confirmed by the Rector; if a lecture was prolonged a minute after the appointed time, the doctor found himself addressing empty benches. The humiliation of the master’s position was increased by the fact that his pupils were always acting as spies upon him, and they were themselves liable to penalties for conniving at any infringement of the regulations on his part.”

In the course of years migrations ceased, and the threat of migration ceased to impress. The universities were stabilised. They acquired permanent buildings, costly libraries, and above all colleges. The college system has for centuries been so characteristic of Oxford and Cambridge that it is difficult to imagine that it did not originate there. It came from Paris. In the earlier days of the universities the students found lodgings as and how they could, and according to their means or lack of means. Then to circumvent the traditional rapacity of landladies they found it economical to form parties and join in taking the tenancy of a house, and so formed little self-governing communities. As a rule one of the party gave security for the rent, collected the contributions, and became responsible for the management. By insensible degrees the university authorities came to regard him as the accredited head of the society, and he passed from the position of manager to that of principal. The movement was expedited by the gifts of the charitable. The renaissance of the twelfth century induced a passion for learning, and the assistance

¹ *Life in the Medieval University*, p. 27.

of poor scholars an appealing incitement for gifts. To prevent waste or misapplication of the gifts organization was necessary, and the existing hospices or halls were an obvious model. A college, it must be remembered, is like an university, a society of men; the buildings are not the college but its place of habitation. Altogether in Paris alone sixty colleges had been founded before the close of the fifteenth century, of which the best known were the College des Dix-huit, founded as early as 1180, the world-famous Sorbonne, and the college of Navarre.

The colleges of Oxford and Cambridge were at first of a similar character—boarding houses for students accommodating only their foundation members. The earliest of the Oxford foundations was that of Walter de Merton (1264–74), who established a corporation under royal charter. Like the early halls or hostels, it was self-governing; like them it elected its own warden; and like them it filled up vacancies by co-option; but unlike them it was a permanent chartered corporation and not a voluntary society. But Walter de Merton would have nothing to do with monasticism. The monastic vows of obedience, poverty, and celibacy were not merely forbidden but were a ground for deprivation. The college was to fit its students for an active not a contemplative or cloistered life.¹ The college system attained its consummation in the great twin foundation of William of Wykeham towards the end of the fourteenth century (1386). “In scale and splendour of buildings, in completeness of equipment, in munificence of endowment, in the adoption of a tutorial system, there had been nothing like it before.”²

The great innovation of William of Wykeham was to found a school at Winchester in organic connexion with his New College at Oxford, and so inaugurate what later times would call a complete course of secondary and university education. His influence has been abiding and his example infectious. A scholarly but unpolitical king in the person of Henry VI deigned to follow it in his twin foundations of Eton and King’s College, Cambridge, and modern education acts, with their ideal of a complete education open to all who are worthy of it, from primary school to university, are only treading in the footsteps of the far-seeing bishop and statesman of the fourteenth century.

¹ Marriott, *Oxford: Its Place in National History* (1933), p. 48.

² *Ibid.*, p. 59.

An English author, even if writing of an European movement, may be forgiven for adding a few words on the University of Oxford and its daughter of Cambridge. There seems to have been a school of some sort at Oxford early in the twelfth century because we know of three teachers who lectured there, including Vacarius, a famous master of the Roman Law. It may have been a monastic school, but it was certainly not a cathedral school, for the sufficient reason that there was no cathedral. Rashdall has given cogent reasons for attributing the foundation of the *Studium Generale* or university to a migration of English students from Paris about the year 1167.¹ It grew rapidly, for Giraldus Cambrensis lectured to what was clearly an university in 1185; it was explicitly so called in 1190, and in 1209 its students were estimated at the number of 3,000, which is almost certainly an exaggeration.

The causes of the selection of Oxford were, like those of Bologna, primarily geographical. It was a strong fortress, an important crossing place of a large river, a junction of roads, within easy reach of the capital but not dominated by it, a central site for the lowland of England, the home of notable monastic foundations, and a good market town that could provide accommodation. Like Paris, from which it sprang, it was an university of masters; but unlike Paris, it was neither in a capital town nor in a cathedral city. The negative features had a profound influence upon its history. Paris attained a political position that no other university has ever occupied; Oxford was politically insignificant and neither influenced nor was dominated by the Court. If the king was distant in London, the bishop was equally distant in Lincoln, and so the university was able to maintain its independence. The struggle against the bishop's chancellor in Paris has no counterpart in the story of Oxford. The chancellor of Oxford derived his original authority from the bishop, but from the first he was elected by the masters from their own body. Even the formality of confirmation of their choice by the bishop was abolished in 1368, and thenceforth the chancellor acknowledged no ecclesiastical superior in his own domain. He became "the Parisian chancellor and the Parisian rector in one, and a good deal more besides".²

¹ Rashdall in *C. Med. H.*, VI, 587. *Universities of Europe*, Vol. III, ch. 1., followed by Marriott, *op. cit.*, p. 26.

² Rashdall in *C. Med. H.*, VII, 589.

The history of medieval thought, of the long controversies between the Nominalists and the Realists, and the development of the scholastic philosophy does not come within the scope of this essay; but something should be said of the subjects of study. All the teaching at all the universities was in Latin. The effect of this was profound. As the medieval world thought in terms of one empire and one church, so it spoke one scholarly language. The scholars were comparatively few in number, but anybody in any country who knew anything at all could discuss and expound his knowledge in one universal language. The scholars of the Renaissance, with their Ciceronian standards, despised the Low Latin of their medieval predecessors, but even if it "would have made Quintilian stare and gasp" it was at least alive and is dead. Latin, then, became a learned language to be written and read but not spoken; and so modern scholars, to keep abreast of their subjects, are obliged to learn many tongues instead of one. In the Middle Ages, within the bounds of western civilization, all scholars from all lands could converse freely with one another.

As it was necessary for the undergraduate to know Latin before he could even understand the university lectures, the subject had to be taught. This teaching was provided by the grammar schools and by the masters of grammar attached to the universities for the purpose; and later by the schools that William of Wykeham, in his foundation of New College at Oxford, and William of Waynflete, in that of Magdalen in the same university, affiliated to their colleges. In England French was also taught because Anglo-Norman or Norman-French was the language of the law courts. Even if it was for the most part of the "Stratford-atte-Bow" variety it was at least a tongue that was spoken and used.

The foundation of the medieval course in arts—the necessary preliminary to graduation in any of the higher faculties—was the ancient Seven Liberal Arts, whereof the sound was more impressive than the substance. The seven were divided into the Trivium composed of grammar, rhetoric and dialectic, and the Quadrivium comprising music, arithmetic, geometry, and astronomy. The Quadrivium, despite the dignity of its curriculum, was not of great importance until the Jews began to

transmute the Arabic learning in the thirteenth century.¹ Such astronomy as existed had a perilously near relationship to astrology, and was chiefly used for finding the date of Easter; music was little studied; arithmetic and geometry were stimulated later by the Arabic influence which added the new method of algebra. The centre of the arts course was, therefore, the Trivium. Grammar, which meant the study of Latin and the ancient authors, was the necessary foundation of knowledge and its vital instrument; but the emphasis in favour of logic began to depress more and more the humanistic study of the classical writers. The turning point in the movement was the recovery of the whole works of Aristotle, in Latin translations, during the thirteenth century. It was followed by a striking decline in literary culture and an equal advance in logic chopping.² The method was purely deductive, fine spun distinctions out of all relation to facts were multiplied incessantly, until scholasticism became a system so arid and profitless as to incur and deserve the contempt of the Renaissance scholars and their followers. It was not so at its best, but it was a method only capable of a limited development, and when the point of saturation had been reached, it fossilised rapidly. Theology and philosophy reached their medieval summits in the *Sentences* of Peter the Lombard and the *Summa* of Thomas Aquinas, Law in the great gloss of Accursius. After these, commentary took the place of invention, and the creative movements of the Middle Ages were overpast. A great political thinker in the person of Marsiglio of Padua is a precursor of the modern rather than a representative of the medieval, and great poets such as Dante and Chaucer may be the product of any age. They were at least modern in language, for both wrote in their vernaculars, and not in Latin.

¹ See the chapters on "The Jewish Factor in Medieval Thought" and "Hebrew Scholarship in the Middle Ages" by Charles Singer in *The Legacy of Israel* (Oxford, 1927).

² Rashdall, *Universities*, I, 70-72.

CHAPTER 29. THE REVIVAL OF ROMAN LAW¹

The revival and continuing influence of the Roman Law is one of the most remarkable events in the development of civilization; we treat it as ordinary because it is so familiar. In fact it is unique. The law of Rome was the law of a city-state, and preserved, even in its later developments as a world-wide law, some of the rugged and unpalatable features of its agricultural origin. It spread over the empire as part of the process of Romanization, but its ascendancy was never complete. The old national laws survived in many parts of the empire, and particularly in the Greek East, even after the Edict of Caracalla extending Roman citizenship to the whole empire (A.D. 212), and after the codification of Justinian.² It propagated itself by its own merit; it was not imposed by force. That the law of a city, primarily applicable only to citizens of that city, should have spread over the civilized world is a phenomenon sufficiently remarkable, but that it should have survived as a living force the death of the city of its origin and the extinction of its empire is still more wonderful.

Another curiosity of the Roman Law is that it was a ghost when it was codified. Its greatest creative period was that of the Antonine Caesars; for three hundred years before the time of Justinian its natural growth had ceased, and its further development rested entirely upon imperial legislation and not upon the work of the jurists. The codification of Justinian (A.D. 628-33) was a rejuvenation of a body of law already ancient; it was as if a modern parliament were to re-enact the law of the age of Elizabeth. But the dead bones lived; they were alive then and they are alive to-day. "The study of Roman Law never dies.

¹ The literature is immense. The best, and indeed the only book on the subject in English is Vinogradoff, *Roman Law in Medieval Europe* (1st edition 1909, 2nd 1929). There are also useful chapters in the *General Survey* volume of the Continental Legal History Series and here and there in the other volumes of the same series. The chapter by Prof. H. D. Hazeltine on "Roman and Canon Law in the Middle Ages" in *C. Med. H.*, V, ch. 21, is excellent, and there are the brilliant chapters on "The Dark Ages" and on "Roman and Canon Law" in *P. & M. Hist. of Eng. Law*, Vol. I, and a great deal of profitable matter in Holdsworth, *Hist. of Eng. Law*, Vols. II and III. All the earlier authorities, however, require considerable revision in the light of the conclusions set forth by H. Kantorowicz in *Studies in the Glossators of the Roman Law* (Camb., 1938), a most important book, and the last work of a great juristic scholar.

² Hazeltine in *C. Med. H.*, V, 701-2, and authorities there cited.

When it seems to be dying it always returns to the texts and is born anew."¹

We need not speak at any length of the survival of the law during the Dark Ages. Its survival was assisted, perhaps only rendered possible at all, by the prevalence of the principle of personality of law.² It was retained as the personal law of the Roman subjects of the Barbarian kings. Certain of these kings prepared statements of the law for their Roman subjects, of which by far the most influential and important was the document known as the Breviary of Alaric, composed in 506 by the Visigothic King Alaric II with the help of his nobles, clergy, and provincial representatives. It was in reality a rather noble effort for a barbarian king, but its successors are but sorry stuff and attest the bankruptcy of culture. Then came a time when men could hardly read much less understand the ancient sources, and epitomes of epitomes and abridgements of abridgements were needful to dilute old wisdom to the needs of small understandings. Yet these rough codes had their uses, and we should be poorer if they had never been made. They were part of the effort, for which we can never be sufficiently grateful, to salvage part of the ancient culture in the darkest times.

As we have already observed, the tradition of lay scholarship was stronger in Italy than in any other part of western Europe, and the tradition of the imperial schools of rhetoric was there preserved. The supposed law schools of Rome and Ravenna are now believed to have had no existence, but if law was not taught something akin to it was. This was the art called "Dictamen" which may be defined as the art of composition applied to letters and legal forms.³ This was abundantly studied at Bologna, and it was in the university of that city that the revived study of Roman law was centred. There are vague references in authorities of no great merit to a certain Pepo who is said to have written glosses in the later part of the eleventh century, but the effect of recent researches has been "to re-enthroned Irnerius in his austere and archaic dignity as the first and greatest writer of juristic glosses".⁴

¹ P. & M., I, 24.

² *Supra*, p. 182.

³ Rashdall, *Universities*, I, 109.

⁴ Kantorowicz, *Glossators*, 4.

The revival of Roman law was based upon the Digest and it is to that great treasury of legal reasoning that it owes its perpetual influence. The legislation of the emperors as preserved in the Code of Justinian is not necessarily superior to other legislation at different times; in fact, as it was enacted for a society that has passed away, its provisions may be a hindrance more than a help under entirely different conditions. It was certainly not adapted to a society based upon feudalism, as no things could be more contrary to one another than the Roman and feudal conceptions of the ownership of land. But the Digest, in which is collected all or nearly all that remains of the writings of the classical jurists, is another matter. Their profundity of thought, precision of language, subtlety of reasoning, and practical good sense have never been surpassed in the vast literature of law, and we mean by the revival of Roman law the rediscovery of that perennial spring. During the Dark Ages the Digest was unknown except for certain extracts from the ancient authors preserved in the Breviary of Alaric. The legend that what is now known as the Florentine MS. of the Digest was stolen by the Pisans from Amalfi when they captured that city in A.D. 1135, was demolished by Savigny, but there is the undoubted fact that the first medieval citation of the Digest was in a case that occurred in 1076. When we speak of the survival of the Roman law during the Dark Ages we do not refer to the use of the Digest; we do not refer to the only part of the Roman law that is really essential.

The revival of the Roman law took place at Bologna between the years 1100 to 1135, and can be attributed with certainty to Irnerius, the true originator of the school of jurists known to all subsequent times as the Glossators. The method of the gloss, like all fruitful study of Roman law, was based upon the texts. The gloss was in its origin an interlined or marginal note, and its lineal descendants are the modern annotated editions of the Greek and Latin classics. The method was not new, it is in fact the basic method of every commentator, and it was applied to the Lombard law by the school of Pavia, "the only pre-Bolognese school of Law".¹ Irnerius and his successors applied it to the

¹ Kantorowicz, *Glossators*, p. 220. Vinogradoff, *Roman Law in Medieval Europe*, Lect. II, sec. 2. This lecture needs considerable revision in the light of the researches of Kantorowicz. He has shown that the Exceptiones Petri dates from after the time of Irnerius and not before (ch. VI), and that the school of Ravenna is a myth. The argument in sections 1 and 3 of Vinogradoff's lecture is therefore invalid.

Roman texts with such success that it has never been necessary to repeat the process. The texts of Roman law that we use are in substance those bequeathed to us by the Bolognese Glossators of the twelfth century. Their first object was to ascertain the text accurately and to expound it faithfully. The glosses served a double purpose: they were annotations upon the texts, and the materials for lectures. An accurate text established by critical notes upon the variant readings of different manuscripts was the primary desideratum, but the gloss soon progressed beyond this. It collected parallel passages from other portions of the *Corpus Juris* that helped to elucidate one another. It paid particular attention to contradictions; sought to reconcile them, and where reconciliation was impossible endeavoured to establish the better opinion. The method necessitated a knowledge growing ever more thorough of the entire body of the law, and the result is summed up by Carlo Calisse, the historian of Italian law, in these words:

“Thus finally, we find the gloss developing into a genuine commentary, with all its proper appurtenances,—the summary ('summa'), the putting of illustrative cases ('casi'), the deduction of a general maxim ('brocardus'), and the discussion of concrete legal problems ('quaestiones').”¹

The work of the Glossators was the most brilliant achievement of the intellect of medieval Europe, and it so happened because the intellectual tendencies that were a hindrance in other fields of study were exactly suited to the exposition of the Justinian law. The excessive reverence for the written word, centred in the Scriptures but not confined to them, found here a written text worthy of a like reverence. The scholastic method of pressing principles to their extreme logical consequences, of harmonising contradictions by subtlety of reasoning, of classifying incessantly, found in law a subject upon which it could be exercised without restraint and with every advantage. The habit of perpetual disputation, common to all medieval studies, was of the very life of the law, and produced a noble heritage instead of an arid waste.²

Furthermore, the renewed study of law was the first fruit of

¹ Translated in *General Survey* in the Continental Legal History Series, p. 138.

² Rashdall, *Universities*, I, 253, is good on this subject.

the awakening of the twelfth century, and the first inroad into the exclusive dominion of theology. A claim to men's attention was being made by a lay science and a practical science, founded upon books that were pagan in authorship and spirit, that recked little of men's souls, but much of their morals, their acts, and their possessions, "the human heathen Digest". There is little wonder that the church disliked the new law even more than it disliked the new theology of Abelard; but it was powerless to suppress its growth in the free cities of Italy, and ultimately it became reconciled to the inevitable.

The period of the Glossators covers the century and a half from 1100 to 1250. The founder of the school, as we have already mentioned, was Irnerius, designated emphatically as the luminary of the law. He was followed by the famed "four doctors"—Bulgarus, Martinus, Jacobus, and Hugo—and then by Rogerius and his pupil Placentinus. By the beginning of the thirteenth century the creative period of the school was drawing to an end. The glosses were becoming an unwieldy mass, and were being collected into abridgements, such as the *Summa* of Azo, who taught much to our Bracton, and finally the great or ordinary gloss of Accursius. The Accursian gloss became the handbook of practitioners and the manual of students, but reliance came to be placed upon it instead of the original texts. Whenever students of Roman law cease to rely upon first-hand study of the texts their method ceases to live. A similar position was reached in theology in the *Sentences* of Peter the Lombard.¹

It is one of the great merits of the work of Kantorowicz that he has demonstrated the existence of diverse schools of thought among the Glossators. Bulgarus was the great authority upon procedure, who fitted the rationalised Justinian procedure for use in the courts. He also originated the fruitful method of disputation, in which a question was set for discussion by the master, then argued by the students, and lastly solved or determined by the master. The moots that were held for so long in our Inns of Court were descended from the invention of Bulgarus, and it was adopted in the study of canon law and theology, and in university practice generally.²

¹ Rashdall, *Universities*, I, 256.

² Kantorowicz (p. 83) insists that this, and not the reverse, is the right order of growth. The probabilities favour his view as the method of the disputation is an obvious imitation of an argument in court.

Bulgarus was the high priest of those that insisted upon the strict letter of the law, and he was opposed by Martinus and his followers, who advocated a liberal or equitable interpretation that would promote the doing of substantial justice. The two schools exemplify perpetual influences in legal thought, and are represented in every age and place where that thought is living. The followers of Martinus were named the Gosiani by those of Bulgarus, and the differences of the two schools gave rise to a whole type of literature named the *Dissensiones Dominorum*. We are reminded of the conflicts between the rival schools of Sabinians and Proculians that preceded the classical period of Roman jurisprudence,¹ and of equity and common law that prevailed for so long in our own system.

Another feature of the development upon which Kantorowicz lays stress is the importance of the export of the Glossators to France, and in particular to the influence of the schools established at Montpellier.² Rogerius, whom Kantorowicz describes as having one of the best legal and philosophical brains among the Glossators, was, like his pupil and successor Placentinus, an Italian, and studied and taught at Bologna. He belonged to the heterodox school of Martinus, and possibly found his position at Bologna uncomfortable. At any rate he migrated to Montpellier, and if he did not initiate legal studies there, at least gave them the impulse that raised the school to prominence. The French schools of Roman law were all offshoots of Bologna, but of the equitable school of that place. Some of the most fertile and distinctive products of the Glossators were in fact produced in France. These products have peculiar characters. They never lost the equitable tendency that Rogerius gave them, and they possess a literary flavour foreign to the Glossators of Bologna, but natural to French soil where the arts were extensively studied. The mark of the French works is their systematic and institutional character. The Bolognese masters did not condescend to write elementary text-books, but those of Montpellier did; neither did they write systematic treatises upon sections of the law but their French

¹ These schools are described in all the text-books of Roman law. There is a good short account in Sohm's *Institutes of Roman Law*, p. 98 *et seq.*

² Vinogradoff's Lecture III, "Roman Law in France", is also good, but needs Kantorowicz as a supplement.

successors gloried in the task; nor did they use the literary artifice of the dialogue, but the Provençals used that form abundantly. We may note too that the influence of Bologna extended even to distant England. Before the rise of the Glossators, Lanfranc, the jurist of Pavia, became William the Conqueror's Archbishop of Canterbury; and half a century later Master Vacarius, a member of the equitable school of Bologna, came here to lecture at Oxford before Oxford had become an university.¹

In a previous chapter we have outlined the origin of the canon law; that strange body of rules that purported to be of divine origin, but were actually the rules of a society whose titular head had stepped into the place left vacant by the extinction of the western emperors. The great movement at the beginning of the twelfth century for the resuscitation of the Roman law, was the revival of a system that had ceased to grow for many ages—the rediscovery of an antiquity; but the canon law was a living and growing body. It is true that it never possessed jurists who could bear comparison with the best of the Roman lawyers of the classical period, “the Decretum is sad stuff when set beside the Digest”,² but it was at least a growing system, not one that had long since attained maturity.

The church for long opposed the study of the revived Roman law, for it felt it to be an usurpation of its authority that a human science permeated with paganism, and with an outlook entirely secular, should spring to life in the free cities of northern Italy, without even asking, much less obtaining, ecclesiastical permission. Nevertheless it could not help feeling the full force of the new influence, and its reaction was to show that it too possessed a law that was not unworthy of attention.

The compilations of collections of canons began in the eastern empire, for almost all the great councils had been held in the east, but by the date of the second council of Nicaea (A.D. 787) the eastern canon law had become a closed system, and its history need trouble us no further.

In the west at the beginning of the sixth century a Scythian monk living in Rome, who called himself Dionysius the Tiny

¹ Professor de Zulueta has at last given us an adequate edition of the *Liber Pauperum* (Book for the poor student) of Vacarius. Selden Society Publications, Vol. 44 (1927).

² P. & M., I, 24.

(*Dionysius exiguus*), conceived and accomplished the idea of arranging the disorderly mass of canons into something resembling a code. He is credited also with the invention of the Christian calendar, reckoning the years from the birth of Christ. His collection received the blessing of the Pope and the approval of the church, and remained with the addition of the subsequent decretals the main manual of canon law until the time of Gratian. Meanwhile in the ninth century the law received an unsavoury but influential addition in the work called politely the Pseudo-Isidore, and less politely but more plainly the False Decretals.¹ The success of this fabrication or fiction was due to the fact that it expressed the aspirations of the times. The author, who probably lived in northern France, "was not an idealist with extravagant claims for the future omnipotence of the church; he was merely a reformer with practical suggestions of returning to the ways of the past".² The canon law at least merits the distinction of containing a larger body of fictitious material than any other legal system.

The medieval canon law, like the revived Roman law, originated in Bologna, obviously as an offshoot or an imitation of the work of the Glossators. Little is known of the life of Gratian beyond the facts that he was a monk and that he taught canon law. His great book is now dated to the years 1139 to 1141, after the death of Irnerius but during the time when the Four Doctors, the second generation of the Glossators, were flourishing. He gave it the title of *Concordia discordantium canonum*, but since his time it has been known universally as the *Decretum*. It is arranged under the three headings of:

- (1) The sources of the law and ecclesiastical persons;
- (2) Jurisdiction, procedure, property, and marriage; and
- (3) Sacrament and liturgy.

Brissaud says: "His work is marked off from prior ones of the sort by the compiler's skill in giving a systematic order to the documents, and in minimizing the contradictions naturally to be found in documents sometimes separated by several centuries.

¹ Davenport, *The False Decretals* (1916). An expansion of the Lothian prize essay for 1914. Good general accounts of the canon law are contained in Hazeltine's chapter in *C. Med. H.*, V, p. 704 *et seq.*, and in J. Brissaud's chapter in *General Survey*, Part IX (Continental Legal History Series).

² Davenport, *op. cit.*, p. 88.

So well was this done that the *Decretum* is virtually a treatise on the canon law with its authorities included."¹

It was treated almost immediately as official; it was provided with glosses and commentaries, and its importance and influence have exceeded that of any other compilation. Until the new codification of the canon law in 1918 it was never superseded, it merely received additions. With these subsequent and successive additions known by the technical names of the *Decretals* of Gregory IX or the *Extra*, the *Sextus*, the *Clementines* and the *Extravagantes*, we are not concerned; but the whole series became fixed in the sixteenth century as the official code of the canon law or *Corpus Juris Canonici*.

Neither are we concerned with the School of the Commentators or Bartolists who succeeded the Glossators, except to say that their principal achievement was to adapt the classical law to the prevailing conditions. In the domain of legal theory they represented scholasticism triumphant or logic run wild. The greatest name in the school, Bartolus of Sassoferrato, was more famous as a political theorist than as a jurist, though his political theory always appeared in a legal guise; but his work lies beyond our present view.²

As an appendix to this chapter, however, we may mention the greatest triumph of the revived Roman law in the movement known as the Reception. It belongs to our next period but it will be convenient to refer to it here. It was heralded by a striking revival in Roman law studies which took the form, as all such revivals have done, of a renewed and intensive study of the ancient texts. It was improbable that the marked revival of ancient letters which characterised the Renaissance should have excluded the Roman law, and it did not so happen. The school of the Commentators was succeeded by that of the Humanists, who used history and literature to illustrate law, and treated the Justinian texts not merely exegetically but historically. The new revival, like the old, started in Italy; like the old it migrated to France and flourished there exceedingly; but unlike the old it spread over Europe in a way that the old had never done. The Humanists began with Alciatus, born in the year in which

¹ *General Survey* in the Continental Legal History Series, p. 715.

² There is an admirable study of *Bartolus of Sassoferrato*, his position in the history of medieval political thought, by C. N. S. Woolf (Camb., 1913).

Columbus discovered America, whose works are few in number but great in merit. He was succeeded by Cujas (1522-1590) in whose works, voluminous yet concise, the Renaissance attained its greatest height in the field of law, and from him the succession has been unbroken to the present day.¹

The Humanists, however great their merit in the exposition of their subject, would hardly of themselves have caused an European movement. The Reception owed its main force to the creation of new courts. From medieval times the Roman law was the basis of the legal system of Italy from which it steadily ejected the feudal and customary elements; and it likewise maintained a preponderating position in southern France, which thereby acquired the name of Pays du Droit Ecrit in contrast to Pays du Droit Coutumier of the northern regions. The boundary between the two coincides almost precisely with the language division between the Frankish or Teutonic Langue d'oïl and the Romance Langue d'oc.² The Roman law as a common law for application in cases of difficulty acquired a constantly increasing authority even in the area of the customary law, and the final unification in Napoleon's code was more Roman than customary. The decisive conquest of the Reception, however, was made in Germany, and more superficially in Holland and Scotland, and from thence carried far across the seas. The disunion of Germany was reflected and emphasised in its law, for on the horizontal plane each principality, lordship or town followed its own ideas, and on the vertical plane every class had its own particular law. A principle of unification was a blessing for which everyone longed, and it could be found at that time in the Roman law alone. During the fifteenth century Roman law was being increasingly referred to by the jurists in their consultations, and formed the basis of their opinions, and they were

¹ "The learned Cujas had, in spite of his sedentary pursuits, led a very wandering life; he died at Bourges in the year 1590. 'Sedentary' pursuits is perhaps not exactly what I should call them, having read in the 'Biographie Universelle' (sole source of my knowledge of the renowned Cujacius) that his usual manner of study was to spread himself on his belly on the floor. He did not sit down, he lay down; and the 'Biographie Universelle' has (for so grave a work) an amusing picture of the short, fat, untidy scholar dragging himself 'a plat ventre' across his room, from one pile of books to another." Henry James, *A Little Tour in France*, quoted in *General Survey*, p. 257 n.

² Perhaps I may be permitted to refer to my own essay on "Law and Geography" in the *Evolution of Law Series*, Vol. III, p. 201. There is an excellent map (from Brissaud) in the *General Survey* in the Continental Legal History Series, p. 201.

particularly influenced by the commentaries of Bartolus. The way for a reception was well prepared, and the decisive event took place in 1495, when, as part of a movement to strengthen imperial institutions which were much in need of strengthening, a central court, the Reichskammergericht, was established. It was dignified in appearance, dilatory in procedure, and languid in execution, but the law that it applied was the Roman law as expounded and adapted by the Glossators and Commentators. Its influence was considerable and its example infectious. The lower courts followed it with the result that over the greater part of the Empire the Roman law was received as its own common law. This condition of affairs persisted until the promulgation of the new German code in 1900.

The reception of the Roman law in Holland was a gradual and uneven process, favoured by the universities and the higher courts, but resisted in different degrees by the lower courts of the constituent provinces. The status of the Roman law is described in this passage from the Introduction of Grotius:

“If on any subject no written law, statute, ordinance or custom was in existence, the judges have been from of old bound by oath to follow the best reasons in accordance with their knowledge and discretion. But as wise men have found the Roman laws, especially those that were collected in the time of Justinian, to be full of wisdom and justice, the same have been adopted at first as instances of wisdom and justice, afterwards as customary law.”¹

The position explained by Grotius can be summed up by saying that the influence of the Roman law was persuasive rather than authoritative. The result of the process was the formation of the Roman-Dutch law, the subsequent fate of which is a curiosity of jurisprudence. During the Napoleonic upheaval the Netherlands became the Batavian Republic, but even after the restoration of the kingdom in 1815 the influence of the French code persisted, and the Dutch codes, which were finally promulgated in 1838 and have since remained in force, were pale copies of Napoleon's code, rather than the direct successors of the works of the great Dutch jurists of the seventeenth century. But the Dutch colonial empire never came under French influence and

¹ Grotius, Introduction I, 2 § 22. Translated and quoted in *General Survey*, p. 466.

retained the older law, with the result that Roman-Dutch law abandoned in the mother country is still the basis of the legal systems of Cape Colony, Ceylon, and the Dutch East Indies.

Roman law, denied a permanent footing in England, became the basis of Scots law. As in Germany the reception was the result of the establishment of a central court—the College of Justice founded by James V in 1532. As in Germany Roman law was received in a modernized form chiefly under the influence of the Dutch jurists. Every well-educated Scottish lawyer took a degree, or at least attended a course, at Leyden. And it was Roman law as seen through the eyes of its Humanistic interpreters that became the basis of Scots law. The land law was little affected thereby, as it remained under the dominance of feudal ideas. The separate legal systems of England and Scotland survived, indeed were perpetuated by, the union; but with the passage of years they have drawn nearer and nearer to one another. With the existence of one superior court of appeal, the House of Lords in its judicial capacity, the tendency is natural and inevitable.¹

CHAPTER 30. THE BIRTH OF THE COMMON LAW

EVERYBODY, and not merely every schoolboy, knows what happened in 1066; few attach any importance to the year 1166. Nevertheless it may be argued that in the history of civilization the latter date is of more significance than the former. It was

¹ There is no English work on the Reception of the Roman law. Maitland's famous Rede lecture on *English Law and the Renaissance* (1901) is the best and certainly the most entertaining account, but it is only a lecture. For some obscure reason it was not included in the edition of Maitland's *Collected Papers* (1911), but it does appear in the *Select Essays in Anglo-American Legal History* (Vol. I, p. 168). There is a certain amount of information in Vinogradoff's *Roman Law in Medieval Europe*, especially in the chapter on Germany. The best account is in various chapters of the *General Survey*. The sections on Jurisprudence in Hallam's *Literature in Europe* are still well worth reading though more than 100 years old—an opinion that was expressed to the present writer by the late Sir Frederick Pollock. It is astonishing to record that the *Cambridge Modern History* contains no reference to the Reception, and the word does not occur in the index—a neglect of legal studies for which the Medieval and Ancient Histories have made good amends in their respective periods. Lord Acton never seems to have shown the slightest interest in law, or realised its importance.

marked by no spectacular occurrence that impresses the minds of men, no great battle, no large treaty, no impressive ceremony such as the pageant of Runnymede in 1215. The original documents, if we may suppose that there were any, are no longer extant; the chroniclers hardly condescend to mention the event. Henry II, greatest of our medieval, possibly the greatest of all our kings, sat on the throne of England, a man with an instinct for order and a genius for governance, one with the heart of a lawyer and the mind of a statesman. Richard Lucy was Grand Justiciar, and surrounding the throne was a body of legally-minded statesmen.

The event that marks the year as of decisive importance is nothing more than the invention of a new writ. A mere matter of machinery, as it might seem, hardly more than an administrative order, but yet a decisive event. The invention of that new writ was the birth of the common law.

To appreciate the significance of such a seemingly small matter it is necessary to understand the setting. For the pre-conquest or Anglo-Saxon period we have a considerable body of legislation and a certain number of other documents, but their meaning is often obscure and their interpretation uncertain. It is at least clear that the substantive law and the procedure were archaic in a high degree, more archaic in fact than the contemporary continental systems. Life in Anglo-Saxon England was rough and crude, and the law reflects the roughness and the crudity.

With the antiquities of the substantive law we need not be concerned, but the procedure is of importance. Like all archaic, or if one pleases so to call them, barbaric systems, it was marked by the three characteristics of rigid formality, irrationality in proof, and weakness in executive power. The courts were the meetings, the rather disorderly meetings, of the hundred and the county, with the witan under the presidency of the king in person as the court for the great men and the important causes. In these courts were no professional lawyers; no record of their decisions was kept except in the memory of the suitors; and the judges, both of law and fact, were the persons present as of right. It is a mistake that has often been exposed, to surmise that because those meetings were rough and disorderly their

procedure was informal. The fact is the exact reverse of this. In all archaic systems of law procedure was marked by an extreme formalism to which civilized law affords no parallel; the slightest false step in the formalities, the smallest verbal slip in the accustomed formulas, was fatal to the party who made it. The court itself had no power, even if it had the desire, to allow faults to be corrected or pleas to be amended. The court was not there to do substantial justice, it was in no sense a court of equity, for those are ideas of much later growth; but it sat to see that a game was played properly according to rules of unbending rigidity.

The second characteristic of the primitive mind reflected in early procedure was its total inability to decide questions of fact where there was a conflict of evidence. When the plaintiff's assertion was met by the defendant's denial, the court confessed itself to be helpless, and could only appeal to a supernatural sanction of some kind. In civil cases, though the distinction between civil and criminal cases was not drawn clearly until a much later period, the common form of proof was the oath. The oath was a testimony not to particular facts but to the justice of the claim or defence as a whole. It was first sworn in the proper form by the party concerned and then by a number of oath-helpers who swore that his oath was true. The number of oath-helpers required was regulated with minute precision and varied in accordance with the nature of the case and the rank of the parties. One too few meant the loss of the case, as did any slip by any one of them in repeating the exact formula. The oath once properly taken was final and conclusive, and the court would not concern itself with any nice questions as to the possibility of perjury. According to modern ideas the procedure was completely topsy-turvy. We speak of the burden of proof; our ancestors spoke of its benefit or prerogative. To be put to the proof, to "make one's law" was a privilege eagerly sought. In the absence or impossibility of the oath an accused person in a criminal or semi-criminal case was obliged to go to the ordeal in one of its forms. Originally the ordeal was probably an appeal to the heathen gods of fire or water. The church, forced to temporise, first hallowed the obstinate heathenism of the procedure, until the Lateran council in 1215 at length felt strong enough to abolish it. Trial by battle as another alternative was

first introduced by the Normans, but it is not germane to our purpose to consider these antiquities in any further detail.

Weakness of executive power is characteristic of all barbarous communities and of all early procedure. It all bears marks of the methods of persuasion that had to be adopted to induce wild men to submit themselves to a court of law at all, and the court itself had little effective power of executing its own judgments after they had been pronounced. In the absence of a strong central government or of the most rudimentary form of police, the execution of judgments had to be left to the successful parties and their friends, probably nothing loth and strong in the knowledge that they had secured a favourable decision.

The ordinary courts of the old English period were the popular, we may almost say tribal, courts of the hundred and county, but even at that time private jurisdictions were growing and the weak central government was powerless to restrain their growth. The growth of jurisdiction in private hands, or the lord's court, was a most essential element in feudalism; and, as Maitland remarks,¹ "whether we have regard to England or to the Continent, it seems the obscurest of all problems, for the law is rapidly shifting and changing just at the time when it is leaving the fewest explicit memorials of its shifts and changes". From the standpoint of civilized law private jurisdiction is the most subversive of anomalies. Even those who desire to restrict the functions of government to the smallest possible dimensions allow that the administration of justice and the maintenance of adequate defence are its most essential features, and a state that allows these matters to slip from its grasp hardly deserves the name. It was just because feudalism distributed these functions instead of concentrating them that it is called a principle of anarchy.

The Anglo-Saxon monarchy was marked by weakness that an Alfred or a Cnut might ameliorate but could not cure. In the hands of Edward the Confessor the newly-established unity of the country seemed to be splitting up into earldoms that were reducing the central government to a shadow and the king to a figurehead. The Anglo-Norman dynasty was strong, but it was bound by conditions beyond its control to build upon the basis

¹ P. & M., I, 68.

of feudalism. The Conqueror would see to it that there should be no Dukedom in England like that of Normandy in France, but his followers must be rewarded, and they expected the emoluments of judicature as well as the profits of land. This had to be conceded and a swarm of lords' courts descended on the land, to subsist by the sides of the ancient courts of the hundred and county.

But the kings never accepted willingly what political necessity had obliged them to concede, and they struggled with persistent purpose to gain for the central government its control over the administration of justice. In the course of that struggle the common law was founded.

The first instrument to hand was the extension of the king's peace.¹ The idea expressed in the proverb that "every man's house is his castle" is of high antiquity, and goes back to the days when men did that which was right in their eyes and their strength allowed, and private war was an accepted institution. The principle was that of the sanctity of the homestead, for in the wildest times the peace of a man's home was secured by customary observances and penalties. The king was the greatest in the land, a special sanctity attached to his home, and the penalties for a breach of his peace would be correspondingly greater than for the breach of a common man's peace. Moreover, the king did not stay in his house, and his servants and messengers must traverse the land from end to end on their lawful occasions if he was to govern at all. So by insensible degrees the peace of the king was extended to persons, occasions, and places, at first as special privileges and then as permanent conditions. His servants must be protected and his peace must be extended to cover them. His coronation must be free of offence and the protecting peace lasted for a week. Then the weekly peace was extended to the three great festivals of the church. Travellers are especially vulnerable, and so the four great roads were first protected and afterwards all, and the highway became the king's highway. By a natural and inevitable analogy the waterways were included with the land ways, because they were equally highways. So the king's peace was steadily extended and merged into the general peace, but the king had a paramount interest in the preservation of his

¹ P. & M., I, 44. Pollock, *Oxford Lectures* (1890), ch. III.

peace that no private jurisdiction could be allowed to circumscribe. The thing was not done in a moment; centuries were required for its full development; but the pressure was steady, irresistible, and backed by popular interest. Private criminal jurisdiction gradually disappeared before the advance of the king's peace which was the common peace, just as private civil jurisdiction disappeared before the law of the king's court which was the common law.

The second instrument was the development and organisation of the king's court. Under the Norman kings it much resembled the witan of the old English times, a court for the great men and the great causes.¹ The king could evoke causes into his court, but such writs were special privileges to be paid for at a high price. The king's justice was residuary or extraordinary, and none of his writs were yet writs "of course". Neither was his court in permanent session, but was convoked ordinarily upon the three great festivals when the king wore his crown.

Under the first Plantagenet changes occurred rapidly, and though it is no easy matter to trace their exact sequence, their effect is clear. The king's court steadily ceased to be an extraordinary tribunal for the great men and the great causes, and became an ordinary tribunal for the whole kingdom to which the humblest freeman² could have access at a fixed price. The court became central, expert, and permanent. Every court of the king was the king's court (*curia regis*) but this was the capital court of the king. Its numbers were flexible, but it always contained a nucleus of expert sworn judges, who attended its sittings habitually. It sat regularly, term after term, and though it might be held anywhere it usually sat at Westminster in the hall that William Rufus erected as the permanent home of the law. The king's court was throwing out other branches. The barons of the Exchequer sat round their chess-board and looked after the king's revenue, and they likewise were the king's court. The visits of the king's justices to the county courts were also becoming regular and systematic; their sittings likewise were

¹ P. & M., I, 108.

² The freemen only. The villeins who formed the great majority of the peasantry had no access to the king's court until the end of the fifteenth or beginning of the sixteenth century. Holdsworth, III, 201 *et seq.*

sittings of the king's court held under the king's commission; in later times these sessions will be known as assizes from the title of one of the commissions.

Perhaps at this point it is advisable to utter a small warning lest modern theory should lead us to misjudge ancient fact. A developed political theory divides the powers and duties of government into the three classes of legislative, executive, and judicial. Even in modern times the distinctions, so clear cut in theory, are apt to become blurred in fact. A minister, acting it is true under the authority of the legislature, issues decrees, orders, and rules that are in fact new laws. To this process the term "delegated legislation" is applied. Local bodies, under the guise of by-laws, have power to make regulations that are legislative acts, as when a borough makes rules for the administration of its parks or baths, or where the conservators of a common make rules to preserve due order. On the other hand, in the course of administration questions have to be decided that are judicial in character, and are often heard before tribunals that model their procedure upon that of a court of law. Developments of this kind are subjects of acute controversy, but there is no doubt at all about their existence. In France during the period before the second German war, the tendency was even more strongly marked. In the earlier Middle Ages men were troubled by no nice theories of the kind. Of formal legislation there was not a great deal, for the law was conceived in a vague way as something above the king; but for the rest the court was the fluctuating body of advisers surrounding the king, and it accomplished the business in hand without troubling itself overmuch about theoretical distinctions.

In the twelfth century the most fruitful causes of dispute, and consequently of disorder and bloodshed, were those relating to the possession of land. In parenthesis it may be remarked that the common law has never developed the clear distinction between ownership and possession that the Roman jurists evolved. It concentrated its vision upon possession, and the possessor could maintain his right to possess against all the world except the man who could prove that he had a better right. The best right to possession might be called ownership, but that question was relegated to the domain of theory.

The essential question that troubled King Henry II and his

advisers was that of possession, and in 1166 he issued an ordinance and instituted a procedure that are alike known by the strange Anglo-Norman name of the Assize of Novel Disseisin. It was "one of the most important laws ever issued in England",¹ because it was to determine the whole future course of the development of English law. The procedure instituted by the king was simple, rapid, and inexpensive. If a person were dispossessed of his free tenement² unjustly and without the judgment of a court, he could apply to the king's court and would be granted a royal writ. Under this writ a jury of the neighbourhood would be summoned before a king's justice, and they would answer on oath the simple question, "Did B unjustly dispossess A?" If the answer or verdict of the jury was in the affirmative then A would forthwith be restored to possession.

This brief statement has left unexplained something that needs explanation: the summoning and the verdict of the jury. Concerning the "palladium of English liberties" a great deal of historical nonsense has been written in times past, but modern researches have made its origin and development reasonably clear. This most distinctive English institution was in its origin "not English but Frankish, not popular but royal".³ The primitive mind—and the civilized mind in this respect retains many marks of the primitive—loves vagueness, and dislikes exactitude in numbers except where its own interests are immediately concerned. Medieval men would roll the friendly log or scratch the responsive back to secure "beneficial hidation", or as we would say "sympathetic assessment" in matters of taxation, and modern men have been known to favour an indeterminate ambiguity rather than an absolute precision in the matter of their income tax returns. Statistics of any kind are abhorrent to the primitive mind, and exact statistics doubly abhorrent. The Lord, which is as much as to say the priestly caste, objected most strongly to King David when he numbered the people;⁴ and

¹ P. & M., I, 146. Seisin merely means possession, and novel disseisin new or fresh dispossession. To avoid unnecessary technicality we propose to use the modern word possession instead of the mediæval seisin.

² The reader may again be reminded that the procedure did not apply to the villeins who held unfree tenements. Their only remedy was in the manorial courts.

³ P. & M., I, 142.

⁴ II Sam., xxiv.

the Chronicler remarked of King William's Domesday Survey:

“So very narrowly did he cause the survey to be made, that there was not a single hide nor a rood of land, nor—it is shameful to relate that which he thought no shame to do—was there an ox, or a cow, or a pig passed by, and that was not set down in the accounts, and then all these writings were brought to him”.

Government however requires exact statistics, and royal rights can hardly be left to the judgment of popular courts, or the gamble of a decision by oath helpers, battle or ordeal. So thought the Frankish kings, and possibly recollecting the procedure of the Roman treasury they established the inquest as a special prerogative right of their own. The jury must be distinguished sharply both from the doomsmen of the ordinary court and from the oath helpers of the popular procedures. The doomsmen were the judges of the courts and their decisions were judgments, and the oath helpers merely swore to the accuracy of a fixed formula. The jury, as their name implies, were sworn to give a true answer—a verdict—to a definite question propounded to them. Between a verdict and a judgment, though the one may lead inevitably to the other, there is a deep gulf fixed; and oath helpers are merely a step towards proof. The jury were men selected from the neighbourhood, men who could be presumed to know the facts, and they swore to the truth of the facts that they knew—what rights the king possessed, whether the royal officers had been guilty of misconduct, whether crimes had been committed and remained unpunished. With the growing weakness of the Frankish kings the prerogative slipped from their hands, but Duke William was strong enough to use it, and he brought it to England in his baggage. The great Domesday survey was based upon the verdicts of inquests, and the king used the procedure whenever he required exact information. Then as an exceptional privilege, and doubtless for a good consideration, the king granted the use of the procedure to a subject or to the church. The great advance made by Henry II was to convert the exceptional into the normal. The first example of the regular use of the inquest as part of a normal procedure was the establishment of the *Assize Utrum* by the Constitutions of Clarendon in 1164. The church courts claimed the right to

adjudicate in matters relating to church fees, but the first matter to be decided was whether the fee in question was a church fee or a lay fee. That matter the assize *utrum* left to the decision of twelve lawful men under the presidency of the king's justiciar.

Questions of lay fee or church fee were exceptional, or at least occasional, but questions of possession of land touched every free man. In that lay the importance and the universality of the assize of novel disseisin. The freeholder, however small, who was dispossessed by a lord, however great, could have the assize as of right, and the short, sharp, and decisive remedy would restore him to his lands with all the force of the king behind him.

The impulse once given, the procedure spread with amazing rapidity. The assizes of *Mort d'ancestor* and *darrein presentment* extended the protection of possession to the lands of a dead man in favour of his heir, and to the right of advowson or presentation to a benefice respectively, but the grand assize went further than any of these. The possessory assizes protected possession but the grand assize protected ownership or best right. The defendant in a proprietary action for land depending in any of the feudal courts could refuse trial by battle and remove the cause by the king's writ to the king's court, and have the question of right determined by an inquest of the neighbourhood.

The distinctive achievement of Henry II and his advisers in 1166 was the invention of a new writ—the assize of novel disseisin. It was decisive because it determined the lines of the future growth of the common law. Henry had a mind eminently legal; he would preside in his own court for the decision of a difficult case; he would discuss the phraseology of a charter with his "conveyancing counsel"; he desired good order and right government. But it is a mistake to disregard the financial—we may almost say the commercial—aspect of the matter. The inquest was a royal prerogative, and a subject who desired the use of it must pay for the privilege. The justice of the king's court was the best justice that was available; it was a good article and was worth paying for. For an exceptional writ and to a great personage the price might be high, but for the common man and the ordinary writs—they were called the "writs of course"—the price would be low and generally fixed, and the poor man would get them for nothing. Justice, according to the medieval proverb, is a great emolument, and our medieval kings

were not slow to appreciate the principle. It has been well said that court fees have played no inconsiderable part in the development of civilization.

One important result of the popularity of the king's writ was the centralization of judicature. For many centuries there would be provincial courts of a kind in the counties, but they would not be of great importance, and the central court would keep a close watch upon their proceedings. There would never be anything in England remotely resembling the French provincial parlements, for the custom of the king's court, the "tremendous empire of kingly majesty"¹ would be of paramount authority. Neither would there be provincial customs, as in France, except within narrowly defined limits. It might easily have turned out otherwise. Even the strong central authority of the king's court was not able to eradicate the provincial custom of gavelkind in Kent, and the Danelaw might well have become a distinct region of customary law instead of the name of a district. The king's court did not seek to eradicate local customs of set purpose, but it made them conform to its own standards of reasonableness, and if they failed to attain to that standard did not hesitate to declare them void. The strong and persistent pressure of a central court made a common law for the whole realm.

Under the conditions obtaining in the middle ages a central court would have been intolerable without arrangements for local trials. We do not know even now how the litigant from Cornwall obtained his writ from the chancery unless he made a special journey to London for the purpose; but having obtained the writ the trial before a local jury was in the neighbourhood. The problem was solved by the systematic visitation of the counties by itinerant justices. The growth of the system need not concern us in detail, but first for fiscal, and then for judicial purposes, the justices went their circuits with growing regularity and brought the king's court and the king's justice, if not to every man's doorstep, at least to every county town. They did so in the twelfth century and they still do so in the twentieth.

The particular importance of the assize of novel disseisin was the precedent that it created. If people thronged the king's court for assizes, they might equally well go there for other causes

¹ *Leges Henrici* quoted in *P. & M.*, I, 107.

of action if the writs were available. The chancery in the twelfth century saw to it that they were available. The process once begun spread steadily and on the whole rapidly. New wrongs called for new remedies, and old wrongs for more effective remedies, and the chancery with the assistance of the justices started to manufacture writs to order. The process did not proceed without challenge, for the barons realized as clearly as the king that justice was a great emolument, and they were determined not to lose their fees and forfeitures without a grim struggle. The barons who obtained Magna Carta did not venture to object to the possessory assizes, in fact they gave them their blessing,¹ but they were determined to retain the proprietary actions in their own courts and attempted to do so by the technical provisions of chapter 34. The provisions of the great Charter were observed in the letter by the king's court, but its provisions were gradually undermined and evaded by a series of fictions that did great harm to the form and elegance of the procedure without in the long run hindering its growth.²

There was another influence of a more permanent character than Magna Carta which voiced the complaints rather than the thankfulness of the great lords. The greatest and most representative of the king's courts, the High Court of Parliament, was gaining authority by the end of the thirteenth century, and it became jealous of any new writs issued without its authority, because it had a well-founded suspicion that the invention of a new remedy might well make new law, and it asserted that the power of legislation belonged to itself and to no lesser court. Parliament, which was largely incompetent to devise new writs itself, drove the growth of the common law into strange channels by its influence, but did not permanently hinder it.

The manufacture of writs went steadily forward, directly in cases where direct action was unobjectionable, and with fictions and evasions where it was not. The results are recorded in the most important of all the medieval law books, the Register of Writs.³ The growth was especially marked in the thirteenth and fourteenth centuries; in fact, after Henry of Lancaster deposed

¹ *Magna Carta*, ch. 18 and 19.

² McKechnie, *Magna Carta*, p. 346 *et seq.* For details of the fictions see P. & M., II, 63-7.

³ Maitland, *Collected Papers*, II, p. 110 *et seq.* Holdsworth, *History of English Law*, II, p. 512 *et seq.* and App. V.

Richard II the book ceased to expand, and the need for expansion was met in other ways. During that period the growth was sufficiently remarkable. A Cambridge manuscript dated to the early years of Henry III has 58 forms; less than fifty years later the number has increased to 121; and when the Register reached its final form in the Lancastrian period the total had amounted to no less a figure than 675—surely a generous allowance for the litigious propensities of an agricultural community of something like four million people. The Register of Writs determined the form and controlled the substance of the common law. As Maitland said, “though we have buried these forms of action, they still rule us from their graves”.¹ The law took the form of a commentary upon writs which determined both its disorderliness and its practicality. The question that faced a medieval lawyer when advising on the facts of a particular case, was not whether the facts brought it within a definite principle of law, but whether there was any writ that gave a remedy upon those facts. The litigant was bound to choose the right writ at his peril. “Each writ”, said Chief Justice Bereford in 1314, “ought to keep its proper place and be used according to its nature”.² The issue of the writs was founded upon legal principles, but the legal principles were embodied in the procedure and not the reverse. There is nothing peculiarly English about this; it is characteristic of most systems of law in their earlier development.

If Magna Carta had an unfortunate influence upon the development of the law in some respects, in one particular its provisions were wholly beneficial. In one short sentence (ch. 17) it enacted that “common pleas shall not follow our court but shall be held in some fixed place”. It is probable that no other sentence of equal brevity ever had greater consequences. The court of common pleas, that is to say private pleas as distinct from royal pleas, was separated from the court that followed the king in his wanderings, and established itself at Westminster. Round that court a legal profession was formed, and that in turn established itself at a fixed place in the Inns of Court and Chancery. The Inns grew into a guild after the manner of the Middle Ages, and the guild grew into a legal university where

¹ Maitland, *Forms of Action*, 296.

² Quoted in Holdsworth, II, 521.

law was efficiently taught, eagerly learnt, and eternally debated. "Taught law is tough law"¹ and the legal university of the Inns of Court made the common law strong to withstand the assaults of Romanising science and arbitrary power.

The accession, the long reign, and the legal mind of Henry II were happy accidents; but it was no accident that the common law should have acquired its distinctive character in the twelfth century, for "of all the centuries the twelfth is the most legal".² That century saw the great recrudescence of the Roman law, and there seemed to be every probability that Westminster would grow to maturity under the fostering influence of Bologna, and that Rome who had once conquered Britain by her arms, and had later conquered England by her church, would again conquer both by her law. The probability was all the greater because the guiding spirits of the king's court during the creative age of our law were ecclesiastics whose minds turned naturally to Bologna for instruction and example in law.³ The influence was clearly present and for a time was persuasive; Bracton's great book written in the mid-thirteenth century, "the crown and flower of English medieval jurisprudence",⁴ owes its plan, its arrangement and its large maxims to the Glossators, and in particular to Azo of Bologna; but its substance is English, the practice of the king's court and the cases recorded in the plea rolls. After the end of the thirteenth century the Roman influence disappeared, and the common law became aggressively insular, to the enrichment of its substance and the detriment of its form.

So it came to pass that a new system of law was born and grew; grew so strongly and spread so widely that it is no exaggeration to say that the Roman law and the common law are the two basic legal systems of western civilization. It spread through both the British empires, the old and the new, for the United States when it disclaimed its political allegiance cherished its legal allegiance, and the writs of Henry II still run throughout the States though they run no longer in the name of a king. A

¹ Maitland, *English Law and the Renaissance*, p. 18.

² P. & M., I, 111.

³ P. & M., I, 133.

⁴ P. & M., I, 206.

short comparison of the two great systems may fitly conclude this chapter.¹

The law of civilized peoples is tending towards uniformity in substance, not only in such obvious spheres as contract and mercantile law, but even in matters in which national idiosyncracies are apt to become prominent.² As has been said in the best modern book on the subject, "while the fundamental conceptions upon which the Roman law was built show but little similarity to the corresponding notions of the common law, which is not surprising, since one is of a Germanic stock and the other of a Mediterranean, the practical rules of the two systems show an astonishing amount of similarity".³ For purposes of comparison we must go, therefore, to the fundamental conceptions, method, outlook, and spirit rather than to particular rules. We shall find greater disparity in methods of procedure than in matters of substance.

To speak first of method, common law learning is forensic in origin, Roman law is scholastic. The Roman law is a body of texts, the common law a series of cases. There could be no more profound difference in method than this. The distinctive character of the common law is quite clear in the work of Bracton written in the thirteenth century, that is to say as soon as the king's court had established its supremacy over all local jurisdictions. In spite of his obligations to the Glossators the substance of Bracton is definitely English, and as the authority for that substance he cites some 500 decisions laboriously collected from

¹ P. & M. *passim*. Bryce, *Studies in History and Jurisprudence*, esp. essays I, II, XI, XIV, and XV. Pollock, *Expansion of the Common Law*. Scrutton, *Roman Law in England*. Buckland and McNair, *Roman Law and Common Law*.

² "The more any department of law lies within the domain of economic interest the more do the rules that belong to it tend to become the same in all countries, for in the domain of economic interest Reason and Science have full play. But the more the element of human emotion enters any department of law, as for instance that which deals with the relations of husband and wife, or of parent and child, or that which defines the freedom of the individual as against the State, the greater becomes the probability that existing divergencies between the laws of different countries may in that department continue, or even that new divergencies may appear.

"Still, on the whole, the progress of the world is towards uniformity in law, and towards a more evident uniformity than is discoverable either in the sphere of religious beliefs or in that of political institutions." Bryce, *op cit.*, I, 144. Bryce's idea that economic interests are governed by Reason and Science and not by emotion is distinctly optimistic, but it was natural that Bryce should have thought so.

³ Buckland and McNair, *op. cit.*, p. 17.

the plea rolls.¹ The court, in the English tradition, declares its own law, and in declaring that law it will pay the utmost respect to decisions previously made. The court will declare its own law even when dealing with the provisions of a statute, because it reserves to itself the sole privilege of interpretation. Whatever the legislature may really have intended, supposing that its intention was clear to itself, it has embodied its intention in a form of words, and those words will be interpreted by the court in its own way and according to its own canons. This has two important consequences. In the first place the judges are human and will be influenced consciously or unconsciously by the social and intellectual atmosphere of their time, and so the law will have freedom to develop, and within certain limits to adapt itself to changing conditions.² In the second place no sanctity attaches to the express words of a judgment, but only to the principles upon which the decision was founded. Therefore, in spite of the extreme untidiness of its form the common law is a body of principles. It could have little real or pervading authority if it were not.

In the Roman law, on the other hand, the decisions of the courts as such have no authority, but the law rests upon texts, and authoritative comments upon and interpretations of those texts. The Digest of Justinian, the perennial monument of Roman law, is merely a collection of opinions culled from the writings of authoritative jurists. The law is worked out and developed in chambers, in the study, and in the university rather than in the courts. It is developed by the very men whom Englishmen generally, and not only English lawyers, are apt to regard as unpractical theorists. An university professor of law is a person of very small account in England; in the Roman law countries he is a person of authority, almost a personage. To be called a jurist is in England no high compliment, it is almost a term of disparagement.³

¹ P. & M., I, 209.

² A good example is the pernicious doctrine known as common employment. It was first established about 1830 under the direct influence of the then current economic theories, and in particular of Ricardo's iron law of wages.

³ "I don't like", said Mr. Jones, "the folk that call themselves jurists."

"No more do I", said Christopher Normand from the depths of his armchair. "They usually come from Guatemala or Peru. They start by talking about Solon and Lycurgus and they end by being squared."—*The Island of Sheep*, p. 118.

The second ground of distinction is the attitude of the court. The procedure in Roman law is known as inquisitorial, which means that the court itself takes charge of the case and insists upon extracting the truth of the matter in the court's own way.¹ A common law court never acts in this manner, not even in a criminal trial where the interest of the State might be heavily involved, but maintains an attitude of neutrality. The idea of a game is deeply ingrained in English mentality, and the court concerns itself as acting as an umpire. The players must know the rules, they must play the game according to those rules, and then, if they appeal to the court-umpire in the right way, the court will give its decision. It will not teach the rules, the parties must know them at their peril; it will take no notice of a defect or a breach of the rules unless the other party calls attention to it. Some matters are notorious and of common knowledge, and the court will know what is known to all men of common sense, but beyond this it will take no trouble to inform itself. "The umpire will speak when his judgment is demanded; it is not his business if the players throw away chances."²

In the third place a common law trial, except in cases in which public decency forbids it, is always in public. An ancient popular court was probably something like a rather disorderly public meeting, but it was always public, and public our courts have always remained. So long as there is room in the court, and he behaves himself with decency, no member of the public can be removed from an English court. It is not only essential that justice should be done, but that it should appear to be done, and for this purpose it must be done in the full light of day. The rule may sometimes work hardship on the parties, but the common law regards publicity as an essential element in justice. The fact that a normal trial in a common law court is, or was until recently, trial by jury is another essential element in publicity.

The fourth distinctive characteristic of the common law is the law of Reason, or the principle of reasonableness. It is roughly the equivalent in our law to the law of nature in the Roman law systems. To explain the matter at length would need a lengthy

¹ Pollock, *Expansion of the Common Law*, pp. 15 and 32.

² Pollock, *op cit.*, p. 32. To avoid any misconception I may say that it is not the business of the historian to weigh the respective merits of the two systems, but merely to point out the differences between them.

disquisition, out of place in an essay of this scope, and a shorter account would probably be misleading. It must suffice to say that the standard of conduct that a common law court requires is the reasonable standard of ordinary people, not a standard impossibly high nor one ridiculously low, but a standard of ordinary intelligence and probity. To administer justice in public and on the basis of reason is the ideal of the common law.

The fifth characteristic is the supremacy and rule of law. Perhaps this is a matter of constitutional rather than private law, but a distinctive feature of the common law is that it is impossible to say where private law ends and constitutional law begins. In general it means that everybody everywhere is subject to the same rule of law, that no one is too high to ignore it and no one too humble to escape it. The law is no respecter of persons, and if His Majesty's Attorney-General makes a mistake in law or pleading His Majesty's judges will sweep him out of court with as little ceremony as if he were John Jones of Slocombe-upon-Mud. Again this is a matter that can only be mentioned and not expounded.¹

Finally, the spirit of the common law sustains the right of individual freedom; the right of the individual to make or mar his own life in his own way without let or hindrance, except where it interferes with the right of other individuals to do the same thing. It is the most precious part of its heritage, its most fundamental principle. At no time have men had greater need to uphold this principle than the present, and it will be lost only if the people of England are untrue to their own deepest principles and highest endeavours.

“Remember that our lady the Common Law is not a task-mistress but a bountiful sovereign whose service is freedom. The destinies of the English-speaking world are bound up with her fortune and her migrations, and its conquests are justified by her works.”² She stood four-square, with occasional lapses, to the tyranny of kings; she stood four-square to the tyranny of a House of Commons when it in turn grew tyrannical; she is standing four-square, but with difficulty and despite quislings

¹ The classical account is in Dicey's *Law of the Constitution*, Part II.

² Pollock, *op cit.*, p. 137.

within the gates, to the tyranny of bureaucrats and experts; she may have to stand four-square to the tyranny of soviets; she has done and will do all these things if she is true to herself and her subjects are true to her.

CHAPTER 31. THE MOTHER OF PARLIAMENTS¹

“THE constitution, therefore, of England, must be to inquisitive men of all countries, far more to ourselves, an object of supreme interest; distinguished, especially, as it is from all free governments of powerful nations, which history has recorded, by its manifesting, after the lapse of several centuries, not merely no symptom of irretrievable decay, but a more expansive energy.”²

“Parliamentary institutions have, in fact, been incomparably the greatest gift of the English people to the civilization of the world.”³

It is interesting and instructive to compare these two quotations from eminent historians. They are almost exactly a century apart in date: Hallam's *Middle Ages* was published in 1818 and Pollard's *Evolution of Parliament* in 1920; but it is more pertinent to observe that both were written at the conclusion of great and exhausting wars undertaken for the protection of political liberty, in both of which England had “saved herself by her exertions and Europe by her example”. Hallam wrote in the purest tradition of the Whig aristocracy, to whom the principles of the Revolution settlement were the very ark of the covenant, and whose attitude to the constitution was the mystical reverence expressed by Burke in the words, “to understand according to our measure, and to venerate where we are not able presently to comprehend”. Pollard wrote before the explosion of relief and enthusiasm at the conclusion of the first German war had been damped by economic distress, inveterate selfishness and perennial

¹ The literature is enormous. There are full bibliographies up to the dates of publication appended to the relevant chapters of the *C. Med. H.* They can be supplemented by the Bibliographical note in J. E. A. Jolliffe's *Constitutional History of Medieval England* (1937), esp. p. 499.

² Hallam, *Middle Ages* (12th edit.), p. 267, quoted in Dicey's *Law of the Constitution*, p. 2.

³ Pollard, *The Evolution of Parliament*, p. 3.

hatreds, and when it was hoped that even Germany might take her place in the comity of nations as a peaceable republic. The enthusiasts might have listened to the views of the wisest political thinker of the nineteenth century. "Cabinet government", said Walter Bagehot, "is rare because its pre-requisites are many".¹ Cabinet government is not an essential part of parliamentary institutions, but the prerequisites of both are much the same. There must be mutual confidence of the electors combined with tolerance of opposition; there must be a calm national mind; there must be rationality in thought; and there must be a sufficient standard of honesty among the politicians. These things are not made suddenly, they are the resultant of long and painful historical processes, and over large portions of the world they do not exist. The extension of parliamentary government must therefore be a slow process, for the plant will not grow healthily if soil and climate are not suitable. Nevertheless it is one of the great creative inventions of mankind, and its genesis must be a subject of perennial interest.

Hallam planted and Stubbs watered the history of the English Constitution, but upon no historical subject has the last word ever been said, and no more remarkable historical discovery has been made than the reorientation of the origins of Parliament since Stubbs devoted tremendous industry and vivid insight to the details of its development. We owe the initiation of the more modern theory, as we owe so much else, to the seminal genius of Maitland, and subsequent workers have developed his ideas and suggestions.

The central influence in the development of Parliament was undoubtedly the king's court. It would be tedious to trace in detail the evolution of that potent instrument, and it would be misleading to apply to early times the precise ideas proper to the more finished product. Every king, even the most absolute, needs advisers of skill and experience, and needs feelers to inform him of the trend of public opinion. In simple societies these may be simple matters. The tribal king can assemble his chief men and leading warriors, and can gather the trend of opinion as his message is received with loud shouts and clashing of spears or in sullen silence. But a feudal king was anything but absolute;

¹ *English Constitution*, ch. VIII, *Works* V, p. 339.

his instruments of power were few; rebellion was always smouldering and might at any moment break out into activity.

The word "court" means an enclosure, in which sense it is still used; but it was speedily extended to denote the meeting held in the enclosure, and especially an assembly with a defined meeting-place like the court of the shire or the hundred. The king had his court about his person, but it was more like the court of St. James' than the courts in the Strand.¹ He chose his advisers at his discretion, but they always included two main elements. There were the officials that were always around him to carry out his behests, and there were the thegns of the old English period and the tenants-in-chief of the Norman period, whose advice was necessary because their help was essential. The tenants-in-chief selected by the king as counsellors could hardly be retained in constant session because they had the business of their own estates to attend to;² and the large courts tended to be held at stated intervals. "Thrice a year", said the Saxon Chronicler of the Conqueror,³ "King William wore his crown every year he was in England, at Easter he wore it at Winchester, at Pentecost at Westminster, and at Christmas at Gloucester; and at these times all the men of England were with him, archbishops, bishops and abbots, earls, thegns and knights." We are ignorant of the actual work performed by those assemblies at that time, but it is recorded that the "deep speech" which King William had with his advisers at the Gloucester meeting of Christmas, 1085, resulted in the Domesday survey of the following year. We may infer that much of the business was judicial, for the king's residuary power of doing justice was the most important of royal functions from the earliest times to the latest.⁴

From these inchoate beginnings the great period of the twelfth and thirteenth centuries saw a steady differentiation in function and increase in efficiency. The permanent court of the king became an organic body under Henry I—a body of sworn

¹ Jenks, *Law and Politics in the Middle Ages*, p. 134. McIlwain, *High Court of Parliament*, p. 29.

² Richelieu and his successors subverted the power of the feudal aristocracy in France by insisting upon their attendance at court and so lessening their local influence.

³ *Anno* 1087.

⁴ *Supra*, p. 88.

advisers who formed his council, and the council began to form committees (as is the habit of councils), and the committees tended to become separate bodies with their own traditions and habits of business. Revenue, then as always, was of the first importance, and the exchequer first grew into a separate department, and from the nature of its functions became also a court of law. The Chancellor, "the Secretary of State for all departments", developed his office into the Chancery, and the courts became specialized into the Common Pleas (originally Common Bench) which tried the pleas of the subjects in which the king was not interested, and the King's Bench (*coram rege*) which tried the cases in which he had an interest. If it is permissible to quote the uncouth but precise formula of Herbert Spencer, the process is an exact example of a movement from "an indefinite incoherent homogeneity to a definite coherent heterogeneity". At the same time, though it might throw off committees that became departments, the council itself remained as the great engine of government.

The King's Council was a body of indefinite numbers and elastic constitution, but it remained one and indivisible. There were not many councils but one council.¹ The membership of the council was determined by the king, for it was his prerogative to determine whom he would consult, and it could be "afforded" for important occasions by the addition of a large accession of advisers. The strong king—and it was the good fortune of England to have many strong kings in the Middle Ages—would often consult his great men, because it enabled him to observe their demeanour, and it strengthened his hand for unpopular measures to be promulgated with their consent.² These meetings of the afforded council were solemn occasions, they were conferences, colloquies, parleys, or discussions of particular importance. Gradually they were differentiated from the more ordinary council meetings, the word parley was ultimately chosen to be applied to them, and they were called parliaments. At the same time they were always meetings of the council, and the council was a court. Their importance was so

¹ Pollard, *Evolution of Parliament*, p. 29. Baldwin, *The King's Council*.

² Maitland, *Const. Hist.*, 62.

great that a special secretary, called the Clerk of the Parliaments,¹ was appointed to attend to their business, and they acquired the distinctive mark of a court, a roll of their own, the roll of Parliament.

The phrase "High Court of Parliament", when we meet it in the Book of Common Prayer and elsewhere, sounds strange to our ears. Political theorists separate the functions of the State into the three categories of legislative, executive, and judicial, with a rigidity that is not reflected in practice. To call our supreme legislative assembly a court seems antiquarian and unreal, but at first the fact that it was a court was its most essential reality. "If Henry II had not made the King's Court the matrix of England's common law, neither Simon de Montfort nor Edward I could have made it the matrix of England's common politics; for a foundation of common law was indispensable to a house of common politics."² Parliament survived to become a legislature because it was first and foremost a court, and States General in France and elsewhere atrophied and disappeared because they never were courts, nor coalesced with the "Parlements" to become such. Even in the sixteenth century Sir Thomas Smith speaks of Parliament as "the highest and most authentical court of Englande",³ and the Prayer Book and Coke used much the same language. The archaeology of parliament presents us with a picture of vestigial structures that are anomalies from the point of view of political theory, and are entirely absent from assemblies like the Congress of the United States or the French Assembly that were created under the influence of modern theories. The House of Lords is the parliament chamber, and in the chamber is the throne, because parliament is a court, and in every court the king is legally present, and in his highest court is still occasionally present in person. The privy councillors sit on the steps of the throne and cannot be excluded, as "strangers" can be excluded from the House of Commons, because they are the king's councillors and

¹ The "Secretary" of the House of Lords, the old Parliament chamber, still retains this name. The plural form is noteworthy; parliament was not sitting continuously, but parliaments were called as occasion demanded.

² Pollard, *Evolution of Parliament*, p. 36. The whole of chapter 2 from which this quotation has been taken is an admirable account of the subject.

³ *De Republica Anglorum*, ch. 2, Alston's edition, p. 38.

sit in the high court of parliament as of right. The House of Lords does not possess the right, that every meeting down to a parish council enjoys, of electing its own chairman. The Lord Chancellor, who need not be a peer, presides there as of right because he is the head of the judiciary and presides in the king's highest court. The House of Lords, the second chamber of the legislature as we now call it, is also the supreme court of appeal. By a modern convention only the law lords attend on the hearing of appeals, but of ancient right all the peers are entitled to attend because it is a meeting of the king's great council sitting in a judicial capacity. Lastly, the procedure in private bills is entirely judicial in character. The readings of such bills in the houses are generally formal. The real business is done before the committee that hears the petition. Upon that hearing counsel are heard on behalf of the petitioners and the opponents, evidence is given by witnesses on oath, and the decision of the committee is equivalent to the judgment of a court.¹ Nothing could be more eccentric from the theoretical point of view than that a legislative assembly should be the home of a parliamentary bar. All those apparent anomalies fall easily into their right places when we attribute to parliament its essential character of a high court.

Not only was parliament originally a court, but the bulk of its business was judicial. The amount of business that an Edwardian parliament transacted was enormous even when judged by our standards. Two hundred and fifty petitions were presented to the parliament of Michaelmas 1290, though it was the third parliament held in that year, and five hundred were presented to one of the parliaments of 1305, of which we have the good fortune to possess an unusually complete record.² The petitions might relate to small matters or large, they might ask for no great favour, many asked for things that the king was honestly bound to grant and that it would be gross injustice to refuse, but the crown officers would not act without the authority of a writ, and a petition granted by Parliament carried an authority that no official would dare to question. So the petitions were of the most miscellaneous character; and quite early before anything that could be called a model parliament had been established, receivers

¹ Technically the committee finds that the preamble to the bill is or is not proved. To do that they give judgment on an issue argued before them.

² Pollard, *op. cit.*, p. 41. Maitland, *Memoranda de Parlamento*, 1305 (Rolls series).

and triers of petitions were appointed whose primary duty was to sift the petitions into five categories; reserving for the king in council those alone that appeared to deserve the honour. Generally the order did not grant the petitioner his prayer, but put him on the way to obtain it in a manner that would not have been possible without the answer to a petition. Ofttimes the answer would cut red tape, in terms that could be sharp and peremptory, and no other body could cut red tape so effectively. It is quite erroneous to suppose that red tape is a material of recent origin, or that a circumlocution office is a modern institution; on the contrary formalism is the feature of early procedure, "it is the necessary groundwork for ministerial responsibility and government by discussion",¹ it is the "mother of freedom". Men flocked to parliament in these great numbers, they demanded that three parliaments should be held every year, not from any anxiety to be taxed nor for any desire for legislation, but for the excellence of the justice that could be obtained, and only obtained, in the "highest and most authentically court of Englande" where "consisteth the most high and absolute power of the realme".²

We regard parliament as a legislature rather than a court, however "high" or "absolute", or "authentically", but it would be erroneous to suppose that medieval parliaments, or the special sessions of the king's council out of which parliaments developed, had no power of legislation; and doubly erroneous to infer that a medieval legislature did not know when it was legislating. It has been argued, sometimes with a good deal of exaggeration, that the men of the Middle Ages regarded the law as a thing fundamental and unchangeable, and that legislation was something beyond their vision.³ It cannot be denied that there is a measure of truth in the view that law was regarded as semi-sacred in character, and that it was thought to bind the king as well as the subject. The distinction between an administrative decree, a judicial decision, and an act of legislation was not always drawn clearly; the distinction is not always easy to draw even now.⁴

¹ Maitland, *Memoranda*, p. lxxi.

² Sir Thos. Smith, *De Republica Anglorum*, Bk. II, ch. 1.

³ McIlwain, *High Court of Parliament*, 249-300, and *Magna Carta Essays*, 122-179. His views are criticized effectively by Plucknett, *Statutes and their Interpretation*, etc., chs. IV and V.

⁴ For an account of the matter, as learned as it is entertaining, see Sir Cecil T. Carr's Carpentier lectures *Concerning English Administrative Law* (1941).

When the author of the treatise called *Fleta*¹ in a much quoted passage declared that "the king has his court in his council in his parliaments, in the presence of earls, barons, nobles, and others learned in the law, where judicial doubts are determined, and new remedies are established for new wrongs, and justice is done to every one according to his deserts", he is speaking somewhat rhetorically, but is not drawing any clear distinction between legislation and judicial decision. Legislation might be and was an occasional incident, but its nature was clearly understood. It is absurd to suppose that when Edward I and his council promulgated statutes like *Quia Emptores* they did not realise that they were legislating; nor that when Parliament prohibited the other courts from issuing new writs except under its authority, it was not conscious of the fact that a new writ may make new law. When Chief Justice Bereford declared in a case in 1310 that "by a decision on this avowry we shall make a law throughout the land", he understood clearly that a judicial decision might have legislative effect;² and in the same case it was argued that "as one canon defeats many laws, so the statute defeats many things that were at common law";³ while in the fourteenth century it can be stated in set terms on the Rolls of Parliament that "the law of the land is made in Parliament by the king and the lords . . . and the commonalty of the realm".⁴

At the same time legislation as the primary function of a supreme assembly is a characteristic, or possibly a disease, of very modern times, in short, of times subsequent to the industrial revolution. In England it did not swell from a trickle to a spate until the Reform Act of 1832 had been passed. The legislation of which we are speaking is of the kind that makes a change in the law applicable to men in their ordinary dealings with one another, not administrative decrees that effect no real alteration in the private law. The medieval Rolls of Parliament are full of matters of the latter kind, and so is the statute book of the eighteenth century; but none of these contain enactments that an ordinary lawyer dealing with the common affairs of men would need to remember.

¹ Written temp. Edwd. I possibly about 1290.

² *Venour v. Bland*, Y.B. 3 and 4, Edw. II, 161, quoted in Plucknett, op. cit., 22.

³ Plucknett, op. cit., 31.

⁴ Plucknett, op. cit., 31.

Legislation of this fundamental kind was a rare occurrence; we may say that it happened in spasms. The first and greatest of these spasms was the series of statutes that gave to Edward I the inappropriate title of the English Justinian. Sir Matthew Hale writing in the seventeenth century truly remarked that more was done in the first thirteen years of Edward's reign to settle and establish the distributive justice of the kingdom than in all the ages since that time put together.¹ There was another such spasm in the reign of Henry VIII,² but except for these two great periods legislative efforts were occasional. The last years of Elizabeth founded our poor law and system of local rates, the last of James I the Statute of Limitations of Actions, and to the piety of Charles II can be attributed the abolition of the military tenures, the Statute of Frauds, and the Statute for the distribution of the estates of intestates. The proof of the matter is contained in our second comprehensive law book—the *Commentaries* of Blackstone written when the industrial evolution was first beginning. Blackstone refers to few Statutes, by far the greater bulk of his matter is derived from judicial decisions.

To this occasional character of legislation may be attributed a thing that caused great trouble and controversy in the seventeenth century, viz. the respective legislative effects of a statute and an ordinance. It was only by slow stages that the things were defined; a statute as an Act of Parliament, and an ordinance as a decree of the council when it was not sitting as parliament. Their respective spheres were not defined until the Middle Ages were long overpast. Definition was unnecessary because conflict was absent. Sometimes the commons suggested that a particular matter should be the subject of ordinance rather than statute because an ordinance could be altered more easily;³ but for the rest there is merely a general understanding that the more weighty matters should be the subjects of statutes.

If general legislation was very occasional, taxation was more

¹ Hale, *History of the Common Law*, quoted in Maitland's *Constitutional History*, 19. Incidentally it may be remarked that all the important Edwardian legislation was enacted in councils or parliaments at which the commons were not present.

² It included the dissolution of the monasteries, the Acts of Union with Wales, the Statute of Uses, the Statute of Wills, and so forth.

³ The same reason is alleged in favour of the delegated legislation of modern times. Carr, *op. cit.*, *passim*.

frequent but still not an everyday matter. The people needed frequent parliaments because of the excellence of the justice obtainable in the king's highest court, but the king needed them first as a guide to public opinion, and secondly because of the financial aid that they were empowered to grant. There is no need to formulate high-flown theories on this matter. Much has been made of the tag that the English Justinian quoted from the code of the Byzantine Justinian in the writs of 1295, "matters that concern everybody should be approved by all";¹ but it was probably little more than a flourish whereby some learned cleric displayed his knowledge to his less learned brethren. It is noteworthy that it occurs only in the writs issued to the clergy; those issued to the magnates and the representatives of the towns and counties are purely businesslike without any flourishes at all. Of far greater importance are the statements crystallized in the writs of 1295 that the representatives of the towns and shires were to come with power to bind their constituents, that the national business should not suffer from defect of authority.

Practical necessity rather than deep theory dictated the expediency of imposing taxation through representatives. In the weak hands of Henry III, feudalism as the basis of political life was collapsing, and the new thing that was to become parliamentary monarchy began to be hammered out slowly and painfully by the method of trial and error. By such imperceptible steps was the change accomplished that no contemporary had any idea that any important change was being made.² The king found that neither the feudal aid nor the more recent tax upon moveables could be raised successfully by the consent alone of the principal tenants-in-chief. To facilitate taxation the consent of the towns and counties was requisite, and there is little doubt that in the eyes of the king this was the dominant motive for desiring the presence of their representatives.³ If they were to be consulted at all, the place for consultation was the sitting of the king's council in Parliament, which could be afforded by the

¹ "Quod omnes tangit ab omnibus approbetur." Code V, 59, 5. Stubbs, *Select Charters* (8th ed.), p. 485. Nothing could be more foreign to the *practice* of Justinian than this *maxim*.

² G. B. Adams, *Origin of the English Constitution*, p. 316.

³ Modern opinion is reverting to the views of Stubbs on this matter. G. Lapsley, "Recent Advances in English Constitutional History", *Cambridge Historical Journal* (1936), V, 133, and the references there given.

presence of additional advisers. The addition of the country and urban representatives to the king's council had clear practical advantages. The parliament was the king's highest court, and therein petitions for the redress of grievances could be heard and determined. The representatives who returned to their places with the sad news that they had consented to the grant of a tenth or a fifteenth might be able to cheer their constituents with the sight of a successful petition.

The idea of representation in the political sense was not prominent, though it existed, in the ancient world,¹ but as a fundamental political principle it is a gift of the Middle Ages to ourselves. We can hardly claim that it originated in England as it was a common phenomenon throughout western Europe,² but it survived in England alone, and for this reason the English assembly can maintain the title of "Mother of Parliaments". The primary reason for the survival here and the decline elsewhere is that the English representatives were embodied in the king's highest court, while elsewhere they remained as assemblies dissociated from a court.

The origin of representation was judicial, and it was established in judicature before it became prominent in politics, though the distinction between the two was not definite to the mentality of the Middle Ages. In a very real sense the Conqueror introduced feudalism into England and the England of the Norman kings was a feudalised country.³ Nevertheless these kings of set purpose maintained institutions that were non-feudal because they were pre-feudal—the ancient courts of the hundred and the shire. In so doing they preserved in a feudalised state a thing that undermined and ultimately destroyed feudalism itself. It was essential that these assemblies should be comparatively large because the thing that they provided was not judgement but knowledge,⁴ knowledge of the men, the customs, and the opinions of the communities. Judgment was formal, almost automatic, but knowledge was essential. The opinion of the

¹ E. Barker, *Plato and his Predecessors*, 33-37.

² C. H. McIlwain on "Medieval Estates" in *C. Med. H.*, VII, ch. 23. Stubbs, *Early English History*, Lects. 16-18.

³ G. B. Adams, *The Origin of the English Constitution*, makes this his central theme. See also F. M. Stenton, *The First Century of English Feudalism*.

⁴ C. H. McIlwain in *C. Med. H.*, VII, 667.

countryside could not be collected unless the countryside was present in force to give it. In no sense were these courts feudal in theory or practice, but they were representative. A manorial court was the court of the lord and his vassals, but a hundred or a shire court was a court of freeholders, and therein lord and vassal sat together equal in status and influence. The townships (*not* be it noted the manors) were represented there by the reeve and the four "best" men. How the representatives were chosen we do not know. We may guess that they were appointed rather than elected in the modern sense of the term; there may be reason for saying that they were the holders of the four "best" tenements, and that the obligation to attend was incident to their holdings.

In considering the early history of representation we can put aside any modern ideas of its being a privilege. It was founded, as all durable institutions must be founded, on the basis of duty not of right. It was no question of who was anxious to serve, for none was anxious to serve, but of who was obliged to attend. The king, for the purposes of government, insisted upon attendance, and the penalties for non-attendance might be distinctly unpleasant. And when the inquest of the county became the inquest of the nation, attendance was still a matter of unpleasing duty not of clamorous right, a matter of service not of privilege. By a statute of 1294 a boon was conferred on the moderately poor; no one with a less estate in land than an annual value of forty shillings¹ was bound to serve on a jury in the county court. In 1430 a famous, sometimes called an infamous statute confined the privilege of voting for the knights of the shire to the forty-shilling freeholders, on the principle that only those who discharged the duty of service as jurors could exercise the privilege of electors.² It is recorded that on one occasion two knights for Oxfordshire fled the county on being elected to parliament; and in the fourteenth century the borough of Torrington made its name immortal by securing a royal charter granting it perpetual exemption from parliamentary representation.

¹ According to Dr. Coulton's factor for the first half of the fourteenth century this would be equivalent to £80 of our money before the financial crisis in 1931.

² Pollard, *op. cit.*, p. 154. Owing to the fall in the value of money the forty-shilling freeholders in the eighteenth century were in an entirely different category to their predecessors in the middle ages.

The transition from the representation of the lesser communities in the county court to the representation of the communities of the boroughs and counties in parliament, was primarily judicial. Nothing was more natural than that representation in the king's lower courts of the hundred and shire should develop into representation in the king's highest court of the parliament. G. B. Adams has made "the acute suggestion"¹ that the link between the two is to be found in the practice of calling for the transmission of a record from the county court to the central court. The record was not at that time in writing, and calling for the record meant in practice calling for the presence of men who could give a true account of the happenings. Adams gives a number of instances and concludes: "Here was certainly a direct line of connection between the county and the king's council already established and in frequent use. The function of the two knights in 1254 seems to be the same. They brought to the king's council, in order officially to attest it, a record which had been made in the county, in this case a decision of the local body, the county court, for or against the granting of an aid to the king".² Upon this McIlwain comments: "This acute suggestion of Professor Adams, a suggestion amply supported by contemporary records, really enables us to trace a continuous development of the practice and the theory of representation in England from the end of the Anglo-Saxon period through the fundamental reforms of William I, Henry I, and Henry II, by which the royal administration was unified and extended, down to the period of the appearance of the first surviving record of a summons of representative knights of the shire to parliament in 1254. It is a matter of the greatest consequence".³

So we may conclude that the vital force that enabled the English parliament alone among medieval national assemblies to survive as the great example of a representative assembly, was the fact that it was securely attached to the highest court of the realm. Independent assemblies died of inanition or were killed of set purpose, but the "highest and most authentical court" was too essential to be abolished.

It has been remarked that in the period during which

¹ *Origin of the English Constitution*, p. 321 *et seq.* McIlwain in *C. Med. Hist.*, VII, 669.

² Adams, *op. cit.*, p. 321-2.

³ McIlwain, *loc. cit.*, 669.

parliament was being created no contemporary had any idea that anything remarkable was happening. If there were ever an institution of which it can be said that it grew and was not made parliament is that one. The essential steps were taken, and they were taken purposely, but with no clear vision of their ultimate effect. The whole process was that of affording the king's council by advisers for whose assistance the king could call, first the selected magnates and afterwards the representatives of borough and shire. Loosely and gradually the greater tenants in chief, both lay and ecclesiastical, were summoned, and though the king could summon whom he chooses, in practice he summoned much the same people all the time. Then the assembled barons began to recognise their common interests, and came to be regarded and to regard themselves in true medieval fashion as a commune. But as the thirteenth century was drawing to a close they began to feel doubts, which they had not felt at an earlier date,¹ of their power or right to bind by their consent the classes below them. Perhaps some learned clerk may have quoted, and translated for their benefit, "Quod omnes tangit, ab omnibus approbetur". At any rate for the parliament of 1290—the parliament of *Quia Emptores*²—the king summoned the knights of the shire, and stated in terms that he had done so at the special request of the magnates.

The development of parliament is a story of a slow growth. No Abbé Sièyes framing new constitutions ever devised such a thing out of his own head; no one would ever have thought of the completed structure.³ It grew by a process of trial and error, new devices were framed to meet growing needs. Experiments were tried and if found to be unworkable were discarded.⁴ "The growth of our constitution was never, at least during the Middle Ages, sensibly affected by philosophical or doctrinaire views. The several steps of growth have been almost always of a

¹ In 1237. McIlwain, loc. cit., p. 675.

² Stubbs, *Select Charters*, 8th edit., p. 477. Actually the commons were not present when the Statute of Quia Emptores was enacted, as was the case generally with the Edwardian legislation.

³ "In short, the more we study our constitution, whether in the present or the past, the less do we find it conform to any such plan as a philosopher might invent in his study." Maitland, *Cons. Hist.*, p. 197.

⁴ E.g. the failure of the effort to secure representation of the clergy in the House of Commons. The clergy ultimately withdrew to their convocations.

character that might seem accidental, were it not that even in their most experimental forms they testify to an increasing confidence on the part of the rulers in the wisdom of trusting to the people, and a corresponding sense on the people's part of the wisdom of a just and moderate use of their powers, as the surest way to retain and increase them. . . . The English constitution owes all in it that is peculiar to itself to the accumulation of precedents that were found to answer other ends than those for which they were originally devised; it is full of anomalies and abounds in checks and counterchecks which would be intolerable in an ideal polity; its history is a very chapter of accidents and experiments until it is read in the light of this truth."¹ The idea of a model parliament can now be discarded, or if any assembly can claim the title it is the last parliament of Edward II in 1327 rather than that of 1295.²

The importance of parliament can hardly be overestimated; the method of its development was the cause of its survival and its permanence. Parliamentary monarchy was a political invention, a new form of polity, replacing feudalism though retaining much feudal form and theory. It was the creation of our first three Edwards, and especially of the first two; and it is hard to say whether it owes more to the ability of the first than to the incompetence of the second.³ Its growth can be viewed in one sense as a contest between government by the king based upon his control of the household, the chancery and the wardrobe, and government by the king in council in which the matters of greatest importance were submitted to a body that was becoming a national assembly. The essential steps were taken by the first two Edwards, and in the succeeding period of Edward III and Richard II the position was clarified and consolidated. The failure of the personal government of Richard II was the victory of the controlling forces.

Edward I, a strong king and "very wise" as a contemporary calls him, had left parliament gathered round a council that was almost supreme. He knew at least how to keep the magnates in their places, little as the magnates appreciated his efforts. But he left to his son a sorry legacy of debt and trouble at home, in

¹ Stubbs, *Historical Introductions to the Rolls Series*, p. 291.

² Jolliffe, *Const. Hist. of Medieval England*, p. 372.

³ Jolliffe, *op. cit.*, 331 and 405.

Scotland, and in France. The inevitable result was a resurgence of the suppressed forces. The magnates reasserted their position as the king's primary advisers, and they effected their purpose through the medium of parliament, which necessitated an increase in the power of the commons. The height of the baronial resurgence was reached in the ordinances of 1311, but the victory of that year proved to be temporary. Of greater permanent importance were the statutes of 1322, enacted at York after the battle of Boroughbridge, and especially the declaration that "matters which are to be established for the estate of our lord the king and of his heirs, and for the estate of the realm and of the people shall be treated, accorded and established in parliament by our lord the king and by the assent of the prelates earls and barons and commonalty of the realm according as hath been heretofore accustomed".¹ The commons were feeling their feet and asserting their position. Their petitions were ceasing to be merely judicial and were becoming political, for "while individual grievances are matters of law, national grievances are matters of politics".² At the same time we must beware of exaggeration. In spite of lofty words and solemn assurances it was long before the commons felt themselves strong enough to intervene with effect in a major political crisis, and it was not until the reign of Henry V, a century forward, that their consent was deemed essential to the enactment of a statute.

The revolution of 1327 did not disturb the balance attained in 1322. It might easily have turned out otherwise, but it so happened that "the hesitating line of a half-drawn battle" was left to stand as a permanent arrangement until the Middle Ages were overpast and the medieval polity had passed into the modern state. And so, at this stage of its growth, with parliamentary monarchy established, we must leave the mother of parliaments. Much had still to be determined, much was as yet insecure, responsible government as we know it was a matter of the distant future, the whole structure might have foundered in the shifting sands of the Renaissance and Reformation, but if it is the first step that counts the first step had been taken beyond recall.

¹ Maitland, *Const. Hist.*, 177. VII C. *Med. H.*, 425. The quotation in the Cambridge History omits the important final words.

² Pollard, *Evolution of Parliament*, 60.

CHAPTER 32. THE COMING OF THE FRIARS

THE present seems to be the most appropriate place to write a short footnote upon a series of movements which rise and fall at intervals during the whole process of western civilization. The reason is that the formation of the mendicant orders was the most striking manifestation of a perpetual tendency. In a sense these movements are recurring protests against civilization itself; a renunciation of all the material advantages that man has acquired so painfully and slowly; a return to a life of simplicity, dirt, and discomfort; an affinity to and sympathy with the lowly, the outcasts, and the depressed. In the east, where religions grow wild, the movement is endemic; and the Indian fakirs, the Christian anchorites of the desert, and St. Simeon Stylites on his lonely pillar are merely examples of practices that are independent of any dogmatic system.

In the west the earliest, and in some ways the most remarkable of all these movements was the Greek philosophy known as Cynicism. The name, which in our tongue has changed its meaning without mitigating its tone of dislike, was in its earliest form a word of contempt. It meant dog-like, "they grin like a dog and run about through the city". The founder of the school was Antisthenes belonging to the great fifth century, but its most famous member was Diogenes, the legendary dweller in an earthenware tub and the contemporary of Alexander. We owe our fullest account of Cynicism to the sympathetic essay of Epictetus "On the Cynic's Calling," for in their ideals Stoicism of the brand of Epictetus and Cynicism had much in common. In the period of the early empire Dion Chrysostom preached and practised a cultivated cynicism, and the system lasted until the ancient philosophies were overwhelmed.

Cynicism differed from its successors of the same species in three respects; it lasted longer, it was founded on reason, and it was never institutionalised. It lasted in one form or another during the whole period of Greek culture without losing its ideals or its methods; it was founded on no purely emotional basis as were all its successors, but purported to be as rational as all the other philosophies; and it never became an institution, and consequently was not engulfed in an organised society. This

was the fate of all its successors and the differences may have been the main reason why Cynicism endured and the others did not.

The cynic in Epictetus proclaims his rule of life in this passage:¹

“First, you must show a complete change in your conduct, and must cease to accuse God or man: you must utterly put away the will to get, and must will to avoid only what lies within the sphere of your will: you must harbour no anger, wrath, envy, pity; a pretty girl, a fair name, favourites, or sweet cakes, must mean nothing to you. . . .

“The true Cynic must know that he is sent as a messenger from God to men concerning things good and evil, to show them that they have gone astray and are seeking the true nature of good and evil where it is not to be found, and take no thought where it really is: he must realise that he is sent to reconnoitre. For the Cynic has to discover what things are friendly to men and what are hostile: and when he has accurately made his observations he must return and report the truth, not driven by fear to point out enemies where there are none, nor in any other way disturbed or confounded by his impressions.”

And the method of leading a tranquil life is this:²

“Look at me: I have no house or city, property or slave: I sleep on the ground, I have no wife or children, no miserable palace, but only earth and sky and one poor cloak. Yet what do I lack? Am I not quit of pain and fear, am I not free? When has any of you ever seen me failing to get what I will to get, or falling into what I will to avoid? When did I blame God or man, when did I accuse any? Has any of you seen me with a gloomy face? How do I meet those of whom you stand in fear and awe? Do I not meet them as slaves? Who that sees me but thinks that he sees his king and master? There you have the true Cynic's words; this is his character and plan of life.”

A way of life of this kind—for it was a way of life more than a philosophy—must always remain the extravagance of the few

¹ Translation by P. E. Matheson, Livingstone, *The Mission of Greece*, p. 56-7.

² *Op. cit.*, p. 39.

rather than the method of the many, and its very extravagance begets fierceness in its critics. The lash of Lucian upon the cynics may be compared to the lash of Chaucer upon the Friars.

The next, and upon the whole the most important movement of the kind was the institution of the mendicant orders in the thirteenth century. It differed from the long established monasticism in that its devotees did not isolate themselves in remote places and endeavour to save their own souls by renouncing the world and attending innumerable offices, but by living in the world of action and trying to reform it by precept and example. Perhaps the immediate precursors of the mendicants may be found in the military orders of the crusades, but the friars, though they might be militant, were never military. The four orders of the friars, of which the first two were by far the most important, were first, the Franciscans, Friars Minor or Grey Friars; secondly, the Dominicans, Friars Preachers or Black Friars; thirdly, the Carmelities or White Friars; and fourthly, the Austin Friars. It may be well to add a few words about each.

The Franciscan order owed its survival to the personality of St. Francis, for it was one only of a number of fraternities of penitents which sprang up in Italy and France as one form of the mental awakening of the twelfth century. Most of them died young and some were condemned as heretical. St. Francis was born at Assisi in 1181 or 1182 and was the son of a cloth merchant of some position. Gay and high-spirited, he was a natural leader with no predilection at all for the humdrum routine of business. He started his active career as a soldier, but after a time suffered conversion, and found the ideal of his vocation in the instructions to the disciples in the tenth chapter of Matthew. The essence of his rule was an abounding sympathy with men and animals, of which the latter was a sufficiently rare phenomenon in the Mediterranean lands. In contrast to the silent austerity of the monks, courtesy, joviality, and merriment were to be the characteristics of his friars. When his little community had reached the number of the apostles, he sought and after some hesitation obtained, papal sanction from Innocent III. After the first steps had been taken the order spread rapidly in western Europe, and before St. Francis died in 1226 thirteen provinces had been formed. The condition of its survival was a considerable departure from the ideal of its founder. The organization natural

to the times was a guild, but St. Francis set his face against organization in any form, for the exercise of authority was repugnant to him, and he would have preferred the entire absence of order that characterised his predecessors, the Cynics. The pressure of opinion and the example of others were too much for him, and even within his own lifetime he had to submit to a constitution, which he effected by resigning the government to others, retaining to himself the influence of his own life. A few years after his death the election of a natural despot, in the person of Elias, to the position of general minister provoked a crisis, and the future of the order was only secured in 1239 by the adoption in essentials of the Dominican constitution. Included in the reforms then effected was the exclusion of the lay brethren from all offices. Previously their influence had been considerable if not preponderent.

In strong contrast to the Franciscan, both in origin and development, was the Dominican order. St. Dominic was from the first a cleric, and his life was marked neither by the abnegation of a secular career nor by any sudden conversion. The foundation of his order was a deliberate conception of an effective method to combat heresy, and in particular the heresy of the Albigenses. The renaissance of the twelfth century had naturally produced heresies and the Dominican order was the counter-measure of the Church, in the same way as the Society of Jesus was its counter-measure in the greater renaissance of the sixteenth century. Dominic came to the sensible conclusion that the self-denying life of the Albigenses could only be met by imitation, and by the acquisition of a learning that was equal to theirs. Like the Franciscans the Dominicans adopted a life of voluntary poverty, but their dominant occupation was preaching. Accompanied by his friend and patron Bishop Fulk of Toulouse, Dominic attended the Lateran council of 1215, and laid before Innocent III his plan for the establishment of an order of preachers whose diocese would be the world, and who would be subject to no episcopal authority but directly responsible to the Pope. The reply of the council was the prohibition of the foundation of any new orders. Neither Dominic nor Innocent was so easily restrained. The boundless ambition of Innocent saw in the plan an effective agency for promoting the supremacy of Rome, and his astuteness circumvented the conciliar decree.

Dominic, possibly instigated by the Pope, chose the rule of the Austin Canons, the vagueness of which was its chief recommendation. The Dominicans became in name Austin Canons, but within the framework of that rule they devised their own constitution. Innocent III died on 16th July, 1216, but his successor, Honorius III, followed his policy and in the following December confirmed the order and took it under his government and protection.

The Carmelites took their name from Mount Carmel where they were established as a community of hermits about the middle of the twelfth century. When Palestine became unhealthy for Christians they migrated to Europe, and two English knights returning from the crusade in 1241-42 brought some of them to this country, which became for a time the centre of the order. The great change took place in 1247 when they substituted the active life for the contemplative, and by acquiring the right to preach and to hear confessions became one of the recognised mendicant orders.

The Austin Friars likewise developed out of an order of hermits. They arose from the efforts of Innocent IV to unite a number of separate groups of hermits into one order, an effort that was substantially but not completely successful. By a Bull of Alexander IV issued in 1256 the Friars Hermits were formed into a mendicant order; they ceased to be hermits except in name; they began to live in urban congregations, and developed a constitution and a way of life similar to the other orders and acquired like privileges.

Though their origins were so different the four orders of mendicants, as soon as they had been definitely established, influenced one another and formed a common type, smoothing out their differences and accentuating their resemblances. The first principle was the life of voluntary poverty and the dependence upon alms, a life that was possible only "if needs were few and alms plentiful".¹ For half a century or so the first enthusiasms were sufficient to restrict the forces of disruption, but the popularity that they won was a subverting influence. Gifts were showered upon them, increasing numbers necessitated larger houses, magnificent churches required heavy maintenance

¹ A. G. Little in *Medieval England*, p. 390.

expenditure, and "the cares of poverty proved to the friars as exacting and distracting as the cares of property to the monks".¹ The enthusiasm and the popularity declined simultaneously and rapidly. Matthew Paris, writing in the first half of the thirteenth century, reflects the prevailing popularity, but in the succeeding century a great change had come over public opinion. The courtly Chaucer and the plebeian Langland agree in their denunciations of the friars and their ways, and Chaucer emphasises his dislikes by the contrast of his sympathetic treatment of the parish priest. In the church itself their popularity can hardly have been excessive from the first. Bishops would have been more than human to have welcomed a body of men answerable to the Pope alone and exempt from their jurisdiction, and the parish priest can have felt none too kindly towards interlopers who preached to the people when he was unable to preach, who heard the confessions of his parishioners that he should have heard, and took the mortuary fees that he should have received.

The friars during the thirteenth century at least were the intellectual leaders of Christendom. The Dominicans, founded to combat heresy, were from the first a learned order, and the Franciscans followed suit after some preliminary reluctance. The reconciliation of Aristotle with theology was the work of the Dominicans, but all the mendicant orders were pre-eminent in the medieval universities. That they were distinguished by industry and learning rather than originality did not diminish their influence at a time when originality and heresy were much the same thing. When we consider that Albert the Great and Thomas Aquinas were Dominicans, and that Robert Grosseteste, Roger Bacon, John Pecham, Duns Scotus, and William of Ockham were Franciscans, we realise how much medieval thought owes to the mendicants. To them also the church owes its greatest disgrace. The main original purpose of the Dominicans was the extirpation of heresy, and it was natural therefore that the new and terrible weapon of the Inquisition should have been forged under their influence and administered under their direction. That black page in history does not

¹ Little, *op. cit.*, p. 391.

concern us here, and with a mere reference to it we may conclude this brief account of the mendicant orders.

A briefer reference must suffice for the later successors of the cynics and the friars, sufficient merely to indicate their essential similarity. As were the friars in the thirteenth century so was the Society of Jesus in the sixteenth. Between Dominic and Ignatius Loyola there is the closest likeness both in ideals and methods. Both were impressed with a missionary fervour that extended to the bounds of the known world; both were convinced of the evils of the times; both looked to the church to effect the regeneration of mankind; both conceived the idea of a dedicated and disciplined society vowed to poverty and celibacy as the only instrument fit to effect their purposes. Their methods were somewhat different, because the times were different, but in purpose and organization they were the same. The Society of Jesus met the Renaissance of the sixteenth century as the Friars Preachers and Friars Minors had met that of the twelfth, with the like preliminary success and the like subsequent degeneration. For two other examples of the same spirit we may go to the Protestant Church in England. John Wesley's Methodism in the eighteenth century bears a striking resemblance to its Catholic predecessors, and his movement ended in respectability and organization; it became just another nonconformist church differing only in minor characteristics from the other self-called free churches.

In the nineteenth century William Booth founded the Salvation Army, again a society of poor preachers, but this time of both sexes, carrying a message of religious hope to the poor, the outcast, and the oppressed. The future of his society lies in the future, but already it has developed a high degree of organization and includes among its activities a friendly society, a building society, and a bank.

All these recurrent efforts extending over two milleniums of human history bear the strongest family resemblance to one another: all under different forms embodied the same ideal; all began with abundant enthusiasm and loose organization; all lost their first enthusiasm after a time; all, with the exception of the Cynics, became institutionalised; and all were deflected by the impregnable rock of human nature.

PERIOD IV

THE RENAISSANCE

CHAPTER 33. GENERAL TENDENCIES AND BASIC INVENTIONS

“THE modern age”, wrote Lord Acton, “did not proceed from the medieval by normal succession, with outward tokens of legitimate descent. Unheralded, it founded a new order of things, under a law of innovation, sapping the ancient reign of continuity.”¹ Perhaps this statement is in some degree an exaggeration. The positive advances made in medieval times were not discarded. Gothic architecture indeed came to an end, or was reduced to an imitative effort from which the spirit had departed; but the universities retained their life and were rejuvenated; the Roman law made the new conquests of the Reception and established a wider sphere of influence in international law; the common law braced itself for the coming conflict against autocracy, and parliament gained strength and stature to become the central focus of the same struggle. Nevertheless, in its main substance Lord Acton’s statement is accurate. So far as anything can be revolutionary the Renaissance was revolutionary. It has been said that classical times were modern and that the Middle Ages alone were ancient. For all its air of paradox the saying contains a profound truth. We read medieval books with an effort, the atmosphere is different, the method of thinking strange, the basic assumptions alien, we hardly seem to be living in the same world; but with an ancient author we are at once upon terms of easy familiarity; the differences are not to be minimized but the fundamental outlook is the same. We are the children of the Renaissance, and our medieval ancestors are remote and many times removed.

So completely are we the children of the Renaissance that it is difficult to comprehend the revolution it effected. Neither is the central character of that fundamental change always appreciated. The influence of the Renaissance was universal, the aspects

¹ *Lectures on Modern History*, p. 3.

of it were as many-sided as human life itself, and thinkers in different departments are apt to regard it from the point of view of their own particular specialities. The scholar stresses the revival of ancient letters, the refounding of humanism, and the new orientation of thought. Those of a religious mentality centre their ideas upon its by-product, the Reformation, and the momentous results that it effected. To the artist and the architect it opens the golden age of painting, the submergence of Gothic, and the re-birth of Romanesque architecture. The publicist emphasises the political ferment and the foundation of the sovereign state, the rapid decline of feudalism, and the extension of capitalistic enterprise. No one would deny or even minimize the importance of the changes that marked the transition from the Middle Ages to modern times, but they all depended for their full effect upon the revolution in the basis of thought, and that was produced by the circumnavigation of the globe and the promulgation of the Copernican theory.

The medieval conception of the universe—happily styled the “three storey theory”—can be illustrated from the twelfth century Mappa Mundi preserved in Hereford Cathedral, or from the illustration of the Ptolemaic system in the Nuremberg Chronicle (1493). The world is shown flat and the countries thereof symmetrically arranged around the centre at Jerusalem. Round the land was the ocean, but whether the thing had any definite edge was not clear—at any rate nobody had ever fallen off. Some had speculated about the existence of the antipodes, but the speculation had a taint of heresy. Above the flat earth was the vault of heaven in which the sun, moon, planets and stars revolved for the purpose of lighting the earth. Above the vault was seated the “master of the show”, who had created and ordered the entire scheme. In some indefinite situation below was the Inferno presided over by the Prince of Darkness.

In less than a generation the basis of this thousand-year-old theory was shattered to its foundations. In September, 1522, Magellan's last surviving ship anchored at the mole of Seville. The antipodes were transformed from heresy to fact, and the flat earth had become a globe poised in space. Twenty-one years later Copernicus, just before his death, received into his hands his great treatise *De Revolutionibus Orbium Coelestium, Libri VI*. The flat earth theory perished quickly among those

who thought, because no such theory could maintain itself against the patent fact of circumnavigation, but the Copernican theory travelled much more slowly towards acceptance. It passed through the work of Tycho Brahe, Kepler, and Galileo to the crowning glory of Newton. More than a century after Copernicus Milton could not quite make up his mind about the matter, and he makes the archangel Raphael evade Adam's inquiries concerning celestial motions. It took three centuries to overcome the hesitation of Rome, and only in 1822 "the sun received the formal sanction of the Papacy to become the centre of the planetary system".¹

But when these things could no longer be questioned, except by cranks and fanatics, idea-hating mankind was tormented by a complete overturning of every notion sanctioned by common-sense and theology. The earth sank from the centre of the universe to a fifth-rate satellite of a fourth-rate star. The vault of heaven became a limitless depth of space wherein distances could only be measured by light-years—a conception that the intellect may utilise but no imagination can comprehend. The Prince of Darkness was banished as a joke, and his dwelling-place degraded to an oath. The "master of the show" receded further and further in distance, and became rarer and rarer in substance, until some nineteenth century thinkers could only retain him at all as either a stream of tendency, or the unknowable, or that complete vacuity, the philosophical Absolute. No such intellectual revolution had ever occurred before, and we fail to realise its greatness only because its results have become the commonplace and accepted foundation of all our thought.

The Renaissance was based upon, or at least preceded by, a few basic inventions that facilitated its progress if they did not condition its existence. The first and one of the most generally beneficial of these was the invention of spectacles. Neither the name nor the date of the inventor is known accurately. Credit has been given to different Florentine monks in the early years of the fourteenth century, but there appear to be references to the magnifying power of lenses in a Moorish writer Al Hazem in the twelfth century, and in Roger Bacon in the thirteenth. It is at least certain that a portrait of a cardinal painted in 1352

¹ Whetham, *History of Science*, 124.

at Treviso shows that he used spectacles. In the following century they were manufactured regularly at Nuremberg. It is difficult to exaggerate the social and cultural importance of this discovery. Life in the Middle Ages was generally short, but even so there were men who escaped its diseases and dangers and attained old age. There is no escape from the long-sightedness that develops with the middle years of life, and the work of the scholar and the scribe must have become impossible long before the physical condition of the individual deteriorated. For the many who suffered from some defect of normal vision there was no remedy. The invention of printing, the consequent increase in writing, and the easy multiplication of books accentuated the evil many fold—but the modern world has been provided with a palliative to which the science of antiquity never attained. The invention of spectacles and the development of medicine have rendered a green old age possible and endurable.

The second basic invention was the mariner's compass. In China the principle of the magnet or south-pointing instrument was known at a period almost incredibly remote, but its use appears to have been much restricted, probably because of the absence of other advances in physical science. Thales, the first of the Greek philosophers, knew of the peculiar properties manifested by the iron ores found near Magnesia in Hither Asia.

“The magnet's name the observing Grecians drew
From the magnetic region where it grew.”

The science of classical antiquity never busied itself with the phenomena of electricity and magnetism, and we are not certain whether the suspended magnet was known, or if known was used in navigation. The probabilities are that it was not. The voyages of the ancients were all coastal, and with clear skies the bearings of the stars would give the navigators as much information as they required. In cloudy northern latitudes the position was quite different. We can scarcely guess how the knowledge was acquired, but it seems to be established that the Vikings knew and used the mariner's compass in some form. Its use is attested by records, and their ocean voyages to Iceland, Greenland, Labrador, and Vineland would have been impossible without the assistance of this essential instrument. The Vikings must also have known of the variations in magnetic declination,

and this knowledge must have passed to their successors and become part of the sea lore of western Europe, to be used by Columbus and the navigators of the age of discovery.

The importance of these advances in knowledge was overshadowed by the discovery of printing, perhaps the most far-reaching, certainly the most spectacular of the Renaissance inventions. It was preceded by a development without which its utility would have been severely restricted—the use of paper. Leaves, bark, wood in tablet form, and clay were early writing materials, but the most important during the ages of classical antiquity was papyrus. There are records of the use of linen but they are occasional. Gradually the prepared skin of the sheep, known as parchment or vellum, superseded papyrus because it was less brittle and infinitely more enduring. A great manuscript such as the Codex Sinaiticus exemplifies its beauty and its permanence. It remained the universal writing material throughout the Dark and Middle Ages, but its cost could not be sensibly diminished, and books remained expensive luxuries, not only because of the labour of the copyist but also because of the material upon which they were written. Paper is a vegetable fibre made into a pulp by the addition of water and then deposited upon a prepared surface and dried. Papyrus is in reality a form of paper, but its manufacture depended upon the growth of a single plant with a restricted geographical range. It seems to be established that paper was invented by Tsai Lunn in China at a date given as A.D. 105, and was maintained as a strict secret for many centuries. Ultimately the secret was wrested from the Chinese by the Arabs and brought to Europe in the eleventh century. Its use and manufacture spread slowly but effectively, and before the end of the Middle Ages the paper mill had been established in every European country. When printing was invented the material that alone could make the invention effective was at hand.

Printing, like paper, is said to have been invented by the Chinese, but in no effective sense can the discovery be attributed to them. It is probably true that they can be credited with the idea of cutting letters in relief, spreading ink upon them, and then taking an impression. Without this idea as a foundation printing would have been impossible, but the process was laborious, slow and costly, and could in no way compete with the

work of a skilled and rapid copyist. It is not clear whether the idea of cutting a block in relief spread from China, or whether it was devised independently in the west, but it does not seem to have appeared in Europe until the fifteenth century. At that time block books of short texts were being produced, but at this stage, though the essence of the process was in use, printing had hardly advanced beyond a scientific toy or a laboratory experiment. The storage of the wooden blocks was a problem in itself, and though the process might serve for the circulation of a proclamation, or a thing of a few pages, it was useless for a book of any length.

The honour of the discovery that transformed printing from a toy to a revolutionary influence has been awarded by general consent to Gutenberg of Mainz, but the details of the story are obscure and are likely to remain so. The city was famous for its metal work and the family of Gutenberg belonged to the guild of the goldsmiths. He was initiated early into the mystery of metals, and developed a faculty for experiment and invention. In 1438 the records of a law suit with some citizens of Strasburg give indications that Gutenberg was working at secret devices that could only have related to printing, but nothing in the nature of definite evidence of the nature of the devices. From then until 1448 obscurity again descends upon him, but in that year he had returned to Mainz and was apparently working at the project that was to result in the achievement of 1454-56. During these years of obscurity he had solved the basic problem.

To do that he had concluded that the unit must be neither the page, nor the line, nor the word, but the single letter, and these units must be of uniform length so that they could be fitted together in any order. The instrument whereby this was accomplished was the type-caster. This was his invention; and so thoroughly did he perfect it that it remained practically unchanged until the very modern development of the linotype machine. "Briefly, the instrument is a mould, of the exact size of the type required and opening on a hinge. At its base is inserted the matrix, a slip of metal into which the face of the type to be cast has been struck from a punch. The mould being closed, it is filled with molten metal poured through a hole at the top. In a moment this has set hard and so become a type. The mould is opened and the type drops out, ready for use.

Closed once more, the mould is ready to cast the next type. The whole operation is all but instantaneous and calls for no skill. As the letters of the alphabet differ appreciably in width—'m', for example, being more than thrice as wide as 'i'—the mould must further be adjustable to any width of matrix required. When Gutenberg had perfected this instrument (and not before) his problem was solved. With types by the thousand always at hand at a few hours' notice the copyists were beaten."¹

The records of the next few years are those of disputes and difficulties between Gutenberg and Fust, a financier from whom he was borrowing the necessary capital. Much vituperation has been poured upon the head of Fust for reducing Gutenberg to insolvency, but we know nothing for certain of the merits of the disputes between them, and it is quite possible that Gutenberg, like so many inventors, was unbusinesslike and dilatory. At any rate the work was accomplished. At some date before August, 1456, the great Mazarin Bible was published, a magnificent folio of 641 leaves in double columns, the first triumph of the new art and not the least. It was followed in 1457 by the Psalter, the first book to which a definite date can be fixed. This was probably produced by Peter Schoeffer, an erstwhile technical assistant of Gutenberg, in association with Fust.

Once fairly set upon its course the new invention spread with amazing rapidity. The Catholicon of Balbus, a great Latin dictionary and encyclopaedia, may have been printed by Gutenberg in 1460, but after that the original inventor recedes into honourable retirement. Before the end of the fifteenth century, the period designated by book collectors as that of the Incunabula, nearly 100 editions of the Vulgate had been printed, about 70 of the *Imitatio Christi*, and missals, breviaries and books of hours in quantities that can only be called immense. The fathers and doctors of the church followed in numerous editions, and with the migration of the art to Italy in 1465, Gutenberg's invention caught the revival of learning at its inception, and the Latin, and later the Greek classics were poured from the presses in an incessant stream. So the art spread to France and the Low Countries, and even in backward England, distracted by the

¹ "The Times" Commemoration Supplement of the 500th Anniversary of the invention of printing by movable type, January 15, 1940.

wars of the Roses, Caxton began printing in 1474 and, before he died in 1491, had produced about 100 volumes. Before the last decade of the fifteenth century Aldus began printing his pocket editions of the classics, still marvels of cheapness and excellence. With these the full extent of the revolution was accomplished within half a century of its initiation. The Aldine classics and the voyage of Columbus open the modern world.

CHAPTER 34. THE AGE OF DISCOVERY

THE age of discovery separates the modern world from the medieval by one of the most far-reaching of all human triumphs. Few persons study astronomy to any purpose, and the theory of Copernicus long awaited demonstrative proof, and filtered but slowly into the everyday thought of men. The literary side of the Renaissance was necessarily confined to the small minority who could read and write, and its effects were limited by the slow spread of education. But the exploration of the world affected everybody and was known to all. No Inquisition could hinder, no Papal ban could limit, knowledge that came by experience to the most unlettered of sailors as to the most erudite of captains, and spread from the gossip of a thousand ports. The medieval world as the common man saw it was static, confined, and unalterable. It had remained so for untold ages and there seemed no reason why the passing of many more centuries should change it. Suddenly, in scarcely more than a generation, the entire perspective of life was transformed completely, not to the learned alone but to every man.

Creighton, when introducing the *Cambridge Modern History* to the world, wrote these words: "Any one who works through the records of the fifteenth and the sixteenth century becomes conscious of an extraordinary change of mental attitude, showing itself on all sides in unexpected ways. He finds at the same time that all attempts to analyse and account for this change are to a great extent unsatisfactory. After marshalling all the forces and ideas which were at work to produce it, he still feels that there was behind all these an animating spirit which he cannot but most imperfectly catch, whose power blended all else together

and gave a sudden cohesion to the whole. This modern spirit formed itself with surprising rapidity, and we cannot fully explain the process". Sir William Dampier,¹ commenting upon this passage, rightly remarks that the effects of different factors came to maturity together, that the result was cumulative, and "advanced with accelerating speed in the irresistible torrent of the Renaissance". That is perfectly true, but we may conjecture that the discovery of the world was the dominating factor because the knowledge came so suddenly, spread so rapidly, and overturned accepted ideas so completely. The process was begun and carried to completion within the century from 1426 to 1525, but it began slowly and tentatively, gathered force gradually, and in the last decade of the fifteenth century burst upon an astonished world in all its catastrophic finality.

In the later Middle Ages the Moors were masters of the North African coast and knew that the Atlantic coast of the Sahara desert ended in a fertile tract watered by the Senegal river. They called it the Bilad Ghana or Land of Wealth, but they made no attempt to reach it by sea, as the slave trade that they monopolised was carried on by land across the Sahara. The Genoese first, and afterwards the Portuguese, transformed the name Ghana into Guinea and in this form placed it permanently on the map of Africa. The decisive event was the capture of Ceuta by the Portuguese in 1415, and the appointment of Prince Henry—surnamed the Navigator because he never navigated—as its governor. He was an able and persistent organizer, but later ages, viewing his achievements in the light of after events, have attributed to him large designs that he never conceived. On the contrary he set before himself a limited objective and fulfilled it. His ideas were almost those of a crusader born out of due time; first, the creation of a greater Portugal along the Guinea coast; and, secondly, the administration of Madeira and the Azores by the military order of Jesus Christ as the successors of the Templars. Prince Henry entered upon the slave trade in order to finance his design, but he may be absolved from the charge of being a mere slave trader.

In 1440 the first island of the Azores was discovered, and in 1441 Goncalvez, sailing to Rio Ouro on the Saharan coast for

¹ *History of Science*, p. 112.

sealskins and oil, succeeded in capturing two of the natives and brought them home in triumph. In the succeeding years the slave trade was organized, and the penetration of the African coast southwards extended. In 1445 Lanzarote, an experienced seaman commanding a fleet of 26 caravels, reached the mouth of the Senegal, and the Guinea coast had at last been found by the way of the sea. The Senegal river was then known as the Western Nile; for the lack of geographical knowledge at the time is illustrated by the illusion that the Senegal had its source near that of the Nile, so that the Christian kingdom of Abyssinia could be reached by following the "western Nile" to its source and then proceeding down the real or eastern Nile. The result hoped for was that the area of Mohammedan domination in North Africa would have been outflanked and an independent route established to the far east. In the same year two other captains in the service of the Navigator passed Cape Verde and reached the Gambia, and in the following year Cape Rosco was discovered and exploration continued to the Rio Grande. In the later years of his life the Navigator's attention was chiefly directed to the discovery and colonization of the Azores, and it is not certain whether, when he died in 1460, his explorers had passed further south than the tenth degree of north latitude.

During the next twenty years the process of discovery was steadily but not spectacularly continued; but the voyages were still coastal, they had not yet become oceanic. Before the death of Alfonso V in 1481 the Portuguese had determined the outline of the Gulf of Guinea, passed the mouths of the Niger, found the island of Fernando Po, and traced the now southward tending coast line as far as Cape Lopez.

The pace then quickened enormously and before the close of the century had attained revolutionary dimensions. In 1485 Bartholomew Diaz was commissioned by the King of Portugal to explore the African coast to its southern termination. After passing the mouths of the Congo he resolved to stand out to sea, and when westerly gales drove him back he found himself at Mossel Bay on the south coast of Africa. He might quite easily have missed the land entirely and found himself without knowing it in the Indian Ocean. He then coasted as far as the Great Fish River, and as the coast was now clearly tending north-eastwards he knew that his purpose had been accomplished. On the return

voyage he passed the great promontory that he had missed on the outward journey. He called it the Cape of Tempests, but afterwards it was to bear the more flattering name of Cape of Good Hope.

At this point Portuguese exploration halted for more than a decade, and in the interval the most far-reaching of all the voyages had been made, but not by them. The intellectual ferment that the discoveries were creating in the mental outlook of Europe is well illustrated by a letter addressed by Politian, one of the foremost Italian scholars of the Renaissance, to the King of Portugal.¹ The purpose of the letter was to suggest that discoveries so momentous should be recorded adequately, and Politian could not think of anyone better qualified to undertake the task than himself. The letter at least shows that a revolution was being accomplished and that contemporaries recognised it as such; for a great scholar was prepared to turn away for a moment from his beloved classics to notice the world beneath his eyes.

From the time of Plato a legend had persisted of a lost land of Atlantis somewhere west of the Pillars of Hercules. The Greek geographers who had measured the sphericity of the earth had built their conjectures of undiscovered western lands on a more solid foundation. The basis of their speculations was lost in the eclipse of knowledge, but the conjectures persisted, and the medieval prodigy, Roger Bacon, had speculated upon them to some purpose. A body of legend pointed in the same direction. The Welsh legend of Madoc and the Irish legend of St. Brendan belong to the domain of Folk lore, and so does the discovery of Vineland by the Vikings, recorded in the Icelandic sagas.² The idea fermented in men's minds after the exploration of the African coast by the Portuguese, and many voyages of which no exact record remains were undertaken to discover the fabled island of Anhilha or Atlantis. They were inevitably fruitless, because the explorers having no idea of the size of the island that they were seeking,³ zigzagged to and fro obsessed by the notion that they might have passed the object of their quest. It was the supreme

¹ Quoted by E. J. Payne in *C. Mod. H.*, I, 18.

² Lord Raglan has adduced cogent reasons for thinking that the Vineland story has no historical foundation at all. *The Hero* (1936), 68 *et seq.*

³ The discovery of Madeira and the Azores would favour the idea that Anhilha might not be of any great size.

merit of Columbus that he abandoned any search for *Anthilha* and sought to reach the eastern shores of Asia by a direct westerly route.

Columbus was already one of the most experienced seamen of his age. He had constantly been employed in the Guinea voyages, and from Bristol he had sailed beyond Iceland. There could be no question of his practical competence but that alone would not prove the validity of his idea. The project with the glittering prospect of a sovereignty of unknown dimensions was hawked round Europe by its persistent author. The King of Portugal, with his eyes fixed steadily on the route to the east round Africa, rejected it. So did Genoa and Venice to whom it was of vital interest that the eastern trade should not be diverted from its existing routes. Then it was offered simultaneously to the Kings of England and Spain. Henry VII, sitting on an uneasy throne and troubled with the aftermath of the Wars of the Roses, delayed; and when at last Columbus was summoned to a conference he was far advanced in his negotiations with Ferdinand and Isabella. On 17th April, 1492, the Spanish contract was signed, on 3rd August his three ships sailed from Palos in Spain; on 6th September he left Gomera in the Canary Islands, and on 12th October he landed on one of the Bahamas. He did not realise, during the remainder of his life he never realised, the extent of his achievement. Until the day of his death he believed persistently that he had reached the eastern shores of Asia. So completely had the Greek speculations of the size of the earth been lost that Columbus worked upon ideas that reduced the circumference of the globe to nearly half the reality.

During the remainder of his life Columbus made three more voyages, but the results to the Spanish sovereigns that he represented were barren and unproductive. The gold was scanty, the slaves were useless, and the capacity of Columbus as a governor was absent. Finally he was recalled, and Spanish jealousy of the successful foreigner obscured his achievement. His name was almost forgotten, and when an inaccurate account was published of the adventures of a much-travelled merchant—Americo Vespucci by name—the merchant was credited with having attained the new world before Columbus. The error persisted; the new continent, when it was known to be a continent and

not part of Asia, was named America after him, perhaps not too seriously; and when the mistake was discovered the name had struck its roots so deep that it could not be eradicated. History has many ironies, but few injustices so deep and persistent as this.

Meanwhile Henry VII, who had so narrowly missed the patronage of the decisive voyage of Columbus, was stirred by the news of the great achievement. The merchants of Bristol had long traded with Iceland, and often used the services of the skilled seamen of Venice and Genoa. At their instigation John Cabot, the Venetian, and his three sons obtained letters patent from the King to search for unknown lands beyond the ocean in northern latitudes and to acquire their sovereignty for the Crown of England (5th March, 1496). The voyage was quite successful, but it reached the inhospitable and barren shore of Labrador and the forest-clad hills of Newfoundland. These seemed to promise no profitable commerce, nor any commerce at all, for neither Cabot nor his sponsors had any inkling of the wealth of the Newfoundland fisheries. A second voyage was projected but never made, for the distant lands promised no easy money. The merchants returned to their ledgers and their accustomed ways, and more than a century passed before it was realised that North America could only be exploited by colonization and settlement, and the stream began to flow that was to establish the English language and the English law over half of a great continent.

The Portuguese had occupied the years since the voyage of Diaz in consolidating their position and organizing their trade, but the discoveries of Columbus stirred the new king, Manuel the Fortunate, as they had stirred Henry VII, to carry their projects to their logical conclusion. The voyage of Vasco da Gama was a far greater feat of seamanship than the straight voyage of Columbus, for the distance was immeasurably greater and the difficulty considerably more formidable. At the same time the two terminations were known, and it was the attainment of an end steadily envisaged and not an adventure into the void.

By this time confidence had been gained, and da Gama no longer hugged the coast like his predecessors, but boldly faced the ocean. He left the Cape Verde Islands on 3rd August, 1497, and by a direct route touched St. Helena Bay, north of the Cape

of Good Hope, on 8th November. Then he resumed coasting, and nosing his way round the southern shore of the African continent, passed the Great Fish river, the furthest point of Diaz's exploration, on 8th December. On Christmas Day he reached Port Natal, which he so named from that circumstance. He was now traversing waters wherein no European ship had ever sailed, but finally, on 2nd March, 1498, he anchored at Mozambique. East and West had met at last, for da Gama was now in waters familiar to the Arab seamen, who were the repositories of knowledge going back to an immemorial antiquity, and with their goodwill could obtain capable pilots. He coasted again as far as Mombasa and, striking across the ocean once more, arrived at the great trading centre of Calicut on the Malabar coast of India on 20th May. It is hardly within our present purpose to follow da Gama further, but he obtained exact information about the Far East as far as Sumatra, and finally returned to Lisbon in September, 1499, with a valuable cargo of spices and precious stones. Neither is it within our purview to chronicle the establishment of the Portuguese empire, and the work of the great captain Albuquerque, who extended the dominion even to Malacca. Nor is it necessary to record the successive steps by which the coast line of the American continent was determined, nor the conquest of Mexico and Peru, but we pass to the crowning achievement of the whole breathless period, the first circumnavigation of the world by the ships of Magellan.

Magellan was a Portuguese seaman of experience who had been much employed in voyages to the Far East. He met with a mishap of some kind in Morocco as a result of which he suffered from permanent lameness. He failed to secure what he considered adequate compensation from King Manuel, and in a fit of temper renounced his nationality and, together with Falero, an astronomer, offered his services to the Emperor Charles V. The scheme that they formulated was nothing so visionary as a circumnavigation of the globe, but a way to the spice islands by a westerly route round the assumed southern end of the American continent—in short, to carry out the original plan of Columbus. The project was received with favour, and on 20th September, 1519, he sailed with his little squadron from San Lucar. After crossing the Atlantic the great estuary of the

River Plate had to be explored in order to prove that it was not the western passage that he sought. More months were employed in threading the inhospitable coast of Patagonia, and on 21st October, 1520, he entered the terrible straits that have since borne his name. On 27th November he passed the great obstacle and the Pacific Ocean lay open before him.¹ Thence the voyage proceeded slowly, but the leader was not destined to survive to its end. On 27th April, 1521, he was killed in a scuffle with some natives of the Philippines. One ship alone of his squadron survived, and that was his own ship, the *Victoria*; and at last on 8th September, 1522, Sebastian del Cano brought her safely home across the Pacific and Indian Oceans and past the African coasts. The voyage, "the greatest feat of seamanship the world has ever known", and a drastic overturning of accepted ideas, had lasted a few days short of three years. A touch of comic relief marked its conclusion. The voyagers had mysteriously lost a day in their transit of the world. That was not in itself a great matter, but it had the important consequence that they had kept the fasts and festivals of the church on the wrong dates. To expiate such sin a penance was necessary, but because they had done great things and had not sinned deliberately, mercy could mollify justice and the penalty was made light. Columbus rested forgotten in his grave, but events had justified his ideas.

No more revolutionary overturning of men's thoughts than the discovery of the world had ever taken place, and it may be fitting in this place to refer to two of its more far-reaching results. In the first place it inaugurated the centuries of hope. The medieval world, despite its accomplishments, was a closed and limited world in which there was little to widen men's thoughts, in which things might go well or ill, but generally ill, and of which the best that could be said was that the time was probably short. The end of the creative period of the Middle Ages was followed by the deep calamity of the Black Death, the fall of Constantinople, the final destruction of the Eastern Roman Empire, and the irruption of the Turks into Europe. The fifteenth century, in spite of the advocacy of some valiant defenders, was a bloody and immoral age, and only in Italy and

¹ For a classic description of the Straits see Darwin's *Voyage in the Beagle*, ch. XI.

Portugal were new seeds beginning to sprout. The influence of the church was pervasive, and the church was sunk in nepotism and financial jugglery which the conciliar movement had been powerless to amend. The historical perspective was desperate and the outlook black.¹

In less than a generation the whole aspect had changed. The end of the world had receded to a future so distant that it was not worth serious consideration, the last judgment was even more remote, the golden age was before not behind. The world was open, its spaces seemed infinite, its opportunities boundless, new maps could be published "with the augmentation of the Indies", man was at the beginning of his greatest achievements, not at the end of an existence of misery. The mental atmosphere was changed completely and to its very basis; optimism was the note of the future, pessimism was banished to the despised Middle Ages to which it belonged, ideas and ideals were explosive and permeated every branch of thought. The change was not transient but persistent. Every century from the Renaissance onwards was a century of hope. In the nineteenth century the movement perhaps reached its culmination when the tremendous material results of the industrial revolution was reinforced by a conception of inevitable progress or the theory of evolution viewed through rose-coloured spectacles. On 4th August, 1914, the optimistic theory suffered what we may hope, but at present can only hope, may be a temporary setback. Gibbon, speculating upon the future, could find no barbarians in the world that would be in the least likely to overcome the forces of civilization. He never envisaged the possibility that barbarians within the confines of Europe itself would throw off their veneer of civilization, and use the instruments that civilization had given them to secure its overthrow. "Scratch the Russian and you find the Tartar" runs the ancient proverb, but it is not even necessary to scratch the German to find the savage.

In the second place the discovery of the world produced a fundamental change in the value of money. It has been suggested that shortage of the precious metals was one of the more potent causes of the fall of the Roman Empire. The available mines began to fail and "the treasure of the Empire available for money,

¹ Oman, *Writing of History*, p. 117.

estimated at the equivalent of £380,000,000 in the time of Augustus, had shrunk to about £80,000,000 in that of Justinian".¹ The evils of deflation followed. Production ceased to be remunerative as prices fell, land went out of cultivation, taxation became more and more oppressive, and the supervening civil disturbances and constant wars accentuated the evils. The evils persisted during the Dark Ages and it is certain that the Middle Ages suffered from a chronic shortage of money, not in the relative sense in which everybody suffers such shortage, but absolutely. The tradition or the prejudice of mankind prevented men from accepting coins made from anything except silver or gold, and there was no sufficiency of these metals available to make enough coinage to do the world's work. The Middle Ages suffered from chronic deflation, and a subsistence economy was the melancholy result. The discovery of the new world and the stream of treasure that flowed steadily thence into Europe changed this condition completely. Spain, the recipient of the treasure, pursued a policy of endeavouring to retain it in the country with disastrous effects upon its own economy, but the general results could not be prevented. Money became abundant and generally honest, its value fell and prices rose, the prospects of relative prosperity were opened, and could have been vastly increased but for the folly and ambition of men.

CHAPTER 35. THE REBIRTH OF SCIENCE

MODERN thought is so permeated by science that it often pretends to be scientific when it is not, for an affectation of scientific method confers a spurious authority upon propaganda; but the rebirth of science at the Renaissance detached the modern from the medieval mind more profoundly than any other achievement of that epoch of change. Verily the period of darkness had been long. Scientific thought was struck with sterility at an earlier time than any other element of classical culture, and the time coincided roughly with the final establishment of the Roman Empire. The reasons for this remarkable

¹ Whetham, *History of Science* (2nd edit.), p. 74, referring to Alison's *History of Europe*, Vol. I (1853 edit.), p. 31.

eclipse of the human intellect are entirely obscure.¹ The elder Pliny was as conspicuous for his curiosity as for his credulity. Galen was an original investigator as well as a compiler and a theorist. Strabo the geographer, and Ptolemy the geographer and astronomer, also combined investigation with systematization. With these names the formative period of ancient science comes to an end, and the glamour of their names actually retarded investigation. In the times that followed a written authority was required for everything and all writing acquired a cloak of sanctity. Men revered the authority of Galen, Ptolemy, and Strabo, but they never attempted to imitate their spirit of free inquiry.

The Dark Ages in Europe were in Science a period of unrelieved blackness, but their later centuries were contemporary with the flourishing of Arabic culture. The greatest of the Muslim doctors were not content to acquire the relics of Greek learning, but made investigations and discoveries on their own account. They preserved much and added something, and in the Renaissance of the twelfth and thirteenth centuries their knowledge slowly penetrated into Europe, largely owing to the efforts of learned Jews. But, in brief, there is one figure, and one figure only, in the Middle Ages to whom we can attribute any considerable measure of the scientific spirit. Roger Bacon lived in the thirteenth century and was a brother of the Franciscan order. His outlook was limited by the intellectual atmosphere of the times and by his own calling, but he alone among all the known men of the Middle Ages clearly conceived that experiment and nothing else gave certainty in science; he was "a true harbinger of the ages of experiment, of whom Somerset, Oxford, and England may well be proud".²

The rebirth of Science may be grouped round three names, Vesalius, Copernicus, and Leonardo da Vinci. Of these the third was the earliest and greatest, but as he published little, his

¹ B. Farrington, *Science in Antiquity*, p. 227, discusses this question and says: "But when we search into the causes for the slowing down of the advance of ancient science we must conclude that essentially it was an internal phenomenon. Greek science was not killed, it died. It had reached the limit of possible expansion within the mould in which it was cast". His reasons seem sound as far as they go, but do not strike one as convincing or adequate. Perhaps the influence of Plato, that disaster to science, may have had something to do with it.

² Whetham, *History of Science*, p. 102.

ideas became known slowly and his influence was indirect. It will be more convenient therefore to transpose the strict chronological order. 1543 stands out as the birth-year of modern science because it was the date of publication of two works upon widely different subjects but both revolutionary in their respective spheres—*De Corporis Humani Fabrica* by Vesalius, and *De Revolutionibus Orbium Celestium* by Copernicus. The *Fabrica* of Vesalius was the first modern book on anatomy that was based upon dissection and not upon the authority of what Galen had said. As we shall see, dissection had already been practised on a large scale by Leonardo da Vinci, but his results were concealed in his note books. It was not the advances in knowledge made by Vesalius that stamped his work with originality, though they were neither few nor unimportant, but the method that he pursued consistently. He attributed the decline in medicine to the neglect of dissection due to the fact that free men regarded manual work, and manual work of an exceedingly unpleasant kind, as a degradation.¹ He insisted that the only path to knowledge was dissection and observation, and upon that sure ground alone could the successful practice of medicine be based.

Vesalius was opposed by the forces of prejudice and superstition, Copernicus effected his great revolution in thought in the teeth of such scientific opinion as then existed. He could not prove his theory by observation, because the necessary instruments of precision had not then been invented, and the methods adopted by the Greek astronomers had been forgotten. Consequently he rested his theory upon its aesthetic appeal. The arguments against it were certainly formidable. If the earth were really moving, it "stood to reason" that a stone thrown up vertically in the air would fall down at a point to the west of the point of projection. Furthermore, if the earth moved at all it necessarily moved at a great pace, and it was difficult to imagine how the globe itself or any loose bodies upon it retained their cohesion. When the plainest conclusions of common sense were supported by the ineffable authority of Aristotle it was the height of stupidity, to say nothing of impiety, to hesitate a doubt. It needed a long time and much research to demonstrate that science, far from being organized common sense as some

¹ Farrington, *Science in Antiquity*, p. 228, who gives some illustrative quotations.

men of science had imagined, was the very antithesis of common sense. The universe of Newton was more or less intelligible if one did not delve too deeply into fundamentals; the universe of Einstein is an intellectual nightmare.

The argument of Copernicus that the sun was the motionless centre and that all the planets revolved round it was based, therefore, upon the beauty and harmony of the solution that it afforded. God was always the mathematician, and being the perfect mathematician, had based his creation upon the maximum amount of mathematical harmony. The perfect figure was the circle—that was an axiom that needed no demonstration—but Ptolemy had required no less than eighty epicycles to fit his theory to the observed movements of the sun and the planets. That seemed to be a cumbersome system for a perfect mathematician to have devised, for no one yet had dared to suggest the idea that nature was untidy and wasteful. Copernicus could not resolve the dilemma even by making the sun the centre of the planetary system, because the planets obstinately refused to move in perfect circles, but his assumption reduced the number of epicycles from eighty to thirty-four. The mathematical artificer was still far from having produced a perfect handiwork, but at least thirty-four epicycles were a nearer approach to beauty, simplicity, and harmony than eighty.¹

The Copernican theory made its way slowly because it was long before the proof to demonstration was forthcoming. As we have already remarked, Milton, a century-and-a-half later, skilfully evaded a decision on the matter. Kepler, towards the end of the same sixteenth century, abolished the circles and the epicycles and proved that the planets moved in ellipses, with the sun at one focus of the ellipse. It was a profound shock to the thinking world to discover that the heavenly bodies did not move in circles, but Kepler's second and third laws demonstrated a harmony though not of the pre-determined kind. Kepler assumed the truth of the Copernican hypothesis and his laws were not intelligible except on that basis. Then came Galileo and his telescope²: on the memorable day, 7th January, 1610, his

¹ Whetham, *History of Science*, p. 119 *et seq.* An entertaining account of the matter is contained in Langdon-Davies, *Man and His Universe*, ch. III.

² For the importance of Galileo in the history of science generally, and his perfection of the microscope as well as the telescope see Singer, *Short History of Science*, p. 206 *et seq.*

were the first of any human eyes to see the four satellites of Jupiter, and subsequent observation demonstrated that they were moons moving round the planet. The sagacious Aristotelians settled the matter by refusing to look through the telescope, and the forces of the church were so far aroused as to subject Galileo to "an honourable detention and a mild reproof", but in the succeeding seventeenth century science was coming into its own. The Copernican system made its way steadily to universal acceptance, and the crowning glory of Newton consummated one of the greatest revolutions that has ever taken place in the history of human thought.

We now invert the strict chronological order and return to consider Leonardo da Vinci who, as a mighty universal genius, can be compared to Aristotle, and as a master of physical science to Archimedes.¹ He was born in 1452 and died in France in 1519, having lived for the greater part of his life at Florence, Milan, and Rome. "A painter, sculptor, engineer, architect, physicist, biologist, and philosopher was Leonardo, and in each role he was supreme. Perhaps no man in the history of the world shows such a record. His performance, extraordinary as it was, must be reckoned as small compared with the ground he opened up, the grasp of fundamental principles he displayed, and the insight with which he seized upon the true methods of investigation in each branch of enquiry."²

His distinguishing characteristic was that, alone among men of science, he was first an artist and a painter. He did not begin in the laboratory and the dissecting room but passed to them from the studio. The most complete of the foundations of treatises contained in the famous note books are the treatise on painting and the *Paragone* or comparison. Only a comparatively small number of pictures can be attributed with certainty to his brush, but they are masterpieces of the first order. He approached science from the practical side, but developed the consuming love of knowledge for its own sake, characteristic of the man of science at all times and in all places. No rules of thumb or empirical maxims were sufficient for him, he went straight to

¹ E. McCurdy, *Leonardo da Vinci's Note Books*, 2nd Edit., 2 vols., 1938. J. P. Richter, *The Literary Works of Leonardo da Vinci*, 2nd Edit., 2 vols., 1939. The latter folio with its magnificent illustrations is one of the finest productions of the Clarendon Press.

² Whetham, *History of Science*, p. 113.

the foundations. Painting is founded on geometry, therefore he must master geometry and the mathematical ideas that are its foundation. The laws of optics are the basis of the practice of perspective, they are therefore equally essential. Optics cannot be understood without reference to the structure of the eye, nor can the human body be represented accurately without knowing the details of anatomy. Therefore he dissected thirty human bodies,¹ and the opinion of William Hunter, the great eighteenth century surgeon, upon Leonardo's drawings merits quotation:

"I expected to see little more than such designs in anatomy as might be useful to a painter in his own profession. But I saw, and indeed with astonishment, that Leonardo had been a general and deep student. When I consider what pains he has taken upon every part of the body, the superiority of his universal genius, and the attention with which such a man will examine and see objects which he has to draw, I am fully persuaded that Leonardo was the best anatomist, at that time, in the world. . . . Leonardo was certainly the first man we know of, who introduced the practice of making anatomical drawings."²

But Leonardo was not only a painter; he was likewise a practical engineer, an architect, and a town-planner. These practices led to the principles of mechanics and hydro-statics, and incidentally to the study of geology. A follower of Archimedes rather than of Aristotle, he delved deep into theory by means of experiment, and knew how to carry his theoretical conclusions to their practical applications. One feels that if Leonardo, instead of Archimedes, had been present at the siege of Syracuse, he would have rendered equal service to the besieged.

He was not an investigator only, but perhaps better than most men of science appreciated the philosophy of science and knew what he was doing and why he was doing it. He broke away sharply from the Middle Ages in having no theological preconceptions. Roger Bacon in all his daring investigations never forgot that he was a friar, and theology to him was still the queen of the sciences. Leonardo will not demean himself by

¹ Richter, *op. cit.*, II, 84.

² *Two Introductory Letters*, Lond., 1784, pp. 37 and 39. Quoted in Richter, *op. cit.*, II, 84.

controversy on the subject; he simply ignores it as irrelevant. In one isolated passage he saves his face by saying "I leave alone the sacred books; for they are supreme truth",¹ and he never refers to the subject again. Only when he has come through psychology to the subject of the soul does he fling off an aside that Gibbon might have written: "The rest of the definition of the soul I leave to the imaginations of friars, those fathers of the people who know all secrets by inspiration".

Certainty can be gained by experiment and observation alone. "All true sciences are the result of experience which passes through our senses."² Controversies arise only when things are uncertain, and appeals are made to the emotions and not to the reason. The statement that the angles of an equilateral triangle are equal to one another never excited emotion, but the assertion that all men are born equal has aroused violent passions and led to immense bloodshed. "Where reason is not its place is taken by clamour. This never occurs when things are certain. Therefore where there are quarrels there true science is not; because truth can only end one way."³ Observation and experiment and reasoning upon them are the only things that matter, for "all sciences which end in words are dead the moment they come to life".

Unfortunately it is impossible in this place to give any extended account of Leonardo's results in the various sciences that he adorned, but by way of example a few words may be added on his geological observations, the more so as they are not often selected for comment. As an instance of a superb piece of geological reasoning nothing can surpass the long demonstration that the deluge could not have been universal, nor could the fossils that are found inland have been laid down by the waters of the Flood.⁴ Nothing clearer or more conclusive could have been written by a nineteenth century geologist, and when we remember that in 1823 Buckland, the professor of geology at Oxford, published the results of his cave hunting under the

¹ Richter, *op. cit.*, II, 101.

² *ibid.*, I, 34.

³ *ibid.*, I, 34.

⁴ *ibid.*, II, 168 *et seq.*

title of "Relics of the Flood"¹ we may well marvel at the insight of the great Italian three centuries before. Shortly we may say that Leonardo was fully convinced of the theory called uniformitarian, that is to say, that geological changes have been produced in the past by the causes now in action, also three centuries before Hutton formulated and Lyell demonstrated it. The water goes from the rivers to the sea and from the sea by way of the clouds to the rivers, and all the sea has passed through the mouth of the Nile an infinite number of times.² The ancient bottoms of the seas have become mountain ridges, for mountains are destroyed by rains and rivers, and the sea floor is re-elevated to become mountains again. The river Po "in a short time" might dry up the Adriatic in the same way as it has dried up a large part of Lombardy.

We find the relics of fishes and shells and other things that lived in the sea not only on the high summits of mountains but in layer after layer of the rocks. They must have lived in the sea and have been elevated to their present positions. Moreover the land has been shaped by the action of rivers because you will find the same strata on both sides of an alpine valley, which proves that the river has cut through a stratum that was once continuous. In the strata there are still to be found the casts of the worms that crawled upon them when they were not yet dry, and these and the shells have been petrified together with the clay.

All this and much more to the same effect could have been written in the same form to-day; it was actually written at the end of the fifteenth century. We may well say with Sir William Whetham that "if we had to choose one figure to stand for all time as the incarnation of the true spirit of the Renaissance we should point to the majestic form of Leonardo da Vinci".³

¹ "*Reliquiae Diluvianae*, or observations on the organic remains attesting the action of an Universal Deluge." It is fair to Buckland to say that about 1840 he recognized the proofs of ice action and of the results of a glacial period. A curious feature of the universal deluge theory is the failure of the theorists to read with care the account contained in Genesis. All critics at all times have fastened upon the statement that all the high hills were covered, but have failed to notice the precise statement, "fifteen cubits upward did the waters prevail". Taking the cubit as roughly 18 in. the writer was visualizing a flood of 22 ft. 6 in. in depth. By way of comparison a spring tide in the Severn Sea is well over 30 ft. and rises at Chepstow in the estuary to 60 ft. How such measurements were supposed to have been taken is perhaps beyond conjecture, but that does not affect the argument that the writer was visualizing a 22 feet flood. We know now from the excavations of Woolley, that a flood did occur in Mesopotamia, and in that flat land a 22 feet flood would have covered all such hills as existed, but it is curious that the precise statement in Genesis has been generally ignored. The reason is doubtless that the flood was presumed to have been universal, and an universal deluge of 22 feet in depth was a manifest

CHAPTER 36. THE REVIVAL OF LETTERS

THE Renaissance was described by Michelet in the eloquent but vague formula, "the discovery by man of himself and of the world". The preceding chapters have described in outline the discoveries and inventions that gave a new orientation to thought; but hardly less revolutionary was the discovery of the buried world of classical antiquity, not as an elegant antiquarianism but as a rule and model of life. The medieval scheme of things was an unstable synthesis. There was one Empire and one Church, and all knowledge was the handmaid of the twin sciences of theology and law. Life in this world was a painful but essential preliminary to the life to come, and the emphasis was upon a good death rather than a good life. The practice might not fit the theory—it seldom does—but no one questioned the theory seriously. After the thirteenth century the influence of the theory declined slowly but steadily until in the full flood of the classical Renaissance it was not merely lost but repudiated. The world might be wicked, the world might be transitory, but it was here to be enjoyed, not endured. A full life was a great thing, the joy of life a great experience, and if death was omnipresent and inevitable there was no need to think of it overmuch. Men selected their own ideals and trusted to their own energies for their attainment; the projector, the speculator, and the adventurer, whether in theory or practice, were the heroes of the time; and if the rights or even the lives of others stood in the way, they should not be regarded too minutely. The ideal was to have life and to have it more abundantly, but not in the sense intended by the evangelist.

Two distinguishing marks of the classical Renaissance in Italy were the recrudescence of paganism and the revival of Greek. The Mediterranean lands were always pagan at heart, and as we have already seen¹ the church was obliged, in spite of brave words to the contrary, to compromise with the paganism that it could not eradicate. Paganism was now embraced with enthusiasm combined with resentment against those who had concealed the treasury that contained its wisdom. The Greeks were pagans because they were pre-Christian, and Homer and

¹ *Supra*, ch. 25, p. 168.

Plato belonged to a world that flourished and led a full life before Christianity existed. It was a result, but not a necessary result, of the return to paganism that the bonds of morality were loosened. Instead of adopting the ethics of paganism with its intellectual methods, the Italians of the Renaissance discarded not only Christian morals but all morals, and the strength of their intellectual and artistic achievements was only equalled by their complete disregard of moral obligations. Of all the periods of wonderful achievement the Italian Renaissance was the most completely immoral.

The beginning of the revival of letters in Italy was neither sudden nor abrupt. The Latin classics had never been completely lost in the Middle Ages, though their study had been confined to few, and Petrarch in opening the new learning in the fourteenth century was extending existing knowledge and not breaking entirely new ground. Symonds¹ divides the history of scholarship during this period into the three stages of: (1) the age of passionate desire, (2) the age of the acquisition of manuscripts and the foundation of libraries, and (3) the age of critics, philologers and printers. This division does not develop the central feature of the rediscovery of Greek, but as a general arrangement of the period it will serve. The outstanding figure of the first period was Petrarch (1304-74). He wears the double aspect of an Italian poet and a pioneer humanist, but it is with the latter alone that we are concerned. The seedling humanism was a delicate plant. It did not originate in the universities which were devoted to the medieval methods in which they had grown, and were as hostile to the innovations as established institutions usually are. It was certainly not a popular movement because the vast mass of the uneducated could not be expected to understand or appreciate it. It depended therefore upon patronage, but upon a widely spread patronage.

Humanism required an ideal and a method, and because he initiated both Petrarch deserves the title of the father of humanism. The method was the reappropriation of the classics to the use of man and the foundation of modern mentality. It depended upon their recovery and their interpretation; the discovery of a world long hidden, and its interpretation in the light of reason

¹ *Renaissance in Italy*, I, p. 19 *et seq.*

unfettered by the logic of the schoolmen or by the manufacture of fanciful and allegorical meanings. Its ideal was the display of human dignity and the exercise of human reason in an atmosphere of intellectual and moral freedom. Petrarch steeped himself in the Latin authors whom he regarded as his own Italian ancestors; he collected their manuscripts, examined the material relics of their history, cultivated their style, and absorbed their mentality. He gained the ear of the patrons without whom the movement would have languished, and above all inspired a band of pupils to extend his influence and perpetuate his work.

Petrarch to his sorrow was never able to learn Greek, and the knowledge of Greek was of the essence of the Renaissance. Boccaccio made some little progress in the face of immense difficulties for neither the living teacher nor the written aids were available. The visit of Manuel Chrysoleras to Florence in 1396 may be signalized as the essential date in the literary renaissance. "His coming made an epoch in the history of European letters."¹ He was a Byzantine visiting Italy on a diplomatic mission for the Emperor and was scholarly, enthusiastic, and eloquent. A chair of Greek was created for him at Florence, and there in the intellectual centre of Italy, and indeed of Europe, he lectured to crowded audiences of enthusiastic students of all ages. He was followed by numbers of others, and in the half century before the fall of Constantinople in 1453 Greek studies attained an assured position in Italy. The importance of the development can hardly be exaggerated and the historian of the Italian Renaissance has summed it up in this eloquent passage:

"The scholars who assembled in the lecture-rooms of Chrysoleras, felt that the Greek texts, whereof he alone supplied the key, contained those elements of spiritual freedom and intellectual culture without which the civilization of the modern world would be impossible. Nor were they mistaken in what was then a guess rather than a certainty. The study of Greek implied the birth of criticism, comparison, research. Systems based on ignorance and superstition were destined to give way before it. The study of Greek opened philosophical horizons far beyond the dream-world of the churchmen and the monks; it stimulated the germs of science,

¹ Sir Richard Jebb in *C. Mod. H.*, I, 541.

suggested new astronomical hypotheses, and indirectly led to the discovery of America. The study of Greek resuscitated a sense of the beautiful in art and literature. It subjected the creeds of Christianity, the language of the Gospels, the doctrine of S. Paul, to analysis, and commenced a new era for Biblical enquiry. If it be true as a writer no less sober in his philosophy than eloquent in his language has lately asserted, that, 'except the blind forces of nature, nothing moves in the world which is not Greek in its origin',¹ we are justified in regarding the point of contact between the Greek teacher Chrysoleras and his Florentine pupils as one of the most momentous crises in the history of civilization. Indirectly, the Italian intellect had hitherto felt Hellenic influence through Latin literature. It was now about to receive that influence immediately from actual study of the masterpieces of the Attic authors."²

The enthusiasm this engendered spent itself in the first place in the attempt to recover every fragment that could be found of the corpus of ancient literature. The search for manuscripts was undertaken with a sustained passion that no difficulties could abate and no obstacles prevent. Poggio, the Apostolic Secretary, was one of the most persistent and the most fortunate of these searchers. He secured Quintilian from the Abbey of St. Gall, and among his other discoveries were Valerius Flaccus, Lucretius, Silius Italicus, Manilius, and Vitruvius, Cicero's oration for Caecina, Frontinus, Ammianus Marcellinus and others. Poggio was merely one of many, the searches were long and arduous, nor can the details be recorded here; but it was not until 1508 that the first six books of the Annals of Tacitus were restored to modern use. We may regret the many permanent losses of ancient literature, but we owe it to the searchers of the Renaissance that the losses were not far greater.

With the revival of Greek the search for Greek authors was undertaken with even greater zeal. Constantinople was the obvious searching ground, and for half a century a constant stream of codices in originals or copies passed from the Greek metropolis to Italy. Perhaps we may count it among the most

¹ Sir Henry J. Maine, *Village Communities*, p. 238. The Rede Lecture, 1875.

² Symonds, *Renaissance in Italy*, II, 112-3.

fortunate of historical accidents that the final capture of Constantinople by the Turks was postponed for more than fifty years after the lectures of Chrysoleras at Florence. During that period our knowledge of Greek antiquity was acquired. The migration of Greeks to Europe after the capture may have had some effect but its importance has often been exaggerated. The real work was done in the previous half-century of sustained effort.

The revival of letters was predominantly a secular revival accompanied by a very strong tincture of paganism, but the most enlightened churchmen of the age saw that there could be a Christian as well as a classical renaissance. They fought a long battle because scholasticism was entrenched in the learning of the church, and the monastic orders had become indifferent to learning of any kind. Nevertheless men of the type of Nicholas V realised that all the essential early Christian documents were written in Greek, and that the defenders of the Christian religion, if they were to be adequately armed, must imitate the classicists and go to the sources. It was one thing to recognize the validity of a principle, it was another to secure its fulfilment; and in fact nothing serious was undertaken in this direction until the spirit of the Renaissance had penetrated to the north. Most of the classical authors had been edited and printed before Erasmus produced the first edition of the Greek New Testament and then turned his attention to Jerome and the Early Fathers.

An early and permanent result of the Renaissance in its second stage was the establishment of public libraries. The zeal of the early collectors enriched their own collections of manuscripts, but the best of them had ideas as to the disposal of their accumulations after their deaths. The collection of Niccoli of Florence was bequeathed by him after his death in 1437 to Cosimo de Medici and fifteen other trustees, and it became the basis of the Medicean, the first of the great libraries. A few years later Nicholas V (1447-55) was elected to the Papal chair, and can be regarded as the effective founder of the Vatican library. He did not live to complete his design though he collected and catalogued manuscripts by the thousand. It was the work of Sixtus IV (1471-84) to see that the great collection was worthily housed and opened to the use of students. A third collection that may be mentioned was that of Cardinal Bessarion

presented by him to St. Marks at Venice, though that also had to wait for many years for a worthy habitation. All these libraries were collections of manuscripts, but the invention of printing, when it came, added immensely to their extent and their utility.

Francis Bacon, in whom was embodied the full flower of the Renaissance, propounded the agricultural metaphor, "Money is like muck, not good except it be spread". The spirit of the Renaissance was no cloistered spirit, and it would have failed in its universal influence if it had not been spread. The earlier teaching had been by means of lectures, much on the lines of the established university courses, but the spreading came from the extension of the influence to the schoolroom. There was no more far-reaching result of the revival of letters than the educational system inaugurated in the fifteenth century. The historians are unanimous upon the subject. Jebb wrote:

"The Italian Renaissance brought forth no fairer fruit, and none fraught with more important consequences for the liberal culture of the world, than the school-training, based on the ideas of humanism, which took shape at that period."¹

And Symons to the same effect:

"As schoolmasters in a stricter sense of the term, it is not easy to exaggerate the influence exercised by Italian students. They first conceived and framed the education that has now prevailed through Europe for four centuries, moulding the youth of divers nations by one common discipline, and establishing an intellectual concord for all peoples. In spite of changes in government and creed, in spite of differences caused by race and language, we have maintained an uniformity of culture through the simultaneous prosecution of classic studies on the lines laid down for teachers by the scholars of the fifteenth century."²

The founder of the system was Vittorino da Feltre and as early as 1425 he established a type of school till then unknown. His aim was to turn out not specialist scholars but complete citizens. The Latin classics were the basis of the intellectual training, with the addition of Greek as opportunity occurred.

¹ Sir R. C. Jebb in *C. Mod. H.*, I, 556.

² *Renaissance in Italy*, II, 536.

They were taught not as exercises in grammar but as literature, and the boys were practised in composition, recitation and reading aloud. Mathematics and elementary astronomy were included, nor were music and such sciences as then existed neglected. Vittorino broke completely with the medieval tradition in inculcating morals and manners and promoting outdoor activities; in fact, he combined a broad intellectual education with the training usually afforded in the great households. His whole outlook was based upon the Greek idea of the harmonious development of mind and body, and though he was by no means inclined to paganism the ascetic notion of "our vile bodies" was entirely repugnant to him. His system of education was to be complete on every side; it was humanistic in the largest sense. The most characteristic example of a Renaissance school in England was St. Paul's School, founded by Colet with the advice of Erasmus in 1510; but it was a somewhat pale copy of the method of Vittorino, because we miss in it the bodily exercises and the largeness of outlook, and we still find an almost excessive concentration on the literary aspect. Perhaps even Colet was unable to appreciate Vittorino's ideas to the full.¹

Until the end of the nineteenth century the Renaissance tradition, though too often reduced to an unintelligent formalism, dominated education. It may be that too much of it has since been discarded, and that after many experiments we may find it well to revert to it in essentials.

Perhaps it will be well to conclude this sketch of the revival of letters with a slightly more particular account of two representative scholars, one from the earlier part of the period, and one from the later. For the earlier time many names crowd in, and Filelfo and Politian were in some ways outstanding, but we will choose Lorenzo Valla whom Lord Acton called "the strongest of the Italian humanists" and "the one who best exhibits the magnitude of the change that was going on in the minds of men".² He was as representative of the Renaissance in his arrogance and his pugnacity as in the elegance of his Latin and the pungency of his criticism. He gained a premier position by his treatise entitled *De Elegantiiis Latinae Linguae*, which

¹ F. Seebohm, *The Oxford Reformers*, ch. VI.

² *Lectures on Modern History*, p. 77.

placed him in the forefront of scholars and after the invention of printing is said to have been reprinted sixty times between 1471 and 1536. It was the first critical grammar that had appeared, and the first constructed on the principles of scientific criticism. "If those have done most for any science who have carried it furthest from the point whence they set out; philology seems to owe quite as much to Valla as to any one who has come since."¹ Unlike most of the other Renaissance scholars, he did not confine his energies to verbal criticism, but takes rank as the first great historical critic. Nothing marks more clearly the transition from medieval to modern times than Valla's tract on the Donation of Constantine which appeared in 1440. All through the Middle Ages the Donation had been treated as the foremost of the documents of title to the temporal power of the Papacy, yet Valla proved its spuriousness so thoroughly that it has had no defenders ever since. The onslaught lacked nothing in vigour from the fact that Valla was private secretary to King Alfonso of Naples, and Alfonso and the reigning Pope were on terms of hostility. Valla's tract may be called the first triumph of modern historical criticism, for in demolishing a forgery it inaugurated a method. Never before had a written document been subjected to analysis of this kind, and the principles adopted by Valla were those that have ever since been followed. He chose with mordant satisfaction one of the chief foundations of the papal supremacy for the exhibition of his method, but the storm that he aroused was so great that he thought it prudent to retire to Spain. But assured of Alfonso's protection, he soon returned, and met the inquiries of prying Inquisitors with contemptuous disdain.² Before that he had informed the joint council of the Greeks and Latins at Florence (1438) that the Apostles Creed was not apostolic, and he overthrew any claim to an early origin of the collection of works that passes under the name of Dionysius the Areopagite. He anti-

¹ Hallam, *Literature of Europe*, 2nd edit., I, 144.

² "To the interrogatories of the inquisitors Valla replied that 'he believed as Mother Church believed; it was quite true that she *knew* nothing; yet he believed as she believed'. That was all they could extract from the disdainful scholar, who, after openly defying them, walked away to the King and besought him to suspend the sitting of the Court. Alfonso told the monks that they must leave his secretary alone, and the process was dropped." Symonds, *Renaissance in Italy*, II, 262.

pated Erasmus by a critical essay on the New Testament in the Vulgate version.

The surprising reward of these iconoclastic efforts was the appointment of Valla by the urbane Nicholas V as apostolic writer to the papal court. The object of the cultured Pope was not to promote destructive criticism of ecclesiastical documents, but to attract an outstanding scholar to his court, and in particular to promote the study of Greek. In addition to the emoluments of his appointment Valla received a fee of 500 ducats to translate Thucydides into Latin.

The historical criticism of Valla, though essential, was purely destructive. The clearance of the rubbish was necessary before the new building could be erected, but it may be remarked that the mentality of the Renaissance was not historical. To the humanists in general all ages were the same, and it was not until the dust of the Reformation had somewhat subsided that the constructive study of history began to take its due place in the scheme of scholarship. Though this is true in general an honourable exception must be recorded in the case of the Florentine historians. In the works of Machiavelli and Guicciardini the chronicles of the Middle Ages are passing into historical compositions. This does not apply to Machiavelli's political works. In the *Discourses on Livy* and the *Prince* historical illustrations are adduced without the least regard to historical perspective.

The figure of Erasmus is one of the most remarkable in all history.¹ Of humble, obscure and doubtful origin he rose to be an outstanding European figure, the example and envy of scholars, and the familiar correspondent of Popes, Emperors, princes and kings, scholars and statesmen. With the possible exception of Voltaire no one has ever attained such a position before or since by the art of letters alone. His character was curious, and will always be a subject of dispute. His friendships were numerous and lasting, yet he was a begging letter writer of unrivalled skill and pertinacity. The times may explain, if they do not wholly excuse, this somewhat repulsive characteristic. The profits of an author were almost negligible at this period, and

¹ There is a good bibliography in the latest study of Erasmus in English—by Christopher Hollis (1933). For the rest it is a spiteful, carping and unsympathetic book. No one could learn from it how Erasmus attained his commanding position, or made and retained his many friendships.

Erasmus was bound to secure constant patronage in order to live the life he desired. His early privations had injured his health and he was a life-long valetudinarian, but he had no desire at all for the career of a poor scholar, and intended to secure by all possible means a good standard of life and comfort. In fact he regarded it as the duty, if not the privilege, of others to provide for him. At the same time he would abate no atom of his freedom; he refused to accept benefices to which duties were attached, and he declined, except for brief periods, all offers of teaching posts at the universities. His pretensions were high and he succeeded in getting his own valuation of himself accepted. Many have thought it right and proper that other people should provide for their comforts and necessities on their own terms, but few have succeeded in getting their demands accepted. Erasmus was one of the few.

In brief, he was the educator of his times. His works attained what would even now be a prodigious popularity, but none of them rank among the world's great permanent possessions, the books that everyone is supposed to have read. His editions of the ancients have inevitably been superseded, and the *Praise of Folly* and the *Colloquies* are not works that a publisher would select without question for inclusion in a series of world's classics. He does take high rank among the letter writers, and his letters are always likely to find readers.¹ He was one of the world's great figures, but not one of the world's greatest authors. He marks also the migration of the Renaissance culture from Italy to the northern lands. As he grew to manhood the dynamic force of the Italian enthusiasm was abating and the sixteenth century witnessed its complete extinction.

He was born in Rotterdam, probably in 1466, but if Holland can claim his birth, it cannot claim his influence. The masters of the Italian Renaissance, even when they despised their native tongue and literature and thought nothing of value except the productions of the ancients, remained Italians and showed no sign of an international mentality. Erasmus was a citizen of no country, but a sojourner in all, an international and an European figure in the widest sense. He lived for considerable periods in

¹ Lord Baldwin recorded that when utterly weary in body and mind after his retirement, the first book that he was able to read with pleasure was the *Letters of Erasmus*.

Belgium and France, Switzerland and Germany, Italy and England, but none of these can appropriate though all welcomed him. He belonged to all Europe in a sense that would not have been possible at a later time.

It is unfortunate for his memory that he lived to see the Reformation begin and gather force; for he whose enemy was ignorance and whose aversion was dogmatism, was drawn to some extent into an unwelcome controversy for which he had little aptitude and no liking. He had castigated the abuses in the church and the evils of monkery, and because of this it was alleged that Luther had hatched the egg of Erasmus. The consequence has been that his life has been written in a spirit of dogmatic controversy that was utterly alien to him, by men to whom nothing mattered except the furtherance of Catholic or Protestant dogma as the case might be.

His influence was great because of his singleness of purpose and his limitations. He was no great philosopher, he was in no sense an historian, he was indifferent to art, and was hardly in the front rank as a technical scholar. He was first and foremost and all the time the educator of Europe, the dispeller of ignorance, and looked to the advancement of learning to effect the regeneration of life. It was in this moral purpose that he differed profoundly from the majority of the Italian humanists. His works were popular and meant to be popular, because unless they were popular they could not be educative. The *Adages* were a collection of ancient maxims with modern applications; the ever popular *Colloquies* were models of Latin writing, but were also discussions of the most interesting contemporary questions; and his editions of the classics were chosen for their educative value.

It was for this dominant purpose that he published the first printed Greek Testament in 1516. The date is significant, because although the first production of the newly-invented printing press was an edition of the Bible in the Vulgate version, it was not until sixty years later, and after almost all the Latin and Greek classics had been printed, and many of them were flooding Europe in the cheap Aldine editions, that Erasmus first issued the New Testament in the original Greek. Actually it had been printed before by Cardinal Ximenes in Spain as a volume of the huge collection known by the handy title of the

Complutensian Polyglot. This was not published until 1522, and in any case was a huge folio of which an edition of 600 copies only was printed. Scholars appear to be agreed that the Polyglot edition was superior to the Erasmian; in fact Erasmus worked from a small number of manuscripts and those not altogether of the best. But whatever its technical defects Erasmus' Greek Testament was cheap and accessible, and so it fulfilled its purpose. His great desire, though it was not within his competence, was to have the Scriptures translated into every language, a desire that others accomplished with revolutionary results. "I long that the husbandman should sing them to himself as he follows the plough, that the weaver should hum them to the tune of his shuttle, that the traveller should beguile with them the weariness of his journey."

So with the same object he wrote his Paraphrases of the New Testament books to modernize the thought, and edited the Fathers of the Church that appealed to him and in particular the works of Jerome. Busy to the last he died at Basle in 1536, in a city in which the Reformed religion was then dominant, and left a great influence but no successor.

"Of all scholars who have popularized scholarly literature Erasmus was the most brilliant, the man whose aims were loftiest, and who produced lasting effects over the widest area. His work was done, too, at the right moment for the North. A genial power was needed to thaw the frost-bound soil, and to prepare those fruits which each land was to bring forth in its own way."¹

CHAPTER 37. THE REFORMATION

GERMANY has in general contributed nothing to the creative movements of history. Burke emphasised the difficulty and danger of framing indictments against nations, but national characteristics exist though they may be vague. Without mentioning their viler features of which modern history is so full, the German people have always been eminently industrious,

¹ Sir R. C. Jebb in *C. Mod. H.*, I, 571.

imitative, and expert at organization. With these faculties have been combined a servile mentality, an excessive deference to authority, and a genuine repugnance to all the values that civilization has created. It is no matter for wonder therefore that it has not been necessary hitherto to mention Germany in this account of the creative movements of history. In our present period the country came forward for the only time with two great achievements to its credit, the invention of printing and the onset of the Reformation, and afterwards sank back into its unimaginative backwater. It is a curious phenomenon and speculation has not suggested any adequate reasons for it.

Christianity has always been a fissiparous religion because it has been the religion from the fourth century onward of the most progressive, in fact the only progressive peoples of the world. Intellectual activity is the potent cause of division and heresy. The tendency appeared in the earliest ages in the conflicts between the narrow views of the original disciples in Palestine and the successful efforts of the Apostle of the Gentiles to transform it into one of the primary religions. The tendency continued, and until the great eclipse of civilization the history of Christianity was very largely the history of heresies and divisions. With the intellectual awakening of the twelfth century the heresies again gathered force, and the Reformation may be regarded as the greatest and most permanent of the heresies. The same tendencies continued within the reformed churches, and to a lesser extent within the Roman church itself, until the sects multiplied excessively, and to protect their own existences were ultimately but reluctantly forced to concede the priceless gift of toleration.

Revolutions arise on small occasions, but from deep causes, and of none is this more true than the Reformation. On the surface a refractory monk objecting to indulgences, in reality the northern nations breaking away from Mediterranean domination. The evidence is decisive that the church in the fifteenth century was in need of a moral reformation, and the Counter Reformation was the admission of the fact. The effect of a visit to Rome upon Luther is well known. "The Roman Curia", he said, "is a place where vows are annulled, where a monk obtains leave to quit his order, a priest to take a wife, a bastard to become legitimate; where there is such a buying and

selling, cheating and lying, robbing and stealing, debauchery and villainy, that anti-Christ could not reign worse.”¹ It is unnecessary to labour the point for every historian admits it and the documents prove it up to the hilt. The evidence may be read at large in Symond’s *Renaissance in Italy* and Creighton’s *History of the Papacy*, and the contemporary testimony of Erasmus is clear and not unfriendly.

The protestants of the Reformation had medieval predecessors, because heresies inevitably develop into sects. The Waldenses may be regarded as one of the earlier forerunners of the reformers, and an early instance of holders of the essential tenets of Protestantism. They followed the book rather than the church, they were anti-clerical, and they reduced the sacraments to the two that could be regarded as resting on gospel authority—baptism and the mass. In the fourteenth century came Lollardy in England, and in the fifteenth the Hussites in Bohemia. The movement initiated by Wyclif was scholarly and somewhat aristocratic rather than a movement resting upon the masses. His main proposals were a church independent of the State, without ordained priests, and without wealth, cults, or political influence. The Hussite movement on the other hand was more political and more revolutionary. The doctrines of Huss were founded upon, and even abstracted verbatim from the works of Wyclif; but he attempted a greater measure of organization and drew conclusions from the Scriptures as to social relations that Wyclif had refrained from emphasizing. If Wyclif may be regarded in some measure as the inspiration of the Peasants’ Rising (1381) Huss may be fathered in greater measure with the responsibility for the subsequent agrarian revolts.

The actual breaking point that initiated the Reformation was the granting of indulgences, a practice on a large scale of comparatively recent growth. Plenary indulgences, or total remissions of penalties, were granted to the dead at the instance of the living, and possessed the extremely beneficial effect of releasing the soul at once from purgatory and transferring it to heaven. The dead man might even appear to the benefactor to tender personal thanks for his release. Five churches in Rome

¹ Lindsay, *History of the Reformation*, I, 13, quoted in Inge, *Protestantism*, p. 33.

enjoyed the privilege, but all who desired the indulgence could not journey to Rome, and matters were made easier for them by supplying the indulgences in bulk to travelling friars. It was obviously natural and proper that these gentlemen of the road should be paid for so valuable a commodity brought to the door of the recipient. Julius II found in them an easy method of raising money for the building of the new St. Peter's, and Leo X revived the practice in Germany with the condition that half the proceeds should go to the Archbishop of Mainz to repay a loan obtained from the Fuggers of Augsburg. A Dominican named Tetzl was the appointed preacher for Saxony, and he was accompanied by the representative of the Fuggers in charge of the money bags. Nothing could exemplify more clearly the tendencies of the age than this alliance of the old church and the new finance. Unfortunately for both parties Martin Luther heard of the proceedings.

Luther (*b.* 1483) was the son of a Mansfeld miner who rose to possess a small smelting furnace, one of a hard-working, coarse, thrifty family. He was given a school education at Eisenach and imbibed the religion of fear at an early age. The family was prospering, and the young Martin was able to go to the university of Erfurt at his father's expense. He was intended for the legal profession. His university career was successful, and he obtained his Bachelor's Degree in 1502 and his Master's Degree in 1505. Then he proceeded to the legal faculty, but suddenly abandoning the theory of law for the practice of piety, entered a convent and became a monk. He selected the order of Augustinian Eremites; one in which learning was encouraged and the art of preaching favoured. In 1508 he was transferred to the new university of Wittenberg which had just been founded by the Elector Frederick of Saxony, and shortly afterwards was sent to Rome on a diplomatic mission on behalf of the order. The impression that the Rome of the Renaissance made upon him we have already quoted.

As professor of theology Luther rose to a great position, and made a name for the new university in the sequestered town. He also became a preacher of eminence, as powerful in the town as he was in the university, and the accepted spiritual adviser of the people. The Elector had refused permission for Tetzl to enter his territories, but the commissary could approach

closely to the boundaries. People of Wittenberg made journeys to purchase the indulgences, and asked Luther to advise upon their efficacy. His opinion was adverse and it was reported to Tetzel. Luther was deeply stirred, and on All Saints' Day, 1st November, 1517, he nailed ninety-five theses to the door of the castle church of Wittenberg that Doctor Martin Luther, theologian, was prepared to defend against all comers. It was a purely academic proceeding, and did not necessarily bind the doctor to the validity of the propositions; the theses were merely heads of debate. But it was felt at once that this was no ordinary university disputation; everyone was interested in the burning question; and the press could hardly cope with the demand that arose over all Germany for the Latin original and the German translation. The feeling was universal that the bases of the theses went beyond their particular occasion; that the whole theory and practice of the medieval Papacy was arraigned; and that the issue of indulgences was merely a symptom of a deep-seated disease.

Leo X, the last Pope of the Renaissance and the first of the Reformation, desired to temporise, and requested the general of the Augustinian Eremites to keep his monks quiet. In April, 1518, the theses were discussed at the general chapter of the order, and after the meetings had ended Luther restated the case for the theses in his *Resolutiones*. It became evident that the dispute was not going to die away quietly, nor was Luther to be mollified into obscurity, and even Leo X was stirred to action. He summoned Luther (July, 1518) to appear before the Holy Office at Rome. Neither the princes nor the universities were in a mood to submit to a jurisdiction in which the judges and the accusers were the same. The Elector was jealous of the rights of his university and regarded Luther highly as the chief light of that university. He said: "Luther is sure to begin a game with the priests, the Elector should take good care of that monk, for he will be useful to us one day".¹ The Pope was constrained to revoke his summons, and to depute the cause to Cajetan, the Cardinal Legate in Germany. Cajetan might be an adroit theologian but he was an indifferent diplomatist. He called upon Luther, without discussion, to recant his heresies or

¹ *C. Mod. H.*, II, 132.

depart. Luther departed, and with him departed the papal supremacy in northern Europe. The most conservative of revolutionaries and the most reluctant of innovators had been forced into open revolt.

Open revolt was the last thing that the cultured and humanistic Pope desired, and further conciliation was attempted. Von Miltitz, a Saxon nobleman and a chamberlain of the Pope, was sent as special delegate to Germany to examine and report. He carried all the outward marks of friendship, the most signal in the shape of the Golden Rose for the Elector, and gracious letters for the councillors and magistrates. Nevertheless, it was hardly helpful to describe in these letters the most popular man in Germany as a child of Satan, and "the phrase was probably forgotten when Leo wrote to Luther some time later and addressed him as his dear son".¹ Miltitz, however, discovered early in his journey that the real state of affairs was unknown at Rome, and that he was facing a national movement and not merely a recalcitrant monk. He was forced to be even more diplomatic than he had intended; he "put the Golden Rose in a sack with the indulgences"; he laid aside the insignia of office; he travelled as a private nobleman and sought and obtained an interview with the child of Satan. He found the child less Satanic than he had expected, and prepared to meet him quite half way to secure peace. Luther, at his instigation, wrote a submissive letter to the Pope, advised the people to honour the Church of Rome, and even admitted that indulgences had some uses. Miltitz had reason to be pleased with his efforts, the curia might have supported the adroit emissary, but the matter had long passed the stage when controversy could be settled by adroit diplomacy. There were eager disputants on both sides spoiling for a fight, and they saw to it that no quiet conciliation should deprive them of the joy. The calm temperate thoughtful men were silenced, and the rough vehement blustering men had their way.

The man who fanned the flames was John Eck, a theologian of Ingolstadt. He arranged a public disputation with Luther at Leipzig, where a battle of the nations was fought for the time being with words instead of swords. Luther had been confronted

¹ *C. Mod. H.*, II, 134.

with the absolute supremacy of the Pope; he had spent some time in examining the basis of the stupendous claim; and had found that the foundations were wanting. In the dialectical battle Eck had the better of it. He forced Luther to admit that some of the condemned opinions of Wyclif and Huss might be right; that Popes and even Councils might err; and that he stood by the Bible alone. Bibliolatry had begun its reign. Eck had done exactly what Miltitz had worked hard to avoid. He presented the reluctant Pope with a clear issue that could hardly be evaded. He had won the battle and lost the campaign, because he had dispelled obscurities and made the issue clear; he had vanquished a professor and roused a nation.

In the fateful year 1520 Luther published the most influential of all his writings, the three works known as the Reformation Tracts.¹ The Leipzig disputations had made it clear to Luther that his breach with Rome was complete, and that conciliatory gestures availed no longer. At an earlier stage of his life he had found comfort in the Pauline idea of justification by faith; that no works, however meritorious, no penances however severe, could bring relief from the sense of unforgiven sin, but only unquestioning belief in the merits of Christ. In his uncompromising insistence upon this basic principle Luther probably out-Paulined Paul,² but it became the foundation stone of his system. Predestination followed, or appeared to follow, as a consequence, and with it a denial of the freedom of the will, which was the point upon which the reforming ideas of Erasmus parted definitely from those of Luther. An ordained priesthood and the ordered hierarchy of the church became a superfluity, for Christ was the sole intermediary between the sinner and his God. Between a system of this kind and the organization of the medieval church no compromise was possible. The battle-ground of the succeeding centuries was delineated in 1520.

Meanwhile Eck and Cajetan had stimulated the unwilling Pope to decisive action. A Bull of Excommunication was issued against Luther in June, 1520, and Luther replied by burning the Bull in public and with it the books of the canon law. The

¹ They were (1) *The Liberty of a Christian Man*, (2) *To the Christian Nobility of the German Nation concerning the reformation of the Christian Commonwealth*, and (3) *On the Babylonish captivity of the Church*.

² As Matthew Arnold argued in *St. Paul and Protestantism*.

burning of the Bull was a dramatic act of retaliation and defiance, but to couple with it the books of the canon law showed the insight of genius. The canon law was the foundation and expression of the medieval system. Publication of the Bull in Germany became dangerous, the papal emissaries were in danger of meeting the fate of St. Stephen, and the papal nuncio wrote from Mainz that "the conflicts of church and state in the Middle Ages were child's play to this".¹ Ecclesiastical opposition had done its best or its worst without effect, and the Roman curia turned in despair to the Emperor as the highest secular power.

The youthful Charles V had just succeeded his grandfather, Maximilian, in the Hapsburg inheritance and the imperial dignity. He began and continued as the most powerful prince in Europe, and occupied a position never attained by any medieval ruler, but his throne began and continued as an uneasy seat in a rapidly changing time. His first Diet was opened at Worms on 21st January, 1521, and Luther was summoned to attend it under cover of a safe conduct. "Luther at Worms is the most pregnant and momentous fact in our history", wrote our greatest Catholic historian,² but the details of the proceedings need not detain us. There were men on both sides anxious to arrive at a working compromise, but they meant different things by the same words, and no amount of good will could surmount fundamental and irreconcilable differences. The Ban of the Empire or decree of outlawry was pronounced against Luther, but on his way home he was mysteriously kidnapped and disappeared from view. He was in fact hidden by the Elector of Saxony in the castle of Wartburg, and remained there until 1522. He employed his leisure in completing his translation of the New Testament, another central event in the Reformation. There were already German bibles in print, eighteen of them in fact, but all were massive folios of great price, and Luther's was the first translated directly from the Greek for which Erasmus had provided the instrument. Luther's Testament was an octavo published at a florin and a half, and 85 reprints were made in eleven years.³ Justification by faith, no ordained clergy, the appeal to Scripture made effective by the

¹ Quoted in Acton, *Lectures on Modern History*, 98.

² *ibid.*, p. 101.

³ *ibid.*, p. 103.

New Testament at a florin and a half—these were the essential features of the Reformation.

The creative period of the Reformation was compressed into the first five years, and to follow its later history and its repercussions would be to write the greater part of modern history. It flowed and it ebbed; under the influence of the Counter Reformation and the Jesuits it ebbed perceptibly; in Germany itself the principle of *Cujus regio ejus religio*, that is that the prince could determine the religion of his subjects, led in the end to the terrible calamity of the Thirty Years War; in the basically pagan Mediterranean it hardly secured a footing; even in France it became a creed determined by locality, almost a state within the state. Before the end of the sixteenth century the geographical limits of Protestantism had been determined except for its extensions to the New World. Since that time no people has transferred its allegiance from one form of the Christian religion to the other. The boundaries between the two form a fascinating feature of the map of Europe. It is easy to offer facile explanations, as to say that Protestantism is northern and Teutonic, and Catholicism southern and Latin, but sweeping statements of this kind afford no real explanation, and speculations based on racial fictions commonly approach the nonsensical. No easy theory will explain why some Swiss cantons are Protestant and others Catholic, why Holland is Protestant and Belgium Catholic, why Wales and Scotland are Protestant and Southern Ireland Catholic. There may be a comprehensive explanation but it is singularly evasive.

The Reformed sects became if anything more fissiparous than the church from which they had seceded. Melanchthon toned down Luther in a Catholic sense, while the Anabaptists carried the principles of Luther to extremes that Luther never contemplated, and added to them subversive social theories. Zwingli, the leader of the Reformation in Switzerland, was anything but a Lutheran; and Calvin, driven from his native France to Geneva, produced a theology of terrible logic that can almost be described as a fusion of Christianity and Stoicism. It proclaimed the virtue of austerity but also the dignity of labour, and has as its most characteristic product the hard-working business man continuously acquiring riches that his principles forbade him to enjoy. Scotland under Knox became Calvinist;

England under Elizabeth and Burleigh developed a type of Protestantism to which there is no parallel elsewhere. But everywhere the sects multiplied. The Protestant right of private judgment, and the insistent appeal to the authority of Scripture, left everyone free in theory to interpret the sacred writings according to his own fancy, and the fancies were multifarious and peculiar. The greatest contribution of the sects to civilization was that in the end they produced toleration in spite of themselves; for Protestantism in the beginning was no more tolerant than Catholicism, in fact all men who know little and believe much are by nature intolerant.

CHAPTER 38. THE MODERN STATE

(a) *The Medieval Background*

THE epigrammatic statement that "the supreme achievement of the Reformation is the modern state"¹ is a misplacement of emphasis. It is beyond doubt that one result of the Reformation was to shatter the theoretical unity of Europe, and to exalt the secular ruler at the expense of the ecclesiastical authority; but the movements that resulted in the formation of the modern state were functioning before the Reformation both in practice and theory. The modern state was a result and an essential part of the Renaissance, and the Reformation merely accentuated a movement that was already in progress.

Europe clung with pathetic persistency to its Roman heritage of unity. The medieval thinkers had conceived of Europe as the Christian commonwealth (*respublica christiana*), that is, as a single society within the ambit of which different authorities might have diverse powers. The Papalists regarded the society as a church, within which the Emperor and the secular rulers might carry on the necessary work of government by the gracious permission of the supreme pontiff; but the last word in every question, including the right of the king to reign, rested with the papal court. The Imperialists argued on the other hand, that the

¹ J. N. Figgis in *C. Mod. H.*, III, 736.

Emperor was the predominant partner and that his right was equally divine; but neither party condescended to notice the position of the king, much less the state of which he was the head. The arguments whereby the respective positions were supported are to a modern, and would equally have been to a classical mind, utterly fantastic. The argument of the two swords, of the superiority of the sun to the moon, and all the rest of the "thick husk of inconclusive ingenuity and illegitimate metaphor",¹ are to our minds so grotesquely irrelevant that they can hardly be read with patience, and the core of real thought that underlies them remains hidden.

But the factor that differentiated medieval from modern, and equally from ancient political thought was its total disregard of the facts. The men of the Middle Ages were not the first, and most assuredly they will not be the last, who framed theories without reference to facts; but there was no other period since the human intellect awakened in which it was done so persistently and so thoroughly. Huxley defined a scientific tragedy as a beautiful theory destroyed by an ugly fact, but in the Middle Ages no such tragedy occurred, because the facts whether beautiful or ugly were never permitted to influence the structure of the theory. But the time will come when facts assert their existence, and the most logical theorist is compelled to recognise them. The medieval theories did not disappear in a moment; they lapsed into obsolescence through changes in the intellectual atmosphere,² and their attenuated influence may be traced even into the nineteenth century. "It took at least until the French Revolution for the self-sufficiency of the secular State to be recognised as practically beyond repeal; and, even then, the *Du Pape* of de Maistre and the *Syllabus* of 1864 stand as protests against its advent."³

In reality the theories never corresponded with the facts. The pretensions of the Papacy were immense, and increased in theory while its powers diminished. They reached their highest point in practice under Innocent III, who followed in the footsteps of Gregory VIII, but it was Boniface VIII in 1302 who published

¹ J. N. Figgis, *From Gerson to Grotius*, 21.

² The idea of the partly unconscious obsolescence of theories is very well worked out in Lecky's *Rationalism in Europe*.

³ H. J. Laaski in *C. Med. H.*, VIII, 620.

the Bull *Unam Sanctum*, "the most absolute proclamation of theocratic doctrine ever formulated in the Middle Ages," which declared that "it is a necessity of salvation for every human creature to be subject to the Roman pontiff". Yet Gregory VII died in exile, and in the year after *Unam Sanctum* Boniface VIII was captured and imprisoned at Anagni, and was led back to his capital only to perish from the shock. In practice the pretensions of the Papacy were admitted by the kings only so far as practical expediency dictated. A medieval Pope was very far from being an absolute sovereign.

The Empire was in no better case. Only in the reign of Charlemagne was the Emperor anything like an European ruler. His empire dissolved, and when the Holy Roman Empire was recreated by Otto it was never much more than a Germanic institution. Its writ ran only intermittently in Italy, never at all in France, England or Spain. It began as an overlordship, it ended as a mockery; at no time did it possess the power of an unitary kingdom. The theoretical Christian commonwealth of the Middle Ages was in fact a medley of struggling lordships in which war was endemic, and in which the effective rulers gave as much obedience to the unitary powers of Empire and Papacy as the exigencies of policy demanded from time to time.

If the theoretical unity of Europe never corresponded with the facts, by the fifteenth century the discrepancies between theory and fact had become glaring. The Plantaganet kings had long since made the island kingdom of England into a closely knit state, which never acknowledged any kind of allegiance to the Empire, and in which the power, and especially the exactions, of the Papacy were regarded with increasing distaste. Scotland, poor, remote and anarchical, where the perpetual antagonism between the feudal lowlands and the tribal highlands, and the endemic warfare between the highland clans themselves reduced the monarchy to general impotence, was hardly an effective member of the European system. It certainly was never even claimed as part of the Empire, and its poverty made it comparatively unattractive to the Papacy. The Scandinavian peoples were in hardly better case. The final termination of the Hundred Years War, the suppression of Burgundy, and the centralizing policy of Louis XI made France into the greatest of European powers, the central feature of whose foreign policy was hostility

to the Empire. The union of Aragon and Castile, followed by the final expulsion of the Moors, made Spain into an unitary kingdom; and the profits and prestige of the eastern voyages raised little Portugal for the time being to the rank of a great power. The city republics of Italy were transformed into monarchies during the age of the despots; and the extension and consolidation of the States of the Church converted the universal bishop into a competing Italian despot, whose policy was guided as much by his local interests as by his ecumenical pretensions. The world state of theory had dissolved into the world of States, and it became increasingly impossible to pay even lip service to the theory.

Not only was the tide of events moving ever more strongly in favour of the compact and consolidated commonwealth, it was also moving in favour of monarchy and absolute government. The disorder and particularism of feudalism was becoming increasingly repugnant to men intoxicated by the strong wine of the Renaissance. The disorder itself was not only becoming more intolerable, it actually was, or at least seemed to be, increasing in fact. The Italian cities were perpetually at war and engaged mercenaries whose sole employments were battle and brigandage; the pretensions of the feudal lords were increasing with the increase of wealth; the Hundred Years War aided and abetted every force that made for disorder both in England and France; the Wars of the Roses in England and the struggle of the monarchy against the great feudatories in France continued the evil tradition of the long war; and everywhere there was increasing disorder combined with increasing wealth.

It was the increasing wealth that made the disorder so intolerable to all who were engaged in its production. To the merchant and the manufacturer the soldier was a nuisance and the brigand a menace, and both looked hopefully to any power that could discipline the one and exterminate the other. There is no doubt at all that during the fifteenth century when the worst effects of the Black Death had been surmounted, wealth was increasing in many parts of Europe if not in all. The buildings that survive from that period, and especially the secular buildings, are material evidence of it. Castles were no longer useful and their erection had ceased; but churches were being reconstructed, enlarged, and beautified, and above all domestic buildings were

being constructed on an increasing scale, and there was great activity in the building of bridges, a sure sign of commercial movement. Capital was increasing with the increase in trade and was becoming more fluid. For a long time a process had continued of commuting the customary services, both feudal and agricultural, into payments of fixed amounts, and a transition had been steadily taking place from a natural to a money economy. The process was accentuated by the Black Death and the deep disturbances that it occasioned, but when the New World had been discovered and the direct trade routes to the East opened, the precious metals poured into Europe in quantities of which the Middle Ages had never dreamed. The Italian merchant bankers of the Renaissance and their northern counterparts (like the Fuggers of Augsburg) were phenomena of the new age. They might find that financing war was a profitable undertaking, but internal disorder was abhorrent to them.

(b) *Fortescue*

These tendencies of the times may be illustrated from the works of Sir John Fortescue and especially the *Governance of England*.¹ Fortescue may rank as the first English political theorist, because men like John of Salisbury, William of Ockham, and even Wyclif belong to the general stream of European culture, and their English birth was an accident and not a determining feature. Fortescue is as much an incarnation of John Bull as Dr. Johnson himself. He is an excellent witness because he belongs to the Middle Ages and not to the age of discovery. At the same time he is not unduly encumbered by medieval political theory, which was for the most part unknown to him, but he founded his theories on his own observation and thought. He was original in thought and practical in outlook.

We are not here concerned with the originality of his theories or his place in the history of political thought, but with his analysis of the evils before his eyes.² The chief of these in his view was the poverty of the Lancastrian and Yorkist kings and

¹ Edited by Charles Plummer, Oxford, 1885.

² His position is discussed in two papers of mine: "Sir John Fortescue" in *Journ. of Comp. Leg.* (1916), XVI, 248, and "The Beginnings of English Constitutional Theory" in *Wigmore Celebration Legal Essays* (1919), p. 287.

he enlarges upon it in much detail. Poverty leads to borrowing which increases the loss, the non-payment of wages makes subjects disaffected, and gifts and rewards have to be made by assignment instead of being paid in cash; but the greatest evil is that the king is compelled to resort to "exquisite means of getting of good". No realm can prosper under a poor king.

The second evil which arises from the first is the danger from "over mighty subjects". The evil is written large on the pages of fifteenth century history, and Fortescue had ample evidence of it. The remedy that he proposed and the Tudors adopted for the "default of governance and the undoing of the good law" was a council chosen on the ground of capacity for business, in which the territorial magnates were reduced to a position of insignificance.

Fortescue, in his merits and his limitations, is an excellent witness for prevailing tendencies. He saw the primary evils clearly, and while he argued strongly against absolutism, he conceded that an increase in the central power was the only real remedy. Other thinkers were more impressed by the general default of governance than by the advantage of limited or politic monarchy, and so the dominant tendency both in theory and practice was in favour of absolutism.

(c) *Beginning of the Modern State and its Theory*

At the same time the modern state and the political theories to which it gave point did not spring into being in one sudden leap, but were the fruition of tendencies that had been developing gradually. Medieval political thought, when it was not hovering uncertainly between the irrelevant and the ridiculous, was marked by two tendencies that ultimately succeeded in attaining some kind of unity. The first was the legal strand based in the last resort upon Roman law, for the political theory was predominantly legal in character and was usually to be found embedded in the interstices of the law. It looked backward to the old ideal of European unity and the Roman Empire as its embodiment. The ideal was complicated by the blatant fact of the universal church claiming *plenitudo potestatis* which was hardly to be distinguished from sovereignty. Nevertheless, the discordant claims of Empire and Papacy were not—in theory at

least—allowed to tear the seamless web of European unity; the Christian commonwealth was one and indivisible and the competing authorities might wrangle for the exercise of powers within the structure without disrupting its imposing facade. Even as late as the fourteenth century the Papalists were claiming universal dominion as a direct gift from the Deity, and Dante on the other side was claiming it as a divine donation on behalf of the Empire. Yet even theorists must ultimately subordinate logic to facts, and when Dante wrote its epitaph¹ the Empire was declining visibly until in the sixteenth century it became a cripple, in the seventeenth a skeleton, and in the eighteenth a joke.² The process of reasoning was lengthy and involved, but it took the form of detaching attributes and powers from the world state and transferring them to the individual communities. Bartolus of Sassoferrato,³ who was pre-eminently a jurist, marks the culmination of the process for he argued that the independent political community, whether city or kingdom, had acquired all the powers and privileges of the great state, and could properly be called *sibi princeps* or an Empire in miniature.⁴ By the middle of the fourteenth century the theory had been summed up in an epigrammatic phrase, "The king in his own kingdom is emperor of his realm",⁵ which left the emperor lonely in his theoretical supremacy while transferring to the king every power that made that supremacy effective. The phrase passed into common use and our Richard II used it in defence of his position. The theorists had graciously granted to the independent state a legal right to exist.

The second strand of thought derived from the renewed study of Aristotle in the thirteenth century. Thinkers found in Aristotle a self-sufficient and independent community that was not in the least like the Roman Empire, and still more unlike the universal church. The problem of the Aristotelians was not to find the state because it was there already, but to find a place

¹ The *De Monarchia*.

² Voltaire's famous quip that the Holy Roman Empire was so called because it was neither holy, nor Roman, nor an empire.

³ 1314 to 1357, C. S. N. Woolf's monograph with that title (1913) is a mine of information upon medieval political thought.

⁴ Woolf, *op. cit.*, p. 267.

⁵ *Rex in regno suo est Imperator regni sui*. Woolf, *op. cit.*, p. 369 *et seq.* It may possibly be attributed to Baldus, the pupil and successor of Bartolus, but there is no certainty.

for the Empire of which Aristotle had no conception. It would be tedious to follow the mental gymnastics whereby a kind of reconciliation was ultimately effected, but it may be summed up in the idea that the Empire was the highest and most perfect community and that less perfect communities found their completion in it.¹

It was obvious that such a theory was in a state of unstable equilibrium, and that the natural result of the authority of Aristotle was to take the state as he described it, self-sufficient and independent. Aristotle needed neither Empire nor church and why should they? The prevailing political tendency was in the direction of the self-knit community, and that was exactly what *The Philosopher* had conceived. It was true that he had treated of a city state not a country state, but the city states of the Italian peninsula fitted into his scheme precisely, and the basic ideas could be adjusted to the larger agglomerations.

The Aristotelian theory attains its culmination in the *Defensor Pacis* of Marsiglio of Padua, the most modern of all the medievals.² It is modern in its independence of authority, in its rejection of syllogistic argument, and in its appeal to fact to support theory. It is also thoroughly anti-clerical, and for this reason Henry VIII arranged for an English translation when his controversy with the Pope was at its height. Law to Marsiglio is a principle of right supported by the force necessary to preserve it. Its source is to be found not in any divine right of rulers, nor in the superior wisdom of a class, but in the common-sense of the whole body of citizens.

“We declare that according to the truth and to the opinion of Aristotle, the Lawgiver, that is, the primary essential and efficient source of law is the People, that is the whole body of citizens or a majority of them, acting of their own free choice openly declared in a general assembly of the citizens, and prescribing something to be done or not done in regard to civil affairs under penalty of temporal punishment . . .”

“The truth of a proposition is more accurately judged and its usefulness to the community more carefully taken into account

¹ Woolf, *op. cit.*, p. 295.

² E. Emerton, *The Defensor Pacis of Marsiglio of Padua*. Harvard Theological Studies (1920). H. J. Laski in *C. Med H.* VIII, pp. 626-632. The *Defensor Pacis* was produced about 1324-8, probably at the earlier date.

when the whole body of citizens apply their intelligence and their feeling of it. For the greater number can detect a fault in a proposed law better than any part of them, as every corporate whole is greater in mass and in value than any one of its separate parts."¹

He is not in the least afraid of entrusting legislation—when it is wanted—to the ignorant many rather than the wise few, because the majority of the citizens do not lack power of judgment in the questions that concern them deeply. The danger in legislation by the wise few is that they will be more deeply moved by their selfish interests than by their wisdom, "like the clergy in their decretals". The enforcement of law should be entrusted to the secular power because it alone can wield coercive force, and the spiritual power should be limited to its spiritual functions.

All this might quite easily have been written in the nineteenth century and it is strange indeed to find it in the fourteenth. Very modern, too, is the natural, we might almost say organismic theory of the state; and in the analogies between the body politic and the human body we might almost be reading a fallacy of Herbert Spencer. Marsiglio does not declare unreservedly in favour of any particular type of government though, like Fortescue, he prefers a limited monarchy based upon popular consent. He realises fully that there is no perfect form of government, but that all are limited by conditions of time, place, and surroundings, and that the best under some conditions may be the worst under others. All in short are relative. On the same ground he denied Dante's proposition that the unity of the world predicates an unity in civil society, for nature seems to prefer multiplicity to unity. The object of government is to secure peace, and peace means the normal working of all parts of the community according to the nature and purpose of each. The greatest hindrance to peace is the subversive activity of the church, and the primary problem of politics is the final overthrow of all claims of ecclesiastical supremacy. We are not surprised to learn that Marsiglio was not particularly popular in the Papal court.

¹ Quoted in Emerton, *op. cit.*, p. 24-5.

(d) Machiavelli

We now pass to consider the greatest political thinker of the Renaissance, whose anathematization in every succeeding generation is the greatest tribute to his power and his influence. Machiavelli has left behind him all trace of the medieval, its insistence upon rights as well as its disregard for facts; he has returned with the men of the Renaissance to the spirit and the outlook of antiquity. He is realist, practical, scientific, and experimental, he is modern of the moderns, deductive logic and the law of nature have no meaning for him, for facts alone have any significance. He is the most elusive of thinkers because his contrasts are so violent; on the one hand the cold calm villainy of Chapter XVIII of *The Prince* on "How Princes should keep faith", and on the other the vibrant call for an Italian Liberator in the last chapter. Machiavelli has suffered in reputation because attention has been concentrated upon *The Prince* alone to the comparative neglect of his other works. He was a child of his time and was concerned both with the ephemeral and the eternal, and the ephemeral element has been emphasized and the eternal neglected.

His theories were founded upon three principles. The first is that the art of government is independent of morality. This is not to assert that government is immoral either in its methods or its objects, but that the art of government is one in which moral considerations are as irrelevant as they are in the art of navigation. Machiavelli was generalizing from the contemporary practices of the Italian despots of which he had first-hand knowledge, but an impressive concourse of opinion can be gathered from many ages in support of his views. Not long before, the leaders of the Church assembled at the Council of Constance had declared that faith was not to be kept with heretics, and the transition from heretic to rebel and so to enemy, and especially infidel enemy, is no great step. In the seventeenth century Hobbes declared, as one might expect, that the relation of state to state is "the posture of gladiators", but Bacon had anticipated him in the words, "It is the solecism of power to think to command the end and yet not to endure the means", and the Society of Jesus merely latinized Bacon's words into a fundamental principle. In the following century Walpole

declared that "no great country was ever saved by good men, because good men will not go the lengths that may be necessary"; and in the nineteenth the man who accomplished Machiavelli's purpose in Machiavelli's country¹ said, "what a precious set of rascals we should be if we did for ourselves what we are doing for our state". Even the severe moralist who gained the title of "Honest John"² maintained that the equity of history required that we should judge men of action by the standards of men of action, and the mass of testimony to the same effect could be multiplied almost indefinitely.³ Machiavelli's fundamental idea was that the state must live, and viewed in the light of this principle questions of right are absurdities and the law of nature an irrelevance. Machiavelli in fact transformed "reason of state" from an occasional and extraordinary principle into a normal procedure.

Machiavelli's second principle was that human nature is always and everywhere the same, and always bad. No theologian, Catholic or Protestant, could have insisted more clearly or more often upon the essential depravity of human nature. He would have agreed with the great Whig lady who explained to her child that Tories were born bad and grew up worse, but he would have applied the doctrine to the Whigs as well as the Tories. The art of government is the "Endless Adventure", the most difficult of all arts; but if it is to succeed it must be based upon the assumption that all men will pursue their own interests without scruple and without remorse.

The third principle that alone renders government possible is that man is a creature of habit. Originality is distasteful to him and thinking painful, and it is habit alone that prevents his innate wickedness from resulting in anarchy. But the depraved and disorderly creature can be guided by law with the support of religion, because obedience to law is founded upon habit. The thing that is thoroughly congenial to him is imitation, and if a beaten track can be created he will follow that track. Nevertheless because of his depravity he will constantly tend to imitate in a

¹ Cavour.

² John afterwards Viscount Morley.

³ Acton, *History of Freedom*, p. 219, *et seq.* Murray, *Political Consequences of the Reformation*, p. 23, *et seq.* Acton denied the principle entirely. He said that all power corrupts and that absolute power corrupts absolutely.

debased form, and unless the tendency can be arrested by the governors states will always incline to decay.

It is clear that in Machiavelli we have a distinct break with the whole medieval tradition. It was not only that he tore away the decent veils of hypocrisy that cover the baser actions of men and exposed them with "the pure passionless curiosity of the man of science",¹ but he implicitly denied that government rested upon any ground of right. Furthermore, he broke with medieval tradition and anticipated much modern principle in treating the state as a governing body superimposed upon a mass of individuals. The medieval theories were based upon communities, and the commonwealth was regarded as a community of communities; but most modern theory and practice since the Renaissance treat state and individual as ultimate categories in a society wherein all other associations of men exist by permission of the state and not by inherent right.

(e) *Reformation Theories*

These tendencies of thought were emphasized by the Reformation which shattered the medieval structure even more thoroughly than Machiavelli had done. The Protestant right of private judgment was a strictly limited right and was far from implying any theory of toleration. The basis of Luther's system was the sanctity of the lay power against the ecclesiastical. It was inevitable that it should be so, because the only effective appeal that he could make was to the ruling princes of Germany. He depended upon their protection, and to secure their protection he magnified their prerogatives. He cared much for the godly Prince, little for the individual man. The result was to strengthen prevailing tendencies. Civil predominance was definitely established at the expense of ecclesiastical, and religion tended to become territorial. Upon the principle of *Cujus regio ejus religio* each prince determined the religion of his subjects, and if the subject did not care for the religion of his prince his remedy was not to demand toleration, but to migrate to a state where the prince's religion was more suited to his views. The effect was just as marked in the Catholic countries as in the Protestant. The Spanish inquisition was as much a political weapon as an

¹ Pollock, *History of the Science of Politics*, 43.

ecclesiastical, and if Louis XIV liked to be called the eldest son of the Church it was upon the condition that the son should exercise the filial right of keeping the parent in order.

In all countries, too, the idea of one European society with different officers exercising different functions had passed away. Both the Protestants and the Jesuits visualized church and state as two different societies, the relations between which had to be determined by contract or else by decree of the omnipotent state. At the same time the church fought hard for its predominance. Presbyterianism was if anything more ecclesiastical in spirit than the medieval church. Calvin ruling Geneva with a rod of iron, and Andrew Melville calling King James "God's silly vassal", invite comparison with Innocent III and his plenitude of power; but both Calvin and Melville regarded themselves as officers of a society distinct from the state. They might try to influence and even rule the state, but their society was not the state.

(f) *Theory of Sovereignty*

The works of Machiavelli were rather manuals of statecraft than contributions to political theory, and Luther had no political theory in particular; but the independent, omnipotent, omnicompetent state required a theory to support it, and this was supplied by the doctrine of sovereignty. The doctrine is implicit in Machiavelli, and possibly also in Marsiglio of Padua, but it became explicit in the *Commonwealth* of Jean Bodin (1576). Bodin belonged to the spacious days of Bacon when a man could claim without undue presumption to take all knowledge for his province; his reading was immense, but as a writer he was prolix, confused, and humourless; he possessed neither the logic of Hobbes nor the perspicuity of Bacon, and in his firm belief in astrology and witchcraft he recalled less enlightened times. Nevertheless his merits are conspicuous and all subsequent writers are deeply in his debt. In his ideas on the influence of climate, and therefore of relativity in politics, he anticipated Montesquieu and others more modern still. His greatest achievement was his theory of sovereignty. Undoubtedly it was a generalization from the facts of his own time, but it was he alone who made the generalization and so provided a theory that fitted the facts. He differed from others of his time in that he did not

portray the community as a mere mass of individuals, but founded the state like Plato upon the family, and not like the medievalists upon the group. The family was the natural community above all others, it was the model of rightful authority and government, and it required property for its support. The family and property were the two essential bases of the state. Yet an association of families is not a state, and Bodin had no clear ideas as to the formation of the state, which is perhaps just as well as his theory would undoubtedly have been inadequate.

But when a state, or at least a well-ordered state, has been founded it is essential that it should contain a sovereign authority. The state must be independent, and the sovereign power within it must be absolute, that is incapable of legal limitation. This does not mean in the least that it is above moral responsibility, because it is subject to the law of nature.¹ In the famous phrase of Hobbes, "no law can be unjust" because law is the measure of justice, but a law can quite well be immoral or inequitable. The sovereign alone can make or repeal law, and this power cannot be fettered by previous laws or oaths or conditions. Yet, after setting this out precisely, Bodin afterwards became somewhat confused and seemed to indicate that sovereignty might be limited by fundamental laws; that even the sovereign cannot deprive a man of his property without obtaining his consent in some sense; and that the power of imposing taxation might not be unlimited. The fact is that every political theorist even when dealing with abstract terms has in his mind the forms of political organization with which he is familiar, and Bodin in this instance was generalizing from the constitution of France. Sovereignty could be vested in one or few or many according to the classical classification, but Bodin regards monarchy as the most perfect form of government. The tide was setting strongly in favour of absolutism, and monarchy was the most perfect and intelligible form of absolutism.²

¹ The Law of Nature is discussed in connection with International Law, *infra*, p. 326.

² Bodin's *Republic or Commonwealth* was translated by Richard Knolles in 1606, but the book has never been reprinted and is now extremely rare. Baudrillart's *Jean Bodin et son Temps* (1853) is a standard work and Renz, *Jean Bodin* (1905) is a later study. There is no book on Bodin in English but there is the usual careful and accurate account in Hallam's *Literature in Europe*, and among more modern criticisms may be mentioned J. W. Allen in Hearnshaw's *Thinkers of the Sixteenth and Seventeenth Centuries*, 1926 (a most suggestive essay), and R. H. Murray, *The Political Consequences of the Reformation* (1926).

(g) Liberty and Thorough

Yet the opponents of absolutism were not silenced though they might be submerged. The sixteenth century saw the accentuation of the eternal antagonism between the apostles of Thorough¹ and the lovers of liberty. The antagonism has always existed and will ever exist because it reflects perennial tendencies of the human mind. We find it represented in classical times in the Greek ideal of freedom and decision through discussion on the one hand, and the Roman ideal of duty and discipline on the other; but in the sixteenth century the issues were defined in a way that has persisted. On the one hand are the efficiency mongers, the planners, the organizers, the people who believe that as government is a difficult art it should be entrusted to experts, with the corollary that the governed should obey their decrees without question because they are experts and know best what is good for the people. On the other hand are the lovers of liberty who believe that government to be effective should rest upon consent obtained by persuasion; that the best judge of the quality of the dinner is the diner and not the cook; that decrees will be more readily obeyed by willing agents; that ordinary men can and will decide for the best in matters that concern them though they may be quite unable to initiate policies; and that thorough discussion is the best approach to effective decision. Hume argued with his usual lucidity and cogency that all government was government by consent because force was always on the side of the governed, but organized force is one thing and unorganized another. Whether the devil or St. Thomas Aquinas has the best title to be considered the first Whig may be an open question, but the principles of Whiggery are as eternal as the principles of Thorough.

It may be noted that the principles of Thorough are as deeply seated in all revolutionary idealists as in the great organizers. They reveal themselves in the methods of the greater Roman emperors, in Alexander, Charlemagne, Wolsey, Strafford, Napoleon, and Bismarck (to select some representative names at random); but they are equally clear in the Jesuits, in the advocates

¹ The word was coined by Strafford to denote his policy, but it is a convenient term to adopt for the whole school of thought of which he was a representative.

of state socialism, in the Russian communists, and in all propounders of new orders. Sidney Webb and Trotsky shake hands across the centuries with Wolsey and Strafford. The conflict between the two views is perpetual and incapable of resolution. History reveals an unending series of compromises between them which are always unstable, but the pendulum swings strongly in one direction at some times and in the other at others. There is nothing necessarily ignoble in the principle of Thorough, though it may, and often does, degenerate into power politics and so into blatant exploitation. It was perhaps seen at its best in Bacon and Strafford and the prerogative school in England before the Civil War. Men of this type were deeply interested in good government in the interests of the people, and they saw in the regal power the only effective instrument for the purpose. It is easy to appreciate the weight of their argument. Parliament was a big meeting, had never governed, and was incapable of governing; and if government was to be strong they saw no alternative to the king's council. Parliamentary government does not mean government by Parliament, but by ministers of the king responsible to and supported by the majority of the House of Commons. That was all in the lap of the future, and it was small wonder that Bacon and Strafford could see no third alternative to an efficient king's council or "default of governance and undoing of the good laws".

Nevertheless neither in theory nor practice did the advocates of Thorough have it all their own way. The moving force in favour of liberty was at this time primarily religious, but drawing support from political principles. To the first reformers the principle of civil obedience was clear. Luther supported the godly Prince and Calvin argued strongly in favour of passive obedience, but the breaking point came when the monarch and the subject professed different creeds. Religion was the underlying influence both of the Dutch war of independence and the English civil war. "Political liberty," in Figgis' striking phrase, "is the residuary legatee of ecclesiastical animosities."¹ The answer to the claim of State omnipotence was the claim of a right of rebellion and a right of tyrannicide. This was argued on grounds of right and not merely of expediency both from

¹ *From Gerson to Grotius*, p. 135.

precedent and principle. The argument from precedent, so dear to the English lawyer, was the main weapon of the popular party in the struggle of the seventeenth century, and it lost nothing of its power of appeal if it involved some perversion of history. But it was not confined to England, for George Buchanan's pamphlet, *De Jure Regni apud Scotos*, is primarily an appeal to precedent though it also argues from first principles, and among the French school known as the Politiques, Hotman's *Franco-Gallia* is the earliest of modern constitutional histories.¹

(h) *The Original Contract*

Equally impressive was the appeal to principle exemplified by the greatest work of the Politiques, the *Vindiciae contra Tyrannos* of Du Plessis Mornay.² He, like the Jesuits, argued in favour of Tyrannicide under conditions,³ but his continuing importance rested upon his exposition of the theory of the original contract. That famous theory we must consider briefly.

It was a legacy from the Middle Ages, but it became prominent in the sixteenth century because it met or seemed to meet the intellectual needs of the opponents of absolutism. It appears in Buchanan, in Althusius, and in Hooker amongst others,⁴ but it is set forth in the *Vindiciae contra Tyrannos* in the manner in which it was to influence political thought until the nineteenth century. Briefly it postulates that government was founded as a deliberate act upon a compact made between the ruler and the people whereby the people agreed to render allegiance to the ruler and the ruler covenanted to secure good government to the people. There was another contract between the ruler and the people and the Deity to secure the protection of God in return for the maintenance of true religion, but as the ideas of true religion varied, and there were no means of enforcing the compact, this part remained in the region of decorative theory.

¹ Figgis in *C. Mod. H.*, III, 760.

² The book is anonymous but there seems to be general agreement now that he was the author. An English translation made in 1689 was reprinted in 1924 with an excellent introduction by H. J. Laski.

³ The Jesuit Mariana was of this opinion, but did not consider poisoning a suitable method.

⁴ Hooker is an invaluable writer for the student of political theory because the basis of his thought is to be found in the writings of the medieval doctors adapted to the conditions of his own time. The main ideas of the Middle Ages are implicit in Hooker.

The objection to the contract theory was not that it was an abstraction but that it was such a bad abstraction. Hume¹ riddled it through and through on theoretical grounds, and historical and evolutionary criticism completed the work of demolition. In the first place there is no historical evidence, direct or even inferential, of any such contract having been made anywhere or at any time. Hooker in fact admitted as much, because, as he quaintly remarked, "the articles of compact at the first beginning, which for the most part are either clean worn out of knowledge, or else known unto very few". This objection may be overcome in some measure, as was attempted in the *Vindiciae* by making the consent tacit. Even so there is no historical evidence of tacit consent for men in general; and most assuredly men in early times do not regard government as a thing that can be assumed or abandoned voluntarily.² Their ideas seldom go beyond changing the form of an unsatisfactory government, usually by killing the rulers. Unless one accepts Hume's theorem that all government is by consent because force is always on the side of the governed, there is no more evidence for a tacit consent than for one expressed. In the second place, the theory is self-contradictory because "it assumes as anterior to law a purely juristic notion".³ The idea of contract is a legal idea that could only exist after the assumed compact had been made, and it is also an idea that only comes into prominence in developed systems of law.

These objections, conclusive as they appear, carried little weight at the time. The historical sense was imperfectly developed, and knowledge of early societies non-existent. Such historical knowledge as existed seemed to favour the theory rather than retard it. There was the theory of feudalism which rested upon a mutual and reciprocal bond voluntarily made and renewed. There was the coronation oath of the king invested with its religious sanction, and there was the analogy of the baptismal vows. The contract theory might be regarded as a theoretical justification of medieval practice. But the influence that it gained can be attributed to its conformity to the spirit of

¹ *Essays*, Part II, No. 12, Green and Grose's edition, I, p. 443.

² Sir J. G. Frazer, *Psyche's Task*, a discourse concerning the influence of superstition on the growth of institutions. Ch. II, "Government".

³ Figgin, *From Gerson to Grotius*, p. 148. Also *C. Mod. H.*, III, 762.

the times. It was a definite appeal to right not expediency. The Papalists and the Royalists were appealing to right, and the theory enabled their opponents to show that right was on their side also. Furthermore, it placed civil rights on a secure basis. The sting of the absolutist theory was not that it ignored popular customs, but that it treated them as matters of grace and, therefore, revocable at will. This was the real essence of the differences between Parliament and the Stuarts, and made accommodation difficult if not impossible. The contract theory based the regal power upon the gift of the people and rendered their rights as immutable as those of the crown.

(i) *Importance of Untenable Theories*

The contract theory is an admirable example of a quality that has distinguished all political speculation from the Renaissance onwards. Comte remarked that science is a social phenomenon, and however true the observation may be as a generalization, it is certainly valid for political theory. Political theories assume two main forms: either they are attempts to explain and justify existing institutions, or else they are schemes of practical reform. In both cases they are thought deeply touched by emotion; for the purely scientific and detached treatment of political phenomena is an exceedingly rare occurrence, of which Aristotle remains the standard example. When men are conscious of practical evils, when the vestments of institutions are fitting badly, they never consider it sufficient to rest the case for reform upon the actual maladjustments, but they always seek for a general theory to justify their efforts, and they almost invariably choose one that is intellectually untenable. Of this curious mental tendency the theory of the original contract is an admirable example. It was historically untrue and philosophically unsound, but neither of these incidental disadvantages retarded its persistent influence.

Of like character was the theory of the divine right of kings with its offshoots of indefeasible hereditary right and passive obedience. The Whig thinkers found little difficulty in demonstrating its absurdity, but its theoretical absurdity is no measure of its historical importance. "Large numbers of men may embrace a belief without good reason, but assuredly they will

not do so without adequate cause. And it is commonly of far greater importance towards the right understanding of a doctrine, to know the causes which led to its prevalence or decay, than it is to be able to criticize the reasoning by which men think to support it while it is popular, or to demolish it as it grows obsolete."¹ Figgis demonstrated in his admirable work on the subject that it was not an academic but a popular doctrine, and that it was from first to last an anti-papal weapon. The men who instinctively disliked clerical pretensions, felt that they needed a theoretical justification for their dislike, and with unerring instinct they chose an absurd one. When the practical necessities that called it forth had disappeared, the theory insensibly sank into obscurity.

So, too, we may illustrate the phenomenon by the theory of natural rights. Bentham was not far wrong when he described the doctrine of natural rights as pure nonsense, and natural and imprescriptible rights as rhetorical nonsense or nonsense on stilts. The famous opening words of Rousseau's *Social Contract*, "Man is born free and everywhere he is in chains", are a good illustration. In fact, man is born a squalling egoist whose life would not be worth an hour's purchase except for the loving and unremitting care of those who have brought him into the world. The only freedom with which he is born is the freedom to die, all else he owes to others. The evils and injustices that brought about the French Revolution were many and deep-seated, and afforded ample justification for reforms of the most far-reaching character. But the men of the times wanted something more. They wanted a neat and compact theory that could be shouted from the housetops and in the market-place, to rationalize their pressing grievances, and they gleefully adopted one that was completely and conspicuously ridiculous.

At a later date men were mystified by the new state of affairs brought about by the industrial revolution. The thing was unknown, no existing theory had contemplated it; but the appalling conditions that it produced became increasingly evident, and called loudly for remedial measures. The facts were amply sufficient of themselves, but without a justificatory theory people felt that they were drifting aimlessly. They accordingly

¹ Figgis, *The Divine Right of Kings*, p. 2.

invented a new extravagance in the labour theory of value, which even now is not quite dead because the conditions that produced it have not yet entirely disappeared. The history of mankind's absurdities is quite as important as the story of their miseries and misfortunes.

(j) *International Law and the Law of Nature*

With the transformation of the shadowy world state into a world of states the question of the relations of these states between themselves became urgent. It was the urgency of the question that promoted the growth of the body of custom and doctrine to which we give the name of International Law. It is essentially a development that belongs to modern history, and by universal consent Hugo Grotius is regarded as its effective founder. It is true that the thing existed in classical times, though it was never expounded as a system, because something of the kind is a necessity when independent states are in contact with one another; but during the eclipse of civilization it was lost as completely as many other parts of the ancient heritage.¹ The renaissance of the twelfth century did not revive it for there were efficient causes that prevented its growth during the Middle Ages. The Pope and the Emperor were the recognized international authorities, but as the titular heads of a world state not of a congeries of independent states. Tribalism and feudalism must have ceased to be binding forces of the first order before the modern state could appear, and the modern state itself had to become both sovereign and territorial. Kings in the Middle Ages were combinations of feudal superiors and leaders of peoples, but international law depends absolutely upon the hypotheses that the government is sovereign and that the state is territorial. These ideas were long and late in coming to maturity.²

Grotius was happy in his opportunity, but "if the ground plan of the international edifice which was sketched in the great book of Grotius had not appeared to be theoretically perfect, it would have been discarded by jurists and neglected by statesmen and

¹ Coleman Phillipson, *The International Law and Custom of Ancient Greece and Rome* (1911).

² Maine, *Ancient Law*, p. 103, *et seq.*, and *International Law*, Lect. IV.

soldiers".¹ This theoretically perfect foundation rested upon the idea of the law of nature, and it is necessary to say a few words about that famous doctrine, that has in both its assumptions and its perversions affected political theory so profoundly.² Like so many basic conceptions it goes back to Aristotle and to Roman Law. Justice, according to Aristotle's *Ethics*,³ is a necessary element in a state and is divided into natural and conventional. Conventional justice deals with matters in which reason and convenience require that there should be a definite rule, but the exact nature of the rule is a matter of comparative indifference. Natural justice on the other hand has the same authority everywhere, is independent of opinion, and is comprised of the general rules recognised as valid by all civilized men. The Aristotelian doctrine implied the idea of a rational design in the universe, and this idea of nature was developed particularly by the Stoics. "Every creature has its own nature and its own appropriate functions, and for man—whose nature is to be a citizen—the Law of Nature is the sum of the principles, founded in human nature, which determine the conduct befitting him in his rational and social quality."⁴ The idea may be called ethical, but it proceeds beyond the boundaries of ethics in that it must be justified by reason. The reasonable man is assumed to be upright, but his essential quality is his reasonableness.

Working entirely from practical considerations the Romans had evolved a law of the peoples (*Jus Gentium*) or a common usage of mankind. It was applicable in cases in which one at least of the parties was not a Roman citizen, and it may originally, like the Law Merchant of the Middle Ages, have been primarily a market law.⁵ When Greek philosophy, and Stoic doctrine in particular, began to influence Roman thought the analogy between the theoretical Greek law of nature and the practical Roman law of the peoples became evident at once and the ideas speedily became amalgamated. The ideal rules that men ought

¹ Maine, *Ancient Law*, p. 111.

² The third and fourth chapters of Maine's *Ancient Law* are completely out of date. See Sir F. Pollock, *Essays in the Law*, No. II; *Expansion of the Common Law*, No. IV; *Notes to Maine's Ancient Law*; and Bryce, *Studies in History and Jurisprudence*, Essay XI.

³ This part of the *Ethics* is believed not to have been written by Aristotle himself, but nevertheless represents the substance of his teaching.

⁴ Pollock, *Essays in the Law*, 34.

⁵ Maine, *Village Communities*, pp. 193-4.

to observe because they were reasonable, and the actual rules that men did observe, presumably because they were likewise reasonable, should be identical; and in spite of some glaring misfits their identity was assumed.¹

The renaissance of the twelfth century and the renewed study of Aristotle in the thirteenth sent men back to the ancient sources, and the doctrine of the law of nature had to be absorbed. Its claims were little less than those of the sacred writings themselves. Aristotle was *the* philosopher, Cicero's authority was little less, and the "heathen human Digest" had been sanctified by the orthodoxy of Justinian who promulgated it. But an appeal to reason unsupported by authority was entirely alien to the medieval mind, and a place had to be found for the law of nature that would fit into the scholastic system. It was found in the identification of the law of nature with the unrevealed law of God, in fact with the golden rule, and it was so placed by Gratian in the very forefront of the *Decretum*.² St. Thomas Aquinas adopted and emphasised the same idea; it therefore became a commonplace of medieval thought; and William of Ockham showed his originality by a new classification of its rules.³ Placed in this exalted position it was declared to be immutable and supreme over all other law whatsoever, even if the other law were the subject of a positive enactment. When it came to questions of detail there might be, and were, acute controversies as to its actual contents, and the seat of the authority entitled to interpret the law of nature became a question of the first importance. Obviously the Church claimed a right that would increase its power enormously; obviously the Emperor denied so potent a weapon to his adversary; the dispute was insoluble and resolved itself into a question of jurisdiction.

The later history of this famous doctrine need not be followed here. It is sufficient for our purpose to explain its nature and development briefly, and to show that it was a very living doctrine in the Middle Ages; that it survived with hardly diminished authority into the sixteenth and seventeenth

¹ The existence of slavery was the most evident point of difference. It was clearly a recognised and universal institution in the ancient world, but philosophy could find no warrant for it in the law of nature.

² *Supra*, p. 216.

³ Pollock, *Essays in the Law*, p. 37.

centuries; and that without its existence the authority and success of Grotius cannot be explained. It was true that the Protestants did not accept the authority of the church, the canon law, or Aristotle; but they did reverence the text of the Roman law and that was a sufficient foundation for the law of nature. Therefore in appealing to it Grotius founded his law of nations upon ideas that commended themselves to Catholics and Protestants alike; to Catholics as the unrevealed law of God, and to Protestants as a secular basis of admitted authority.¹

The growth of the independent states made the question of their relations between themselves, both in peace and war, one of urgent practical importance. Some accepted rules were necessary if war was not to be reduced to such unmitigated savagery as would amount to a denial of civilization, and the relations in time of peace would gain in efficiency if they gained in orderliness.² Even in the fourteenth century Pope Innocent IV maintained that infidels had certain elementary rights that attached to them as men independently of their faith or lack of the correct one; and at the Council of Constance (1414) "the rights of infidels were maintained with much ability by one of the representatives of Poland and Lithuania, the pagan inhabitants of which countries had suffered cruelly from the inroads of the Teutonic Order".³ Even at that early time there was one people who consistently refused to pay more than lip service to the principles of international law as to all other basic principles of civilization.

One of the earliest writers upon international law was Alberico Gentili, an Italian protestant whom Oxford honoured herself by adopting. His work, *De Jure Belli*, was commended by Grotius and more highly by more modern authors. In fact, he was too modern for his time, but his works were neither philosophic nor systematic. In spite of his abilities and his modern and positive

¹ We may again cite Hooker's *Ecclesiastical Polity* as the last English book that revealed a thorough understanding of the law of nature. Bentham's greatest happiness principle, especially as expounded by John Austin (*Province of Jurisprudence Determined*) is pure natural law, though the Utilitarians misunderstood and, through misunderstanding, despised the law of nature. The idea was also essential to the theory of the original contract.

² Walker, *History of the Law of Nations*. Nys, *Origines du Droit International*. Butler and MacCoby, *The Development of International Law*. Pollock in *C. Mod. H.*, XII, ch. 22, and Holdsworth, *History of English Law*, V, 25-60.

³ Holdsworth, op. cit., V, 31.

outlook he must resign the title of founder of international law to the great jurist whom we must now briefly consider.

Hugo Grotius was born at Delft in 1583 of mixed French and Dutch parentage. He developed an extraordinary precocity at a preposterously early age, but in his case the performance of maturity did not belie the promise of infancy. He was a Doctor of Laws and practising at the Bar before he had reached the age of 17, and was Advocate-General of three of the United Provinces before he was 25. In 1618 he was involved in the fall of Barneveldt, and with him was tried for treason and convicted—the penalty in those days of political opposition—and sentenced to imprisonment for life. The story of his escape is well known, and, except for a brief interval, he spent the rest of his life as an exile from his native land.

The *De Jure Belli et Pacis* was published in France in 1625 and its success was immediate and its influence perennial. Maine did not greatly exaggerate when he said that it obtained “the enthusiastic assent of Europe”. The supreme merit of Grotius was that he founded a new branch of law, divorced from theology and distinguished from ethics, the whole outlook and method of which was legal and not merely philosophical. He hit the opinion of his times between wind and water, and he did this because he appealed to accepted methods of reasoning and refrained from aiming at an impossible perfection. He established “foundations of moral and legal justice which learned men would deem sound, and men of the world would not think fantastic”.¹ Sir William Holdsworth mentions four characteristics of the intellectual training of Grotius that contributed to his astonishing success.²

(1) He was a trained lawyer and worked on legal principles and subject to legal limitations. Denunciations of excesses by themselves would have had little influence, and statements of lofty ideals might have had none, but Grotius always limited the ideal by the possible.

(2) He was a master of the scholastic method to which the lawyers, and many of the philosophers, of that age were

¹ Pollock in *C. Mod. H.*, XII, 710.

² Holdsworth, *History of English Law*, V, 55.

accustomed. The very reasons that make the book tedious, not to say repulsive, to modern readers increased its contemporary authority.

(3) He was a master of the humanist learning which the lawyers of the Renaissance had used to correct the errors of the school of the Commentators.

(4) He was a Protestant and a tolerant Protestant. He recognised that men had rights even if they were infidels, and that the world of man and the empire of law extended beyond the limits of Christendom.

Furthermore, Grotius drew his conclusions from every accepted source of law and relied upon all of them: the law of nature, revealed religion so far as it was applicable, established custom, and implied principle. "Scholars and philosophers would for the most part accept the law of nature; divines, and especially Protestants (many of whom regarded natural law with suspicion), expected Scriptural warrant; public men would insist on being assured that the author who called for their attention was walking on the ground of practical affairs and not merely setting up his own opinions as an universal standard."¹

It would extend unduly a chapter already long to give any details of the work of Grotius, still less to follow the chequered history of international law after his time. There is one question, however, that seems worthy of mention because it has been so much canvassed at a time like the present when the basis of international law has been denied and its provisions openly flouted. The question is whether it deserves the name of law at all, or whether it should more properly be called a system of international ethics² on the ground that it lacks a court empowered to give authoritative decisions and an executive authority to enforce these decisions. The answer is that it is a system of customary law in process of development and that it is at present in a stage that was traversed by all early systems of law not excepting our own. The executive power of a primitive government is extremely weak, but that does not prevent an illegal act from being considered illegal, and not merely immoral,

¹ Pollock in *C. Mod. H.*, XII, 709.

² John Austin, *Lectures on Jurisprudence*.

even in those early times. The whole method of reasoning in international law is legal not ethical, and much of it is actually administered by national courts as law. As Lord Stowell said in a well-known case some 150 years ago, "the seat of judicial authority is locally here, in the belligerent country, according to the known law and practice of nations, but the law itself has no locality". The fact that the law is broken is no argument against the existence of the law but rather the reverse, because, for example, the fact of stealing presupposes a law of larceny.

Finally, it is a noteworthy circumstance that most of the greatest masters of, and most authoritative writers upon, the subject of international law from Grotius onwards have been citizens of the smaller States. The existence of those States depended upon recognized right rather than potent force, and law was the shield that secured their liberties and privileges. International law is a gift of the little countries to Europe and the world.¹

¹ There are good accounts of Grotius in *The Great Jurists of the World* (Continental Legal History Series), by Sir William Rattigan; by Sir Frederick Pollock in *C. Mod. H.* cited above; a few admirable pages by Sir William Holdsworth in *History of English Law*, V, 55-58; and an excellent summary by Hallam, *Literature of Europe*, Part III, ch. IV, sect. 3.

PERIOD V

THE INDUSTRIAL AND INTELLECTUAL REVOLUTIONS

CHAPTER 39. THE INDUSTRIAL REVOLUTION OF THE EIGHTEENTH CENTURY

(a) *Introductory*

THE industrial revolution¹ is a comprehensive term used to denote the sum of a large number of inventions, changes, and improvements that began in the latter part of the eighteenth century and are still continuing and likely to continue. No such basic change in the constitution of society had taken place since those far-off days, before the beginning of recorded history, when men first began the systematic cultivation of the soil and erected the cities from which civilization takes its name.² It was a long and painful process, and its ultimate results are impossible to forecast because we are still living in the midst of it. The process in its earlier stages is now quite clear, but because it was and is a continuous movement it is difficult to date with precision. There is general agreement that 1760 can be taken as a convenient though not precise starting point; but it is impossible to fix any date when it ceased to be a revolution and became a growth, and many dates can be supported by plausible arguments. We prefer to leave the question open.

There is no doubt at all that England must claim the honour or take the blame for being the fountain head and origin of the whole movement. We know that most great ideas originated in one place and at one time, and spread outwards from the seat of their origin. The inventiveness of man is a distinctly limited

¹ The expression came into general use as a result of the posthumous publication of Arnold Toynbee's lectures bearing that title (1884). It had, however, been used by J. S. Mill in 1850 and by F. Engels in 1848. Mantoux, *Industrial Revolution*, p. 25, note.

² It was formerly thought that pastoralism had everywhere preceded agriculture, but archaeologists are now tending to the opinion that some forms of cultivation are at least as old as the domestication of animals. Town life began in the river valleys of the Tigris and Euphrates, the Nile, and in all probability the Indus.

faculty, and new ideas are excessively painful to mankind in general. All originators are heretics from the standpoint of the existing order, and its first instinct is to suppress them. Often it is only too successful for a new idea can only grow in a favourable soil. "Which of the prophets have not your fathers persecuted?" is a question to which a sad answer must be given. This is true of philosophy, of science, of politics, of economics, and of religion, for the founders of the great religions, as well as the smaller, were as much heretics as the innovators in politics and science. The heretics are the heroes of civilization and it owes all its achievements to them.¹ This principle which is quite evident in the field of thought is now becoming acceptable in the field of material invention. It is increasingly evident that independent invention in different regions is to say the least of it a very rare occurrence, and that inventions were for the most part made once and once only and diffused by slow stages from their point of origin.²

The origin of the industrial revolution in England is a plain matter of fact; but whether it was due to the innate genius of the English people, or to conditions that favoured the growth, or to both simultaneously, is a point on which an Englishman should refrain from dogmatizing even if a complete answer could be given. It is at least certain that conditions had changed most materially in favour of this country. Until the voyages of discovery and the opening of the new world, England lay on the outer periphery of civilization. She was the last province to be added to the Roman Empire, except for the short-lived acquisition of Dacia by Trajan, and even so the permanent Roman boundary was fixed at the line of the Tyne and the Solway. She was "the utmost corner of the West", away from the trade routes, away from the main streams of traffic, part of the European continent but yet separated from it, with no distinctive natural product except wool. With the coming of the ocean voyages the position was changed completely. When men began to look at the world and not at the peninsular continent of Europe, England was seen to occupy a central position in the

¹ This does not imply that all new ideas are true as that is demonstrably not the case.

² "The evidence suggests that few, if any, even of the simplest discoveries and inventions, have in fact been made more than once." Lord Raglan, *How Came Civilization*, p. vi. Lord Raglan's book is an excellent account of what is known as the diffusion theory.

land hemisphere, and "insulated but not isolated" was able to take advantage of that position.¹ The first development was therefore commercial not industrial, but our country was a slow starter in commerce as in war. England's sole contribution to the voyages of discovery was the adventure of Cabot, and Portugal had secured the eastern trade and Spain the western before the merchant adventurers of England had envisaged her future position, and apprehended the results of the new geography. It took a century for the new ideas to sink into their minds, and great commercial expansion took place under Elizabeth, not Henry VII. It was marked by the formation of the trading companies, the Muscovy in 1554, the Baltic in 1579, the Levant in 1581, and the first East India in 1600. The Settlement of Virginia, after some unsuccessful experiments, followed a few years later. Through the seventeenth century the expansion continued, but it was an expansion in trade and only to a small degree in industry. England modelled her policy upon that of Holland, who shared in the geographical advantage. As Dutch ships did not carry Dutch goods, so English ships did not carry English goods, for England's "treasure" was "by foreign trade". The rivalry led to the Dutch wars of the seventeenth century, perhaps the most unnatural in which this country has ever been engaged, separating as they did the period of English assistance in the war of independence from that of alliance and comradeship in the wars of Marlborough. The mental background is portrayed exactly in Addison's splendid essay on the Royal Exchange,² in which the merchants are said to be "making this metropolis a kind of emporium for the whole earth", and "our ships are laden with the harvest of every climate". The only native products that occurred to Addison were tin and wool. "Our English merchant converts the tin of his own country into gold, and exchanges his wool for rubies. The Mahometans are clothed in our British manufacture, and the inhabitants of the frozen zone warmed with the fleeces of our sheep." The Glorious Revolution of 1688 stabilized the political

¹ Mackinder, *Britain and the British Seas*, ch. I. Mackinder seems to have had some nineteenth century confusion in his mind between races and languages, and that vitiates part of his argument. There are certainly Teutonic and Romance languages, but it is equally certain that there are no Teutonic or Romance races.

² *Spectator*, No. 69.

constitution and the date "deserves no less a place in economic than in political history",¹ and Addison was noting its first fruits.

The most important immediate effect of the change was the founding of the Bank of England in 1694.² As before, England was starting late, for the Bank of St. George at Genoa was already 300 years old and the Bank of Amsterdam nearly 80. Nor was the Bank founded primarily in the interests of commerce but as a budget expedient, and it was only the pressing need of the government for money that silenced, or at least overcame, the strenuous opposition which the proposal aroused. The Bank was founded as a means of floating a government loan of £1,500,000 at 8 per cent interest, and so successful was the expedient that by the date of the Peace of Utrecht (1713) the rate of interest had fallen to 4 per cent, and in 1732 a 3 per cent government stock had risen above par. With the "Three Per Cents" as a standard security we can feel that modern times have really begun. But the effect of the Bank upon government borrowing was the least of its services to the country. It gave to the operations of trade an ease and security that nothing else could have done, and without it neither the expansion of commerce nor the industrial revolution would have been possible.

A few figures may illustrate the commercial expansion. In 1700 the tonnage leaving English ports was 317,000, and in half a century this had more than doubled at the figure of 661,000. Thirty years later it had advanced to 711,000, but in the next twenty years it had reached the then colossal figure of 1,958,000. Similarly the exports and imports which were valued at about £11,000,000 and £7,000,000 respectively in 1725, rose with fluctuations to about 15 millions each in 1784 and 1775 respectively, but in 1800 had reached figures of 42 and 30 millions. These startling and sudden advances, in spite of the wars, evidently indicated the emergence of a new factor. That factor was the industrial revolution.

An essential feature of this great landmark in the history of civilization was the interdependence of its several parts.

¹ Mantoux, *op. cit.*, p. 96.

² The classical account of the formation of the Bank of England is in Macaulay's *History* (Firth's edition V, p. 2428 *et seq.*). Macaulay as usual is at his very best in dealing with an economic question. Also Thorold Rogers, *The First Nine Years of the Bank of England*.

Though its fortunes were guided by one dominant invention, that invention depended for its position and its utility upon concurrent growth in every other direction. The erection and equipment of factories required a large expenditure of capital, and it was the growth of trade that made that capital available. The basic inventions were dependent for their constituent materials upon the metal industries, and in particular upon iron; and without the improvements in the manufacture of iron, and the use of coal in the form of coke for the purpose, their extended use would not have been possible. The steam engine in particular was completely dependent upon the quality of the iron and the precision with which it could be fabricated. The whole movement was based upon improved communications; upon roads and canals and later upon railways; and the increased population could not have been fed, nor could England have passed successfully through the Napoleonic wars, without the great advances in agriculture. The methods of business and the machinery of finance were also modernized, and though the advance in this direction was slower it was equally essential. We see, therefore, in the industrial revolution a phenomenon that had not previously occurred, a series of converging lines of advance in a multitude of varied directions, all in a sense independent of one another, but all rendered possible by the advance of the others, and meeting together to produce the industrial or great society in which we are living. The thing was new, and the difficulty of appreciating its magnitude is due to the recency of its origin.

We must now examine briefly the constituent parts of the immense aggregate.

(b) *The Steam Engine.*

The steam engine was not the first of the great inventions, but it was the basic device that rendered possible the development of all the others. The industrial revolution was fundamentally the age of steam, and it seems advisable to set aside the strict demands of chronology and to consider the most important thing first. It was also the first clear manifestation of a method that was to be fundamental in the later stages of the revolution—the application of scientific theory to practical

improvement. This was in fact one of the earliest objects of the Royal Society, but in the seventeenth century chemistry had hardly been born and physics was in a very early stage of development. It was necessary to lay the foundations before the house could be built. The earlier inventions were almost all empirical devices made by practical men who saw the defects of the existing machinery, and by the exercise of mother wit designed expedients to overcome them. James Watt, on the contrary, was a man of wide culture, well abreast of the scientific knowledge of his day and acquainted with some of its foremost exponents, and he applied his theoretical knowledge to the solution of his practical problem.

We need not pause to describe the anticipations of the steam engine made in classical times, for they were but toys. The earliest steam engines were in fact pumps, and this was also true of Watt's invention in its earlier stages. The sole source of power, except for the limited use of the windmill, was water, and pumps were needed to fill reservoirs and to drain mines. The first steam pump that really worked was invented by an army officer named Thomas Savery, and was patented in 1698. Its power was limited and so was its use, and it was soon superseded by the beam engine and pump of Thomas Newcomen, which was perfected during the years 1706 to 1720.¹ In a sense, it should be called an atmospheric rather than a steam engine because the steam did not provide the motive power. The steam was used to fill the cylinder and was then condensed by the introduction of a jet of cold water. A vacuum was thus created, and the pressure of the air depressed the piston in the cylinder. The engine certainly worked, and its use spread quickly, not only in England but also on the continent. In 1767 it was said that there were nearly seventy such engines in use in and around Newcastle-on-Tyne. Its design remained unaltered for some seventy years, in fact until James Watt devised the steam engine in all essentials as we know it.

The details of Watt's life, including his relations with Roebuck and Boulton in succession, are well known and need not be repeated here. He was essentially the man of science who

¹ Good illustrations of Savery's and Newcomen's engines are given in Hogben, *Science or the Citizen*, pp. 554-5.

applied his theoretical knowledge to the solution of his problem, and he was fortunate both in his associations and his opportunities. He came of a family distinguished for intellectual attainments, for his grandfather was a teacher of mathematics, and his father an architect and a shipbuilder who attained a leading position in his native town of Greenock. The boy developed a mechanical aptitude precociously, but unlike many other mechanical geniuses did not confine his interests to the details of mechanics. To keep himself abreast of the knowledge of his time he mastered French, Italian, and German, dabbled in metaphysics, devoured poetry, and found solace in music. The inventor of the basic instrument of the industrial revolution was a man of the widest culture and broadest knowledge. He chose as his occupation that of a maker of scientific instruments, and later acquired an extensive practice as a surveyor in connection with canals, rivers, and harbours. After a brief stay in London he settled in Glasgow, but was hampered by the restrictive ordinances of the city guilds. The University needed his services and extended its protection by giving him a workshop within its own precincts, and consequently outside the guild jurisdiction. This opened to him the intellectual influences of the university, of which perhaps the most important was the lectures of the chemist, Joseph Black, who was then developing his theory of latent heat.

The severe rectitude of the *Dictionary of National Biography* makes it a trifle sceptical about the story of Newton's apple, but it attaches no credence at all to the pleasing legend of Watt and the boiling kettle. Already, under the influence of John Robison, the professor of natural philosophy, Watt had been engaged in experiments on the pressure of steam, but the decisive event occurred in 1764, when he was 28 years of age. A model of Newcomen's engine, used for demonstration purposes in the university, obstinately refused to work properly in spite of having been repaired by a celebrated instrument maker in London. Watt was asked to remedy its defects and his attempts led him to the conclusion that they were inherent in the principle of the engine and not incidental or remediable.

In 1764 or thereabout Watt had formulated the essential principles of the steam engine as the universal source of power, but it would take too long to chronicle the stages in its advance.

Watt himself was shrinking and diffident with regard to his own inventions, and like many men of high intellect, lacked the peculiar attributes of the man of business. Lack of money prevented him from exploiting his ideas himself, but good fortune attended his relations with Roebuck, and in a greater degree with Matthew Boulton. Without those famous partnerships, and especially the one with Boulton, it is doubtful if the steam engine would have come into its kingdom until at any rate a much later date. Watt's diffidence needed the constant encouragement of men of boldness and initiative. Boulton in particular was a manufacturer on a large scale and a man of wide ideas who aimed at the quality and artistic merit of his goods.

At first the steam engine was confined to its original function of a pump,¹ but in 1781 Watt took out his patent for utilizing it for rotary motion. "From that moment the whole field of industry was thrown open to it."² It could be used in factories of all kinds and for the production of power for all purposes. Its last development was the locomotive engine, finally rendered practicable by the genius of Stephenson, which made the railway the primary instrument for long distance haulage and travel the world over. "With this great new event, the invention of the steam engine, the final and most decisive stage of the industrial revolution opened. By liberating it from its last shackles, steam enabled the immense and rapid development of large-scale industry to take place."³

(c) *Machinery in the Textile Industries*

Man has been defined, among a variety of other definitions, as a tool-making animal. The industrial revolution might be described as a progressive series of inventions of new tools, but it became a revolution modifying the structure of society because the new tools differed from the old in their essential character. The old tools, like the spade, the plough, and the cart, were passive instruments in the hands of the worker, they enabled him to do the work with greater celerity and efficiency,

¹ A Watt steam pump of 1776 is illustrated in Hogben, *Science for the Citizen*, p. 586.

² Mantoux, *op. cit.*, p. 340.

³ *ibid.*, p. 344.

but they did not do the work themselves. The new inventions were active instruments that did the work under the guidance of the worker, and the new thing that they produced was machine industry. Its characteristics are too familiar to need description. The machines ceased to be occasional aids to production, they became the sole instruments of production. Even so there were examples of machine industry before the machine became paramount. Printing, the basic invention of the Renaissance, was always a machine industry, though mechanization was applied to it in increasing doses. The printing press, even if worked by hand, was a machine that did the work; and the modern developments of rotary presses and type-setting machines merely completed the process. So milling was of the same character whether the source of power was wind or water,¹ and some of the processes in the manufacture of woollen goods, such as fulling, were machine industries carried on in power factories. The difference was that they were occasional and not essential.

We may pass over the invention of the stocking-frame by William Lee as far back as the end of the reign of Elizabeth, because though it established a new machine industry it could be used in the home of the worker. Neither need we pause to consider the Italian machine for throwing silk, the secret of which was secured by clandestine means, though it led to the erection of the first large factory in England, because the silk industry never held anything but a subordinate position in this country. We must therefore turn to cotton.

The growth of the woollen industry in England is intelligible because England grew wool in great quantity before she manufactured it; but cotton is a tropical product and it is certainly curious that an exotic industry based upon it should have become one of our primary manufactures. The reasons were, firstly, that the climate of Lancashire, whatever rude things may be said about it, was exactly fitted for this particular manufacture; and, secondly, that the essential inventions were made

¹ The transformation of the word "mill" shows this clearly. Originally it meant a building in which corn was ground, as the only distinction between mills was the source of their power, as water-mill and wind-mill. The earlier factories were always called mills because they were buildings in which power was employed, as in Blake's "dark, Satanic mills". Then they were classified, not by their power, but by their products, as cotton-mill, woollen-mill, fulling-mill, and so forth, and the original mill became a flour-mill.

here. The word cotton changed its meaning as it originally denoted a particular kind of wool, but there is evidence that early in the seventeenth century Manchester was making true cotton goods. The established woollen manufacturers made attempts to strangle the new industry, which were happily unsuccessful, and one of the causes of its success was that it was free from the trammels of the older industries, and could develop without unnecessary hindrance.

The first jump forward was the invention of the flying shuttle by John Kay in 1733. This did not transport the industry from cottage to factory, but it did upset the balance of the trade. The weaver was enabled to work more quickly, and suffered from a perpetual shortage of thread until the spinning of yarn could be expedited. A spinning machine was invented by Wyatt and Paul in 1738, but for lack of capital and administrative capacity it did not prove successful, though its principles were sound.

The two inventions that were to revolutionise the industry were made within a year or two of one another. James Hargreaves invented the spinning jenny¹ about 1765 and patented it in 1770. The essence of the invention was that many threads could be spun at the same time. The original machine spun eight threads at once, and before Hargreaves died machines had been made to spin eighty. The lack of thread that had hampered the weavers was a thing of the past, but the invention did not revolutionize the character of the industry. The spinning jenny was a simple instrument that could be erected at slight cost, and did not require the use of mechanical power. It needed no special workshops, and the spinner could use it in his own home as he had formerly used the spinning wheel.

The real creator of the modern factory was Sir Richard Arkwright. In him were concentrated all the qualities of the man of business and of the self-made man, so eulogized by Samuel Smiles and so disparaged by others. In many ways it is not an agreeable type, self-assertive, imperious, somewhat regardless of consideration for others, but possessing energy, leadership, and powers of organization and accomplishment that its critics never approach. Arkwright's education was apparently

¹ The origin of the name is unknown. Jenny, as in jenny-wren, is a familiar variant of Janet or Jane.

of the most meagre description, for his parents were in humble circumstances, and he is said to have been the youngest of a family of thirteen. Even at the age of 50 he spent at least an hour every day in improving his knowledge of grammar and writing. There is considerable controversy upon the question whether the inventions that gave him fame and fortune were really his, or founded upon ideas filched from others who could not make them workable. The evidence is not conclusive in either direction, and rests upon the inferences to be drawn from the report of the trial of 1785 which nullified Arkwright's chief patent. Mantoux¹ takes the unfavourable view, but he seems to have overlooked the extraordinary provision of English law at the time, immortalized for ever in *Bardell v. Pickwick*, that the parties to a case could not give evidence. Arkwright was unable, therefore, to present his own account of the matter to the court and jury, and consequently it never appeared in the report of the trial.

Of the quality, importance, and finality of the inventions there is no question whatever. "The spinning-frame of Arkwright was the result of inventive power of a higher and rarer order than that necessary to originate the spinning-jenny. It was much more than a mere development of the old hand-wheel. It implied the application of a new principle, that of spinning by rollers; and in the delicate adjustment of its various parts, and the nice regulation of the different mechanical forces called into operation, so as to make them properly subordinate to the accomplishment of one purpose, we have the first adequate example of those beautiful and intricate mechanical contrivances which have transformed the whole character of the manufacturing industries".² The essence of the invention was that it produced a stronger thread than any spinning machine could make. The result was that instead of weaving materials out of cotton and linen mixed, pure cotton calicoes could be woven that equalled in quality and surpassed in quantity anything that could be imported from India.

At the same time the historical importance of Arkwright does not rest primarily upon his inventions but upon his methods. He did not originate the factory system with its regular hours,

¹ *Op. cit.*, p. 234 *et seq.*

² *D.N.B.*, I., 534.

its discipline, and its specialized workers, but he made it the basic method of industrial production. After his time the factory ceased to be an occasional contrivance to meet a specialized need, but became the normal instrument of large-scale manufacture. With the factory came the manufacturer, as the term now came to be used, and of this class Arkwright was the pioneer and the perpetual example.

The inventions that have just been described related exclusively to the spinning side of the industry, and it was now the turn of the weavers to lag behind the spinners. No improvement had been made in the loom since the original invention of the flying shuttle, and the final transformation of cotton manufacture into machine industry was the work of Samuel Crompton and Edmund Cartwright.

No more striking contrast could be imagined than that between Arkwright and Crompton. On the one hand we see the hard-working, pushing, resourceful man of business, a leader of men, a born organizer, versed in every detail of business and able to utilize all the financial expedients that were available; but none too scrupulous in his methods and with small regard for the rights or position of others. On the other hand we have a man who started from an equally lowly position, but shy, solitary, and retiring, unsocial and somewhat irritable, possessing no great capacity for business, nor any outstanding qualities of leadership, but working at his invention with a singleness of purpose that disappointment could not daunt and poverty could not restrain.

He was sprung from the rapidly diminishing class of the yeomanry, but never did any agricultural work, and was employed from an early age in the subsidiary family occupation of spinning yarn. He supplemented his small earnings by employment as a fiddler playing on a home-made violin, and was thus enabled to buy some extra tools. He seems to have been stung into inventiveness by the imperfections of the spinning-jenny at which he worked. For five years from the age of 22 to that of 27 he worked at his machine incessantly and usually by night, until in 1779 it was completed and worked.

A description of Crompton's "mule" (as it was called) hardly concerns us, but the purpose that it accomplished was to

produce a thread that was as strong as that made by the water-frame, and fine enough to be used for the manufacture of the most delicate muslin. It was a final invention, for "its main characteristics are still to be found in the delicate and complicated machinery of the most up-to-date type".¹ Crompton worked his machine himself and the fineness and strength of the thread that he produced attracted both custom and curiosity. He was in fact subjected to an organized system of spying, and as he had no money to take out a patent he was faced with the alternative of destroying the machine or giving it to the public. With entire lack of business acumen he took the latter alternative on the faith of a document possessing no legal validity whereby eighty firms and individuals agreed to make a voluntary subscription for his benefit. The total subscriptions amounted to £67 6s. 6d., so that the trade did not pay any excessive figure for an invention that created a new British industry. It is hardly a matter of surprise that after this experience of commercial mentality Crompton became soured and misanthropic. The details of his later life do not concern us, but his inaptitude for business remained, and none of his partnerships proved successful. Subscriptions for his benefit were raised on more than one occasion and he received a national grant of £5,000 in 1812.

The only resemblance between Samuel Crompton and Edmund Cartwright was a common lack of business capacity. Cartwright was a younger son of a Nottinghamshire country gentleman and was educated for the Church. He obtained a fellowship at Magdalen College, Oxford, in 1764, though what that may have meant in the way of scholarship in the easy-going eighteenth century had best be left to conjecture. At least he seems to have been a good classical scholar, was a minor poet of some distinction, and a thoroughly efficient country rector in material if not in spiritual matters. A chance visit to Matlock and a chance conversation directed his attention to the problem of the weaving machine. Ignoring the trifling hindrances that he had no mechanical knowledge and had never seen a weaver at work, he set to and produced a machine that was clumsy and ineffective. Doubtless that was the result that

¹ Mantoux, *op. cit.*, 240.

everybody expected, but the marvellous sequel that nobody expected was that the elegant poetaster went on improving his design until two years later (1787) "he produced a machine that was easily worked, stopped automatically every time a thread broke, and could be used, with a few modifications, to weave any kind of material".¹ He had invented the power loom. Into the story of Cartwright's subsequent difficulties we need not enter. The power loom was naturally unpopular among the weavers whom it displaced. An attempt to set up a large factory was frustrated because the factory was burnt to the ground almost as soon as it had been completed. The power loom made its way slowly, and the nineteenth century was no longer young when the practice of hand weaving was entirely ousted. But after Cartwright's invention all the essentials of machine industry were present in the manufacture of cotton, and its final triumph was inevitable.

Machine industry first triumphed in cotton because the industry was new and therefore free from the hampering restrictions that had grown up round the woollen trade. The mental outlook of the woollen industry was that of a spoilt child. During the centuries since the king's High Chancellor and the king's Justices first sat in the High Court of Parliament on woolsacks, the woollen industry had been treated as the prime source of the country's wealth; and every appeal of the leaders of the industry to the government or parliament received a sympathetic hearing as a matter of course. It was petted and regarded petting as its own peculiar privilege. Moreover, it was scattered and local because its raw material was scattered and local. One of the causes of the concentration of cotton manufacture in Lancashire was that its raw material was imported, and it was convenient, apart from other compelling considerations, to site the factories within easy reach of the principal importing centre. Wool, on the contrary, was produced everywhere if abundant pasture was available, and the industry dependent upon it was scattered, though the chief districts where it flourished were the Cotswold, Mendip, and Salisbury Plain counties, East Anglia, and the Yorkshire Vales. It was a cottage industry carried on in small country workshops, and

¹ Mantoux, *op. cit.*, 247.

the workers had a constitutional aversion to factory hours and discipline. Even the use of the flying shuttle spread with extreme slowness, and the ultimate result was that the industrial revolution concentrated its effects in one district, and the manufacture of wool became as centralized as that of cotton. East Anglia possessed neither water power nor coal, while Yorkshire had both. The result was that the whole woollen manufacture migrated to the Bradford district; Worsted itself ceased to make worsted and Kersey to make kerseys; and only a few remnants of the West Country industry remained where some water power was available, as in the Stroud valley. The change was long, gradual, and productive of great misery, but it is not necessary to chronicle its stages in any detail, because the old industry of wool followed slowly in the steps taken earlier by the new industry of cotton.

(d) *Coal and Iron*

We may remark again, and not for the last time, that the industrial revolution was dependent upon the synchroniziation of developments in entirely different fields of human endeavour. We have traced the development of machine industry and the rise of the factory system in the textile trades, but the machines were made of iron, and unless the iron had been available the machines could never have been made. In particular was this true of the steam engine as the ultimate source of power for all the other machines.

The iron industry was always of importance, and had been so since the prehistoric iron age, but it had never been a primary source of national wealth like the growth and afterwards the manufacture of wool. Sheffield, for reasons that are difficult to divine, was famous in the time of Chaucer for its cutlery; and Birmingham, for reasons that are still more obscure, obtained an early supremacy in all articles that can be classed as iron-mongery, from military weapons to children's toys, and from nails and screws to counterfeit coins. The industries of Sheffield and Birmingham were secondary industries and were dependent to a large extent upon imported iron. At the beginning of the industrial period England was a large importer of iron, of the higher grades from Sweden and of the ordinary grades from Germany. The exports were negligible.

In the early eighteenth century there were ironworks scattered over many counties, but they were quite insufficient to supply the needs of the country. The principal centres were the Forest of Dean and Sussex. In the sixteenth and seventeenth centuries Sussex prospered greatly, but in the eighteenth its industry was declining steadily. The reason for the decline was manifest, it was nothing but lack of fuel. The manufacture of iron was entirely dependent upon the production of charcoal, and this set a very definite limit to the expansion of the industry. The erection of an ironworks produced "a perfect massacre of trees", and no forest management could possibly keep pace with the rate of destruction. So the Sussex industry was extinguished with the annihilation of the woodlands, and in the early eighteenth century the industry appeared to be without future and without hope.

If the forests were limited and shrinking, coal was abundant and widely distributed, but the presence of sulphur compounds in raw coal made it unsuitable for smelting because the resultant iron was impure and brittle. The problem, therefore, was to separate the impurities from the coal, in fact to make charcoal from coal instead of from wood. The problem was obvious but the solution difficult, and it is not surprising that many efforts were made to solve it before success was finally attained. The curious career of Dud Dudley in the seventeenth century, a disappointed inventor if ever there were one, may be read at large in the *Dictionary of National Biography* and Mantoux's *Industrial Revolution*,¹ but serious doubts have been expressed as to the reality of his solution, as in his writings he never gave any details of the process. Failure followed failure, but it seems to be now established that the invention was made by Abraham Darby at Coalbrookdale in Staffordshire at a date between 1709 and 1717. The real facts seem to be somewhat in doubt, but the invention seems to have been made by the first Abraham Darby and gradually improved by his son and namesake. The problem was not simple because,

"To produce a satisfactory metal with mineral fuel it was necessary, first, to contrive methods of removing some of the impurities by coking; second, to construct a furnace of such

¹ p. 292 *et seq.*

a size that the ironstone could remain in contact with the fuel for a longer period than was the practice of charcoal smelting; and third, to increase the temperature by means of a more powerful blowing apparatus".¹

The solution of one problem immediately created another. Just as the improvements in spinning in the cotton industry produced a surplus of thread that the weavers were unable to utilize, so the use of coke in the manufacture of pig iron resulted in a surplus that could not be converted into bar or malleable iron. A technical description of the process of puddling would be out of place here, but by a coincidence that has sometimes occurred in the history of inventions it was discovered independently by two persons within a few months of one another in the year 1783. One inventor, Peter Onions by name,² worked at Merthyr Tydfil in South Wales; the other was Henry Cort, a contractor to the Admiralty. Cort was involved in financial misfortunes for which he was in no way responsible just as a vision of prosperity was opening out before him, and the cause of enormous wealth died in comparative poverty. He was treated scurvily by the authorities and the guarded statement in *D.N.B.* that "the story does not reflect any credit on the government of this country" might have been expressed more strongly. At Crawshay's works at Merthyr Tydfil the production of bar iron rose from 10 to 200 tons per week, and the same firm by refusing to pay the royalties after Cort had got into financial difficulties is said to have saved £10,000. The standards of commercial morality are indeed peculiar.

In strong contrast to the scientific experimentation of Watt, the invention of puddling iron was entirely empirical. Modern chemistry had hardly been born when the discovery was made, and the nineteenth century was well advanced before a scientific explanation of the process was formulated. Equally empirical was the discovery of the crucible process of steel production by Benjamin Huntsman about 1750. It aroused the usual jealousies, and the usual opposition to novelties, but Huntsman's factory at Sheffield became prosperous from 1772 onwards. The

¹ T. S. Ashton, *Iron and Steel in the Industrial Revolution*, p. 31, quoted by Mantoux, *op. cit.*, p. 298 n.

² Little if anything appears to be known of him except that he was a foreman in an iron mill. He is not mentioned in *D.N.B.*

prosperity that the discovery gave to Sheffield and the world can hardly be estimated in figures.

Just as the inventions in the textile industries opened the way for the rise of the great manufacturers, of whom Arkwright was the standard example, so the chemical inventions produced the great ironmasters. In the Darby family the inventors and the manufacturers were the same people; but more typical were men like John Wilkinson, who realized the value of inventions, and possessed as their assets organizing ability, business acumen, and a domineering temperament. The Wilkinson organization, which was under the hand of one man, has been described as "a kind of kingdom, an industrial state, much richer than many Italian or German principalities, and enjoying a credit that they might well envy".¹ He was followed and imitated by Bacon, Homfray, Crawshay, and Guest at Merthyr Tydfil, by Roebuck at the Carron works on the Firth of Forth, and by many others. A new class in society was growing up which rivalled and soon surpassed the Indian nabobs.

With the increase in the production of iron, and the acknowledged ascendancy of England in the new field, fresh uses equally revolutionary were found for it. Before the eighteenth century had ended iron bridges were being constructed successfully, solving problems that were insoluble in terms of masonry; and the plainest dictates of commonsense were being overthrown by making iron float. In spite of the example of an empty kettle floating on a pond, men argued that "it stood to reason" that iron being heavier than water could not float upon it; but John Wilkinson confounded commonsense and reason by building lighters of iron plates bolted together. Less revolutionary but quite useful was the adaptation of cast iron for making pipes, at first for water and later for gas and sewage. The machine made the industrial revolution, but neither the machine nor the steam engine as the prime source of power could have attained perfection without the chemical inventions that rendered possible the production of iron and steel in great quantity and of high and constant quality.

¹ Mantoux, *op. cit.*, p. 308.

(e) Communications and Transport

It has been said that "transportation is civilization", and it is at least certain that the industrial revolution could never have taken place if one of its most important phases had not been the improvement of the means of transport. As we have already seen the Romans were the greatest of road makers, but to that uncommercial people the maintenance of the roads was a function of government. They were strategic in conception and military and administrative in use, and their use for commerce was a concession and a privilege. England went to the opposite extreme. At an early date the highway became "the king's highway", but that legal expression merely signified that the protection of the king's peace was extended in a special degree to the traveller; it did not mean that the central government undertook any responsibility for the upkeep of the roads, and a medieval statesman would have been astonished at any such suggestion. In the matter of the maintenance of highways parochialism reigned supreme. Each parish was responsible for its own roads, which meant in practice that the parish did as little as it possibly could. The system obviously worked unfairly, because the chief users of a road between two important towns would be persons travelling from one town to the other, but the towns contributed nothing to the cost of the roads outside their own boundaries. Unfair systems have long lives, and the idea of the responsibility of the nation, or even of the county, for the upkeep of the roads is one of recent growth. On the face of the map medieval England possessed a comprehensive road-system founded to a considerable extent upon the remains of the Roman scheme; but their condition was appalling, and the complaints of travellers, from the king to the bagman, were loud, continuous, and ineffective.¹ The fact was that nobody knew or studied the art of road construction. The ideas even of the reformers were primitive in the extreme: remove the obstructions, clean the ditches, let in the sun and air, and "the roads will grow better of themselves". This was certainly one of the things that was ordered better in France. The forced labour may have been a terrible burden upon the peasantry, but once France had been

¹ See Jusserand's entertaining *English Wayfaring Life in the Middle Ages*.

effectively centralized under Richelieu and Mazarin her road system was far in advance of that of any other European country.

The common answer to the complaints was not that the roads should be made sufficient for the traffic that they might be expected to bear, but that the traffic should be adapted to the roads. Consequently new types of vehicle were prohibited, "extraordinary traffic" was frowned upon, and generally progress was restrained. The controversy was persistent, for in our own time the first reaction to the coming of the motor car was a cry for its restraint; the idea of making the roads fit for the car only appeared when it became evident that the car was the road vehicle of the future, and that the roads must be adapted to it.

It was the distress of the little parish of Radwell in Hertfordshire that led to the adoption of a new system. The growth of London, the great wen that neither Stuart kings nor Whig parliaments could restrain, led to increasing traffic, especially on "through" routes like the Great North Road. So Radwell pathetically complained that its highways "stand in much need of repair, which they are no ways able to perform (though the whole revenue of the parish should be employed), the Great North Road lying for two miles together in the said parish, and the nature of the soil being such as the winter devours whatsoever they are able to lay on in the summer, and the parish is so small that it hath in it all but two teams".¹ The substance of the petition was so superior to its halting presentation that Parliament replied in 1663 by an Act authorising the justices of the peace to erect toll gates at specified places and devote the proceeds of the tolls to the repair of the roads. The Statute was founded on the entirely new principle that the persons using the road should pay for its maintenance in proportion to their user. Nothing could sound fairer in theory, and nothing was more unpopular in practice. Perhaps human nature resents an imposition that is too visibly fair; but the result was that the tolls were evaded whenever possible, and the existence of the toll gates led to riots in various parts of the country through the

¹ Sidney and Beatrice Webb (later Lord and Lady Passfield), *The Story of the King's Highway* (1913), p. 114. It is part of the authors' *History of English Local Government* and is still by far the best book on the subject.

eighteenth and early nineteenth centuries, culminating in the Rebecca riots in South Wales in 1842, which almost ranked as a local rebellion.

The Act of 1663 was followed by a number of similar statutes, but from 1706 onwards the justices of the peace were superseded, and new statutory bodies known as Turnpike Trustees were created to maintain specified roads. A flood of legislation followed, until in the end there were no less than 1,100 separate bodies administering 23,000 miles of road.¹ The Turnpike-administration suffered from very grave defects that Parliament never seemed minded to remedy, but it was a great improvement upon the chaotic parochial administration. The lessons of the "Forty-Five" focussed the attention of the nation upon the military importance of roads, and the economic expansion made the attention permanent. The main difficulty, however, was lack of knowledge. Occasionally a local genius would arise, like blind John Metcalf of Knaresborough, but for the most part the road surveyors were ignorant and incompetent, and civil engineers considered it beneath their professional dignity to devote their skill to road making. Therefore in spite of substantial improvements the demand for a higher standard was increasing, and Arthur Young, in his *Travels*, is continually and vigorously complaining of the bad condition of the turnpikes. The defects continued until two men of genius devoted themselves to the solution of the problems.

It was "Macadam the Magician" and "Pontifex Maximus Telford" who created the modern road and inaugurated the short-lived age of the stage coach. Thomas Telford, the son of a Scottish shepherd, was a self-made and self-educated man if ever there was one. In every department of engineering he was supreme, and if he declined the opportunity of designing a railway, it was only because he felt his obligations to the owners of the canals. His great aqueducts which carried the Ellesmere canal over the valleys of the Ceiriog and Dee are as beautiful in design as they are effective in purpose, and his Menai suspension bridge is one of the greatest engineering achievements of all time. Here we are concerned with his career as the first engineer of first-class standing who undertook the making of roads.

¹ Webb, *op. cit.*, 116.

His first effort in this direction was the refashioning of the roads in the Scottish highlands. In fifteen years he constructed 920 miles of roadway and 120 bridges, and in his own words "advanced the country at least a century". He made another road between Carlisle and Glasgow, but the achievement whereby his name is best remembered is the Holyhead road. The demands of the General Post Office and the complaints of the Irish Members of Parliament¹ overcame the reluctance of a Treasury oppressed by the problems of war finance and the more difficult aftermath of war, and most substantial grants were made towards the construction of this vital artery. It is unnecessary to describe it, as it is there for all to see. A project for an improved Great North Road aroused fiercer opposition from vested interests, and as the shadow of the "calamity of railways" was then spreading over the land, the plan was laid aside with general consent. It may yet be executed.

John Loudon Macadam was a man of entirely different upbringing, character, and outlook. His father was one of the founders of the first bank in the town of Ayr, and after his father's death he joined a merchant uncle in New York, and managed to acquire and retain a fortune sufficient to establish himself as a landowner, a magistrate, and a deputy lieutenant. From his boyhood he seems to have followed road making as a hobby amounting to a passion. Years of inquiry and experiment led him to the conclusions that:

(1) The roads must be built upon adequate foundations as otherwise the new surface material would simply sink into the mud;

(2) That in accordance with Roman principles, neglected for centuries, the fairway must be raised above the adjoining land with drainage ditches on both sides; and

(3) That the surface layer should consist of fragments of broken stones (none of which was to weigh more than six ounces) which the traffic would pound into a solid and impervious platform.

It is to this method of constructing the surface layer that his name has become inseparably attached; so much so that when

¹ i.e. after the union of the kingdoms in 1800.

in the present century the steam roller, instead of the traffic, was used to consolidate the surface layer, and the stones were dipped in tar to make a dust-free surface for the motor car, the new product was named Tarmac. In his own time Macadam was inferior to Telford as an engineer,¹ but apart from his distinctive invention, his greatest services to his own generation were in the principles of road administration in which he was admittedly supreme.

To Telford and Macadam was due the triumph of the principle that the roads must be made fit for the traffic, and because of their work the reign of the stage coach was inaugurated. To contemporaries it seemed the perfection of travel. In thirty years the time of the journey from London to Glasgow was reduced from twelve days to sixty-three hours, but the cost of transport of goods still remained enormous.

It will not have escaped the notice of the reader that the chief work of Telford and Macadam was done in the first quarter of the nineteenth century, long after the industrial revolution was well on its way. From its first beginnings the revolution created an insistent demand for better and cheaper means of communication which the roads had utterly failed to provide. There was only one method of transport that could respond to the crying need—the ancient method of carriage by water.

Hilaire Belloc once made this pregnant observation: "There are few things more instructive when one is engaged upon the history of England than to take a map and mark upon it the head of each navigable piece of water and the head of its tideway, for when this has been done all England, with the exception of the Welsh hills and the Pennines, seems to be penetrated by the influence of the sea".² One of the capital distinctions between the highland and lowland regions of Britain is that the lowland region is one of slow flowing rivers adapted to water transport. All heavy goods were transported by water or not at all. The "sea-coal" of London always came from Newcastle-on-Tyne, not because the Durham and Northumberland coal field was the nearest to the capital, for it was in fact the most distant; but because it was the only coal field that actually touched the sea. Similarly, the Caen stone of Normandy in the Middle Ages,

¹ Webb, *op. cit.*, p. 173.

² *The Historic Thames*, p. 3.

and Portland stone at a later period, secured a wide distribution because the quarries were accessible by water. So it was to water transport that men turned when the industrial revolution was beginning.

The first stage was to deepen and improve the existing waterways. "Yet for a long time people were still content to deepen and to improve certain waterways, without thinking of making a system of artificial ones. These improvements, in themselves of no great importance, deserve to be mentioned by reason of the industries whose interests were involved. The Aire and Calder were made navigable at the request of the clothiers of Leeds, Wakefield, and Halifax. The work began in 1701 on the Trent and the Derwent assisted the industrial development of Derby and Nottingham. The canalization of the Mersey, begun in 1720, strengthened the bonds between the twin towns of Liverpool and Manchester. The canalization of the Weaver, which crosses the Cheshire salt pans, dates from 1720; that of the Don, which goes through Sheffield, dates from 1725. Yet these were only the first symptoms of the great change which was to follow."¹

Textiles might be able to pay high charges for transport and yet be saleable, but when coal began to be used in factories the cost of moving the heavy and bulky substance was insupportable. The only solution of the problem was the construction of artificial waterways, and the beginnings of the canal system in England will always be associated with the names of the Duke of Bridgewater and James Brindley. The Duke owned collieries at Worsley, only seven miles from Manchester, but the cost of transport for that short distance was 10s. per ton. Fortunately the Duke was able to consult Brindley—a natural but illiterate genius, who overcame the disadvantage of an entire lack of scientific knowledge by concentrated powers of observation, and an extensive but controlled imagination. Without written calculations or measured drawings he thought out problems and resolved his difficulties by going to bed and cogitating. In 1759 he planned the Worsley canal, on one level without locks, and crossing the river Irwell by an aqueduct forty feet in height. In two years it was completed, and deservedly regarded by

¹ Mantoux, *op. cit.*, p. 126.

contemporaries as a wonder of the world. The immediate result was to halve the price of coal in Manchester. The example was infectious, and was succeeded by a number of ventures to which Brindley devoted all his powers and the Duke of Bridgewater the greater part of his fortune. The Bridgewater canal from Manchester to the Mersey estuary again halved the cost of transport, and the greater undertaking of the Grand Trunk Canal from Trent to Mersey was planned by Brindley, though he did not live to see its completion. It would be tedious to recount the efforts whereby, before the end of the eighteenth century, the industrial districts were linked up by a network of waterways, and the process continued without interruption until the opening of the railway age.

The advantages of water carriage were obvious to the practical man, but no less so to the economist. We may fitly conclude our remarks on this subject by the following extract from the greatest of these:

“As by means of water-carriage a more extensive market is opened to every sort of industry than what land-carriage alone can afford it, so it is upon the sea-coast and along the banks of navigable rivers, that industry of every kind naturally begins to subdivide and improve itself, and it is frequently not till a long time after that those improvements extend themselves to the inland parts of the country. A broad-wheeled wagon, attended by two men and drawn by eight horses, in about six weeks time carries and brings back between London and Edinburgh near four ton weight of goods. In about the same time a ship navigated by six or eight men, and sailing between the ports of London and Leith, frequently carries and brings back two hundred ton weight of goods. Six or eight men, therefore, by the help of water-carriage, can carry and bring back in the same time the same quantity of goods between London and Edinburgh as fifty broad-wheeled waggons, attended by a hundred men and drawn by four hundred horses. Upon two hundred tons of goods, therefore, carried by the cheapest land-carriage from London to Edinburgh, there must be charged the maintenance of a hundred men for three weeks, and both the maintenance and, what is nearly

equal to the maintenance, the wear and tear of four hundred horses as well as of fifty great waggons. Whereas, upon the same quantity of goods carried by water, there is to be charged only the maintenance of six or eight men, and the wear and tear of a ship of two hundred tons burden, together with the value of the superior risk, or the difference of the insurance between land and water carriage."¹

The industrial revolution was an accomplished fact in all its more important aspects before the arrival of the railway, which broke away from all the established methods of transport. The idea of a tramway whereby wagons or trams ran on a prepared way to lessen the friction involved on a road, had long been developed at quarries and collieries. During the eighteenth century iron began to be used for the rails instead of wood. The earliest recorded example was a "plate-way" laid at Whitehaven in 1738, and various examples occurred later in the century. The capital change took place in 1789, when the flange that kept the vehicle in position was transferred from the rail to the tire of the wheel, and the railway then assumed its permanent form. Tramways of considerable length began to be constructed, and one made for the Tredegar and Sirhowy iron-works in South Wales was twenty-eight miles in length. The railway could never have become the basic means of transport while its vehicles were drawn by horses, or even by means of fixed haulage engines, and its supremacy was due to the invention of the locomotive engine with which the name of George Stephenson will always be linked.

Steam carriages for use on roads had been devised after the perfection of the steam engine by James Watt, but they never developed into anything more than elaborate toys. The first invention of a locomotive engine is attributed to Richard Trevithick, whose engine was tried at the Pen-y-daren iron-works at Merthyr Tydfil in February, 1804. It drew five wagons carrying ten tons of iron and seventy men for a distance of nine-and-a-half miles at a speed of five miles per hour. Its comparative failure was due more to the defects of the track than to those of the engine, and for that reason it was converted into a stationary engine. Trevithick is nevertheless entitled to full credit for his

¹ Adam Smith, *Wealth of Nations*, Bk. I, ch. 3.

invention, because it was he who demonstrated that the adhesion of the wheels to the rails was sufficient on ordinary gradients without the addition of a cog-wheel; and he was also the first to make the return-flue boiler, to use a steam jet to increase the draught, and to couple all the wheels of the engine. He was in fact just, but only just, before his time. "Trevithick represents with startling distinctness one type of inventor, the Promethean type, which has to expiate by common misfortune its uncommon fertility of brain. Notwithstanding his courage and his ingenuity, his impatience and his impetuosity and a certain lack of persistence proved disastrous to his fame and fortune."¹

So the way was opened for Stephenson. Stephenson began, like some of his predecessors, by experimenting on road traction, but he found that a gradient of 1 in 200 reduced the tractive power of the engine by 50 per cent. He also discovered that the restrictive effect of friction was independent of speed, and concluded that railways must be made on even gradients as far as possible, and that cuttings, embankments, and occasional tunnels were essential. The opportunity of putting his ideas to the test occurred when he was appointed engineer to a projected line between Stockton and Darlington. He devoted all his powers to the improvement of the locomotive, and when the railway was opened on 27th September, 1825, his engine attained the incredible speed of nearly sixteen miles per hour. The Stockton and Darlington railway was devised for mineral traffic, but it was patent to all that the method was equally well adapted to the conveyance of passengers. Before the Stockton and Darlington Railway had been opened Stephenson had been employed in making preliminary surveys for a line between Liverpool and Manchester, for the commerce between the two towns had outgrown the canal accommodation. There were fierce fights over the scheme, both in parliament and on the spot, but ultimately the railway was sanctioned and constructed. An equally fierce struggle took place over the question of the motive power, and the directors finally offered a prize of £500 for the best locomotive engine that would pass some fairly severe tests. The trials took place at Rainhill in October, 1829, and Stephenson's famous "Rocket" passed the tests triumph-

¹ *D.N.B.*, XIX, 1144.

antly. A contemporary newspaper observed, "the experiments at Liverpool have established principles which will give a greater impulse to civilization than it has ever received from any single cause since the press first opened the gates of knowledge to the human species at large".¹ On 15th October, 1830, the opening of the line was made a great national occasion marred by the fatal accident to William Huskisson, and the railway age was started in triumph. With that the formative period of the industrial revolution on its mechanical side was fully accomplished, and the exultant words of *The Scotsman* may fitly mark its conclusion.

(f) *The Advance of Agriculture*

The industrial revolution had as its counterpart the agrarian revolution. If the food production of the country had remained in the days of Wellington what it had been in the days of Marlborough the industrial revolution would have been stunted from the beginning, and England might not have been able in the Napoleonic wars to save "herself by her exertions or Europe by her example".

The actual improvement was immense. Already by 1770 English farmers were producing on the average twenty-five bushels of wheat to the acre, when the production in France was not more than eighteen. Almost up to the time of the French Revolution England was an exporter of wheat, but the improvement in live stock was even more striking. The average live weight of an ox sold at Smithfield market increased from 376 lbs. in 1710 to 800 lbs. in 1795, of a sheep from 28 to 80 lbs., and of calves and lambs in proportion. The greater part of this increase took place during the latter half of the century. We may consider briefly the causes of this great change and some of the consequences that it entailed.

The basis of the whole movement was the inclosure of the common fields and the common lands. It would be out of place to trace the historical origins of the common field system of

¹ *The Scotsman*, quoted in *D.N.B.*, XVIII, 1073.

agriculture¹—that extraordinary system under which the owner or occupier of a holding held perhaps thirty strips of land scattered about in different parts of two, or more often three, great arable fields. Since the matter is frequently misunderstood it may be well to explain that the inclosure of the common fields differed from that of the common lands, though they often went together. The common fields were the arable holdings of the villagers, and the object of inclosure was to encourage enterprise by consolidating holdings. The common lands, usually designated commons, were technically the waste lands of the manor, over which the villagers had rights of pasturage for their beasts, and certain subsidiary but valuable rights as those of taking wood and cutting turves. Inclosure of commons was not consolidation of holdings, but bringing lands that were previously waste under cultivation.

There had been inclosures, in parts of the country at least, in Tudor times, against which the vigorous protests of Hugh Latimer and others had been directed. Those had been conversions of arable land into pasture, because sheep farming and the growth of wool had become so profitable. The eighteenth century inclosures were not directed to the restriction of tillage but to the improvement of method, and they affected the whole country.

To the improvers, led by Jethro Tull in the first half of the century and by Arthur Young in the second, the common field cultivation was an abomination. It was a customary and therefore a rigid, system under which initiative was discouraged and experiment was impossible. Every man was bound to follow his neighbour in the nature of his crops and in the seasonal operations, because if the fields were open to all, all had to follow an identical routine. The fact that the stubbles were thrown open to the cattle immediately after harvest imposed strict uniformity. No alteration could be effected in the rotation of crops, nor could drainage operations be carried out. The waste of land in the turf balks round the plots and the necessary means of access was immense, and the waste of time in transferring men, implements, and animals from plot to plot was even greater. Individual effort was not merely discouraged, it was stifled.

¹ For a brief account I may refer to my chapter on the antiquity of the English Village in *History in the Open Air*, ch. IV, and the authorities there cited. A more recent and very important work is Orwin, *The Open Fields* (1938).

The theorists suggested and the landowners concerted a sustained and concentrated offensive against the restraints of the system, and the result was the great inclosure movement.¹ In many cases the inclosure was effected by agreement, often obtained under great pressure, but the more usual method was a private Inclosure Act passed by Parliament. Between 1700 and 1815 no less than 2,800 of these Acts were passed. The common field system from being the pervading method over perhaps three-fifths of the country had passed into an historical curiosity.²

The force behind the inclosure movement was the advance in agricultural method and practice that it alone rendered possible. It was no longer a question of the dominance of the sheep and the golden fleece that it produced, but a revolution in method that improved the beasts while it increased the tillage. Jethro Tull set forth the new principles in 1731. After spending some years in studying the methods used abroad, he devoted more years to experiment on his own estate. He was exactly the sort of person who could command and hold the attention of the landowners. The methods that he recommended were deep hoeing and ploughing instead of merely scratching the surface of the soil, a continuous rotation of crops whereby the waste of fallows was eliminated and fertility at the same time increased, winter food for cattle, and cultivation of root crops and the turnip in particular. He found willing pupils.

The most prominent of the early pioneers was Charles, second Viscount Townshend. Though he was a prominent statesman and diplomatist of the Queen Anne and early Hanoverian periods, a quarrel with Walpole led to his retirement in 1730, and he is best known to posterity from the last years of his life which gained him the alliterative nickname of Turnip Townshend. His estate at Rainham in Norfolk was poor and unfruitful, but in a few years he multiplied its production by ten. He drained, manured, and marled on an extensive scale, but above all he introduced the four course rotation of crops in which turnips and clover were essential elements.

¹ The process is described excellently by Mantoux, *op. cit.*, Part I, ch. III, VII.

² There are some remains of the system in the Isle of Axholme, but the only complete surviving example is at Laxton in Nottinghamshire. Orwin, *op. cit.*, Part II.

Norfolk, from his infectious example, led the country in agricultural practice at this time, and in the later part of the eighteenth century Coke of Holkham was as famous as Townshend had been in the earlier, and for the same reasons.¹ He raised the yearly rental value of his estate from £2,200 in 1776 to £20,000 in 1816 by the wise expenditure of capital and by the enrichment of his tenants.

The improved methods of cultivation would not by themselves have sufficed to bring about the remarkable increase in the average weight of beasts that we have already mentioned. It had to be supplemented by improvement in the animals themselves by a careful method of breeding, and in this Robert Bakewell of Dishley, near Loughborough in Leicestershire, was the pioneer.² His example was more infectious than that of Townshend and Coke. Coke complained that his methods expanded at the rate of a mile a year, but everyone could recognize a better animal and it needed no mathematics to calculate its increased value. Moreover, tillage on the new method needed the expenditure of capital upon which the return, if certain, was deferred; and the experimenters were great landlords whom it was almost a presumption for an ordinary farmer to imitate. Bakewell was a working farmer, his beasts gave immediate returns, and to the other farmers he was one of themselves. His fame spread and his example was followed. For years his new Leicester sheep reigned supreme on the enclosed land in the Midlands, but he was less successful with horses and cattle. But he had shown the way, and by adopting his methods new breeds were produced suited to different parts of the country, and emphasizing either wool or mutton in sheep, and either beef or milk in cattle. But neither the new rotation of crops, the new methods of tillage, nor the improved animals could be introduced into the open fields. Inclosure was the pre-requisite of improvement.

No great revolution can be effected without disturbance of the existing order, and often injustice to those who are superseded without any fault of their own. The reverse side of the agricultural revolution was the extinction of the yeomanry and the depression of the agricultural labourer. In the later years of

¹ There is a short and entertaining account of Coke in R. E. Prothero (Lord Ernle), *English Farming, Past and Present*, p. 217, et seq.

² By far the best modern account is in Lord Ernle's *English Farming*, ch. VIII.

the eighteenth century Arthur Young was as influential an advocate of the new agricultural economics as Adam Smith of the industrial, and he was more ruthless in the application of his principles. The object of both was the increase of wealth with little or no regard for welfare; or rather they thought that if wealth accumulated, men would not decay but welfare would come of itself. "His object was to develop to the utmost the resources of the soil. To this end all social considerations must be subordinated. Every obstacle to good farming must be swept away, wastes reclaimed, commons divided, open fields converted into individual occupations, antiquated methods abandoned, obsolete implements scrapped, improved practices uniformly adopted."¹ The pressure of the increase in the manufacturing population, due to the industrial revolution, and the added and more severe pressure of the struggle against Napoleon, made his advocacy unanswerable. Everything combined to accelerate prevailing tendencies and the results have been permanent.

A yeoman is, properly speaking, a working farmer who owns his own land whether of freehold or copyhold tenure. He was the descendant of the medieval peasant whose heavy burdens had been commuted into money payments, and then by the fall in the value of money rendered negligible. It was generally agreed that the yeomen were the backbone of the nation, and it was admitted that by the middle years of the nineteenth century they had vanished; but the time and the causes of their disappearance have been much disputed. Arnold Toynbee, who points out incidentally that as a class they were devoid of political initiative, puts the period of their extinction in the later years of the eighteenth century.² Some of the causes that he mentions were undoubtedly potent. After the Revolution political power and social influence depended primarily upon the ownership of land. The country gentlemen, Disraeli's Venetian oligarchy, were supreme in the House of Commons, and as justices of the peace were supreme in local government. Therefore the English merchants, who were making money in commerce, bought land as the safest investment for their surplus capital,

¹ Lord Ernle, *op. cit.*, 206.

² *Ind. Rev.*, ch. V.

and as the only gateway to the power and position that they sought. "An English merchant", remarked Dr. Johnson, "is a new species of gentleman." There was insistent land hunger during the eighteenth century, and land was fetching the fantastic figure of forty and even fifty years' purchase of the annual value, that is to say, it was yielding a return as an investment of $2\frac{1}{2}$ per cent or less on the purchase money when 5 per cent could be obtained in other forms of investment.¹

Concurrently with the desire to own land went the process of consolidating holdings. The landowners and their advisers² favoured larger farms as giving better cultivation and returns and were beginning to aim at the ideal of an estate within a ring fence. The principle of division of labour that was progressing in industry was showing itself in agriculture. The small man was obliged to do every kind of job himself, and acquired "no habitual skill peculiar to himself" in any. Consequently yeoman farms were ill-cultivated and "generally the residence of poverty and misery".³

Moreover, the common field farmer was not adaptable. The system under which he worked was inelastic, customary, suited to a stationary population, and gave no scope at all for individual initiative. With an enclosed farm on his hands that he could cultivate at his pleasure he found himself deprived of his sure anchorage in use and wont. Unless he possessed enough capital and initiative to adapt himself to his new position he was apt to sink into obsolescence and poverty. Apart from the question of division of labour the improved agriculture called for an expenditure of capital that was beyond the capacity of the small man. The same causes that were displacing cottage industry and the small manufacturer in industrial development were working towards the displacement of the small holder in agriculture. It was a movement towards greater wealth with some untoward effects upon welfare, and occasioned the same protests. Goldsmith's *Deserted Village*, written in 1770, contains the lines:

"Ill fares the land, to hastening ills a prey
Where wealth accumulates and men decay;"

¹ Jane Austen always assumes that money will yield 5 per cent interest, but she was writing in the period of the Napoleonic wars.

² Ernie, *op. cit.*, pp. 297-8. Toynbee, *Industrial Revolution*, p. 64, quoting Laurence, *Duty of a Steward* (1727) and other authorities.

³ Arthur Young quoted in Mantoux, p. 182.

and this can be compared with the sixteenth century writer, who said that "enclosures make fat beasts and lean poor people".

Despite all these influences the yeoman took an unconscionable time in dying. There is no doubt that Arnold Toynbee was misled by a few statements into ante-dating the extinction of the yeomanry. The formidable body of evidence collected by Lord Ernle¹ shows conclusively that until the end of the Napoleonic wars the small landowners were maintaining their position generally, and in some parts of the country were actually increasing in numbers. It was not the inclosure movement but the agricultural depression that succeeded the Napoleonic wars which finally terminated the prospects and the career of the small owner. The commercial depression of those gloomy years dispersed after a comparatively short time under the expanding influence of the industrial revolution, but the agricultural depression lasted long. From the year of Waterloo until the accession of Queen Victoria was one of the blackest periods of English farming. Heavy taxation, the crushing burden of local rates, violent fluctuations in prices, sheep-rot, and bad harvests combined to create a position that was utterly deplorable. The great estates may have been in a position to outride the gale, but the little vessels could not do so. The worst of the crisis was over by 1837, but the new period of prosperity that then began to open was too late to save the yeomen of England. They had gone under in the bleak times, and by the middle of the century men might lament their disappearance, but could not restore them.

(g) *Progress and Poverty*

The effect of the agrarian revolution upon the cottager was more immediate than upon the small owner. Even Arthur Young, the persistent advocate of inclosure and improved farming, was convinced towards the end of his life that the movement was inflicting grievous wrong upon the peasantry. As he put it in 1801:

"By nineteen Enclosure Acts out of twenty, the poor are injured, in some grossly injured. The poor in these parishes

¹ *English Farming*, ch. XIV.

may say, and with truth, Parliament may be tender of property; all I know is I had a cow, and an Act of Parliament has taken it from me."¹

The cottagers were not deprived of their legal rights, though in some cases even these were dealt with none too tenderly, but they were deprived of privileges more valuable than rights. Their legal rights of common were commuted either into a sum of money that was soon spent, or into an allotment of land that was so small as scarcely to repay the cost of fencing it. The privileges of cutting turf, gorse, and brushwood for fuel, and of turning out poultry or even a cow on the common were most valuable, and their disappearance unbalanced the life of the labourer. At the same time the village industries were disappearing through the growth of the factory system. Spinning, usually performed by the women, afforded a valuable subsidiary income; and so did the manufacture during the winter months of the necessary wooden utensils and implements. These were all being replaced by the cheaper factory made articles, and the position of the labourer was being depressed increasingly. The most terrible result was the moral degradation of the cottager and his reduction to a state of hopeless indifference. It could not have been put more vividly than by Arthur Young himself: "Go to an ale-house kitchen of an old enclosed country, and there you will see the origin of poverty and the poor-rates. For whom are they to be sober? For whom are they to save? (such are their questions). For the parish? If I am diligent shall I have leave to build a cottage? If I am sober, shall I have land for a cow? If I am frugal, shall I have half an acre of potatoes? You offer no motives; you have nothing but a parish officer and a workhouse. Bring me another pot."²

Upon the question whether inclosure actually reduced the amount of labour required, it is necessary to make a distinction. Until the beginning of the Napoleonic war inclosure was followed, as it had been in the Tudor period, by an increase in pasture, and this undoubtedly reduced employment. On the other hand when tillage was maintained inclosure increased the demand for labour. There were hedges to lay and plash where

¹ Quoted in Ernle, *op. cit.*, p. 305.

² *ibid.*, p. 307.

before there had been none, ditches to scour, drains to lay and keep clean, root crops to hoe and weed.

At the same time whether work was scarce or abundant the labourer had become a landless individual. The open field village was a community; maybe a static and unprogressive community, but still a community, in which everyone had the station, in the language of the Book of Common Prayer, to which it had pleased God to call him. The inclosed village was a collection of individualistic farmers who employed labourers, just as the equally individualistic factory owner employed hands. The whole tendency was part of the "great law of social development that the movement from slavery to freedom is also a movement from security to insecurity of maintenance".¹ The movement had been gathering momentum since the fourteenth century and possibly even earlier; it broke out in force at the Renaissance, and was fully accomplished in the industrial revolution. It revolutionized the whole conception of politics and the relations between the citizen and the State. The State ceased to be regarded as a community of communities, and became a sovereign aggregate imposed upon a mass of individuals.

It would be tedious in a mere sketch of this kind to trace the growth of freedom and poverty, and the recurrent efforts from Tudor times to the present day to combine political freedom with social security; but it is material to consider, however briefly, the impact of the industrial revolution upon the worker. Its effects were so utterly deplorable as to make it difficult to refrain from passionate invective, and to impute to the men of the times an infection by some peculiar germ of devilry.

The fact that strikes a modern investigator with intense repugnance was the general use of woman and child labour. The employment of women and children in the hard and dangerous work of coal mining was a pure and undiluted horror, but the conditions in the factories, if less dangerous, were equally terrible. The factory wanted workers, but it was often, and indeed usually, situated at a distance from the old-established centres of population; because the sources of power were

¹ Toynbee, *Industrial Revolution*, p. 95. Cf. Maine's famous formula that the movement of progressive societies has been a movement from status to contract, *Ancient Law*, p. 170.

situated in the sparsely populated highland rather than in the populous lowland regions of Britain.¹ The method adopted by the manufacturers was to purchase the pauper children from the parochial authorities as slaves in all but name. The parishes, glad to lessen their liabilities, were as eager to sell as the manufacturers were to purchase, and the only persons who were not considered at all were the children. They were transported like so many chattels, in lots of fifty to one hundred at a time, to an existence that can only be called imprisonment. The working day was limited only by the extremity of physical exhaustion. A philanthropist might reduce the working day to thirteen hours,² but fourteen hours was general and sixteen and eighteen not unknown. The dinner hour was forty minutes, of which about half might be expended on cleaning the machines. In some factories the children were divided into shifts so that the machines might never stop and the beds never get cold. The work was ceaseless, and as the wages of the foreman depended upon the output he saw to it that there was no relaxation of effort. As there was no supervision of any kind accidents were always happening, and discipline easily degenerated into brutality, and in many instances into refinements of cruelty. The buildings in which the children were herded rather than housed were generally unhealthy, and the food bad and insufficient. The catalogue of horrors could be extended and fully documented, and when one thinks of the little fingers working ceaselessly at the exacting threads until the tiny heads fell asleep from extremity of exhaustion, it is difficult to restrain a white heat of indignation. But it is the first duty of the historian to understand rather than censure, and it would be beyond reason to suppose that human nature has changed since that time, or that the men of the eighteenth century were in any real essentials different from ourselves.

The fact was that the factory system merely accentuated a general practice. No one would accuse Daniel Defoe of calculated cruelty, yet when he reached Halifax in the course of his

¹ Upon the perennial importance in English pre-history and history of the distinction between the highland and lowland regions, the classic work is Sir Cyril Fox's *Personality of Britain*.

² David Dale of Manchester. Mantoux, op. cit., 423, n.

Tour he was impressed most favourably by the sight of four-year-old children earning sufficient to keep themselves. "Hardly anything above four years old but its hands are sufficient to itself."¹ It was quite general when weaving and spinning were carried on as domestic industries for children to be employed from four or five years onward, in fact as soon as they could be trusted to do the work. On farms and in gardens children have been employed to do any small jobs of which they were capable at all times and in all places, but as this was open-air work it was advantageous rather than otherwise. The unpleasant fact is that the hardest of taskmasters were the parents themselves, and the domestic workshop was just as exacting in its methods as the organized factory. Children were desired for the additions that they could make to the household budget, and the sentimental regard for the welfare of the child is a result of humanitarian ideals. William Pitt was a representative of the most progressive social thought of his own time, and he expressed his sentiments on the subject in these words:

"Experience has already shown how much can be done by the industry of children, and the advantages of employing them in such branches of manufacture as they are capable to execute. The extension of schools of industry was also an object of material importance. If anyone would take the trouble to compute the amount of all the earnings of the children who are already educated in this manner, he would be surprised when he came to consider the weight which their support by their own labour took off the country, and the addition which by the fruits of their labour, and the habits to which they were formed, they made to its internal opulence."²

Adam Smith was the teacher of Pitt and his generation, and as we have remarked, his emphasis was upon wealth rather than welfare, or, to put the argument more fairly, if the wealth were created the welfare would come of itself.

¹ Defoe, *Tour*, III, 101, quoted in Mantoux, *op. cit.*, 422, n.

² Pitt, *Speeches*, II, 371, quoted in Mantoux, *op. cit.*, 422, n. The novels of the eighteenth century are most illuminating with regard to the general callousness towards child life. The brutality of the schools, and especially of the public schools, was tolerated and even defended on account of its "hardening" influence. In our own time the objection to the extension of the period of compulsory school attendance has been mainly on economic grounds.

The system would have been possible only if there had been plenty of children available, and there were. It is no part of our purpose to discuss the difficult problems concerned with the movements of population, for until quite modern times no exact statistics were available.¹ It seems to be quite clear that in spite of an extremely high birth rate the total population increased very gradually until the effects of the industrial revolution became apparent, and after that the increase was steady and persistent. Many writers of the eighteenth century, among whom Richard Price was prominent,² were deeply concerned about a supposed decrease in population, but their methods of calculation were defective and the evidence of the first two censuses blew their argument into thin air. Arthur Young, by using his eyes instead of compiling elaborate and fallacious tables, arrived at the opposite conclusion, and his observations were vindicated by the facts. He related the increase in population to the increase in wealth, a common-sense conclusion that probably simplified the problem unduly. "It is employment that creates population" and "the increase of employment will be found to raise men like mushrooms."³ In 1798, just before the first census, Malthus published the first edition of his famous *Essay on the Principles of Population*, the doctrines of which are still the subject of discussion and controversy.

The fact of the increase at the time and during the succeeding century was beyond question, and even more important than the actual increase was the redistribution of the population. From the first introduction of agriculture until the end of the eighteenth century the lowland regions of England had been the most populous and the most wealthy. The highland regions were relatively infertile and their population correspondingly sparse. Now for the first time in history and pre-history the factors were reversed.

¹ It will be remembered that Seeley regarded the failure of population as the primary cause of the dissolution of the Roman Empire. "Men were wanting; the Empire perished for want of men." *Lectures and Essays*, 53. The fact seems to be admitted but later writers explain it as a consequence of other factors rather than the primary cause.

² *Essay on the Population of England from the Revolution to the Present time* (1780).

³ Quoted in Mantoux, *op. cit.*, p. 353.

The first attraction of the highland regions for the industrialists was the water power. Until the steam engine had been perfected the only sources of power were wind and water. Wind has never been a reliable instrument in this country because it is always intermittent. A wind that blows steadily in one direction for a long time is the desideratum for working a wind-mill to advantage, but in the Atlantic climates the wind is either not there at all when it is most wanted, or else is blowing with too much force. Water power, on the contrary, has been used from medieval times onward, and most rivers have been embanked and harnessed to supply water to a series of manorial corn mills all along their courses. The slow flowing rivers of the lowland regions cannot supply the necessary head of water for continuous work in a factory, and so the factories were moved to the highlands. Bradford became the centre of the woollen industry at the expense of East Anglia and the other older districts chiefly because it possessed adequate water power. That this was the predominant influence is proved by the fact that the only older districts where the manufacture survived at all were those in which some water power was available.¹ When the steam engine became the primary source of power the advantage of the highlands was accentuated. The carboniferous rocks which include the coal measures are part of the primary series and these are chiefly in the highland regions. The only exceptions are the Staffordshire coal field and its extensions, which gave rise to the Black Country, and the small area near Bristol.

The results of this great transfer of population and reversal of the previous historical development were momentous and disastrous. The worst features of the industrial revolution flowed directly from this cause. New towns sprang into being with startling rapidity. They were built in a hurry because in the industrial revolution hurry took the place of steady development, and they were formless aggregations because there was neither the time nor the inclination to plan. Clear evidence is supplied by the best of all historical documents—the face of the country—that the art of town planning had not been lost in the Middle Ages. Probably it was imposed upon the English

¹ E.g. the Stroud Valley in Gloucestershire.

and Danes, those country-minded people, by the energetic Normans, like so many other Mediterranean influences. It was hardly likely to have been indigenous, for the Roman tradition had vanished with the Romans. Most ancient centres bear its influence, but it was most apparent in the new towns deliberately created, of which Salisbury and Conway are outstanding examples. In the highlands the tradition had never been established firmly because towns were so few. It persisted strongly in the lowlands until the eighteenth century and later, in proof of which it is only necessary to cite the examples of the terraces of Bath, the streets of Dublin, and the squares of London.¹ But no Bath or Dublin was ever erected in the industrial highlands.

The absence of a sound tradition of town planning in the highlands was probably the most potent reason for the growth of the formless inconvenient towns, but other causes were in operation as well. One of these was that the sites were so often awkward and difficult. The high moorlands and steep valleys that produced the essential water power made planning perplexing, and combined with absence of tradition made it disastrous. Another reason was the character of the men. The typical leader in the industrial revolution was the self-made and usually self-educated man, brimful of energy, possessing many splendid qualities, but completely wanting in any civic tradition. He needed hands for his workshops and saw to it that he got them, but beyond that his vision never rose.

If the absence of planning made the new towns bad, the want of drainage and water supply made them worse. All the dirt diseases were endemic in the new towns. The Britain of the industrial revolution was indeed spared an outbreak of bubonic plague such as seventeenth century London had suffered, but it needed visitations of cholera to teach the country the first elements of public health in towns, and for many decades typhoid and even typhus were regarded as inevitable incidents of life. There was really nothing surprising in this. The new

¹ The persistence of a good tradition of planning is quite as apparent in the smaller places as in the great examples. The townlet of Aberaeron on the coast of Cardigan Bay is a lovely but decaying example of the Bath tradition in a tiny seaport in a highland region. I owe this information to the courtesy of Sir Cyril Fox. Dublin is undoubtedly the finest Georgian town.

population came from the villages and most villages were as insanitary as they were picturesque. In many instances the water supply from the parish pump, however closely guarded, was unsatisfactory; and no village had any drainage system at all. Human refuse, like animal, was returned to the soil, which is the only sensible and economic method of dealing with it. In the wide spaces of the villages the process was not merely harmless but beneficial; but when the habits of the villagers were transferred to the closely-packed streets of the industrial towns, they became a perpetual menace. The last word on this subject has not yet been spoken. A wise man once remarked that dirt was wealth in the wrong place.

It is easy to become indignant about the baleful social effects of the industrial revolution. Men of good will noticed them at the time, and probably if it had not been for the fearful struggle of the Napoleonic war remedies would have been applied earlier. As it was, it must be remembered that the first Factory Act was passed in 1802, and the humanitarian movement and the Utilitarian philosophy with its principle of the greatest happiness for the greatest number gathered increasing force. Blame is easy but understanding is more helpful. The fact was that men were suddenly immersed in an immense movement, possibly the greatest change that has ever taken place, which they did not understand. The world seemed to be swayed by blind forces increasing wealth beyond the dreams of any former age, but carrying with them as their consequences poverty, disease, insecurity, and unemployment. Gradually, but only gradually, it dawned on human consciousness that there were no blind forces at work, but human actions as capable of control as any others. The things that we regard as the worst consequences of the industrial revolution were brought about by want of knowledge more than by lack of good will, and many of the problems that it occasioned still await a final solution.

(h) *Finance and Capital*

Certain economic theorists have envisaged a new thing called capitalism, the growth of which they attribute to the industrial revolution. It is but a fond thing vainly imagined, for there is no distinction at all between a supposed society based on an

imagined capitalism and a supposed society based on some conveniently undefined alternative. The only distinction that is of any significance is that between the so-called natural economy based upon the production of the primary necessities of life combined with a certain amount of exchange by barter, and an economy based on money. When the patriarch Abraham purchased "the field of Machpelah which was before Mamre" with "four hundred shekels of silver, current money with the merchant" (Gen. xxiii), his transaction was precisely of the same nature as that of a modern capitalist who invests part of his spare money in the purchase of a landed estate. So, too, when King Edward I expended immense sums upon the erection of the great castles in North Wales, he raised the money partly by taxation and partly by loan. A modern Chancellor of the Exchequer finances a war in precisely the same manner. The machinery has been improved immensely but the fundamental basis is the same. The startling growth of trade and of the available supply of bullion that signalized the discovery of the world at the Renaissance produced social and economic results of a far-reaching character, but it was an increase in quantity not an alteration in quality. The merchants of the Renaissance had greater opportunities, but in essentials they traded as the merchants of Genoa and Venice had traded in the Middle Ages. It is therefore true that "to seek for the origins of capitalism in the industrial revolution would involve a singular misunderstanding of history".¹ The changes that occurred were increases in the amount of capital, in its liquidity, and in the opportunities and methods of investment.

The amount of capital had been increasing rapidly from the opening years of the modern world, and the problem that faced the industrious and thrifty was that of investment. Macaulay has described the position with his usual vivacity and insight:

"During the interval between the Restoration and the Revolution the riches of the nation had been rapidly increasing. Thousands of busy men found every Christmas that, after the expenses of the year's housekeeping had been defrayed out of the year's income, a surplus remained; and how that surplus was to be employed was a question of some difficulty. In our

¹ Mantoux, *op. cit.*, 374.

time, to invest such a surplus at something more than three per cent on the best security that has ever been known in the world, is the work of a few minutes. But, in the seventeenth century, a lawyer, a physician, a retired merchant, who had saved some thousands and who wished to place them safely and profitably, was often greatly embarrassed. Three generations earlier, a man who had accumulated wealth in a trade or a profession generally purchased real property or lent his savings on mortgage. But the number of acres in the kingdom had remained the same; and the value of those acres, though it had greatly increased, had by no means increased so fast as the quantity of capital which was seeking for employment. Many, too, wished to put their money where they could find it at an hour's notice, and looked about for some species of property which could be more readily transferred than a house or a field. A capitalist might lend on bottomry or on personal security; but, if he did so, he ran a great risk of losing interest and principal. There were a few joint stock companies, among which the East India Company held the foremost place: but the demand for the stock of such Companies was far greater than the supply. . . . So great was that difficulty that the practice of hoarding was common. We are told that the father of Pope, the poet, who retired from business in the City about the time of the Revolution, carried to a retreat in the country a strong box containing near twenty thousand pounds, and took out from time to time what was required for household expenses; and it is highly probable that this was not a solitary case."¹

Nothing indeed could demonstrate more clearly the fact that the so-called capitalism did not originate in the industrial revolution than the slow growth of new financial or legal machinery. We have already indicated the immense changes that were effected by the new inventions, the advance of agriculture, the growth and redistribution of population, and the improvement of communications. It is neither necessary nor possible to chronicle any corresponding advances in the machinery of finance or in mercantile law, because they did not take place. Changes of moment were effected, but they were

¹ Macaulay, *History*, ch. XIX. Firth's edition V, 2275.

neither rapid nor revolutionary. When we pass from the machinery of production to the machinery of finance, we pass from a period of upheaval to a period of slow growth.

The basic instrument of commerce then as now was the bill of exchange, the most flexible piece of credit machinery that the wit of man has ever devised. But the bill of exchange is no modern device; its history goes back well into the Middle Ages, and its real antiquity may be much greater.¹ The same is true in a lesser degree of the practice of banking, which is a necessary consequence of the extended use of the bill of exchange. Banking, apart from its existence in antiquity, was certainly practised in the city states of Italy, passed from them to Holland, and the example of both was followed in the foundation of the Bank of England in 1694. All this was long before the first glimmerings of the dawn of the industrial revolution had appeared. Goldsmiths at first, and merchants afterwards, began to turn themselves into private banks from the latter part of the seventeenth century onwards. The growth was steady, but no fundamental change of any kind was necessary. The banks took the industrial revolution in their stride.

The same thing was true of insurance. Before the end of the seventeenth century Lloyds coffee house had become the centre of marine insurance business. The Hand-in-Hand Insurance Company founded in 1696 was the oldest office in the country until it was amalgamated with another company in 1905. The London Assurance and the Royal Exchange, both chartered in 1720, and the Sun founded in 1710, still maintain their independent and assured positions. Insurance, like banking, was ready in advance for the industrial revolution.

Again, if we turn to mercantile law we find the same phenomenon. Blackstone's deservedly famous *Commentaries on the Laws of England* were published in 1765, and belong therefore to the first stages of the industrial revolution. The antiquated peculiarity that strikes the reader about them is the small space devoted to topics that we regard as particularly important. Contract, that "greediest of legal categories", that a modern lawyer like his Roman predecessor would regard as one of the

¹ *Select Essays in Anglo-American Legal History*, Vol. III, esp. "The Early History of Negotiable Instruments", by Edward Jenks, and "Promissory Notes before and after Lord Holt", by William Cranch.

primary divisions of the law, is dismissed in part of one chapter as a method of obtaining a title to personal property; and this includes not merely the law of contract in general, but also the special subjects of sale of goods, bailments, hiring and borrowing, and insurance. Blackstone had the excuse that he wrote before Lord Mansfield had carried out his great work of absorbing the law merchant in the common law,¹ but even so his attitude of mind is distinctly peculiar. A still shorter chapter deals with the subject of corporations, in which he does not include the chartered companies—in fact, the title of “company” does not occur in the index at all.

The stages in the adaption of the law to the needs of an industrial society were marked by the work of Lord Mansfield, and by a long series of reforming statutes passed during the nineteenth century. The greatest change effected was the formation of companies with limited liability on their shares, finally established after some earlier efforts by the Companies Act of 1862. The trading or industrial company may be regarded as the most characteristic legal and financial development of the industrial revolution, but it was a very late development. The older companies—the Levant, East India, Mines Royal, Merchant Adventurers, and so forth—were all created by royal charter. The pioneers of the industrial revolution did not create companies but carried on their ventures as private partnerships, as did all the earlier banks. The first new growth was the statutory company formed under the authority of an Act of Parliament for purposes like the construction of canals, the erection of gas works, and later the making of railways, but the formation of companies for trade and industry lagged behind. They could be created, but not very satisfactorily, by means of trust deeds called deeds of settlement, but the principle of limited liability was finally transferred from the statutory company to the ordinary company by the Act of 1862. It was that principle that facilitated growth, and all the ramifications of a modern stock exchange are based upon it. It was extended later to the private and the one man company until almost every second tradesman now masquerades as a limited liability company.

¹ Fifoot, *Lord Mansfield* (1936).

(i) *The Abolition of Slavery*

Two of the most profound social changes resulting from the industrial revolution were long in showing their effects. The first, which has only become prominent in our own time, was the transformation of leisure from a rarity into a problem. The abolition, or even the mitigation of drudgery was no immediate result of the revolution; in fact it accentuated it by multiplying its most unhealthy forms in the mines, the workshops, and the factories. Leisure was the privilege of the few who had evolved a technique of its use that was a high mark of civilization, but the prevailing opinion despised it. "Public opinion", as Bagehot wrote, "is the opinion of the bald-headed man at the back of the omnibus", and the description in his day was perfectly exact. The dominant opinion during the nineteenth century was the opinion of the middle classes, and of Queen Victoria as their most perfect representative, and their gospel was the gospel of work. However advanced their views might be in other directions, their outlook on life was basically puritanical or even Calvinistic, and to live laborious days was their ideal. Slowly and grudgingly a few statutory bank holidays were substituted for the saints days of the medieval church, a weekly half-holiday was established for shop assistants, and a yearly holiday gradually became customary in a number of occupations. Very slowly the idea gained ground that drudgery was no ideal but a decreasing necessity, that it could, in ever fuller measure, be transferred from human hands to the machine, and that those to whom leisure had been unknown had no notion of its rational enjoyment. The use of leisure became a social problem.

A more rapid, but still not an immediate result of the diminution of drudgery, was the abolition first of the slave trade and later of slavery. The institution of slavery on a large scale was probably one of the results of the urban revolution,¹ and of the organization of warfare that accompanied it. Perpetual slavery was the inevitable lot of the captive in war, and it may indeed have been an amelioration of the brutality of primitive warfare when it was realised that a live slave was a more valuable commodity than a dead enemy. It is in fact one of the most

¹ Childe, *Man Makes Himself*, p. 151. The happy term "urban revolution" is due to Childe, *op. cit.*, ch. VII.

universal of human institutions, and exists among people in a low degree of civilization.¹ All ancient societies were founded upon it. "Over much of history, slave labour was a necessary element in production. It was no good being an abolitionist in ancient Rome; all that the most clear-sighted moralist could *do* was to demand humane treatment for slaves."² Aristotle argued that men of inferior capacity were slaves by nature and for them slavery was both expedient and right,³ but the later moralists expressed considerable doubt as to the expediency and the rectitude. When the idea of the law of nature gained influence it was generally admitted that slavery could not be justified by its precepts, because it offended against the natural equality of mankind, but its abolition could not be considered seriously because it was the foundation of society. This was the most conspicuous point upon which the ideal law of nature differed from the actual law of the nations. Practical politics must be confined to the betterment of the condition of the slave, and it was upon these laws that the moralist worked.⁴ The legal position was not substantially improved until the reign of Justinian in the Eastern Empire after the Western Empire had passed away. In Europe the institution was steadily undermined largely because the economic position had so deteriorated that slavery had ceased to be profitable. There is an economic position below the level of slavery as well as one above it, and that obtained during the Dark Ages. Serfdom, or compulsory attachment to the land was substituted for slavery or compulsory attachment to the person, and long before the end of the Middle Ages personal slavery had disappeared.

The discovery of the world revived the practice on a stupendous scale. Tropical agriculture is greedy of man power, and the discoverers and exploiters of the new world of America found that the native peoples were inapt for heavy labour, and so conceived the plan of importing the stronger negro peoples of Africa. The Arabs had long been expert slave raiders, and the Portuguese and Spaniards followed in their footsteps with equal efficiency and equal cruelty. Sir John Hawkins "praying for help to the Almighty God who never suffered his elect to

¹ Examples are given in C. Daryll Forde, *Habitat Economy and Society*, *passim*.

² Julian S. Huxley, *Evolutionary Ethics*, p. 62.

³ *Politics*, I, 5.

⁴ For a good general account see Lecky, *History of European Morals*, II, 65, *et seq.*

perish" was the first Englishman to gain the credit or the infamy of a slave raiding expedition, and it was suspected that Gloriana herself was not above sharing in the emoluments of those profitable voyages. After the establishment of English colonies in the West Indies and what was later to become the Southern States of America, the trade increased enormously, and it was not until late in the eighteenth century that twinges of conscience gained public expression. The anomaly that a freedom-loving Englishman should be an owner of slaves became glaring when Lord Mansfield, in the famous case of *Sommersett* in 1772, decided, after much finessing, that a slave who landed on the shores of England became automatically free.¹ Then the great controversy began. The public generally, and the religious leaders in particular, were hopelessly divided on the subject. Doctor Johnson, as might have been expected, was strongly opposed to slavery and the slave trade, and Boswell, as might also have been expected, was in favour of it.² Nelson was even more emphatic than Boswell. Societies for the suppression of the slave trade began to be formed, and the example of the French Convention which abolished slavery in the French colonies in 1794³ could not fail to be infectious in spite of the state of war. Wilberforce, supported by Pitt, was able to carry his motions against the slave trade in the House of Commons, and finally in 1807 the Act was passed that made the trade illegal. Other countries followed England's example, and at the peace of 1815 and afterwards she used her influence successfully in favour of its complete suppression.

Then the movement turned to the suppression of slavery itself. One of the first acts of the Reformed Parliament in 1832 was the abolition of slavery in the colonies, and this example also was followed by other countries in succeeding years. The controversy in the United States, and its consequence the Civil War of 1861-5, need only be mentioned, and since then the movement has been continuous and world-wide. The case in favour of abolition rested upon a moral basis, but it was a fundamental change in economic conditions that enabled it to triumph. The greatest conquest of the machine was the emancipation of the slave.

¹ Fifoot, *Lord Mansfield*, p. 41. Lord Mansfield upheld the validity of a contract for the sale of a slave, and if the slave were sufficiently ill-advised to return to his owner's country he could be reclaimed.

² *Life of Johnson*, *sub. anno* 1777.

³ But Napoleon restored it in 1802.

CHAPTER 40. THE INTELLECTUAL REVOLUTION OF
THE NINETEENTH CENTURY

THE theme of this essay is that it is essential to distinguish the revolutionary periods of history from the ordinary course of historical events, and of these revolutionary periods the most important, because the most lasting in their effects, were revolutions in thought. The first of these catastrophic overturnings of basic ideas occurred at the Renaissance, and the second in the third quarter of the nineteenth century—a period which contemporaries would probably have named after Palmerston, but which to posterity will be the age of Darwin. Palmerston would have been astonished beyond measure to learn that his time would be called after a retired country gentleman of indifferent health, who enjoyed the society of stockbreeders and horticulturalists and spent most of his time experimenting in his garden and greenhouse. The Cromwellian statesmen would have been equally surprised to imagine that their period would be named after a foreign office clerk, employed for his facility in the Latin tongue. In reality there is nothing unusual about this at all, because the present always belongs to the men of action; the thinkers can only possess the future. Neither is it remarkable that contemporaries were only dimly conscious of what was taking place; for revolutions in thought bore slowly, though they bore deep. Living persons cannot possibly see their own time in perspective. Matthew Arnold, himself a minor but efficient figure in the revolution, could write in 1861:

“They [i.e. the faults of our present literature] are the cause that, while upon none, perhaps, of the modern literatures has so great a sum of force been expended as upon the English literature, at the present hour this literature, regarded not as an object of mere literary interest but as a living intellectual instrument, ranks only third in European effect and importance among the literatures of Europe; it ranks after the literature of France and Germany.”¹

¹ Arnold, *On Translating Homer*, Lect. II (Oxford edition of *Essays*, p. 285). Arnold's essays are invaluable as illustrations of the spirit of his time, especially some included only in the Oxford volume, e.g. “On the Modern Element in Literature” (the inaugural lecture as Professor of Poetry at Oxford), and “Dr. Stanley's Jewish Church”. “An intellectual deliverance is the peculiar demand of those ages which are called modern” (p. 455). Arnold's contemporaries certainly gave their age an intellectual deliverance.

While the ink was drying on Arnold's paper the thinkers of England were turning the thought of Europe upside down.

The distinctive features of the Darwinian revolution were the abruptness of the outburst and the brevity of the period. It was like a tornado suddenly tormenting a waveless sea. The extreme length of the revolutionary period cannot be extended beyond the years 1857 to 1865, and the vital time was the five years from 1858 to 1863. During those years the basic ideas had been formulated in every department of thought that the revolution touched: formulated but not worked out or assimilated. It was more than a century, possibly nearly two hundred years before the main ideas of the Renaissance became an integral part of everyday thought. The intellectual revolution of the nineteenth century has spread more rapidly because the mental atmosphere was more favourable to its propagation, and because the means of communication had been vastly improved. The intellectual revolution followed the industrial revolution and in some respects followed it closely. The industrial revolution became a revolution not because of any one event, but by the accumulation of developments in many different spheres. The steam engine was the central invention, but of itself could not have produced the revolution. It did so because it was contemporary with the inventions in the textile industries, the improvements in the mining of coal and the manufacture of iron, the new methods of communication and transport both by water and on land, and the advances in agriculture. In the same way the central and dominant idea of the intellectual revolution was that of organic evolution, but it became a revolution because a number of developments in diverse branches of knowledge all came to fruition at the same time. Nevertheless, its full fruits have hardly been gathered as yet. Its ideas, its methods, and its results are still being worked out, although the main battle has been won. It is the solid foundation of our mental life, but the pace of its downward penetration can be exaggerated. Even such a commonplace as the animal ancestry of man was received in many quarters with real or simulated fury when Sir Arthur Keith made it the subject of his presidential address to the British Association in 1927: a fury that was apparently as astonishing to Sir Arthur himself as it was to every student of biology.

Sir Leslie Stephen began his *History of English Thought in the*

Eighteenth Century with some illuminating remarks upon the position and influence of Hume. Between 1739 and 1752 David Hume published philosophical speculations destined to form a turning point in the history of thought. The second half of the eighteenth century was marked by a distinct decline in the volume and quality of metaphysical speculation. With the possible exception of Butler there was no English philosopher of the time who in any way approached to the front rank. "The most conspicuous literary phenomenon in the latter half of the eighteenth century in England was the strange decline of speculative energy."¹ This might be so if the term speculative energy is confined to the domain of metaphysics, but the fact was that the intellectual climate had changed. The deists had ceased to rail, first principles had lost their interest, and metaphysics was relegated to men of the second class. The comfortable prosperity and drowsy politics of the age of Walpole were replaced by the intense activity of the industrial revolution, and the American revolt and the French revolution forced men to reconsider the whole basis of political theory. There might be a "strange decline of speculative energy", but the intellectual energy, devoted to aims other than those of metaphysical speculation, was superabundant. If by some incredible calamity the works that the age produced were to be swept into oblivion, it would mean not merely that we should have lost some acknowledged masterpieces but that our intellectual heritage would have been permanently impoverished. If we possessed no Gibbon, no Burke, no Johnson, no Boswell, no Blackstone, no Adam Smith, no Gilbert White; if Lord Mansfield had delivered no judgments, if Horace Walpole had written no letters, if William Pitt had made no speeches, if Priestley, Franklin, and Cavendish had made no experiments, the world would hardly be the world that we know. It would not merely have been that an arch in the bridge of civilization had been damaged; one of the strong foundation pillars would have been destroyed.

The dominant note of that age was its pervading practicality. It was steeped in the classical and Mediterranean tradition which dominated both its literature and thought, and also its art and architecture—the Georgian houses both in country and

¹ Stephen, *op. cit.* (1st edit.), I, 372.

town were perhaps the most gracious that our island had ever produced. It had imbibed the Greek principle that man is the measure of all things, and its thought was in every aspect humanistic. It was practical and it was civilized. It was interested in law, it was deeply interested in politics and economics, it was becoming conscious of the importance of scientific experiment and speculation, it was historically minded. The works that it produced were not mere masses of learning, mere heaps of bricks, but definite pieces of literary architecture, designed on a plan and written with a purpose. Gibbon's *Decline and Fall of the Roman Empire*, Adam Smith's *Wealth of Nations*, and Blackstone's *Commentaries on the Laws of England*, were constructive works, and so were Johnson's *Lives of the Poets* and Boswell's *Life of Johnson*. From our present point of view perhaps the most significant feature of the age was the influence of the historical spirit. The majestic figure of Gibbon towers above his contemporaries, but he was not a figure apart from his age, he was of its essence. The scholars of the preceding generations had done work of permanent value,¹ but essential as it was, it partook of the nature of the memoir and the monograph rather than of the constructive history. Now at length historical writing came into its own. Gibbon is for all time, but Hume, Robertson, Ockley, Ferguson, and others established the English tradition in history. Even apologetics became dominantly historical. Paley's *Christian Evidencies* bases the defence of the Christian religion almost entirely upon historical grounds.

With the turn of the century the intellectual atmosphere underwent a change. The romantic revival can be dated conveniently from the publication of the *Lyrical Ballads* of Coleridge and Wordsworth in 1798. The dominant interest of the nation changed in the direction of poetry and romance, and the first thirty years of the nineteenth century can be ranked with the Elizabethan period as the two greatest periods of English poetry. The great names were those of the poets and the novelists, and thought seemed to fall and romance to rise. So, upon the surface, the outbreak of upsetting ideas in the revolutionary period seemed sudden, and the first half of the nineteenth century a time of meagre accomplishment, but such a valuation would

¹ Justice has been done to them recently by David C. Douglas, *English Scholars* (1939).

confound the surface appearance with the underlying reality. In particular the writing of history never flagged; for example the *Waverley* novels of Scott, though an outstanding feature of the romantic movement, quickened the public interest in historical compositions of a severer type. The figure of Macaulay, who died just at the opening of the revolutionary period, dominated the first half of the nineteenth century as that of Gibbon had dominated the last half of the eighteenth, but like Gibbon he was the first among many. The names would easily become a catalogue, but those of Carlyle, Lingard, Hallam, Palgrave, Alison, and Kemble are prominent in the modern and mediaeval periods, and Grote, Thirlwall, Finlay, Merivale, Arnold, and Milman in that of classical antiquity.

So also the advance of science and invention was steady and continuous. It was not a period of decadence but a period of preparation. Facts were being gathered, solid spade work was being accomplished in many varied fields of study. The characteristic of the intellectual revolution was that all these different growths come to sudden fruition at once. The educated world was hardly aware of the slow growth so that the revolution burst upon it with astonishing rapidity and force. In the field of science the fact is patent, but a theologian and a lawyer have both noticed the same thing in their separate spheres. Vernon F. Storr, chronicling the development of theology, wrote these words:¹

“The first six decades of the nineteenth century were a time of preparation. It was in those sixty years, taken in conjunction with the close of the preceding century, that the forces were slowly accumulating which were to revolutionise theology.”

Still clearer and more illuminating were the words of a great lawyer:²

“The fact is that the transformation of political science about forty years ago (i.e. from 1860 onwards) cannot be disconnected from the all but simultaneous putting forth of new and far-reaching ideas in the study of organic nature. *Ancient Law* and *The Origin of Species* were really the outcome, in different branches, of one and the same intellectual movement

¹ *Development of English Theology in the Nineteenth Century*, p. 4.

² Sir F. Pollock, *Essays in the Law*, pp. 10-11.

—that which we now associate with the word Evolution. This identity of spirit was not perceived at the time. The same organs of lettered and respectable opinion which gave Maine's work the welcome of just, though perhaps barely just, praise, were still wasting paper and ink on denunciations, as crude as they were ineffectual, of Darwin. The triumph of the constructive historical method had been assured in both natural and moral science by half a century's work of specialists almost unknown to the general public, and seldom acquainted with or interested in one another's researches; and the disclosure of the results, when the time was ripe, came like thunder from a clear sky."

If any reader desires to be more fully satisfied of the truth of the same proposition in the field of science, the evidence is available in a surprisingly complete and apposite form. Whewell published the third and final edition of his *History of the Inductive Sciences* in 1857, just at the very opening of the revolutionary period. It contains no word of any of the doctrines that have dominated modern thought: nothing of evolution, nothing of the variation of species, nothing of man's antiquity or of his place in nature, nothing of the historic method in all its ramifications. "Ten years later the lines of thought which had seemed shocking or paradoxical were familiar; after ten years more it was hard to remember that they had ever been strange."

The basic idea of the revolution was unquestionably organic evolution; the fundamental book, Darwin's *Origin of Species*. The general idea of organic evolution is not modern. Since the publication of the *Origin* those critics who seek to destroy the force of an essentially new creative thought by proving that everybody knew it before, have been busy in discovering anticipations of Darwinism. Their efforts have been supplemented by the researches of thoroughly competent scholars, including Darwin himself. The original Greek idea of evolution had been lost in the general eclipse of knowledge during the later Roman Empire and the ages of faith, and was rediscovered by the modern world with extreme slowness.

There are two perfectly distinct questions to be considered in relation to the problem of organic evolution. The first is the fact of evolution itself, that is, that all forms of life have been

developed from forms previously existing and have not arisen in any other way. The second is the method whereby the development has been effected. The great merit of Darwin was that he attacked both sides of the problem at once. He collected huge masses of facts all showing that evolution had taken place, and added the theory of natural selection to explain the primary motive force in the process. The two things are quite independent. Even if it were proved that the theory of natural selection was incorrect or inadequate, the fact of organic evolution would nevertheless remain.

Until the time of Darwin, in spite of certain searchings of heart among systematic biologists, orthodox opinion maintained that the species of animals and plants were immutable creations. The biologists could never agree upon the tests that distinguished a species from a variety, but their opinion survived little difficulties of that kind. It also survived the fact that artificial races of animals and plants were being produced by the efforts of the stock breeders and the horticulturalists. The position was by no means without justification. Nobody had suggested an efficient cause for the mutability of species, and the suggestions that had been made were demonstrably unsatisfactory. The theory of Lamarck, the most ambitious effort of the kind, was founded on the notion that the effects of use or disuse of particular organs were inherited and so produced new species. The difficulties in the way of the acceptance of such a theory were formidable, and to most minds the criticisms of Lyell in his *Principles of Geology* were conclusive. The efforts of Robert Chambers in the anonymous and popular *Vestiges of Creation* did not help matters, for his views were too amateurish and his knowledge too inadequate to convince any competent person. The inspired verses of Tennyson's *In Memoriam* could have little effect because the ordinary reader would not understand their real purport, and as to the men of science it is a principle of professional dignity that no man of science, however small, should utilize the ideas of any poet, however great. As Huxley wrote in 1859:

“Since Lamarck's time, almost all competent naturalists have left speculations on the origin of species to such dreamers as the author of the *Vestiges*, by whose well-intentioned efforts the Lamarkian theory received its final condemnation in the minds of all sound thinkers.”

The theory of special creation was likewise helped by the supposed inability of biologists to draw long-dated bills upon the bank of time. When the whole course of life on earth was constrained within the narrow limits of six thousand years, the development of the higher forms of life from the lower was a manifest impossibility. The geologists prepared the way for evolution by steadily undermining this presupposition. The correlative of special creation in biology was catastrophism in geology. Early in the nineteenth century William Smith had placed geology on a secure basis by demonstrating that the different geological formations were distinguishable by the forms of life that they contained. It was then inferred that a catastrophe occurred at the end of each geological period¹—the number of catastrophes being increased or decreased in proportion to the number of different periods that were distinguished—and at the beginning of each new period the new species appropriate to that period were created. It mattered nothing that the hypothesis was a piece of guesswork without a single piece of definite evidence to support it. In 1830 Lyell published the first edition of his *Principles of Geology*. The main thesis of that memorable book was the doctrine of continuity or uniformitarianism; that the geological changes of the earth in times past had been produced by the causes now in action and none other. The theory of continuity won acceptance slowly, because it was in conflict with scientific and theological orthodoxy; but it conquered in the end. It had a profound influence on the minds of Darwin and Huxley, and was perhaps the most potent of the deep slow-moving influences that led up to the outburst of the revolution.²

An essential deduction from the theory was that the earth must have existed for a time that then seemed incredible, and that geological time must be measured in millions instead of thousands of years, even if it could be measured in years at all. Otherwise there would not be sufficient time for the “causes now in action” to produce the observed effects. This idea was so revolutionary that several decades were to pass before the

¹ The theory of catastrophism was in fact formulated by the great French naturalist, Georges Cuvier (1769–1832) somewhat before the time of William Smith.

² The uniformitarian theory had been promulgated by James Hutton in his *Theory of the Earth* in 1785. The evidence then available was not sufficient to prove it, so that it was left to Lyell to set it forth in an acceptable form.

educated classes could tolerate, much less accept such an idea. In Protestant countries it was opposed to the dominant bibliolatry from which Catholic countries do not suffer in the same degree. Unfortunately Archbishop Ussher's calculation of the date of the creation (4004 B.C.) had been printed in the margin of the English Bible and so acquired a sanctity only second to that of Holy Writ itself. A passing remark of William Hazlitt written about 1822 will show the opinion of a man of education and parts who had not troubled to acquire any scientific knowledge, but was content to reflect current opinion. "We do not consider the six thousand years of the world before we were born as so much time lost to us: we are perfectly indifferent about the matter."¹

Geological continuity vastly increased the difficulties in the way of the hypothesis of special creation, because without a catastrophe at the end of each geological period there was no particular reason for the creation of a new set of species to inaugurate the next. To this was added the difficulty, as biological study became deeper and more intense, of distinguishing the species of one period from those of another. Species continued from one era into the next. The result was that before the opening of the revolutionary period, the theories of geological catastrophism and special creation of species were leaning and tottering upon rotten foundations. An acceptable alternative would bring both down with a crash.

Yet it was manifest that Lamarck and his immediate successors could not establish a theory of organic evolution until the foundations of biology had been better laid. As Haeckel wrote:

"The foundation of comparative embryology by Baer (1828), and of the cell theory by Schleiden and Schwann (1838), the advance of physiology under Johannes Muller (1833), and the enormous progress of palaeontology and comparative anatomy between 1820 and 1860, provided this necessary foundation. Darwin was the first to co-ordinate the ample results of these lines of research."²

The story of the promulgation of the theory of natural selection has been told so often and so fully that it would be

¹ Essay on "The Fear of Death" in *Table Talk*. Nonesuch Press edition of *Selected Essays*, p. 162.

² Ernest Haeckel in *Darwin and Modern Science* (edited by Seward, 1909), p. 137.

tedious to repeat it at length. Darwin's thorough acceptance of Lyell's and Hutton's principle of continuity in the inorganic world; the vague doubts that crossed his mind during the voyage of the *Beagle* and afterwards about the immutability of species; the opening of his first notebook upon facts indicating the common descent of species in 1837; the sudden flash of the idea of natural selection across his mind in 1838 after reading Malthus on Population; the brief abstract that he "allowed himself the satisfaction of writing" in June, 1842; the longer memorandum of 1844; the steady accumulation of facts for twenty years; the commencement of a book on a large scale in 1856; all this can be read in detail in Darwin's life and many other works. Then early in 1858, Alfred Russell Wallace, lying on a bed of sickness in the Celebes, experienced a similar flash of insight inspired by recollections of Malthus, and within a week produced an abstract, brief but complete, of the theory of natural selection.

Finally, on 1st July, 1858, the joint paper of Darwin and Wallace was read before a meeting of the Linnean Society; and on 24th November, 1859, John Murray published the familiar green volume, "On the Origin of Species by means of Natural Selection; or the Preservation of Favoured Races in the Struggle for Life". 1st July, 1858, is the basic date, the definite turning point in the history of modern thought. After then nothing could be quite the same as it had been before. Every department of thought, even the most distant, felt the profound movement; every thinker, even the most hostile, had to face the far-flung hypothesis. Every scientific book was immediately dated and out of date; it was Darwinian or pre-Darwinian; compared to that nothing else mattered. If this was not an intellectual revolution, the expression has no meaning.

To trace the subsequent development of the Darwinian theory would be to write the history of biological thought since 1859. Only a specialist could undertake such a task, and it would be absurd to suppose that the present position is in any way stable, because the study of biology is full of vitality and its progress is continuous. The important feature is that it is all Darwinian, or in a few instances anti-Darwinian. The figure of Darwin is still dominant either by attraction or repulsion, and the criterion of all speculations is the modification that they make in Darwin's

original theory. "All biological thought is a commentary on the Origin of Species." That biological thought should stand still was not to be expected or desired, for the workers have been many and the accumulation of knowledge immense.

The advances have taken place for the most part in those portions of the subject of which Darwin confessed his ignorance, the nature of variation and the machinery and scope of heredity. Knowledge of these matters in Darwin's time had hardly progressed beyond the basic facts that all plants and animals do vary, for that is the basis of artificial breeding, and that some of these variations are capable of being inherited because like tends to beget like. The most spectacular developments took place in the early years of the present century with the rediscovery of the researches of Mendel and the work of Bateson and de Vries on mutations. Mendel was an Austrian monk, a contemporary of Darwin, and a man after Darwin's own model. He made extensive experiments in his monastery garden upon the inheritance of specific characters in plants, choosing peas for the most part as his subjects. He gave precision to a subject that had previously been vague. He was not contented with the mere statement that like tends to beget like, for that is a matter of common observation and goes back at least to the Greeks, but he asked the further questions how much and how far. He selected plants having definite and varied characters, like peas with wrinkled seeds and smooth seeds, and having crossed them in large numbers and recrossed the succeeding generations, worked out the mathematical proportions in which these characters, to the exclusion of all others, were inherited. The result was to give a mathematical precision to heredity. He found that one character was transmitted in a definite relation to the other, and he gave them the respective names of dominant and recessive. In the first generation the dominants appeared to outnumber the recessives in the proportion of three to one, but when these were again bred among themselves the recessives always bred true, but among the dominants only one-third (that is one-fourth of the whole generation) bred true, and the remaining two-thirds, or one half of the whole generation, behaved in the same manner as the original ones. This is the main result, but the further details must be sought in the ordinary textbooks of biology.

Mendel published his results in the journal of an obscure

scientific society in his native land, with the result that Darwin never saw them, and they remained unknown to the scientific world in general until Bateson rediscovered the papers in 1900. This happened to coincide with the accumulation of a quantity of evidence of large discontinuous variations, called mutations, and the result for a time was the growth of a school of biologists who regarded evolution as effected only by large discontinuous variations and relegated selection to a very minor place in the scheme of things. This was but a passing phase; mutations were found to be small as well as large; the factions became reconciled with the widening of knowledge, and "the reconciliation converged upon a Darwinian centre".¹

The fact is that Mendelism made a selectionist interpretation of organic evolution far more simple because the incidence of selection upon mutations² is a matter of mathematical demonstration. If the mutation possesses an advantage of only one per cent, i.e. if those who possess the advantageous mutation have an expectation of reproduction only one per cent higher than those without it, it will establish itself in half the species in one hundred generations.³ In fact, as Julian S. Huxley has demonstrated in the work just quoted, the main conclusions of the Darwinian theory are unassailed and unassailable, they merely need expansion to fit them into the widening knowledge. There is no doubt of the tendency of all organisms to increase in a geometrical ratio; the reasoning in chapter III of the *Origin of Species* is beyond cavil. There is no doubt that under unchanging conditions the numbers of any given species remain on the whole more or less constant, though there may be considerable fluctuations from time to time. There is no doubt, therefore, that there is a struggle for survival since there is no possible room for all to live. These are the essentials of the Darwinian theory and they remain; but the knowledge of variation and heredity have progressed enormously since Darwin wrote. Next to nothing was known in his time of the nature of variations or the mode of their inheritance. It has now been proved that

¹ Julian S. Huxley, *Evolution* (1942), p. 25.

² Mutations are variations that are represented in the hereditary constitution of the animal or plant and are therefore inherited; modifications are variations that are not so represented and are not heritable.

³ Huxley, *op. cit.*, 56.

genetic differences or mutations alone are inherited and that modifications are not; but only experiment can decide which are which. There is no one type of variation, and no one method of the origin of species. The present formula is "differential transmission of inherited variation",¹ but even that may not be the final verdict. The disciples may improve the work of the master, but it is still the master's work that they are improving.

Quite apart from any question of method, it was Darwin who placed the fact of organic evolution upon a good and sure foundation. The theory of natural selection might conceivably be overthrown, but that would in no way affect the basic fact that all forms of life have been evolved from other forms of life, for the geological record, the facts of geographical distribution, and those of embryology (to name only three) prove this to demonstration. No serious thinker since Darwin's time has ventured to maintain the hypothesis of special creation. Darwin also demonstrated that the "purposiveness of organic structure and function was apparent only".² To explain the facts there is no necessity to introduce any teleological idea of purpose, and because the idea is unnecessary it is useless, and if useless harmful. William of Ockham's razor has not yet lost its cutting edge.³ In these two directions, apart from any others, Darwinism effected a complete overthrow of ideas previously accepted. The forms of life had been evolved and not created specially, and biology gave no support to the idea of purpose.

A factor of the first importance in the intellectual atmosphere surrounding the birth of Darwinism was the steady growth of the idea of progress. Evolution and natural selection are entirely neutral ideas in the ethical sense. The fact that under particular conditions the fittest survive (not the strongest, as has so often been stated erroneously) does not imply that the fittest are the most desirable according to some extraneous or human standard. The cactus may be the fittest plant in the desert, and the bog-bean in the bog; neither could survive for a day in the conditions suited to the other; but who shall say which is the better of the two? That is precisely what the theory of progress undertakes

¹ *ibid.*, 16.

² *ibid.*, 412.

³ The law of parcimony. *Entia non sunt multiplicanda praeter necessitatem*. Things not known to exist should not, unless it is absolutely necessary, be postulated as existing.

to say. It was not applied to the realm of nature in general until the doctrine of evolution had been established, but its wide influence prepared the ground for the acceptance of evolution.

Historically the theory of progress is a conception of the development of civilization. It views history through the rose-tinted glasses of optimism. It refuses to consider it as "little more than the register of the crimes, follies and misfortunes of mankind", or as a series of declines and falls; but rather as a series of uprisings and new births, a steady march towards perfection through a series of achievements of increasing splendour. "It involves a synthesis of the past and a prophecy of the future."¹ The synthesis of the past undertakes to prove that, in spite of all setbacks and catastrophies, the general movement has been in an upward direction. That ambiguous adjective means that the direction meets with the approval of the particular thinker who propounds the theory. The prophecy of the future is that the same movement will, upon the whole, continue in a desirable direction; that there are no ascertainable limits to human enterprise or intelligence; that "man is man and master of his fate".

It is clear, as Bury emphasised, that belief in progress is an act of faith, but the faith was not that of the Middle Ages, nor that of the Renaissance, nor that of classical antiquity. It is a commonplace remark that the spread of ideas needs a favourable intellectual climate, just as much as the survival of a living creature needs a favourable physical climate, and at no time before the seventeenth century at the earliest, was the intellectual climate favourable to the idea of progress. The Renaissance restored self-confidence to human reason and gave recognition to the value of human life irrespective of any theory of hypothetical happenings beyond the grave; in a word, it restored the Greek idea of Humanism as the basis and object of learning;² but it did not move in the direction of any theory of progress. An excellent illustration is afforded by the imaginary commonwealths in which certain thinkers have embodied their political speculations.³ The earlier of these imitations of Plato, More's

¹ J. B. Bury, *The Idea of Progress: an Inquiry into its origin and growth* (1920), p. 5. Bury's work is *the* authority on the subject.

² Bury, *op. cit.*, 30.

³ *ibid.*, pp. 61 and 193.

Utopia, Bacon's *New Atlantis*, and Campanella's *City of the Sun* (*Civitas Solis*) were all placed on remote islands, as a result of the way in which the achievements of maritime exploration had struck the imaginations of men. But when we come to Mercier's *Year 2440*, published in 1770, the ideal state has been projected into the future: it had become distant in time not remote in space. The difference was that in the meantime the idea of progress had been acclimatized.

Perhaps the most significant date was 1748, the year of the publication of Montesquieu's *Spirit of Laws*. Voltaire followed by disengaging the history of civilization from political history, and the more the mental enlightenment developed, the more painful became the contrast between the enlightenment of the few and the squalid misery of the many. The idea gained strength that if progress were possible, and still more if it were certain, these things should not be tolerated, and so the age of reason ripened into the age of revolution. So in 1814, in an Europe staggering to the end of twenty-five years of war, St. Simon could write:

“The imagination of poets has placed the golden age in the cradle of the human races. It was the age of iron they should have banished there. The golden age is not behind us but in front of us. It is the perfection of social order. Our fathers have not seen it; our children will arrive there one day; and it is for us to clear the way for them.”¹

The validity of the assumption does not concern us; but it is vital to note that from the middle of the eighteenth century the idea took up an even stronger position as part of the philosophy of history. Whatever might have been its validity, it was part of the intellectual climate of the Darwinian revolution, and without that intellectual climate the revolution would neither have been so sudden nor so far-reaching as it was.

If the theory of natural selection could have been restricted to matters within the purview of the Linnean Society its force would have been pervasive but scarcely explosive. It could not be so restricted. Darwin, unwilling to write upon a subject until he was master of it, but too candid to conceal his views, had

¹ Quoted in Bury, *op. cit.*, 282.

confined himself in the *Origin of Species* to the single remark that "much light will be thrown on the origin of man and his history". It is doubtful if any one sentence has ever shaken human thought like those few simple words. "The question of questions for mankind, the problem which underlies all others" had been raised in a form that could not be ignored, and by men who could not be silenced. If the theory of evolution were true, was there any ground upon which man could be excluded from its operation? It was perfectly evident that the resemblance of man to the other animals was great. Man was clearly an animal, all the organs of his body could be paralleled by like organs in animal bodies, his reproductive system was the same as that of the other mammals, and so forth and so forth. Upon the old theory of special creation those resemblances presented no difficulty at all. When all species were assumed to be special creations, it was possible to suppose that species had been created according to types or archetypes, and man's creation conformed to the general scheme. The theory of evolution rendered all such opinions obsolete. It became necessary to argue that man was a being apart from the rest of the animal world in spite of his intimate resemblance to it, and that the special intervention of the hypothetical creator had been exercised at some conveniently indefinite epoch in his case alone. The alternative was the acceptance of the fact of man's animal ancestry with all its consequences. It is clear that the defenders of the special creation theory were placed in a difficult logical position, apart from the absence of any facts to support them, when the process was reserved for man alone instead of being shared with all other living forms.

The question of fact was fought out first in the province of anatomy. The leading advocates were Sir Richard Owen (who considered himself "advanced") on behalf of the old school, and Thomas Henry Huxley on behalf of the new. Owen, at the British Association meeting in the wonderful year 1858, declared that the anatomical differences between man and the apes were so great that man should be assigned to a separate order in the animal kingdom. Two years later at the Oxford meeting of the Association, Huxley and Owen definitely joined issue upon the question whether the human brain contained

certain structural features never found in the brains of *anthropoid* apes. At the same meeting occurred the dramatic and spectacular conflict between Huxley and Bishop Wilberforce; a splendid passage of arms in debate, but not otherwise important. Finally, in 1863, Huxley published his considered conclusions in *Man's Place in Nature*, the starting point of all subsequent research upon the subject. It established two main propositions: first, that man was a member of the order of the Primates, together with the apes and lemurs; and secondly, that the structural differences between man and the anthropoid apes were less than the differences between those apes and the other families of the same order. These conclusions have been controverted violently, but never shaken by any argument deserving of the name. The full proof of the animal ancestry of man was propounded by Darwin in the *Descent of Man* (1871) and the *Expression of the Emotions in Man and Animals* (1872). These works belong to a time when the revolutionary period had ended, and when its discoveries were being slowly worked out and assimilated; but the reality of man's place in nature was definitely established within that period.

Contemporary with the establishment of man's place in nature was the demonstration of the antiquity of his life on earth. The advance of geology had been slowly preparing the way for this conclusion. The theory of successive catastrophes between the different geological periods, and the correlative idea of the special and successive creation of new species, if they could hardly be "straitened by the narrow limits of 4000 years", at least did not make demands upon past time that numbed the intellect and made the imagination quail. It was not necessary to think in terms in which the year became a meaningless measure, and the relation of periods the only proper criterion. First Hutton and Lyell's theory of geological continuity, and then that of organic evolution made the latter conception an intellectual necessity. And if time were immensely longer than art, there was no valid reason for presupposing that man was such a very recent importation into earthly life.

The antiquity of man followed the other main factors of the revolution. In 1822, Dean Buckland had made discoveries of which he could not appreciate the significance in the cave of Paviland overlooking the Severn Sea. In 1825 the Rev. J.

MacEnery, a Roman Catholic priest, began the exploration of Kent's Cavern at Torquay. In 1833 Lyell had seen Schmerling's discovery of a skull of prehistoric man in the cave of Engis, under five feet of undisturbed breccia. At that time even Lyell could not accept the conclusion to which the facts pointed, and others simply refused to consider the facts at all.¹

Then from 1841 onwards Boucher de Perthes, an exciseman of Abbeville, began collecting curiously-shaped flints from the gravel terraces of the Somme valley, which also contained the remains of extinct animals. He was convinced of their human origin, and set forth the case in 1847 in his *Antiquités Celtiques*. But the time was not yet ripe, and he could not get anybody to accept his evidence, with the exception of William Pengelly, who for years had appreciated the significance of MacEnery's discoveries in Kent's Cavern. Finally, in 1858, Hugh Falconer, a geologist of the front rank, visited Abbeville, saw Boucher de Perthes' collection, and was convinced. He immediately persuaded two of the leading English geologists of the new school, Prestwich and Evans, to visit Abbeville, and they were likewise convinced. In the following year Lyell himself inspected the gravel pits and obtained seventy palaeolithic implements. He announced his conviction at the British Association meeting at Aberdeen that year, and in 1863 set forth the whole case in his classic *Antiquity of Man*. The quantity and cogency of the evidence were beyond any reasonable cavil. Man's existence went back behind the recent deposits into past geological periods; he was contemporary with an extinct fauna, now only known by its fossils; he receded beyond any possible limits of historical time into past periods when the geologist, the anatomist and the archaeologist could alone be called to witness. As Lyell remarked, the discovery of the antiquity of man was the best possible illustration of the saying of Agassiz, that whenever a new and startling fact is brought to light in science, people first say: "It is not true", then that "It is contrary to religion", and, lastly, that "Everybody knew it before".

¹ As an illustration of the mentality of the times we may mention that Philip Henry Gosse, the father of Sir Edmund Gosse, and a thoroughly competent naturalist of his period, argued seriously that the Almighty had scattered fossils through the rocks in order to test the faith of man. We seem to be back in the Dark Ages; actually it was less than 100 years ago. This kind of thing illustrates the immense change effected by the intellectual revolution. Its very possibility seems incredible now, if it were not a fact.

The fundamental discoveries of man's place in nature and the antiquity of his existence gave birth to a new science, possibly the most fruitful of those that were newly born, or developed out of all previous recognition by the intellectual revolution. This was anthropology or the science of man. It is concerned with the two subjects of man's place in nature and his antiquity, but is by no means limited to them. It works out the evolution of all man's activities—physical, social, and intellectual. The emergence of the name is itself significant. An Ethnological Society had been founded in London in 1843, but in 1863 some of its members broke away on the ground that its activities were too circumscribed, and chose the name of Anthropological for their new society, a name that had already been used by certain societies abroad.¹ The story of the development of the new science has been traced in detail by Mr. T. K. Penniman in *A Hundred Years of Anthropology* (1935). From our present point of view there is great significance in the fact that Mr. Penniman, working at the history of a single science, attaches the same significance to the intellectual revolution that we have done in this chapter. He calls the period from 1835 to 1859 the Convergent Period, when separate branches of study were working independently towards a synthesis, and he terms the succeeding years the Constructive Period. As he puts it:²

“The convergence of all these interests was completed by the publication of Charles Darwin's *Origin of Species* in 1859. The evolutionist view of nature implied at once an integration of social and biological studies, and was the tie for which all interested in the study of man were ready. Darwin brought order out of chaos in both. With him the Constructive Period begins.”

These formative periods³ produced much work of permanent value. The researches of J. C. Prichard in what is now called Physical Anthropology⁴ were of outstanding importance, and so were those of the Ethnological Society, but perhaps the most

¹ Now the Royal Anthropological Institute. The two societies were amalgamated again a few years later.

² *Op. cit.*, p. 92.

³ The “Formulary Period” of Mr. Penniman is an unfortunate misapplication of a term from Roman Law.

⁴ *Physical History of Man* (editions from 1813 onwards), *Natural History of Man* (1843).

valuable contribution was the division of the ages of man into the three periods of stone, bronze, and iron. This division, possibly founded on an ancient hint from Lucretius, was adopted by Thomsen in the Copenhagen Museum about 1816, and passed from a museum classification into an evolutionary sequence. It has been called "the basis of prehistory" and "the corner-stone of modern archaeology", and its full significance only became apparent when the theory of evolution had become the basis of thought.¹

The main lines upon which Anthropology was to develop were established by two works published during the period under consideration: Lubbock's² *Prehistoric Times* and Tylor's *Early History of Mankind*, both of which appeared in 1865.³ The very title of *Prehistoric Times* is significant, as an admission of the fact that there were times before history the features whereof could be reconstructed by methods definitely scientific. Lubbock's method was to infer the nature of man's evolution from the two sources of the material remains of the past, and of the habits of existing peoples in a low stage of civilization. He invented the terms Palaeolithic and Neolithic for the two main divisions of the Stone Age which have become permanent additions to the language. This was also the main line upon which Tylor worked. The enormous structure that has been built upon these foundations is familiar in some degree to every educated man, but the point of importance for our present purpose is that the revolutionary years laid the foundation upon which the structure has been erected. The principles of investigation then established are those that have been followed ever since.

The intellectual ferment of these wonderful years could not be without influence upon the study and methods of history, but the influence was not signalized by any single discovery or by the appearance of any one work. It has been argued that the death of Macaulay in 1858 and the beginning of Gardiner's history of the seventeenth century in 1863 mark the ending of pre-scientific and the beginning of scientific methods and views.

¹ For a full discussion see Glyn E. Daniel, *The Three Ages* (1943).

² Afterwards Lord Avebury.

³ Walter Bagehot's *Physics and Politics*, one of the basic works of social anthropology, first began to appear in a serial form in 1867.

This is a mere affectation of superiority and a gross injustice to men of outstanding greatness. It may be said that the revolutionary period begins and ends with a history: Buckle's *History of Civilization* at the beginning, and Lecky's *Spirit of Rationalism* at the end. These works emphasize the fact that the period did mark the permanent emergence of the genetic or causal view of historical development. The centre of interest shifted from the achievements of the individual to the slow development of civilized life, to movements and tendencies and growth. History ceased to occupy an isolated position and became co-ordinated with the science of man. The distinct dividing line between prehistoric and historic time ceased; there was no difference of function between the historian and the archaeologist; the pen and the spade became merely two allied implements for reconstructing the story of the continuous development of man and his activities.

In an epigram that might appear to be a paradox, Darwin has been called the greatest historian of the nineteenth century. Certainly it is difficult to over-estimate the influence of the theory of evolution upon historical studies. In a sense it was history that took science into its fold, so that the historical method and standpoint spread into fields theretofore alien to them; but historical methods were themselves transformed by their own expansion. The judgment of values implied in the theory of progress also influenced but was not essential to the genetic view of history. That view meant "that the present condition of the human race is simply and strictly the result of a causal series (or set of causal series)—a continuous succession of changes, where each state arises causally out of the preceding; and that the business of historians is to trace this genetic process, to explain each change, and ultimately to grasp the complete development of the life of humanity".¹ The difficulty that has retarded and must long retard the application of this conception is the chapter of accidents. An accident is merely an event of which we do not know the cause; but it is idle to deny or even minimize the influence of unpredictable events upon the course of history. The greatest of accidents is the influence of the individual. A marriage, a journey, an intrigue, as well as "plague,

¹ J. B. Bury in *Darwin and Modern Science* (1909), p. 531. Also in *Selected Essays*, p. 26.

pestilence and famine, battle and murder and sudden death", have influenced historical events; and while men are men they will continue to do so. Napoleon cannot be reduced to a tendency, nor Alexander the Great to an influence of climate. Their appearance at their particular time and in their particular stations was accidental; but the course of history would have been quite different if Napoleon had not been born in Corsica, or if the son of Philip of Macedon had been a poltroon, or had lived to attain old age. We can never know the man that the occasion will produce, and that is the unalterable exception to all general laws of historical development.

In one specialized region where history and anthropology meet, the revolutionary period produced a revolutionary result due entirely to the work of one man. The region was the history of law, the man Sir Henry Sumner Maine, and the book *Ancient Law*. In 1861, when *Ancient Law* was first published (it was actually the revised form of lectures delivered previously at Cambridge), the position of the history of law, and indeed of legal studies generally in England, was profoundly unsatisfactory. The close corporation of Doctors Commons had just been dissolved as a result of the Probate Act 1857; but it cannot be contended that Doctors Commons in its later stages contributed greatly to the scientific, much less to the historical study of Roman Law. Some years before, Maine had put forward an earnest, almost an impassioned appeal for the study of the subject.¹ The mere fact that he thought it necessary to do so, and in such terms, proves how inadequate were the materials available, and how perfunctory the use of them. Sir Frederick Pollock said plainly and forcibly, "the literature of Roman law to be found in our language was, with few exceptions, antiquated or contemptible, and such incidental references to Roman law as occurred in English text-books were almost always crude, often inappropriate or quite erroneous".² In Germany the historical school of law was flourishing under the influence of Savigny, its founder, and it was to Savigny that Maine perforce turned for the most modern interpretation of the subject. The study of comparative law in England had hardly begun, because

¹ Roman Law and Legal Education. *Cambridge Essays*, 1856, reprinted in *Village Communities*, p. 330.

² Introduction to his edition of *Ancient Law*, p. xi

a knowledge of the two great systems of Roman and Common law was the necessary foundation of that subject.

The history of English law was hardly in a better position. The work of Kemble and Palgrave is not to be despised, and Hallam can still be read with profit; but their work was political and constitutional rather than legal. Legal history stood much where Blackstone and Reeves had left it, which is as much as to say that before Magna Carta it did not exist, and after Magna Carta the ground had been too lightly tilled for the production of any adequate crop.

These facts enable us to appraise in some degree the measure of Maine's accomplishment. "He did nothing less than create the natural history of law." After a lapse of over eighty years *Ancient Law* is still one of the indispensable books. Whatever else may be read, that must be read. This is not to say that it should be treated as a sacrosanct text, for such treatment is no compliment to any work of serious scholarship. Some of its conclusions are no longer tenable; it would be a small result of eighty years work along Maine's lines if it were otherwise. Even so, the corrections are often less than a superficial reading would suggest. When *Ancient Law* is read carefully, when the qualifications expressed and implied are weighed, it is often a matter of wonder how little real correction is necessary. But his method is his alone, it is eternal and fundamental, and for that reason *Ancient Law* remains indispensable. "At one master stroke he forged a new and lasting bond between law, history, and anthropology." As one of his most distinguished successors, Sir Alfred Lyall, remarked:

"Sir Henry Maine's remarkable power of insight into the real meaning and connections of archaic customs so alien to modern ideas as to be ordinarily incomprehensible, and his luminous generalisations upon the materials found scattered over these obscure fields of research, have greatly influenced local enquiries in India. He surveys and marks out the whole line of penetration into difficult and entangled subjects, and workers in the field are constantly verifying the extraordinary precision of their chief engineer's rapid alignments."¹

¹ *Asiatic Studies*, First series, p. 245.

The position can hardly be summed up better than in the words of Sir Frederick Pollock:

“It is easy to underrate his originality now that his points have been taken up by many teachers and become current in the schools. Any student who harbours doubt as to the extent of Maine’s contributions to the historical philosophy of law may do well to ask himself in what books, legal or historical, of earlier date than *Ancient Law*, he could have found adequate perception, or any distinct perception, of such matters as these: the sentiment of reverence evoked by the mere existence of law in early communities; the essential formalism of archaic law; the predominance of rules of procedure over rules of substance in early legal systems; the fundamental difference between ancient and modern ideas as to legal proof; the relatively modern character of the individual citizen’s disposing power, especially by will, and freedom of contract; and the still more modern appearance of true criminal law. Nowadays it may be said that ‘all have got the seed’, but this is no justification for forgetting who first cleared and sowed the ground. We may till fields that the master left untouched, and one man will bring a better ox to yoke to the plough, and another a worse; but it is the master’s plough still.”¹

Possibly the subject upon which later inquirers have been able to add most to Maine’s work is the intimate connection between early law and religion, for the identification of the lawyer and the priest, so conspicuous in early medieval England, is no isolated phenomenon.

Finally, the application of the historical and comparative methods to law, the recognition that law has a natural history, the conclusion that it is the product of a long evolution, are evidences that the work of Maine belongs to the age of Darwin. In a field far removed from his own studies we feel the influence of the master mind of his generation.

In the domain of physical science no revolutionary result can be recorded from this period unless the invention of the spectroscope in 1859 can be accorded that dignity. The fundamental doctrine of the conservation of energy had been formulated by

¹ Introduction to *Ancient Law* (1906), p. ix.

Joule in 1842, and to an outside observer the progress of physics during the nineteenth century appears to have been more in the nature of steady development than of revolutionary change. The discoveries that have transformed modern physics began in the last decade of that century. When the change did take place it was an extension of the theory of evolution. The universes and the matter of which they are composed were treated upon evolutionary lines, and the doctrine that began as an explanation of humble forms of life proved capable of taking all matter under its wing.

We have now concluded our account of the creative results of the intellectual revolution, but certain by-products if they cannot be called creative were at least destructive. Among them was the reconstruction of theology, and we have already quoted some remarks of Storr on the subject. The fall of the old theology may not be among the more important results of the revolutionary years, but it was certainly spectacular, and still appears to be interesting to a large number of people and provocative to many. The fact is equally patent to those that deplore it, to those that welcome it, and to those that merely record it. To the theologian of to-day the theology of the middle years of the nineteenth century appears as musty and dull as the biology of the same period to a modern biologist. It is old enough to be antiquated and not old enough to be antique.

It was the character of the old theology that contributed most to the swiftness of its fall. The dominant influence was still the figure of Paley's almighty watchmaker; the argument from design. Once the premises were granted, the natural theology of Paley was indeed a beautiful piece of argumentation, and though Leslie Stephen called it "frozen", it had a long and deserved reputation. It reached its high water mark in the famous Bridgewater treatises published in the eighteen-thirties. They were an amplification of Paley's argument with illustrations furnished from eight branches of science. Upon this position the assault of Darwinism was deadly. The argument was not destroyed; it was appropriated wholesale in favour of the opposite conclusion. All the carefully collected illustrations of design, contrivance, and adaptation were utilised immediately as cogent examples of conformity to environment and of the favouring influences that preserved species in the eternal and

ruthless struggle for life. The theory of natural selection blew the argument from design sky-high; that was why the theologians of the older type disliked it so intensely. As Lange observed:

“If a man, in order to shoot a hare, fired off millions of gun-barrèls in all directions on a great moor; if in order to get into a locked-up room he bought ten thousand keys of all sizes and shapes and tried them all; if in order to obtain a house he built a city and abandoned the superfluous houses to wind and weather,—no one, I suppose, would call such action an example of design, and much less should we suppose that in this procedure there lay any higher wisdom, recondite reasons, and superior skill.”¹

The two works that carried the methods and assumptions of the revolution into theology were *Essays and Reviews* and Colenso on the *Pentateuch*. The fact that a modern educated reader finds it difficult to discover the explosive force that they contained only proves that the ideas of the revolution are now the warp and woof of our thought. But a cultured man is apt to ignore the slow permeation of ideas, even under the conditions made possible by modern education. The intellectual revolution has spread more quickly than the Renaissance, but the speed, though accelerated, is still slow. *Essays and Reviews* and Colenso still contain unimaginable heresies for remote Nonconformist chapels or the Bible Belt of the Middle West.

A detailed analysis of *Essays and Reviews* cannot be attempted here. It was the origin of the movement that later received the name of the Higher Criticism. Jowett discussed the interpretation of Scripture, and laid down the proposition that the Bible must be read like any other book, and interpreted in the light of the conditions under which it was produced. Baden Powell, in direct opposition to Paley, argued that miracles never took place, and if they did they were no evidence of doctrine. Godwin showed the impossibility of the Mosaic cosmogony; Rowland Williams, in a review of Bunsen, brought the higher criticism into England; and Wilson drove its implications home in no uncertain manner.

A famous ecclesiastical cause supervened. Wilson and

¹ Lange, *History of Materialism*, quoted in A. D. Benn, *History of English Rationalism in the Nineteenth Century*, II, 432.

Williams were prosecuted for heresy,¹ and lightly sentenced by Dr. Lushington in the Court of Arches. On appeal to the Privy Council this decision was reversed completely. The opinion of the legal members of the tribunal, backed up by Tait, the Bishop of London, was unanimous, but the two Archbishops dissented. Lord Westbury's famous judgment vindicated the doctrinal freedom of the Church of England within the limits of the Thirty-nine Articles, and in the words of a contemporary wit, "dismissed hell with costs, and took away from orthodox members of the Church of England their last hope of everlasting damnation".²

The work of Colenso on the Pentateuch was the transparently honest attempt of a lonely thinker to work out the results of his mathematical analysis of certain portions of the Mosaic narrative. The book was published in successive parts between 1862 and 1879, but the first part contained the destructive criticism that stamped many portions of the narrative as unhistorical. The fabulous nature of the precise figures, and the physical impossibility of carrying out the provisions of the Levitical law were demonstrated excellently. The constructive criticism that resolved the Pentateuch into its component parts followed in the later parts, but the essential pre-requisite of the clearing of the ground was accomplished in the first part during the revolutionary years. The old theology was founded on the theory of verbal inspiration; it worshipped a printed image instead of a graven one; it set up a translation of a heterogeneous literature as divinely inspired and equally inspired in every word. The demolition of that structure was the work of the revolution, and no more thorough destructive criticism has ever been made than that in the works of Colenso and in *Essays and Reviews*.

In the region of philosophy one result of the revolution was the emergence of agnosticism. The name was not given until it was invented some years later by Huxley; but by one of the most singular ironies in the history of thought, the thing itself was the creation of Dean H. L. Mansel, and the place of its birth

¹ i.e. because they were benefited clergymen of the Church of England. Heresy had long ceased to be an offence as far as laymen were concerned, but with the clergy it was a case of professional conduct.

² J. B. Atlay, *The Victorian Chancellors*, II, 263-5.

the pulpit of St. Mary's in Oxford.¹ Mansel, like many other divines before and since, desired to place the Christian religion upon an unassailable foundation. The Bampton lectures on the *Limits of Religious Thought*, still quite worth reading as a piece of English prose, sought to accomplish this object by discrediting rational theology, and resting its foundations upon intuitions that are beyond the reach of reasoning. "Faith then is above reason, and moves in a region which the speculative intellect cannot traverse. If we will but recognise the limitations of the human mind, we can place the Christian revelation in a position where it will be secure from all hostile attack."² The analysis of Mansel's ideas may be left to the philosophers who have done the work quite thoroughly;³ but like Pascal and others who discredit reason, Mansel forgets, or ignores, the simple and basic fact that the discredit of reason can only be accomplished by a process of reasoning. Reason may be a poor weapon, but it is the only one whereby reason can be criticized, and it therefore remains as the last. Irrationalism may be established or defended, but only by reasoning, and that is how Mansel himself endeavours to establish it.⁴

It is a common feature of works of this kind that the destructive part is far more telling than the constructive. Mansel's criticisms were seized, his constructions were forgotten, perhaps did not deserve to be remembered. The attack upon rational theology was thorough and acute. The result was the growth of a state of mind that refused to accept as articles of belief speculations that were beyond the possibility of verification; which held that there were limits to the sphere of human intelligence and that theology lay outside those limits. This was the outstanding result of Mansel's adaptation of Hamilton, and marks his importance in the history of thought.

The other outstanding philosophical event of our period was the beginning of the synthetic philosophy of Herbert Spencer with the publication of *First Principles* in 1861. Any attempt to estimate the position of Spencer must be made at length

¹ "I had not expected", said an old Oxford don, "to live to hear atheism preached from the pulpit of the University." Storr's *English Theology*, p. 422.

² Mansel quoted in Storr, *op. cit.*, p. 421.

³ Storr, *op. cit.*, p. 419 *et seq.* Benn, *English Rationalism*, II, p. 100 *et seq.*

⁴ Thinkers of this kind never seem to suggest why irrationalism should lead to the acceptance of Christianity rather than any other variety of religious belief.

if it is to have any value. Such valuations made from many angles are abundant and to spare; the end of a chapter already long is not the place for another. Overrated in his own time, he has now perhaps been unduly underrated; but immense as his influence was, his true place seems to be that of the expositor rather than the creator. The creators of the theory of organic evolution were Darwin and Wallace, the creator of agnosticism was Mansel, as assimilated by Huxley and Leslie Stephen;¹ Spencer was an expounder of both.

Lest one should be accused of culpable omission, it may be mentioned that two of the most noteworthy of the works of John Stuart Mill, the *Utilitarianism* and the *Liberty*, were published during the years of which we are speaking. But Mill belonged to the period of preparation, not to the revolution; he was in the revolution, but not of it. It is unlikely that the work of a thinker so vigorous and so clear will ever be entirely neglected, but his voice is the voice of a departed age.

This then, in brief outline, was the momentous intellectual revolution of the nineteenth century. It has few counterparts in the history of thought. It was preceded by a long period of preparation, a time of ferment, when quiet men worked slowly towards inevitable conclusions. Its most remarkable character was the brilliance and suddenness of the outburst, like a tropical dawn with no twilight. In five years, seven to eight as the extreme limit, the great structure of modern thought was founded securely in all its chief manifestations. It is the theme of this book that we are the heirs of all the ages, and in particular of the creative ages, but in a very special degree we are the heirs of the quinquennium of Darwin.

¹ Spencer avowedly founded his *First Principles* on Mansel and Hamilton.

EPILOGUE

It is a futile task for an historical student to attempt a valuation of his own age. Gibbon concluded that the fabric of civilization could never again be overthrown by an invasion of the barbarians; but he never imagined that civilization could be threatened by a barbarianism nourished within its apparent borders, and that its own resources could be used in an attempt to degrade and overthrow it. We cannot imagine whether future historians will describe our age as a creative period, or a period of degradation, or a period of transition. Certainly the changes that have taken place within the lifetime of the present writer have been momentous and far-reaching. To say nothing of two great world wars, discoveries in physics have transformed our whole conception of the structure of the physical universe or universes: transport has been revolutionized by the invention of the internal combustion engine, making possible the fast-moving motor vehicle of the road and the faster-moving aeroplane of the air; and the world has been made smaller still, and the speed of ideas for good or evil rendered infinitely pervasive by the unimagined influence of the radio or wireless. These are tremendous things, perhaps more tremendous than anything that has ever happened before, but their permanent influence upon human welfare is necessarily hidden from us who have seen their inception.

Possibly however the future historian may turn aside from these spectacular inventions, and see the essential change effected in our age, not in them, but in a movement that affects the whole structure of society from the inside. That movement is birth control. Until the present time, except for such drastic contrivances as abortion or infanticide, man has multiplied without visible control in the same way as every other living creature, and the checks upon his indefinite multiplication have been in the main the natural or Malthusian checks. Birth control has changed this basically and fundamentally. A society that can determine its own numbers, and in the last resort its own existence or extinction, differs in its entire structure from a society in which these things are in no way controlled. A condition of this kind has never occurred before, and if its effects cannot be predicted they must inevitably be profound.

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