

might have been a Reception, though how clear and present a danger there actually was can only be conjectured. Had a ninth Henry succeeded the eighth in 1547, instead of a boy and his two sisters, then those saviors of England's public law and constitutional government—the Inns of Court, the common lawyers, and the parliament-men—might have found themselves too late to cope with a prince's arbitrary will.

Doubt may remain about what the Inns of Court saved English law from; but there was none in Maitland's mind about what they saved it for. The Rede Lecture concluded with a dashing five-page finale that ranged from Coke's "first charter of Virginia" to John Marshall and "straight to the Pacific," from Baltimore and Australia to those "detached members of the manor of East Greenwich in the county of Kent," Bombay and Prince Rupert's land, and so to "a country village" in Connecticut where James Kent, the future chancellor, retired in 1779 and at the age of fifteen read "the four volumes" of Blackstone upon the breaking up by the war of Yale College.³⁰

WILLIAM HUSE DUNHAM, JR.*

STUDIES IN MEDIEVAL LEGAL THOUGHT: PUBLIC LAW AND THE STATE, 1100-1322. By *Gaines Post*. Princeton: Princeton University Press, 1964. Pp. 633.

The revival of jurisprudence enjoys a notable position in the "Renaissance of the Twelfth Century" envisioned by Charles Homer Haskins a generation ago.¹ At the center of the new legal learning was the study of Roman Law, in particular the *Corpus Iuris Civilis*. The greatest body of law ever compiled in the West, which had once governed the most powerful state that had ever ruled in the West, was presented virtually *de novo* in a complete and codified form for the edification of educated men in a congeries of European countries just beginning to assume statehood. Each country had its customary law already, of course, but as a means of defining the public authority of a strong central government and of regulating the private legal relations of an urbanized society, the *coutumiers* were as toys compared

30. MAITLAND, *op. cit. supra* note 16, at 31-32, 94-95.

* George Burton Adams Professor of History and Former Master of Jonathan Edwards College in Yale University.

1. HASKINS, *THE RENAISSANCE OF THE TWELFTH CENTURY* (1927).

to the *Corpus Iuris Civilis*. Inevitably, in these circumstances, Roman Law influenced the public or private law (or both) of all European countries, at least as early as the last decades of the twelfth century. The problem is to understand in just what respects and to what degree Roman Law affected each country. England was the country least affected by Roman Law, and the scholars of English legal and constitutional history have usually been reluctant to assign much importance to Roman Law even where its operation in England is indisputable. In every instance, it seems, scholars can find some feature of older English law which suffices to explain a crucial development, so that knowledge of Roman Law has not been a scholarly prerequisite for the English historian.

The foregoing synopsis suggests the major and the minor themes of Gaines Post's *Studies in Medieval Legal Thought*. The major theme is the way in which Roman Law affected medieval Europe as a whole; that is, how it contributed to the rise of representative institutions, and how it influenced the development of the idea of the State. The minor theme is Post's battle of wits with those scholars of English history who resist the notion of Roman Law influence, whether on the development of Parliament, the notion of the State, or most anything else.

Thirty years of study and writing are brought together in these essays. Two phases of Post's intellectual interests are represented, and they are made clear by the organization of the book. Part I, "Corporate Community, Representation, and Consent," consists of four essays published between 1934 and 1946. In sum, they show how certain judicial procedures in Romano-Canonical law were adapted to secular institutions, and in particular to nascent parliaments. Part II, "Public Law and the State," consists of seven studies written between 1953 and 1964, most of them after 1960. They deal with the question of how far legal philosophy had arrived at a definition of the State by the 1320's. The first set of essays can be classified under the history of institutions; the second set, under the history of ideas. The first set includes the most famous of Post's writings, those on *Quod omnes tangit* and on *Plena potestas*. The second set is cast on a more philosophical plane, and ultimately should have wider appeal because it deals with a broader subject, the rise of the national State.

Reviewing Post's *Studies* for any other kind of journal than this, it might be better to pass flittingly over the oldest of the essays in Part I, an article of 1934 entitled "Parisian Masters as a Corporation." The readers of this journal, however, might find it among the most interesting. In it, Post takes legal instruments and court decisions of the

late 1100's and early 1200's and shows us how one group, the "corporation of masters" of the University of Paris, acquired legal existence. The pivotal questions are these: when did the University begin to have a procurator who could act for it in the courts? When did it come to possess its own (or to use someone else's) "authentic seal" to validate its mandates? Post concludes that the corporation of Parisian masters—whether called a *corpus*, *universitas*, *collegium*, *communitas*, *societas*, or *schola*—had status as a juristic personage by the year 1215 at the latest. No single charter tells us this. It is discoverable only by mastering the shifting nomenclature of legal instruments and by sensing the moment when the corporate nature and the corporate rights of the masters were indubitably and irreversibly attained in the eyes of the courts—and what more cautious proponents could one want than the judges? This occurred almost two decades before the University of Paris was "constituted" by papal charters.

Proctorial representation lent itself naturally to the development of the theory of corporations in private law, but its application to the new institutions of governance in public law may be considered *sui generis*. In terms of political representation, the problem is to explain the difference between feudal and modern assemblies. Historically, Italy and Spain are often said to have had many different kinds of people attending assemblies as early as the twelfth century, putting them much in advance of kingdoms such as England and France where the court of the king (*curia regis*) was attended only by feudatories.² The Italian and Spanish "representatives," however, were usually very important personages in the realm and thus represented personal more than corporative interests. The *consensus* they gave to royal actions was more like acclamation than true consent. The representatives of the cities, if any, were usually magistrates who gave counsel to the king when requested and, naturally, strove to preserve local privileges; moreover, they had no established role in the *consensus*. In contrast to these "representatives," Post describes those who attended assemblies in the following century, the thirteenth. Romano-canonical juristic terminology had become common, and central governments were steadily adapting the mechanism of the proctor's power to the role of a person representing a collective group. Just as the proctor could represent corporate interests in a courtroom, so the delegates of cities represented a whole segment of citizenry. The number of representatives became

2. I am summarizing here "Roman Law and Early Representation in Spain and Italy, 1150-1250," which is Post's Chapter II.

fixed. Each one acted on behalf of a corporate body which had given him full powers, rather than out of his personal or private interest.

In Italy and Spain, cities were represented early because great political power resided in them by the twelfth century. The basis of representation there changed as the proctorial mechanism became common. In England, however, the feudal *curia regis* was almost two centuries old before the towns were represented at its meetings. This happened at about the same time, just after 1250, that proctorial representation became characteristic of assemblies on the continent. Moreover, Roman Law formulae are to be found in the summonses to Parliament in England concurrently with the first appearances of delegates from towns. Post draws our attention to one formula in particular, which is found in England as well as upon the continent: *quod omnes tangit*.³ "What touches all should be approved by all" (*quod omnes similiter tangit ab omnibus comprobetur*) is a good enough motto to stand for representative government wherever it has existed. So perfect is it as a motto, some have argued, that its roots in private law procedure of the Roman Law are no more than an antiquarian's delight. The necessity for all subjects to be represented in Parliament can be shown by specific national conditions; the use of a Roman Law expression when composing the summonses to Parliament could have been just a chancery clerk's inspiration which became a vogue and then a principle for Englishmen's own good reasons. This is a slightly bizarre form of the traditional attitude of English constitutional historians with which Gaines Post has had to cope.

Quod omnes tangit can be found in several places in the *Corpus Iuris Civilis*. The classical verbal formulation, as quoted in the previous paragraph, is from *Codex* 5.59.5.2, where it refers to the joint interest of co-tutors. More important for the development of procedural consent in medieval legal and political practice, however, were the rules set forth in *Digest* 42.1.47, regarding the cases that came before the praetor in charge of the imperial *fiscus*: everyone touched by a suit should be present at the adjudication, but even those absent would fall under the judgment by default as long as they had been properly summoned. In the medieval legist's writings, the interplay between these passages, and between them and others like them, might result in the emphasis falling upon the summons ("all who are touched are to be called") or upon the consent ("it is necessary to have the consent of all those whom the matter touches").

3. Chapter IV, "A Romano-Canonical Maxim, *Quod Omnes Tangit*, in Bracton and in Early Parliaments."

Quod omnes tangit found early expression in legal practices of the Church, both in ecclesiastical courts and in the calling of synods and councils. In secular law it is obvious how *quod omnes tangit* principles would be adopted for court procedure in any region disposed by tradition to follow Roman Law, but the important issue is how and to what degree it applied to representative assemblies. Corporative representation in political assemblies was an entirely new principle that evolved in western Europe in the High Middle Ages.

The formula of *quod omnes tangit* appeared verbatim in the summonses to the Model Parliament in 1295, but some of its phraseology was used in summonses at an even earlier date. Gaines Post's approach to the problem is not primarily in terms of these documents, however, but rather in terms of the writings of Henry of Bracton (d. 1268), the foremost English jurist of the thirteenth century. From Bracton, Post cites a score of examples of *quod omnes tangit* terminology used to explain procedural consent. Bracton undoubtedly derived his knowledge directly from Roman Law or from contemporary commentators upon it such as Azo. If Bracton was imbued with the terminology, realized fully its legal application, and adapted it to English practice, much of the ground is cut out from under those who would like to believe the "chancery clerk's whim" hypothesis. Doubt could be raised whether Bracton's use of *quod omnes tangit* to explicate civil matters provided a basis for its use in summonses to a political assembly. But in England no distinction existed between public law and private law, so that we may safely say: "once in Bracton, then easily in summonses to Parliament."

Plena potestas is the sibling of *quod omnes tangit* as far as parentage is concerned (Roman Law), and its necessary companion in the proper functioning of representative institutions. It is one thing for the central authority to summon all to be present who are touched by a certain matter, and another to have each one who does come have full power (*plena potestas*) to represent a whole city or region.⁴

Plena potestas, which derived chiefly from the mandate given the proctor when representing a client in court, grew rapidly in importance in the late twelfth and thirteenth centuries in the same ecclesiastical and secular courts as *quod omnes tangit*. It also applied to the functions of administrative agents and ambassadors (whence "plenipotentiaries"), whose status was equal and whose negotiations were not regulated by the rules of a court. But when delegates came to Parliament possessing

4. Chapter III, "*Plena Potestas* and Consent in Medieval Assemblies. A Study in Romano-Canonical Procedure and the Rise of Representation, 1150-1325."

plena potestas to represent some corporative body in the realm, they were not on an equal footing with the king; the king called the assembly by his fiat, and his demands had to be met. True, he had to be able to defend his actions in terms of the common good, the public welfare, the *status regis et regni*, or the like, and his demands could be negotiated and perhaps even tapered down. Still, in England the royal prerogative remained supreme, and it is not feasible to maintain that the theory of parliamentary sovereignty which finally emerged was based upon the "full power" which subjects gave to their delegates. Gaines Post is cautious on this point, but insists that the machinery of representation still owes much to Roman Law principles.

"Public Law and the State," the second and largest part of Post's *Studies*, consists of his most recent writings. He uses the same sources and evidence as in the first part—the dicta of medieval lawyers and jurists—but the problem is basically different. At issue now is the legal conception of the nature and the power of the State. Post tackles this from a half-dozen different points of view, some technical and some philosophical. The essential conclusion, however, is always the same: nothing is lacking in the legal philosophy of the thirteenth century to prevent us from saying that the State (as we now use the term) existed at that time.

Much of Post's case rests upon the use of the Latin word *status* in the language of the law. The word *status* had manifold meanings in classical and medieval Latin, as does "state" in English (e.g., condition, situation, status, estate), but the political and legal meaning of *status* in ancient and medieval times is hardly comparable to what is contained in the modern word State (or *État*, *Stato*, *Staat*, etc.). Our modern word has a degree of abstraction, and embraces notions of territorial preciseness and sovereign power which are lacking in the old Latin usage of *status*. While *status* could be used in political contexts, it was simply not the generic term we are now familiar with.

Medieval Latin had no word which could stand alone to designate the State.⁵ There were instead many words, and three of them were used most often: *Respublica*, *civitas*, and *regnum*. That is to say, kinds of states were designated. The intriguing thing is that *status* could be used in conjunction with all of these (and with others as well), in the terms *status Reipublicae*, *status civitatis*, and *status regni*. *Status*, in these

5. *Politia* (our "polity") is a possible exception, for it could be used as Aristotle used it to designate "constitution" generally. This would have been common, however, only after 1260 when a Latin translation of the *Politics* became available; besides, *politia* could cause confusion because it was also Aristotle's word to describe one kind of government, the rule of the many for the good of all.

contexts, should be translated as the "public welfare" or the "governance" of the Republic, of the city, or of the kingdom. *Status* finally became a generic term, especially in its vernacular derivatives. All the stages in the evolution of the word have still not been clearly shown. Some instances of the vernacular "state" used alone can be found in the fourteenth century, but only in the sixteenth century was it established usage. Historians of the modern era find this quite appropriate, because they do not believe that the idea of the abstract State is older than the Renaissance. Gaines Post, on the other hand, believes that during the first two centuries of the renewed study of Roman Law, the medieval lawyers constructed a complete doctrine of the competence of public authority. They were stimulated by the conception of the Roman state embodied in the Roman Law, but they translated it into terms of contemporary institutions.

One almost wishes that the philological problem of how the word *status* evolved into State were not involved. It confounds the issue because the reader wonders whether Post is not investing the thirteenth century use of *status* with too much of a modern meaning, rather than concentrating upon the legal conceptions and the institutions to show that no matter what terminology was used the idea of sovereign public authority existed. Those who are ill at ease with the philological method will often be unhappy, and I do not deny that in some cases they may be justified. To these critics, however, several replies can be made. For one thing, it is important to know the history of the word "State" as well as to understand the growth of the institution. Secondly, if the word *status* crops up constantly in juridical and official writings dealing with public authority, a full picture cannot be presented by avoiding the word. Finally, although it may be thought unwise repeatedly to organize the arguments in terms of key phrases involving the word *status*, the author has not simply collected and sorted them out as a lexicographer might have done. He is always interested in understanding the historical context. In summary, I might offer the following subtitle to the essays on "Public Law and the State":

How, by studying the contexts in which the word *status* is used in legal writings and official documents from the twelfth century to the early fourteenth, one can discover that the juridical aspect of public authority was as clearly defined as it is in the modern State.

No detailed summary of Post's essays on the State is here attempted. We must take cognizance, however, of one key text. Ulpian, in the

opening lines of the *Digest*, makes his famous distinction between Public Law and Private Law. In close succession he says:⁶

Public Law is that which regards the *status rei Romanae*. . . .
Public Law is concerned with sacred rites, with priests, with magistrates.

Most medieval glossators and commentators defined the words *status rei Romanae* as the "public utility" or "public welfare." Some, however, put together the two predicates of Public Law in the two sentences above, and equated *status* with magistracy, or with public authority in general.⁷ In this way, *status* came to be associated with institutions of governance. When applied to the medieval king or kingdom, *status* was used in phrases which denoted the newly appearing concepts of public authority, such as the royal dignity, or the crown; or it was applied to new agencies of governance such as the household of the king. The latter is a good example of the intricacy of the problem. The household of the king was originally a group of personal retainers, an aspect of feudal society; in time many of these retainers became "crown officers" (e.g., the Chancellor and the Constable) and heads of permanent juridical or administrative agencies of government. They moved from private to public service, as it were, and this exemplifies the transition from feudal to modern government. We can see what happened over the centuries, but the specific stages in the transition are not easy to isolate.

The Statute of York of 1322 is one of the capital documents of English constitutional history. To know the meaning of its phrases using the words community, king and crown, is to have a fair conception of the social and legal divisions of the time. In the legal French of the Statute, "state" appears in four different terms: *lestat du roiaulme*, *lestat du roi*, *lestat del hostel* and *lestat de la coronne*. To understand what they refer to, Gaines Post has marshalled his arguments in terms of the Latin phrases *status regis* and *status regni*.⁸ The legists by the end of the thirteenth century had defined the *status* of the king or of the kingdom as matters of justice, taxation and war. The *status* approximated the majesty of the king, the dignity of the royal office, the rights of the crown. In sum, it clearly delineates the public aspect of

6. DIGEST 1.1.1.2.

7. See Chapter VII, "*Status, Id Est, Magistratus: L'Etat, C'est Moi*"; Chapter V, *Ratio Publicae Utilitatis, Ratio Status*, and "Reason of State," 1100-1300."

8. Chapter VI, "*Status Regni: Lestat du Roiulme in the Statute of York, 1322*," and Chapter VIII, "*Status Regis: Lestat du Roi in the Statute of York*."

rulership. It is in this light that we should analyze *lestat du roi, lestat du roiaulme* and the other phrases in the Statute of York. English common law may not have entertained a distinction between public and private law, but the Roman Law form of this distinction had been made operable in terms of medieval institutions. The Statute of York reveals that the public—or, if you will, political—aspects of rulership were clearly separated from the person of the ruler.

There comes to mind here the notable work of the late Ernst H. Kantorowicz, *The King's Two Bodies*.⁹ In England, in the fifteenth and sixteenth centuries, the lawyers evolved a doctrine differentiating between the body natural of the king and the body politic of the King. Kantorowicz shows how this formulation was peculiar to the English, although the idea existed in analogous forms in almost every medieval monarchy. In the Statute of York, if Post is correct, the English had the notion of the "king's two bodies" in the early fourteenth century.

When dealing with the Statute of York, Post again engaged himself with English constitutional historians regarding the influence of Roman Law. The main thrust of his essays on the State, however, is against those who hold that the modern state came into being only during the Renaissance. The exemplar of that school of thought is Friedrich Meinecke, who took Machiavelli as the point of departure.¹⁰ "Reason of State," according to Meinecke, had several antecedents in the late fourteenth and early fifteenth centuries and he singles out as his two earliest examples Philip of Leyden and Jean Gerson. The former spoke of the ruler being allowed to revoke a privilege he had given if it was injurious to the *publica utilitas*, and the latter enunciated the principle that *necessitas legem non habet*. This "new conception of necessity of State" belongs to Meinecke's scheme of "Reason of State." If this be true, Gaines Post asserts, then Reason of State existed in the twelfth century. "Necessity has no Law" appears in Gratian's *Decretum* in the twelfth century—in fact it is much older—and the justification of acts done "by reason of public utility" is found throughout the writings of the medieval legists.¹¹

In the long essay on *ratio status*, Post relentlessly drives home the point that the doctrine of public law espoused by his legists allows the

9. KANTOROWICZ, *THE KING'S TWO BODIES* (1957). Kantorowicz borrowed from Post's early writings for *The King's Two Bodies*, and repaid the debt by what this work contributed to Post's later writings. They were good friends, and their works, so different in approach and even in methodology, are complementary.

10. MEINECKE, *DIE IDEE DER STAATSRÄSON IN DER NEUEREN GESCHICHTE* (1924).

11. Chapter V, "*Ratio Publicae Utilitatis, Ratio Status, and 'Reason of State,'* 1100-1330."

ruler virtual freedom of action where preservation of the *status* is concerned. Post makes clear in this section that historians of political thought have neglected the writings of the lawyers. Revision is certainly called for. Meinecke's thesis is not shattered, nor must its base in Machiavelli be abandoned; but what is peculiar to the Renaissance doctrine of Reason of State must be restated. The juridical principles, it turns out, are as old as the hills.¹²

The response to Post's challenge might begin by questioning his constant references to *ratio* in the nominative case, *ratio publicae utilitatis*, where his texts invariably use it in the Ablative of Manner, *ratione publicae utilitatis*. *Ratione*, "by reason of," is hardly more than "because of"; it does not carry the connotation of faculty of the mind (of the ruler) which is embodied in the modern notion of Reason of State. The idea of necessity is present in medieval thought, but it operates only in extraordinary circumstances. In Meinecke's Reason of State, necessity comes into play not just in emergencies but as a daily rational calculation by the ruler of the means he must employ to enhance the power of the State. Behind this distinction lies a difference in premises. The medieval juridical conception of the State assumes that a tranquil, ordered society can exist; the modern conception of the State is as much political as juridical, and accepts struggle and change as normal conditions.

Gaines Post is quite aware of this kind of distinction. There is, for example, an emotionalism in popular feeling for the State today which did not exist in the Middle Ages. The State is not now regarded by many as part of a divinely ordered universe, but such was the conception of most people in the Middle Ages. Yet even these things are not left unchallenged by Post. He has an essay on patriotism in medieval legal thought, which all students of the concept of nationalism would do well to read.¹³ The final chapter of the book, appearing in print for the first time,¹⁴ faces the most serious philosophical objection to comparing the medieval idea of the State with the modern one: does

12. I am reminded of J. W. ALLEN, *HISTORY OF POLITICAL THOUGHT IN THE SIXTEENTH CENTURY* (1928), another notable work, where some of the stock phrases about royal power used for centuries by the lawyers are presented as new coinage of "absolutist" writers.

13. Chapter X, "Public Law, the State, and Nationalism."

14. Chapter XI, "The Naturalness of Society and the State." To complete the mention of the chapters of Post's book in my footnotes, I must add "The Roman Law and the 'Inalienability Clause' in the English Coronation Oath," a new essay where (if I am not mistaken) a host of scholars who have written upon inalienability of lands and rights possessed by medieval secular and ecclesiastical dignities will find, red-facedly, that the principle of it is manifest in the *Corpus Iuris Civilis*.

the former, like the latter, have the notion of the State as an end unto itself? Was it regarded as "natural"? Political philosophers have established the appearance in Latin of Aristotle's *Politics*, in 1260, as the only safe *terminus a quo* for the growth of the idea of the naturalness of political life, derived from the premise that man is by nature sociable. Again, Post finds, the *Corpus Iuris Civilis* has been overlooked. Consider the definitions of *ius naturale* and *ius gentium* which Ulpian set forth in the opening of the *Digest*:¹⁵

Natural law is that which all animals have been taught by nature; this law is not peculiar to the human species, it is common to all animals.

The law of peoples is the law used by the various tribes of mankind, and . . . is . . . common to human beings in respect of their mutual relations.

In the glosses upon these texts, the legists ranked the *ius gentium* as a kind of *ius naturale*, a natural law which is common to all men but not to all animals. God's role never lacks, to be sure, for nature is his instrument (*natura, id est, deus* ran the formula), but once said, speculation may continue within Ulpian's secular framework.

Even if the State was regarded as natural by the medieval legists, we must still enquire whether Nature itself was viewed as the permanent and unchanging order of things, or was thought of as incessantly changing. If unchanging (*summa natura*), the State (as suggested above) seeks tranquillity and order; if changing (*natura varia*), the State assumes a dynamic character. The former is medieval, the latter modern; surely this way of defining the medieval and modern State is not perturbed by the Roman Law. Yet it is, or may have been. Gaines Post points to some very interesting lines in Justinian's Preface to the *Codex* regarding the *varia rerum natura*, but another passage by Justinian, from his preface to the *Digest*, is just as provocative:¹⁶

Now whatever is divine is absolutely perfect, but the character of human law is to be constantly hurrying on, and no part of it is there which can abide forever, as nature is ever eager to produce new forms, so that we fully anticipate that emergencies may hereafter arise which are not enclosed in the bonds of legal rules.

A more complete theory of legislation is to be found in this passage

15. DIGEST 1.1.1.3 & 4.

16. *Constitutio Tanta*, § 18, which is given in modern editions of the *Corpus Iuris Civilis* as a preface to the *Digest*. It is as good as, but no better than, the similar passages quoted by Post in respect to "new forms."

than we are wont to allow existed in the Middle Ages. We think of the medieval king as typically *roi justicier*: eyes on the past, maintaining established laws; while the modern ruler is *roi législateur*: eyeing the future and trying to control it by formulating new laws. Even this old saw has to be qualified.

One problem raised by Post's theory of the State should trouble both medieval and modern historians. If, as he argues, the legal basis of the State was fully developed in the minds of legists around 1300, and yet the theory of the State did not become the subject of lively polemics until around 1500, what must we then say about the interim period? The fourteenth and fifteenth centuries have recently become a kind of no man's land between medievalists and modernists. Excluding the culture of early Renaissance Italy from consideration, medievalists today shun the Later Middle Ages as a decline from the peak achieved in 1300, while the modernists only reluctantly want to add them to their baggage. Post makes remarks relevant to this issue. "After the thirteenth century the private rights of the nobility . . . frequently triumphed over the public law and the ideal of the State as the natural end of all members in common," he says,¹⁷ and he refers to "the failures of the public order of the State and of the public authority of the king in the fourteenth and fifteenth centuries."¹⁸

Paradoxically, Post has called upon us to embrace the twelfth and thirteenth centuries in the ken of our theory of the modern State, and yet he acknowledges that the fourteenth and fifteenth centuries mark a rupture in that theory. The answer would seem to be that theory outstripped practice, so that the legal conception of the State held by 1300 was not embodied in institutions until after 1500. But what was finally realized institutionally in fact owes a vast debt to the legal thought of "the great medieval renaissance of the twelfth and thirteenth centuries." These words, with which the book ends, evoke the memory of Charles Homer Haskins. Gaines Post's work is worthy of that great man, who was his teacher.

RALPH E. GIESEY†

17. P. 307.

18. P. 23, n.12.

† Professor of History, University of Iowa.