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THE ROMANES LECTURE

1904

Montesquieu

BY

SIR COURTENAY ILBERT

K.C.S.I., C.I.E.

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MONTESQUIEU

WHEN Sainte-Beuve sat down, in the year 1852, to write a *causerie* about Montesquieu, he gave as a reason for not having dealt with the subject before that Montesquieu belonged to the class of men whom one approaches with apprehension on account of the respect which they inspire, and of the kind of religious halo which has gathered round their names.

This was written more than fifty years ago, and the language reflects the glamour which still attached to Montesquieu's name during the first half of the nineteenth century. That glamour has now passed away. Not that Montesquieu has died, or is likely to die. But he is no longer the oracle of statesmen; his *Spirit of Laws* is no longer treated by framers of constitutions as a Bible of political philosophy, bearing with it the same kind of authority as that which Aristotle bore among the schoolmen. That authority ended when the greater part of the civilized world had been endowed with parliamentary and representative institutions framed more or less on the model which Montesquieu had described and had held up for imitation. The interest which attaches to him now is of a different order. It is literary and historical. He lives as one of the greatest of French writers, and his *Considerations on the Greatness and Decay of the Romans* are still read as a school classic by French boys and girls, much as the masterpieces of Burke are, or ought to be,

read in English schools. To the student of political history he is known as the source of ideas which exercised an influence of incomparable importance in the framing of constitutions both for the old and for the new continent. And for the student of political science, his work marks a new departure in methods of observation and treatment. The *Spirit of Laws* has been called the greatest book of the eighteenth century: its publication was certainly one of the greatest events of that century.

If it were necessary for me to offer an apology for taking Montesquieu as my subject to-day I might plead, first, that no student of history or of political or legal science can afford to disregard one who has been claimed, on strong grounds, as a founder of the comparative method in its application to the study of Politics and of Law; next, that some recent publications¹ have thrown new and interesting light both on his character and on his methods of work; and lastly that one cannot return too often to the consideration of a really great man. Moreover, it may be suspected that, in this country at least, and at the present day, Montesquieu belongs to the numerous class of authors whom everybody is supposed to know but whom very few have read. It will, of course, be impossible for me to do more than touch on a few of the aspects of such a many-sided man.

Let me begin by reminding you of the leading dates and facts in Montesquieu's life, so far only as is necessary for the purpose of 'placing' him historically².

¹ The Collection Bordelaise referred to in note 2.

² The fullest life of Montesquieu is that by L. Vian, *Histoire de Montesquieu*, Paris, 1878. But it is inaccurate and uncritical, and

Charles Louis de Secondat was born in 1689, a year after the Revolution which ended the Stuart dynasty, five years before the birth of Voltaire, 100 years before the outbreak of the French Revolution. He died in 1755, four years after the publication of the first volume of the French *Encyclopedia*, the year before the Seven Years' War, five years before George III came to the throne, and seven years before Rousseau preached to the world, in the first chapter of his *Social Contract*, that man is born free and is everywhere in chains. His birth-place was the Chateau of La Brède, a thirteenth-century castle some ten miles from Bordeaux¹. Thus he was a countryman of Montaigne,

has been severely criticized by M. Brunetière (*Revue des deux Mondes*, 1879). The best contemporary appreciation of Montesquieu is by the Marquis d'Argenson (*Mémoires*, p. 428, edition of 1825). The standard edition of Montesquieu is that by Laboulaye in 7 vols., Paris, 1873-9. This must now be supplemented by the 'Collection Bordelaise,' which contains further materials supplied by the Montesquieu family, and which includes *Deux opuscules de Montesquieu*, 1891: *Mélanges inédits de Montesquieu*, 1892: *Voyages de Montesquieu*, 2 vols., 1894: *Pensées et fragments inédits*, 2 vols., 1899, 1901. The literature on Montesquieu is very extensive. A list of books, articles, and *éloges* relating to him will be found in an appendix to Vian's *Histoire*. Among subsequent works the first place is taken by M. Sorel's *Montesquieu* in the series called *Les grands écrivains français*, a little book of which I can only speak with the most respectful admiration. Reference may also be made to Oncken, *Zeitalter Friedrichs des Grossen*, i. 80, 457; Taine, *Ancien Régime*, pp. 264, 278, 339; Janet, *Histoire de la science politique*, vol. ii: Faguet, *Dix-huitième siècle*: Faguet, *La politique comparée de Montesquieu, Rousseau et Voltaire*: Brunetière, *Études critiques sur l'histoire de la littérature française*, 4me série: Flint, *The Philosophy of History*, 262-79: Sir Leslie Stephen, *English Thought in the Eighteenth Century*, i. 186: Henry Sidgwick, *The Development of European Polity*: Sir F. Pollock, *History of the Science of Politics*.

¹ Sixteen and a half miles by railway.

with whom he had many affinities. His family was noble, and belonged to that more modern branch of the nobility which had acquired its fortunes from the exercise of judicial or financial functions, and which was known as the *noblesse de la robe*. Therefore he was a member of one of the two privileged classes which under the old régime owned between them some two-fifths of the soil of France, and were practically exempt from all the burdens of the state.

On his mother's death he was sent as a boy of seven to the Oratorian College at Juilly near Meaux, and remained there eleven years. He then studied law, and in 1714, at the age of twenty-five, was made counsellor of the Parlement of Bordeaux, that is to say member of the Supreme Court of the province of Guienne. In the next year he married a Protestant lady. The following year, 1716, made a great difference in his fortunes. His uncle died, and he succeeded to the barony of Montesquieu, to a considerable landed property, and, above all, to the dignified and lucrative post of *Président à Mortier*, or Vice-President, of the Parlement of Bordeaux, a post which the uncle had acquired by purchase, and which the nephew retained until he parted with it to another purchaser in 1726. His judicial duties were such as to leave him a good deal of leisure. After the fashion of his time he dabbled in physical science. The papers which he read before the newly established Academy of Bordeaux were of no scientific value, but they influenced his subsequent political speculations, and supplied a sufficient excuse for his election during his English visit to a fellowship in our Royal Society¹. His real interests

¹ He was elected February 12, 1729 (old style). Proposed by

lay neither in law nor in physics, but in the study of human nature. His first book, the *Persian Letters*, appeared in 1721. He resigned his judicial office in 1726, and became a member of the *Académie française* at the beginning of 1728. The next three years were spent in travel, and his travels ended with a stay of nearly two years in England. The *Grandeur et décadence des Romains* appeared in 1734, and the *Esprit des lois* in 1748. He died, as I have said, in 1755.

His personal appearance is known to us from the excellent medallion portrait by Dassier, executed in 1752. Aquiline features, an expression, subtle, kindly, humorous. He was always short-sighted, and towards the end of his life became almost entirely blind. 'You tell me that you are blind,' he writes to his old friend Madame du Deffand, in 1752: 'Don't you see we were both once upon a time, you and I, rebellious spirits, now condemned to darkness? Let us console our-

Dr. Teissier and recommended by M. Ste-Hyacynthe and the President (Sir Hans Sloane). He refers to his reception in a letter to Père Cerati, dated London, March 1, 1730 (new style). Among the documents of the Royal Society is the copy of a letter from Montesquieu to Sir Hans Sloane, dated Paris, August 4, 1734, and enclosing copies of his book on the *Grandeur et décadence des Romains*. The M. Ste-Hyacynthe, who figures as Montesquieu's backer, must have been the 'Thémiseul de Ste-Hyacinthe, the half-starved author of the *Chef-d'œuvre d'un inconnu*, who, after having served, if we may believe Voltaire, as a dragoon during the persecution of the French Protestants, had crossed over to England, there had been converted, had translated *Robinson Crusoe*, and, though always a destitute wanderer, had been nominated a member of the Royal Society of London' (Texte, *Jean-Jacques Rousseau, and the Cosmopolitan Spirit in Literature*, translated by J. W. Matthews, p. 18). The English translation of this book embodies additions to, and corrections of, the original work.

selves by the thought that those who see clearly are not for that reason luminous¹.'

The three books to which Montesquieu owes his fame are the *Persian Letters*, the *Considerations on the Greatness and Decay of the Romans*, and the *Spirit of Laws*. Of these the first appeared during the Regency, that period of mad revel which followed the gloomy close of Louis XIV's reign. The second was published under the ministry of that aged and suspicious despot, Cardinal Fleury, when it was safer to speculate about ancient history than about contemporary politics or society. The last appeared under the rule of Madame de Pompadour, when the Encyclopaedists had begun that solvent work of theirs which prepared the way for the French Revolution. It should be added that all the three books were published anonymously, and printed in foreign countries, the first two at Amsterdam, the last at Geneva.

In order to trace the origin and development of Montesquieu's conceptions, and the course and tendency of his thoughts, the three books must be read consecutively, and must be supplemented by what we know of his studies and experiences during their preparation. For this knowledge very interesting additional materials have been supplied by the recent

¹ The Earl of Charlemont, who, as a young man, made a tour through the South of France, either in 1755, or in the latter part of 1754 (the dates are not quite clear), has left a delightful description of a visit which he and a friend paid to Montesquieu at La Brède. He found, instead of a 'grave, austere philosopher,' a 'gay, polite, sprightly Frenchman,' who took his visitors for a walk through his grounds, and being unable to find the key of a padlocked three-foot bar, solved the difficulty by taking a run and jumping over it.—Hardy, *Memoirs of Earl of Charlemont*, i. 60-73.

publication of the manuscripts which had for many years been preserved in the family archives of the Montesquieu family. They include the journals of travel which Sainte-Beuve said he would sooner have than the *Spirit of Laws*, and the three quarto volumes of *Pensées* in which Montesquieu stored materials for his published works.

The *Persian Letters* supply a clue to the plan of the *Spirit of Laws*, and contain the germs of many of the ideas which were subsequently developed in that book. They are the work of a young man. They profess to be written, and were probably composed or sketched, at different dates between 1711 and 1720¹, that is to say,

¹ The view that the composition of the Letters extended over several years is confirmed by internal evidence. The correspondence changes in character as it goes on. Compare for instance the apologue of the Troglodytes in Letters xii to xiv with the speculations as to the origin of republics in Letter cxxxi, or with the comparative view of the political development and characteristic features of different European states in Letters cxxxiii to cxxxvii. The Troglodytes are a community that perished through disregard of the rules of equity, but was restored to prosperity by two wise survivors who preached that justice to others is charity to ourselves. After the lapse of some generations their descendants, finding the yoke of republican virtue too hard, ask for a king, and are reprov'd for doing so. The apologue is interesting because it contains phrases which recur and ideas which are developed in the *Spirit of Laws*. But it is very youthful and abstract. Between the date of the Troglodyte letters and that of the later letters the writer had read much, observed much, and reflected much. Or compare again the story of the travellers and the rabbit with the later observations on the advantage of having more than one religion in a state and on the duty of respecting and tolerating each. The lively personal sketches become more rare: more space is devoted to the discussion of serious problems such as the causes and effects of the decrease of population in Europe since the flourishing days of the Roman Empire. The writer is no longer content with noting and criticizing: he begins to draw

during the last four years of Louis XIV's reign, and the first five years of the Regency, and they describe the impressions of three Persians who are supposed to be travelling in Europe at that time. There is an elder, Usbek, who is grave and sedate, a younger, Rica, who is gay and frivolous, and a third, Rhédi, who does not appear to have got further westward than Venice.

The device was not new, but it had never been employed with such brilliancy of style, with such fine irony, with such audacity, with such fertility of suggestion, with such subtlety of observation, with such profundity of thought. And it was admirably adapted for a writer who wished to let his mind play freely on men and manners, to compare and contrast the religious, political and social codes of different countries, to look at his manifold subject from different points of view, to suggest inferences and reflections, and to do all this without committing himself to or making himself responsible for any definite proposition. Any dangerous comment could be easily qualified by a note which explained that it merely represented the Mahomedan or the Persian point of view.

There were a great many dangerous passages. There was the famous letter about the Two Magicians,

conclusions. In short, the feuilletonist is ripening into the philosophical historian and the political philosopher. But at this stage his political philosophy has perhaps not advanced beyond the point indicated by a passage in Letter ~~lxxx~~ 'I have often set myself to think which of all the different forms of government is the most conformable to reason, and it seems to me that the most perfect government is that which guides men in the manner most in accordance with their own natural tendencies and inclinations.'

which nearly cost Montesquieu his election to the Academy.

‘The king of France is the most powerful prince in Europe. He has no gold mines, like his neighbour the king of Spain, but he has greater riches because he draws them from an inexhaustible mine—the vanity of his subjects. He has undertaken and carried on great wars without funds except titles of honour to sell, and, through a prodigy of human pride, his troops have found themselves feared, his fortresses built, his fleets equipped. Moreover he is a great magician. His empire extends to the minds of his subjects: he makes them think as he wishes. If he has only one million crowns in his treasure chest and he wants two, he has merely to tell them that one crown is equal to two, and they believe it. If he has a difficult war to carry on and has no money, he has merely to put it into their heads that a piece of paper is money, and they are convinced at once. But this is no such marvel, for there is another still greater magician, who is called the Pope, and the things which he makes people believe are even more extraordinary.’

Then there was the description of the old king, with his minister of eighteen, and his mistress of eighty¹, surrounded by a swarm of invisible enemies, whom, in spite of his confidential dervishes, he could never discover. There were many references to religion, mostly irreverent, though not with the fierce and bitter irreverence of Voltaire. Usbek finds imperfect and tentative approximations to Mahommedanism in many of the Christian dogmas and rites, and ascribes to the

¹ The references, of course exaggerated, were to Barbézieux and Mme de Maintenon.

finger of Providence the way in which the world is being thus prepared for general conversion to the creed of Islam. About diversities of ceremonial belief he has naturally much to say. 'The other day I was eating a rabbit at an inn. Three men who were near me made me tremble, for they all declared that I had committed a grievous sin, one because the animal was impure, and the second because it had been strangled, and the third because it was not a fish. I appealed to a Brahmin, who happened to be there and he said, 'They are all wrong, for doubtless you did not kill the animal yourself.' 'But I did.' 'Then your action is damnable and unpardonable. How did you know that your father's soul has not passed into that poor beast?'

Neither the burning question of the Bull Unigenitus¹, nor Law and his scheme, is left untouched.

He pursues a somewhat less dangerous path, though still a path paved with treacherous cinders, when he sketches, after La Bruyère's manner, contemporary social types, the 'grand seigneur' with his offensive manner of taking snuff and caressing his lap-dog, the man 'of good fortunes,' the dogmatist, the director of consciences who distinguishes between grades of sin, and whose clients are not ambitious of front seats in Paradise, but wish to know how just to squeeze in. There are also national types, such as the Spaniard, whose gravity of character is manifested by his spectacles and his moustache, and who has little forms of politeness which would appear out of place in France. The captain never beats a soldier without

¹ Horace Walpole complained once that he found life in England so dull that he must go to Paris and try and amuse himself with the Bull Unigenitus.

asking his permission ; the inquisitor makes his apology before burning a Jew. In a more serious vein is the description, so often quoted, of the ruin and desolation caused by the trampling of the Ottoman hoof. No law, no security of life or property : arts, learning, navigation, commerce, all in decay. 'In all this vast extent of territory which I have traversed,' says the Persian after his journey through Asia Minor, 'I have found but one city which has any wealth, and it is to the presence of Europeans that the wealth of Smyrna is due.'

The success of the *Persian Letters* was brilliant and instantaneous¹, and Montesquieu at once became a leading personage in Parisian society. He took lodgings in the most fashionable quarter², paid his devotions to Mlle de Clermont at Chantilly, was a favourite guest at the salon of the Marquise de Lambert, and through these influences obtained, though not without a struggle, a seat in the Academy. But he was dissatisfied with his reception there, and made up his mind to travel.

In the year 1728, when Montesquieu set out on his travels, the international politics of Europe were in a singularly confused and tangled position. Congress after congress, treaty after treaty, succeeded each other with bewildering rapidity and with little permanent effect. In Germany, Charles VI, the last male

¹ 'Les *Lettres Persanes* eurent d'abord un débit si prodigieux que les libraires de Hollande mirent tout en usage pour en avoir des suites. Ils alloient tirer par la manche tous ceux qu'ils rencontroient ; Monsieur, disoient-ils, faites-moi des *Lettres Persanes*.'—*Pensées*, Collection Bordelaise, i. 46.

² Vian talks about his having joined the well-known Entresol Club. But d'Argenson's list of its members (*Mémoires*, p. 248, edition of 1825 ; i. 93, edition of 1859) does not contain his name.

descendant of the Hapsburgs, had recently published his Pragmatic Sanction, was straining every nerve to secure the succession for his daughter Maria Theresa, and was wrangling with the 'Termagant of Spain' for the reversion of the Duchies of Modena and Parma. Frederick William of Prussia was recruiting his grenadiers, holding his tobacco parliaments, and negotiating his double marriage project. In Italy, the commercial republics of Venice and Genoa were sinking into decay, Piedmont was emerging as a military power, Florence was under the last of the Medici Grand Dukes. In England, Walpole had secured the confidence of the new king through the influence of his capable queen, and was doing his best, with the help of Cardinal Fleury, to maintain the peace of Europe.

Montesquieu started from Paris in April in the company of Lord Waldegrave, Marshal Berwick's nephew, who had recently been appointed ambassador to the imperial court at Vienna. He travelled through Austria and Hungary, thence went to Venice¹, visited in turn all the petty states into which Italy was then divided, spent several months at Florence, where he devoted himself mainly to art, and made even a longer stay at Rome, to which he returned after Naples. Of his last interview with the Pope a story is told, for

¹ The well-known story, repeated by Vian, of the trick played by Lord Chesterfield on Montesquieu at Venice seems to be a fable (see the remarks in the preface to Montesquieu's *Voyages* in the Collection Bordelaise, i. p. xxiv). It may perhaps be traced to a gossip letter written by Diderot to Mlle Volland on Sept. 5, 1762 (Diderot, *Œuvres*, xix. p. 127). We know from the *Chesterfield Letters* that when Montesquieu was at Venice (Aug. 16-Sep. 14, 1728) Chesterfield was writing to Mrs. Howard and Lord Townshend from the Hague.

which one could wish there were better evidence¹. The Pope expressed a wish to do something for his distinguished visitor, and at last offered him for himself and his family a perpetual dispensation from fasting. The next day a papal official called with a bull of dispensation made out in due form, and an account of the customary fees. But the thrifty Gascon waved away the parchment. 'The Pope is an honest man,' he said; 'his word is enough for me, and I hope it will be enough for my Maker.'

After leaving Italy he visited Munich and Augsburg, travelled by Würtemberg and the Rhine countries to Bonn, the residence of the Elector and Archbishop of Cologne, had an interview with our king George II at Hanover, explored the Hartz country (on whose mines he wrote a paper), and thence went to the Low Countries. At the Hague he met Lord Chesterfield, who was then British Ambassador, and was on the point of taking leave for England, where he hoped to be made Secretary of State. Montesquieu sailed with him in his yacht on the last day of October 1729, and remained in England until some time in 1731.

A distinguished German historian², who takes a rather depreciatory view of Montesquieu, says that he travelled rather as a tourist than as a student. The journals of travels and copious notes which have been recently given to the world by the Montesquieu family do not bear out this statement. Probably no

¹ The story is told by Vian, but is doubted by the Editors of the *Voyages* (Pref. p. xxviii). Vian is responsible for much apocrypha. But apocryphal stories are of historical value as illustrating Montesquieu's reputation among his contemporaries.

² Oncken, *Zeitalter Friedrichs des Grossen*, i. 463.

man ever started on his travels better equipped by reading and observation, or with a more definite notion of what he wanted to see, hear, and know, or had better opportunities for finding out what was most worth knowing.

Montesquieu had already travelled in imagination through the countries which he was to visit in the flesh. In one of the earlier Persian Letters, written long before Montesquieu left France, Rhédi describes his sojourn at Venice. 'My mind is forming itself every day. I am instructing myself about the secrets of commerce, the interests of princes, the forms of government. I do not neglect even European superstitions. I apply myself to medicine, physics, astronomy. I am studying the arts. In fact I am emerging from the clouds that covered my eyes in the country of my birth.'

That was the programme sketched out in advance, and he had excellent opportunities for carrying it out. At Vienna he spent 'delightful moments'¹ with that great captain, Prince Eugene of Savoy. At Venice he had long conversations with two famous adventurers, the Comte de Bonneval, and the Scotchman, Law. At Rome he made the acquaintance of Cardinal Alberoni and the exiled Stuarts. At Modena he conversed with the great antiquarian, Muratori. In England Lord Chesterfield's introduction brought him at once into the best political and social circles. His English journals, if they ever existed, are lost, and for our knowledge of his English experiences we are mainly dependent on the scanty but witty *Notes on England*, which were first published in 1818, and on the numerous references

¹ Letter to Abbé de Guasco of Oct. 4, 1752.

to English books, persons and things which are scattered up and down his recently published *Pensées*. But we know that he attended some exciting debates in Parliament, and we know also how profoundly his study of English institutions influenced the *Spirit of Laws*.

On the preparation for that great work Montesquieu was engaged for the next seventeen years of his life. In 1734 appeared the *Considerations on the Greatness and Decay of the Romans*, which might be treated as a first instalment of its contents. Machiavelli had treated Roman history from the point of view of a practical statesman, and had used it as a storehouse of warnings and examples for the guidance of an Italian prince. 'Chance,' he said, 'leaves great room for prudence in shaping the course of events.' Bossuet wrote as a theologian, and sought for evidence of 'the secret judgements of God on the Roman empire.' Montesquieu wrote as a political philosopher, and tried to find in the history of a particular state the application of certain broad general principles. 'It is not fortune that rules the world. There are general causes, moral or physical, on which the rise, the stability, the fall of governments depend. If a state is ruined by the chance of a single battle, that is to say by a particular event, the possibility of its being so ruined arises from some general cause, and it is for these causes that the historian should seek.' In this short treatise Montesquieu's style perhaps reaches its highest level. He is not distracted by a multiplicity of topics; the greatness, dignity and unity of his subject give force, character, and continuity to his style. His sentences march like a Roman legion.

'The work of twenty years.' So Montesquieu describes the *Spirit of Laws*, counting in his three years

of travel. And he describes also how the scheme of the book originated, and how it was developed. 'I began by observing men, and I believed that in their infinite diversity of laws and manners they were not exclusively led by their fancies. I laid down general principles, and I saw particular cases yield to them naturally. I saw the histories of all nations appear as the consequence of these principles, and each particular law bound with another law, or proceed from one more general. . . . I often began and often dropped the work: I followed my object without forming a plan. I was conscious of neither rule nor exceptions: but when I had discovered my principles, everything that I sought came to me. In the course of twenty years I saw my work begin, grow, advance, and finish.'

What, then, are the principles which after so long and painful a search, Montesquieu ultimately found? In brief, they are these. The world is governed, not by chance, nor by blind fate, but by reason. Of this reason, the laws and institutions of different countries are the particular expressions. Each law, each institution, is conditioned by the form of government under which it exists, and which it helps to constitute, and by its relations to such facts as the physical peculiarities of the country, its climate, its soil, its situation, its size; the occupations and mode of life of the inhabitants, and the degree of liberty which the constitution can endure; the religion of the people, their inclinations, number, wealth, trade, manners and customs; and finally by its relations to other laws and institutions, to the object of the legislator, to the order of things in which it is established. It is the sum total of these relations that constitutes the spirit of a law. The relativity of laws—

that is Montesquieu's central doctrine. There is no one best form of state or constitution: no law is good or bad in the abstract. Every law, civil and political, must be considered in its relations to the environment, and by the adaptation to that environment its excellence must be judged. If you wish to know and understand the spirit of a law, its essence, its true and inner meaning, that on which its vitality and efficiency depend, you must examine it in its relations to all its antecedents and to all its surroundings. This is the theme which Montesquieu tries to develop and illustrate in the course of his book.

He begins with the relations of laws to different forms of government. There are three kinds of government—republics, with their two varieties of democracy and aristocracy, monarchies, and despotisms. The threefold division is, of course, as old as Plato and Aristotle, but the mode of distribution is new, and is not easily to be defended on scientific grounds. But the historical explanation of the distribution is quite simple. Montesquieu was thinking of the three main types of government with which he was familiar through study or observation. By a republic he meant the city states of the Greek and Roman world, and also such modern city states as Venice and Genoa. Monarchy was the limited monarchy of the West, which still preserved traditions of constitutional checks, but which was, in most countries, tending to become absolute. Despotism was the unbridled, capricious rule of the eastern world.

Each form of government has its peculiar principle or mainspring. The principle or mainspring of democracy is virtue (by which he practically meant 'public

spirit), of aristocracy moderation, of monarchy honour, of despotism fear. These are the principles which must be borne in mind in framing laws for each state. Having exhausted this branch of the subject, he goes on to consider laws in their relation to the military force, political liberty, taxation, church, soil, manners and customs, commerce, finance, religion. It is under the heading of political liberty that are to be found the first of the two famous chapters on the English constitution, and the famous arguments on the necessity for separating the three powers, legislative, executive and judicial.

Nothing is further from my purpose than to enter on a detailed analysis of the *Spirit of Laws*. Indeed, there are few books which it is less profitable to analyse. The spirit evaporates in the process. The value of the book consists, not in the general scheme of arrangement and argument, which is open to much criticism, but in the subtle observations and suggestions, the profound and brilliant reflections, with which it abounds. And the questions which are of most interest to us are, first, What was the cause of the rapid and enormous influence which the book exercised on political thought in all parts of the civilized world? and, secondly, What was the nature and what were the main effects of that influence?

But before passing to these questions I should like to touch on one or two points which must be borne in mind by all who read Montesquieu.

In the first place he was an aristocrat, a member of a privileged, exclusive, and fastidious class. He was no upstart of genius like Voltaire, who could be insulted with impunity by a sprig of nobility. He belonged

to a good family and moved habitually in the best society.

His *milieu* and his point of view were different from those of typical bourgeois, such as Marais and Barbier. He was a country gentleman, and was fond of strolling about his vineyards, and talking to his tenants and labourers. 'I like talking to peasants,' he said; 'they are not learned enough to reason perversely.' But his attitude towards them was that of a great Whig nobleman or squire. Of their feelings and points of view he could know nothing. The third estate, which was nothing and was to be everything, was to him, for most purposes, an unknown world¹. But, though he was not wholly free from the faults of his class and his time, he was a great gentleman, with a genuine public spirit, a genuine love of liberty, a genuine hatred of oppression, cruelty, intolerance, and injustice. Among the three great political thinkers of the day, Montesquieu stands for liberty, as Voltaire stands for efficiency, and Rousseau for equality¹. If Lord Acton's projected History of Liberty had ever seen the light, Montesquieu would doubtless have been among its greatest heroes.

In the next place Montesquieu belonged to a hereditary caste—the caste which supplied the staff of

¹ 'On turning from Montesquieu to Rousseau we may fancy that we have been present at some Parisian salon, where an elegant philosopher has been presenting to fashionable hearers conclusions daintily arranged in sparkling epigrams and suited for embodiment in a thousand brilliant essays. Suddenly, there has entered a man stained with the filth of the streets, his utterance choked with passion, a savage menace lurking in every phrase, and announcing himself as the herald of a furious multitude, ready to tear to pieces all the beautiful theories and formulas which stand between them and their wants.'—Leslie Stephen, *English Thought in the Eighteenth Century*, p. 191.

judges and magistrates for France. Not that he wrote as a lawyer. For some fourteen years he was a member of the judicial bench known as the Parlement of Guienne, and in that capacity administered Roman law, such of the Royal Ordinances as extended to his province, and no less than ten different local customs. But he did not take much interest in the technical side of his professional work, and it may be doubted whether his judgements, if reported, would have carried more weight with his professional brethren than those of his distinguished predecessor on the same bench—Montaigne. Nor did he take any active part in the scientific work in which the great French lawyers of the eighteenth century were engaged. That work was digesting, expressing, and systematically arranging the principles of the customary law and the modernized Roman law, and thus collecting the materials and preparing the framework for the codes of the revolutionary and Napoleonic eras. The leaders in this work were the great Chancellor d'Aguesseau and Pothier. But Montesquieu does not, so far as I am aware, make any reference to Pothier or his school at Orleans, and his relations to d'Aguesseau were scanty and formal. Indeed, between the lively President and the grave Chancellor¹ there was little in common. If Montesquieu had lived in the latter half of the nineteenth century, he would not, we may feel sure, have got on with Lord Cairns. It was Voltaire, and not Montesquieu, that preached the duty of unifying French law, and Montesquieu's personal preference would probably have been for diversity rather than for uniformity. But Montesquieu

¹ See d'Argenson's sketch of d'Aguesseau : *Mémoires* (edition of 1825), p. 152.

was a great 'Parliamentarian' in the French sense of the word. He attached great political importance to the existence of a 'dépôt of law,' entrusted to the custody of an organized independent body, and he scandalized Voltaire by defending the system of purchasing judicial offices as the best practical security for judicial independence.

And lastly Montesquieu wrote with the Censor and the Index always before his eyes. Hence the allusive and hypothetical style, which in some of his imitators became a mannerism. This characteristic is nowhere better illustrated than in the chapter on the English constitution. It is headed 'Of the constitution of England,' but the text of the chapter consists of a number of 'ifs' and 'oughts.' Such and such an arrangement ought to exist. If such an arrangement were made it would lead to political liberty. It is not until the concluding paragraphs that the English are specifically mentioned, and then only in a guarded manner. 'It is not for me to examine whether the English actually enjoy this liberty or not. It is sufficient to say that it is established by their laws, and I seek no more.' In Montesquieu's time it was not always safe to dot your 'i's.' And that his nervousness was not unfounded is shown by the fact that, notwithstanding his precautions, his book found its way on to the Index, and remained for two years under the ban of the civil censor.

And now to come back to the main problem. How was it that a book with such obvious and glaring defects exercised an influence so enormous? The leading definitions are loose and vague; the treatment is unmethodical and uncritical; half the statements of fact

are inaccurate ; half the inferences are mere guesses. And yet it changed the thought of the world. What is the explanation of this paradox ?

Much, no doubt, was due to charm of style. If you want to be read, still more if you want to be widely read, you must be readable. In Montesquieu's time, books on political and legal science were, as a rule, unreadable. But the *Spirit of Laws* was, and still is, an eminently readable book. No one before Montesquieu had dealt in so lively and brilliant a manner with the dry subject of laws and political institutions. The book reflects the personality of the writer. His personality is not obtruded in the foreground, like that of Montaigne, but it is always present in the background, and its presence gives a human interest to an abstract topic. You see the two sides of the author ; the favourite guest of Parisian *salons*, and the solitary student, the desultory and omnivorous reader. He lived, we must remember, in an age when conversation was cultivated as a fine art. That untranslatable word 'esprit,' which was in the mouth of every eighteenth-century Frenchman, meant, in its narrowest and most special sense, the essence of good conversation¹. Montesquieu had, like other Frenchmen of his time, thought much about the art of conversation, and had practised it in the best *salons*—where, however, he had the reputation of being more of a listener than a talker—and the

¹ 'L'esprit de conversation est ce qu'on appelle de l'esprit parmi les Français. Il consiste à (*sic*) un dialogue ordinairement gai, dans lequel chacun, sans s'écouter beaucoup, parle et répond, et où tout se traite d'une manière coupée, prompte et vive. . . . Ce qu'on appelle esprit chez les Français n'est donc pas de l'esprit, mais un genre particulier de l'esprit.'—Montesquieu, *Pensées* (Collection Bordelaise), ii. 302, 303.

rules that he laid down for good writing are practically the rules for good conversation. 'To write well,' he says somewhere, 'you must skip the connecting links, enough not to be a bore, not so much as to be unintelligible¹.' Hence his book is not so much a dissertation as a *causerie*. It rambles pleasantly and unmethodically from point to point, welcomes digressions, and often goes off at a tangent. You feel yourself in the presence of a learned, witty, and urbane talker, who does not wish to monopolize the talk, but desires to elicit that free, responsive play of thought which is essential to good conversation. 'I don't want to exhaust the subject,' he says, 'for who can say everything without being a deadly bore².' And again, 'My object is not to make you read; but to make you think³.'

But Montesquieu is also a man of the closet, a man who spent long, solitary hours in his library at La Brède⁴, filling note-books with copious extracts, and condensing his thoughts in maxims and reflections. And he is too often unable to resist the temptation of utilizing the contents of his note-books without considering sufficiently whether they are relevant to or assist the progress of his argument. Indeed, he is essentially a 'fragmentary' thinker, sententious rather than continuous, and constitutionally reluctant, perhaps unable, to follow out persistently long trains of thought. But these peculiarities, though they detract from the scientific merit of his book, make it more readable. So

¹ *Pensées*, ii. 14.

² *Esprit des lois*, Preface.

³ *Ibid.*, book xi, ch. xx.

⁴ A description of the contents of Montesquieu's library is given by Brunet in the Collection Migne: *Troisième encyclopédie théologique*, tome 24, col. 344.

also do the little asides by which he takes his readers into his confidence, as when he reminds himself that if he dwells too much on the absence of any need for virtue in a monarchy, he may be suspected of irony, or when he gives expression to the feelings of lassitude and discouragement which overtake him towards the end of his task.

Charm of style, then, counts for much in explaining Montesquieu's influence. But freshness and originality count for much more. The orthodox way of dealing with a subject of political or legal science was to start from general propositions laid down authoritatively, and derived either from Aristotle, or, more often, from the Roman jurists, and to deduce from them certain general conclusions. Bodin's great treatise on the Republic, to which Montesquieu was much indebted, especially for his theory on the influence of climate, was framed on these lines. But Montesquieu broke away from the old lines. His starting-point was different. He began at the other end. He started from the particular institutions, not from the general principles.

I have dwelt at length, perhaps at undue length, on the *Persian Letters*, not because, as has been inaccurately said, the *Spirit of Laws* is merely a continuation of the earlier work, but because the Montesquieu of the *Spirit of Laws* is still the Montesquieu of the *Persian Letters*, matured and ripened by twenty-seven years of study and experience, but in essentials still the same.

He began his literary career with no preoccupied theory or object, but as a detached and irresponsible critic and observer of man in his infinite diversity, the man *ondoyant et divers* of Montaigne. And he retained

much of this irresponsibility and detachment to the last. It is true that after much search he found, or believed that he found, certain general laws, or principles, to which his observations could be attached, under which they could be grouped. But one often feels, in reading his opening chapters, that they are a sham façade, giving a deceptive appearance of unity to a complicated and irregular set of buildings, richly stored with miscellaneous objects of interest. His doctrine of the relativity of laws, which is the foundation of enlightened conservatism, and has been used in defence of much conservatism which is not enlightened, is not a sufficient foundation for a constructive system, but was an admirable starting-point for a man whose primary interest lay in observing and comparing different institutions and drawing inferences from their similarities and diversities. 'Any one who has eyes to see,' he wrote in his subsequent *Defence of the Spirit of Laws*, 'must see at a glance that the object of the work was the different laws, customs and usages of the peoples of the world.' A vast, an overwhelming subject, which the author failed to succeed in mastering and controlling, or bringing within a synthetic grasp. And owing to this failure the *Spirit of Laws* has been not unfairly described as being, not a great book, but the fragments of a great book¹. What he did succeed in

¹ Brunetière, *Études critiques*, 4^me série, p. 258. The Marquis d'Argenson, one of the most sagacious and prescient observers that the eighteenth century produced, was shown some portions of the *Esprit des lois* before the book was published, and his forecast of its character proved to be singularly accurate :—'On prétend qu'il (Montesquieu) se prépare enfin à publier son grand ouvrage sur les lois. J'en connais déjà quelques morceaux, qui, soutenus par la réputation de l'auteur, ne peuvent que l'augmenter. Mais

doing was in indicating the path by which alone effective and fruitful progress could be made either in jurisprudence or in the science of politics, the path through diversity to uniformity, through facts to principles. He refashioned political science and made it a science of observation, and by so doing he made the same new departure in political and legal science as Bacon had made before him in physical science. He closed the period of the schoolmen. He was not content to mumble the dry bones of Roman law. He turned men away from abstract and barren speculations to the study and comparison of concrete institutions. And it is in this sense that he may be claimed as one of

je crains bien que l'ensemble n'y manque, et qu'il n'y ait plus de chapitres agréables à lire, plus d'idées ingénieuses et séduisantes, que de véritables et utiles instructions sur la façon dont on devrait rédiger les lois et les entendre. C'est pourtant là le livre qu'il nous faudrait, et qui nous manque encore, quoiqu'on ait déjà tant écrit sur cette matière.

'Nous avons de bons instituts de droit civil romain, nous en avons de passables de droit français ; mais nous n'en avons absolument point de droit public général et universel. Nous n'avons point l'*esprit des lois*, et je doute fort que mon ami, le président de Montesquieu, nous en donne un qui puisse servir de guide et de boussole à tous les législateurs du monde. Je lui connais tout l'esprit possible. Il a acquis les connaissances les plus vastes, tant dans ses voyages que dans ses retraites à la campagne. Mais je prédis encore une fois qu'il ne nous donnera pas le livre qui nous manque, quoique l'on doive trouver dans celui qu'il prépare beaucoup d'idées profondes, de pensées neuves, d'images frappantes, de saillies d'esprit et de génie, et une multitude de faits curieux, dont l'application suppose encore plus de goût que d'étude.'—*Mémoires du Marquis d'Argenson* (ed. 1825), pp. 430, 431. It is to be hoped that this passage has not, like others in the edition of 1825, been recast by the editor. As to the defects of this edition, see Sainte-Beuve, *Causeries du Lundi*, vol. xii. And as to the later editions of d'Argenson, see Aubertin, *L'esprit public au xviii^e siècle*, p. 194.

the founders of the comparative method as applied to the moral and political sciences.

He began at the other end. This may seem a little thing. In reality it was a very great thing. The human mind is intensely conservative. For generations men go on working at the old subjects in the old ways. Then comes a man who, by some new thought, it may be by some new phrase, which becomes a catchword, like 'evolution,' takes his fellow men out of the old ruts, and opens up to them new regions of speculation and discovery. These are the men that change the world. And Montesquieu was one of these men.

He has been claimed on high authority¹, but with less accuracy, as the founder of the historical method, which is at least as old as Thucydides. That he appreciated the importance of this method is true. 'I could wish,' he says in one of his fragments², 'that there were better works on the laws of each country. To know modern times, one must know antiquity: each law must be followed in the spirit of all the ages.' But for its application he had neither the requisite knowledge nor the requisite capacity. Like his predecessors, he speculated about the state of nature. But for any knowledge of savage or uncivilized man, without which all speculations and theories as to the origin of society are idle, he was dependent on books of travel and accounts of missionaries, with no means of checking their accuracy. Of the Iroquois, who stood for the typical savage in the early eighteenth century, he had doubtless read in *Lahortan* and in *The Relations of the Jesuits*, but one is sometimes tempted to think that he

¹ By Sir Henry Maine, Sir Leslie Stephen, and others.

² *Pensées*, i. 195.

knows no more about him than might have been picked up from some stray Bordeaux mariner who had navigated Canadian waters. In his account of early Roman history he follows implicitly Livy and Florus, and of Beaufort's critical investigation he does not seem to have heard. Nor is there any evidence of his having read or having been influenced by Vico, that solitary, mystical, suggestive Neapolitan thinker, who seemed to live out of due time, and whose significance was not appreciated until the following century. He had heard of the *Scienza nuova* at Venice, where the first edition was much in demand, and made a note of it as a book to be purchased at Naples, but there is nothing to show that the purchase was made¹. And in the main his method of procedure is unhistorical. He takes more account of the surroundings of laws than of their antecedents. He sees laws of different periods all in the same plane. He conceives of the state as a condition of equilibrium which is to be maintained. He realizes the possibility of its decay, but the notions of progress and development, which are to figure so largely in Turgot and Condorcet, are foreign to his mind.

On the influence exercised by Montesquieu's great book, a substantial volume could be written. It was far-

¹ See *Voyages de Montesquieu*, i. 65. The first edition of the *Scienza nuova* was published in 1725. Vico tells us in his autobiography that the Venetian ambassador at Naples had orders to buy up all available copies from the Neapolitan publisher, Felice Mosca. See 'Vita di G. B. Vico' in *Opere di Vico*, iv. p. 456 (ed. by G. Ferrari, Milan, 1876). It may be that when Montesquieu reached Naples he found that the edition had been sold out. The relations of Vico to Montesquieu are discussed by Prof. Flint in his little book on Vico.

reaching and profound. It was felt in the course of political thought; it was felt in the methods of political science. It is almost true that Montesquieu invented the theory of the British constitution. At all events he was the chief contributor to what may be called the authorized version of the British constitution,¹ the version to which currency was given by Blackstone¹ and Delolme, which was used by the framers of constitutions on the continent of America and on the continent of Europe, and which held the field until it was displaced by the Cabinet theory of Walter Bagehot. The question has often been asked how far Montesquieu really knew and understood the institutions which he described². On this there are two things to be said. In the first place the British constitution which grew up out of the Revolution of 1688 was, when Montesquieu wrote, still in the making. The lines on which it was developed were not yet fixed; whether it would give preponderance to the King or to Parliament was still uncertain. In the next place Montesquieu wrote with a purpose. England was to him what Germany

¹ M. Sorel goes too far in saying that Blackstone 'procède de' Montesquieu. But the *Spirit of Laws* is expressly quoted in ch. ii, book i of the *Commentaries*, and its influence is clearly apparent throughout that chapter.

² How much was known in France of English institutions when Montesquieu published his *Esprit des lois*? Rapin's *History of England*, published at the Hague in 1724, was probably the principal available authority. 'No book did more to make Europe acquainted with Great Britain' (Texte, J.-J. Rousseau, &c. (trans. by J. W. Matthews), p. 21). Much knowledge was disseminated by Huguenot refugees in England, and much could have been learnt from English political refugees, like Bolingbroke, in France. But the amount of information available in a literary form for French readers was probably not great. Voltaire's *Lettres anglaises*, based on his visit of 1726-9, were published in France in 1734.

had been to Tacitus. It was a neighbouring country in which he found, or thought that he found, principles of liberty which had vanished from his own country, and for the restoration of which he hoped. And he sketched those principles like a great artist, with a bold and free sweep of the brush. He sought to render the spirit and characteristic features : for minute accuracies of topographical detail he cared as little as Turner cared in painting a landscape.

That a book thus conceived should be read with delight and admiration by Englishmen was not surprising¹. Its practical influence was first exercised in

¹ Nugent's English translation of the *Spirit of Laws* appears to have been published in 1750. See Montesquieu's letter to the translator of Oct. 18, 1750. A second edition, of which there is a copy in the British Museum, appeared in 1752, and several other editions followed.

'My delight,' says Gibbon in his autobiography, 'was in the frequent perusal of Montesquieu, whose energy of style and boldness of hypothesis were powerful to awaken and stimulate the genius of the age.'

There is a curious and characteristic rhapsody on Montesquieu in Bentham's *Commonplace Book* (Works by Bowring, x. p. 143). 'When the truths in a man's book, though many and important, are fewer than the errors ; when his ideas, though the means of producing clear ones in other men, are found to be themselves not clear, that book must die : Montesquieu must therefore die : he must die, as his great countryman, Descartes, had died before him : he must wither as the blade withers, when the corn is ripe : he must die, but let tears of gratitude and admiration bedew his grave. O Montesquieu ! the British constitution, whose death thou prophesiedst, will live longer than thy work, yet not longer than thy fame. Not even the incense of [the illustrious Catherine] can preserve thee.

'Locke—dry, cold, languid, wearisome, will live for ever. Montesquieu—rapid, brilliant, glorious, enchanting—will not outlive his century.

'I know—I feel—I pity—and blush at the enjoyment of a liberty

English lands, not indeed in Old England, but in the New England which was growing up beyond the seas. When Washington talked about the Lycian republic we may be sure he was quoting directly, or indirectly, from the *Spirit of Laws*. From the same book Hamilton and Madison in the *Federalist* drew arguments for federation and for the division between legislative, executive, and judicial powers¹. And later on, Thomas Jefferson, a statesman bred in a widely different school of thought, had a curious commentary on the *Spirit of Laws* prepared for him by a peer of France, who was a member of the French Institute and of the Philosophical Society of Philadelphia².

In England the spirit of Montesquieu found its fullest and most glorious expression in Burke, both when in his earlier years he was protesting against monarchical infringements of the British constitution, and when in his later years he was denouncing the tyranny of the French Convention.

From the language used by Sir Henry Maine in the famous fourth chapter of his *Ancient Law* one might infer that in his own country Montesquieu's influence was at once eclipsed by that of Rousseau. But such an inference would be erroneous. Montesquieu, Voltaire, and Rousseau, different as were their methods which the birthplace of that great writer (great with all his faults) [forbade him to enjoy].

'I could make an immense book upon the defects of Montesquieu—I could make not a small one upon his excellences. It might be worth while to make both, if Montesquieu could live.'

¹ See Letters 9 (A. Hamilton) and 47 (Madison), and Bryce's *American Commonwealth*, part i, ch. xxv.

² Destutt de Tracy. His curious commentary is really an attempt to rewrite the *Spirit of Laws* from the commentator's point of view.

and their aims, were all factors of the first importance in the French Revolution. 'Every enlightened Frenchman,' says M. Sorel, 'had in his library at the end of the eighteenth century a Montesquieu, a Voltaire, a Rousseau, and a Buffon¹.' The *Spirit of Laws* was a storehouse of argument for the publicists of 1789, and French writers of repute have maintained that the influence of Montesquieu counted for as much in the Declaration of Rights as the influence of Rousseau. It must be remembered that, though Montesquieu wrote as a monarchist, his heart was in the little republics of the Graeco-Roman world, and he is responsible for much of the pseudo-classicism which characterized political thought at the end of the eighteenth century. It is true that during the interval between 1789 and 1793 the influence of Montesquieu waned as that of Rousseau waxed. He was identified with the aristocrats and Anglophiles²; the Girondists were charged with studying him overmuch, and if Robespierre quoted him for his purpose, he quoted him with a significant difference. 'In times of revolution,' said Robespierre, 'the principle of popular government is both virtue and terror : virtue without which terror is fatal ; terror without which virtue is powerless³.' Napoleon had studied the *Spirit of Laws*, but a system which aimed at the

¹ Sorel, *Montesquieu*, p. 149.

² Under the Terror Montesquieu's son was thrown into prison as a suspect, and his property was sequestered. He died in 1795. Montesquieu's grandson, who had served under Washington in the United States, became an *émigré*, married an Irish lady, and settled down in Kent, where he died without issue in 1825. He left his MSS. and his French property to a cousin, descended from a daughter of the great Montesquieu.

³ Sorel, p. 155.

preservation of political liberty by the separation of political powers did not commend itself to his mind¹. Dormant under the Consulate and the Empire, the influence of Montesquieu arose to renewed and more powerful life at the Restoration, and was, during the first half of the nineteenth century, the inspiration of all constitutional monarchists, both in France and in other European countries.

The influence of Montesquieu on methods of study was as important, though not as immediate², as his influence on the course of political thought. Of the historical and comparative method, in their application to Law and Politics, he was, as has been justly remarked³, rather a precursor than a founder. His appreciation of the historical method was imperfect, and his application of it defective. It was not until the expiration of a century after his death that the importance and significance of either the historical or the comparative method was fully realized. But in the meantime his central doctrine, that the true spirit and meaning

¹ See the interesting letter of Sept. 19, 1797, written by Napoleon from Italy to Talleyrand, with a request that it might be shown to Sieyès. Napoleon, *Correspondance*, vol. iii. p. 313 (No. 2223).

² 'Un seul écrivain, Montesquieu, le mieux instruit, le plus sagace et le plus équilibré de tous les esprits du siècle, démêlait ces vérités, parce qu'il était à la fois érudit, observateur, historien et jurisconsulte. Mais il parlait comme un oracle, par sentences et en énigmes; il courait, comme sur des charbons ardents, toutes les fois qu'il touchait aux choses de son pays et de son temps. C'est pourquoi il demeurerait respecté, mais isolé, et sa célébrité n'était point influence.'—Taine, *Ancien Régime*, p. 278. This statement of Taine must be read as applying to Montesquieu's influence on method, not to his influence on political thought.

³ By Sir F. Pollock in his farewell lecture on the 'History of Comparative Jurisprudence' (*Journal of the Society of Comparative Legislation*, August, 1903).

of a law or constitution cannot be grasped without careful study of all its surroundings and all its antecedents, had sunk deeply into the minds of students, and prepared the way for and gave an enormous stimulus to those methods of study which are now recognized as indispensable to any scientific treatment either of Law or of Politics.

Within the last half-century societies for the study of Comparative Law and Comparative Legislation have come into existence in France, England, Germany and elsewhere¹, and have done, and are doing, work of the greatest interest and utility. Some of them approach their subject mainly from the point of view of the lawyer or the jurist, and devote their attention primarily to those branches and aspects of the subject which fall within the domain either of private or of criminal law. Others look primarily at the constitutional and administrative experiments which are being tried by the legislatures of different countries, and thus deal with their subject as a branch of political science. Their areas of study overlap each other, and the point of view is not quite the same. Within each area they have collected and compared a vast quantity of facts which form an indispensable preliminary to, and constitute the raw material for, a scientific treatment of the studies with which they are concerned. The task that remains for the scientific jurist and for the political philosopher is to elicit, in the spirit of Montesquieu, but with fuller knowledge, and

¹ Société de Législation Comparée, founded 1869; Gesellschaft für vergleichende Rechts- und Staatswissenschaft, founded 1893; Internationale Vereinigung für vergleichende Rechtswissenschaft und Volkswirtschaft, founded 1894; (English) Society of Comparative Legislation, founded 1894.

with better critical methods, the inner meaning of the laws and institutions of different countries, and to trace the general lines on which they have developed in the past, and may be expected to develop in the future.

One might amuse oneself by speculating on the differences which Montesquieu would have observed, and on the general reflections which he might have made, if he had been called upon to pass in review the governments and legislation of the present day. He would have found in almost every-part of the civilized world governments with representative legislatures and parliamentary institutions, all more or less on the English lines which he had admired and described, and all recognizing, though in greater or less degree, and in different forms, his principle of the separation between the three functions of government, legislative, executive, and judicial. And he would have found all these legislatures actively and continuously engaged in the work of legislation, and producing new laws with prodigious fertility and in bewildering variety.

Besides the legislatures of European and South American States, there are within the British Empire between sixty and seventy different legislatures, and in the United States forty-eight local legislatures, in addition to the central legislature consisting of Senate and Congress. And in the year 1901 these forty-eight United States legislatures enacted no less than 14,190 new laws. When Montesquieu wrote, the British Parliament was practically the only representative legislature in the world, and the only legislature which was continuously at work. And its output of legislation was comparatively modest. Let us take the record of the session of 1730, when Montesquieu was attending debates at St.

Stephen's. There was no reference to legislation in the King's Speech. The Acts of the session were forty-eight, and of these twenty were local and four fiscal. There was an Act, which gave rise to some debate, for placing restrictions on loans by British subjects to foreign states, a measure which, as Sir Robert Walpole explained, arose out of a projected loan for the assistance of the Emperor Charles VI, whose diplomatic relations with George the Second were strained. The care of Parliament for trade and industry was minutely paternal. There was an Act for regulating the methods of burning bricks, and another for better regulating the coal trade. There was an Act for granting liberty to carry rice from His Majesty's Province of Carolina in America directly to any part of Europe southward of Cape Finisterre in ships built in and belonging to Great Britain and navigated according to law, and another Act for the importing of salt from Europe into the colony of New York with the view to the better curing of fish, 'whereby the trade of Great Britain and the inhabitants of the said colony would reap considerable benefit which would enable the said inhabitants to purchase more of the British manufacturers for their use than at present they are able.' And there was one of the numerous 'omnibus' Acts then allowed by Parliamentary procedure, dealing, within its four corners, with the price of bread, the relief of bankrupts, deeds and wills executed by Papists, and the settlement of paupers. And this is nearly all. The eighteenth-century statutes, except so far as they are purely local, consist chiefly of detailed regulations made by land-owners sitting at Westminster for their own guidance as justices of the peace in the country. And the

executive functions of the central government were at that time very limited. 'The Prince,' says Montesquieu, 'in his exercise of executive functions, makes peace or war, sends or receives embassies, keeps the peace, prevents invasions.' It was in fact to the maintenance of the internal peace that, apart from foreign relations and war, the duties of the central government were mainly confined. There was no Local Government Board, no Board of Education, no Board of Agriculture, and the duties of the Board of Trade were almost nominal. Nor, on the other hand, were there county councils, district councils, or parish councils. The municipalities were close, corrupt, irresponsible corporations, existing for the benefit of their members and not of the local public. There were no railways, and no limited companies. Gas and electricity had not been utilized. Parliament did not concern itself with educational or sanitary questions, and factory legislation was a thing of the distant future¹. Thus almost all the materials for modern Parliamentary legislation were absent.

This then would have been one of the differences that Montesquieu would have noted—the prodigious increase in the extent and variety of legislation. And on investigating the causes of the difference he would have found the main cause to be this—that the world has been since his time absolutely transformed by the operation of physical science. What has physical science done for the world? It has done three things. It has increased the ease and speed of production. It has increased the ease and speed of

¹ I have ventured to repeat some expressions used in chapter x of my book on *Legislative Methods and Forms*.

locomotion. It has increased the ease and speed of communicating information and opinion¹. And by so doing it has made for democracy, it has made for plutocracy, it has made for great states. It has made for democracy, both by enabling the popular will to act more speedily and effectively, and by the creation of wealth which levels distinctions based on social position. But it has also increased, to an extent unimaginable even in the days of Law's system and the South Sea Bubble, that power of great finance, which manufactures through its press what is called public opinion, pulls the strings of political puppets, and is the most subtle, ubiquitous, and potent of modern political forces.

Physical science has made great democratic states possible, and great states, or agglomerations of states, necessary. For Montesquieu, as for Aristotle, a democracy meant a body of citizens who could meet together in one place for political discussion. The body must not be too large, for as Aristotle says, if it were, what herald could address them, unless he were a Stentor. But the modern statesman, to say nothing of the modern reporter who heralds a cricket match, can, without being a Stentor, speak to the Antipodes. And science has made great states necessary by increasing both the effectiveness and the cost of munitions of war. States agglomerate both for economy and for self-defence, and small isolated states exist only by sufferance.

Since Montesquieu's time both the area and the population of the civilized world have enormously in-

¹ See Faguet's interesting essay, *Que sera le xx^{me} siècle*, in *Questions politiques* (Paris, 1899).

creased. And yet for political purposes it has become a much smaller world, smaller, more compact, more accessible. And this has tended to greater uniformity of legislation and institutions.

The greater uniformity has been brought about mainly in three ways. First, by direct imitation. Man, as M. Tarde has reminded us, is an imitative animal. He imitates his forefathers: that is custom. He imitates his neighbours: that is fashion. He imitates himself: that is habit. And direct imitation plays a large part in institutions and legislation. English Parliamentary procedure has made the tour of the world. Guizot reminded a Committee of the House of Commons in 1848 that Mirabeau had based the rules of the National Assembly on a sketch of the proceedings of the House of Commons furnished to him by Étienne Dumont¹, and that when the Charter was granted by Louis XVIII in 1814, the same rules were adopted with some changes. Thomas Jefferson, when President of the United States, drew up for the use of Congress a manual consisting largely of extracts from English Parliamentary precedents, and Jefferson's Manual is still an authoritative work. Every colonial legislature conforms to the rules, forms, usages, and practices of the Commons House of Parliament of Great Britain and Ireland, except so far

¹ Evidence before Select Committee on Public Business, Q. 309. Dumont's own account (*Souvenirs sur Mirabeau*, p. 164) does not quite bear out Guizot's statement. According to Dumont, Romilly had made a sketch of English Parliamentary procedure, which Dumont translated for Mirabeau. Mirabeau laid this translation on the table by way of a proposal, but the Assembly declined to consider it: 'Nous ne sommes pas Anglais, et nous n'avons pas besoin des Anglais.' Romilly's own account of his sketch, and of its fate, is to the same effect. *Memoirs*, i. 101.

as they have been locally modified. A very large proportion of Colonial enactments are directly copied from the English Statute-book, with minor local variations. And the practice of looking for and copying precedents supplied by other legislatures is steadily on the increase, not only within the British Empire, but in all parts of the civilized world. This, then, is one cause of uniformity.

In the next place the facility of intercourse, and especially the closeness of commercial relations between different countries, tends to a general assimilation of commercial usages. The diversity of laws which was found intolerable in France at the end of the eighteenth century, and in Germany at the end of the nineteenth century, has long made itself felt as a serious and as a remediable nuisance in matters of commerce throughout the world, and in many parts of the domain of commercial law we have either attained to or are within measurable distance of that common code of laws which is the dream of comparative jurists.

And lastly, in a world compacted and refashioned by science, those causes of difference to which Montesquieu attached importance, and in some cases exaggerated importance, causes such as climate, race, geographical conditions, difference in forms and degrees of civilization, tend to become of less importance. Not that they have disappeared, or can be left out of account. Montesquieu took much interest in questions of political economy, and he would certainly have pointed out that fiscal arrangements which are well adapted to a state whose territories are continuous, are presumably less well adapted to a state whose component parts are sundered by oceans. The question of race is always

with us, and the jealousies and antipathies of white, brown, yellow and black races present an insoluble problem to the legislator in almost every part of the globe. Nor are the legislative problems which, apart from race, arise from the contrast between different degrees and stages of civilization, less numerous, less difficult, or less interesting. Within the British Empire we have to legislate for the hill-tribes of India, for the fetish-worshippers of Western Africa, and for the savages of New Guinea, and a museum full of instruction and suggestions to the statesman and the jurist is to be found in the Regulations made by the Government of British India for its less advanced regions and in the Ordinances which have been passed for the West African Protectorates. Thus the causes of difference remain and are of importance. But on the whole the importance of the causes which make for difference tends to decrease, and the importance of the causes which make for uniformity tends to increase. Take up one of the annual summaries of the world's legislation which are published by the French and English Societies of Comparative Legislation. Your first impression will be one of bewilderment at the multiplicity and variety of the subjects dealt with. But if you read on, and still more if you extend your studies over a series of years, you will be struck with the large number of important subjects which recur with unfailing regularity in the legislation of each state in each year. Education, factory laws, mining laws, liquor traffic,—everywhere you will find the same problems being dealt with on lines of increasing similarity, though with a due recognition of the differences arising from diversities of race, character and local conditions. In the year 1902 the legislature

of the Straits Settlements was imposing on little Malay children the duty of compulsory attendance at school, and the legislature of Sierra Leone was regulating Mohammedan education on Western lines, whatever that may mean. It is perhaps in the field of industrial legislation that this similarity of treatment and of trend is most remarkable. A quarter of a century ago the liability of employers for injuries to their workmen was in every civilized country regulated by rules derived directly or indirectly from the old Roman law. Since that time almost every legislature has been altering those rules, and has been altering them in the same direction. It has been recognized everywhere that the principle of basing liability on personal negligence is inadequate to meet the modern conditions of corporate employment, of employment by great companies, and the universal tendency has been towards placing the employer in the position of an insurer against accidents to his workmen, and of thus imposing on him a risk which he again meets by modern methods of insurance. Similar tendencies may be observed in other departments of industrial legislation, such as the further recognition of the right of workmen to combine, the regulation of the conditions of employment, especially in such organized employments as mines and factories, the restrictions on the employment of women and children, the requirement of precautions against risk to health and life, the formation of Government pension funds against sickness and old age, and the provisions for the settlement of labour disputes. In all these branches of legislation there is a general move in the same direction, though with differences of detail and at different rates of progress. In short, the whole civilized world appears to be advancing

towards a common industrial code, as it is advancing towards a common commercial code.

Some hundred years after Montesquieu's death another brilliant book was written on the Spirit of Law¹. Savigny had laid down the dogma that the law of each nation is the natural and necessary outgrowth of the national consciousness. Ihering reminded his readers that Rome had thrice conquered the world, first by arms, secondly by religion, and lastly by law; and that the general reception of Roman law, of which Savigny was the historian, was inconsistent with the dogma of the exclusively national character of law, of which Savigny was the prophet. As nations live commercially by the free interchange of commodities, so they live intellectually by the free interchange of ideas, and they are not the worse, but the better, for borrowing from each other such laws and institutions as are suitable to their needs. It is true, as Savigny taught, and as Montesquieu had indicated before him, that the laws of a nation can only be understood if they are studied as part of the national life and character. But it is also true that the object of the jurist is to discover the general principles which underlie different systems of law. Only he has now realized that those principles cannot be discovered except by a profound and scientific study of the legal institutions and the legal history of different nations, and by comparing with each other the laws of different countries and the different stages of legal development. It was in order to discover the true meaning of the legal rules derived from ancient Rome, as the main

¹ The first edition of Ihering's *Geist des römischen Rechts* began to appear in 1852.

factor of European law, that Ihering undertook his inquiry into the Spirit of Roman Law. He who would measure the advance in the breadth and depth of comparative jurisprudence between the middle of the eighteenth and the middle of the nineteenth century could not do better than compare Montesquieu's *Spirit of Laws* with Ihering's *Spirit of Roman Law*.

Montesquieu left two great legacies to the world. He formulated the theory of the British constitution which held the field for a century, and was the foundation of every constitutional government established during that period ; and he gave a new direction to the study of legal and political science.

Montesquieu was one of the greatest of the apostles of liberty in modern times. Socially and politically, he belongs to the old régime, to the régime which in France passed away in 1789, which in England, where changes are less catastrophic, began to pass away in 1832. Scientifically also he belongs to a bygone age. His new ideas, his new methods, once so fresh, so attractive, so stimulating, have passed into and been merged in the common heritage of Western thought. But in his generation he succeeded, with a success beyond his most sanguine hopes, in doing what he tried to do—he made men think.

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1906

Sturla the Historian

BY

WILLIAM PATON KER, M.A.

FELLOW OF ALL SOULS

DELIVERED

IN THE SCHOOLS, OXFORD

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STURLA THE HISTORIAN

It is natural, when the task one has to perform carries along with it so much honour and so much responsibility, to begin with a sentence of apology and deprecation. Words of that sort are not always insincere, but there is seldom much good in them. I have been asked by the University of Oxford to give the Romanes Lecture, and in acknowledgement I will take and apply to my own case the words of Dr. Johnson: 'It was not for me to bandy civilities with my sovereign'.

You will allow me to speak of Lord Curzon, who had promised to give the Romanes Lecture for this year; and you will readily understand that I wish to say only what may be of good omen: to remember some of the associations of Balliol and All Souls, and to look forward to the time when Lord Curzon will come to Oxford and fulfil his undertaking. There is no place in the world, I believe, that sends him more sincere good wishes, or takes a deeper interest in his success and in his fame.

I have no need to defend my choice of a subject; it is already authorized; the University has published the *Sturlunga Saga*, edited by Gudbrand Vigfússon, with the help, as he tells us in his preface, of his friend York Powell of Christ Church. This book contains among other things the Icelandic memoirs of Sturla the historian; Sturla's Norwegian history, the life of King Hacon, with the same editor, has been printed by the Master of the Rolls. The study of Icelandic began long ago in Oxford; an Icelandic grammar was printed

here in 1689 for Dr. George Hickes, and afterwards included in his magnificent *Thesaurus*.

The history of Iceland often reads like a contradiction and refutation of a number of historical prejudices. It would require only a very slight touch of fancy or of travesty to make it into a kind of Utopian romance, with ideas something like those of William Godwin, or of Shelley. The Norwegian gentry who went out and settled in Iceland were driven there by their love of freedom, their objection to the new monarchy of Harald Fairhair. They did not want any government; they took an entirely new land and made their homes there, and a commonwealth of their own. No man had lived before in Iceland except the few Irish hermits who had wandered there after the fashion of St. Brandan; they soon disappeared, and their presence does nothing to impair the solitude, the utterly natural condition of Iceland when the Norwegians first took it. The colony of Iceland, further, was almost as free from institutions and constraint, in its early days, as any revolutionary philosopher could desire. The king had been left behind in the old country; there was no tribal system, no priestly order, nothing to complicate the business of life. No abstract thinking, no political platforms, no very troublesome religion interfered with the plain positive facts. The Icelanders at first had little to think about except their houses and families; they were not afraid of their gods, and had no exacting ceremonies. It is one kind of an ideal. It is true that this Godwinian republic began rather early to fall away from simplicity; perfect pure anarchy is too good for this world, and is soon corrupted. The Icelanders, before long, began to play the social contract, first of all by the voluntary agreement of neighbours under the presidency of the

chief man of their country-side, then by an assembly of the whole island and the introduction of law. The paradoxes of the Icelandic constitution have been explained by Mr. Bryce in one of his lectures ; they might be summed up very roughly, as 'all law and no government.' *Apud illos non est rex nisi tantum lex.*¹ Their very careful law took them a long way from pure anarchy; but there never was any political power to enforce the law. The local courts and the national assembly determined what was right, but there was no compulsion in the country, except public opinion and private revenge.

This commonwealth, founded in the days of Harald Fairhair and of Alfred the Great, is a kind of embodiment of the *Germania* of Tacitus, with the Germanic essence, so to speak, still further refined ; the independence, the spirit of honour, the positive, worldly, unmystical character, which seems to be capable of all heroism, except that of the visionary martyr.

When the Cardinal William came to Norway in the reign of King Hacon and got to know about the Icelanders, he was scandalized at their freedom, and sent a message to them to ask why they could not come in and be governed by a king, like the rest of the world. It is true enough that their ideas and ways were not those of the thirteenth century, and that they have the example of all Christendom against them.

Nevertheless, the Icelandic State in its pride, its seclusion, its opposition to the common way of the world, is a creation as miraculous as the contemporary achievements of the Northern race at the other end of the scale—I mean the political work of the Normans in the new-fashioned kingdom of England.

¹ Quoted by Maurer, *Island*, from a gloss in Adam of Bremen.

The intellectual fortunes of Iceland are as strange as its social history. There is the same mixture of very old Teutonic ideas with others that seem to have escaped the Middle Ages altogether, or at any rate to be more at home in the eighteenth or nineteenth century. Nowhere is this more manifest than in the histories of Iceland, the prose narrative literature of the republic, in which Sturla, son of Thord, is one of the last and one of the most eminent names. Icelandic prose of the great age is in contradiction to a number of things that are commonly believed and reported about medieval literature : such as, that it is quaint, absurd, superstitious, childish, without perspective. For example : the *Edda* of Snorri Sturluson is a thirteenth-century prose book that has very little to learn from any renaissance or revival of learning. The tone of it, in its treatment of the stories of the gods, is not what is generally supposed to be medieval ; it is more like what one expects from the eighteenth century, amused, ironical, humorous. At the same time Snorri is generous to the old gods and thoroughly interested in their adventures. Peacock, in his dealing with Welsh antiquities, is the modern author who is most like Snorri in this respect, in this curious combination of levity and romance, so unlike the medieval earnestness on the one hand, the medieval farce on the other.

The great work of the Icelanders is to be found in their family histories ; those to which the name *Saga* is commonly given as if by some special right ; the stories of Njal, of Egil Skallagrimsson and other famous men of the early days. These books leave the ordinary critical formulas fluttering helplessly about them. They seem to accomplish what for several generations, in the sixteenth and seventeenth centuries, was one of the

ideals of literary men, the heroic narrative in prose, the prose epic. For this was once a favourite ambition, one of the abstract ideas that tempted many writers, along with the perfect form of Tragedy and the pattern of an Epic Poem. Cervantes in *Don Quixote* has given one of the best descriptions of this ideal by the mouth of the Canon of Toledo, explaining what might be made of prose romances if they were taken up by the right kind of author. The prose story, says the Canon, offers a large free field for all kinds of adventures, descriptions, and characters, for the craft of Ulysses, the valour of Achilles, the misfortunes of Hector, and so on. A web woven of many various strands—that shall be the new kind of romance ; a story written without exaggeration of style, and drawn truly ; using the freedom of prose narrative so as to include among other things both tragedy and comedy, ‘with all those parts that are included in the most delightful and pleasant sciences of poetry and oratory ; for the epic may be written not less in prose than in verse’. Something of what is here outlined had been accomplished long before in the Icelandic Sagas—the wisdom of Njal, the valour of Gunnar and Skarphedin, the misfortunes of Grettir the Strong. Those Northern books are written sometimes with a spirit like that of Cervantes himself, with dialogue unmatched except in the great novelists.

This rich imaginative history had its source in real life. Njal and Egil and their adventures were kept in traditional memory, their stories were the property of no one in particular, handed down from one age to another till the time came for them to be put into shape and written out in their present form. Icelandic prose is very near to the spoken language ; it is rich in idiom and in conversation, and the artistic form given

to it by writing men seems to follow easily from the natural growth of the spoken traditional tale.

By the early part of the thirteenth century most of the old stories had been written ; and not only the Icelandic Sagas of the heroic age, but also the lives of the kings of Norway, which are best known in the work of Snorri, commonly called *Heimskringla*. In these *Kings' Lives* the largest space had been given to the two Olafs, Tryggvason and Haraldsson (St. Olaf) ; so that both for Iceland and Norway the tenth and early eleventh century—two hundred years before the time of Snorri—were better represented in literature than the later periods. But something had been done to bring down the memoirs of Iceland and the history of Norway to living memory, and it is here that Sturla the historian comes in, to complete the task.

He belonged to one of the great families of Iceland in the thirteenth century, the house of the Sturlungs, named from his grandfather, Sturla, of Hvamm. This family was one of the most ambitious, and did as much as any to spoil the old balance of the Commonwealth by 'struggling for life' in a reckless, arrogant, lawless way. The strange thing about them is that, with all their dangerous, showy qualities, they produced some of the finest literature : 'out of the eater came forth meat'. Snorri, son of Sturla, was for a long time one of the most persevering and successful capitalists of that time, making his fortune, greedily, by all available means ; he is also great in Icelandic prose literature on account of his *Edda* and his *Kings' Lives*. His brother, Thord, had two sons, who were distinguished literary men : our Sturla the historian, who was also a poet, and Olaf the poet, who was also a philologist. Even the fighting men of the family might be fond of books : Sturla notes a fact

of this sort about his cousin and namesake, Sturla Sighvatsson,¹ who was in practical life the perfection of that unscrupulous, light-hearted vanity which made all the sorrows of Iceland in those years.

'The Sturlung Age' is a name commonly given to the period described in the *Sturlunga Saga*—roughly, the first half of the thirteenth century, the time of the great faction fights in which the liberties of Iceland went under. The *Sturlunga Saga*, as we have it, is a composite work; only part of it (and scholars are not agreed how much of it) is the work of Sturla, son of Thord. But he, the grandson of the founder of the house, wrote at any rate a large part of the history; there is no doubt of that, so that for this time there exists not only a contemporary chronicle, but the memoirs of one who was most intimately concerned, himself one of the persons in the drama.

And his work is the completion of Icelandic prose. It is hardly a metaphor to say that it is the mind of Iceland, expressing itself in the best way at the end of the old Icelandic life. Sturla's work is the Icelandic habit of thought and vision applied to the writer's own experience, whereas in the heroic Sagas it had dealt with things of a former age.

The beauty of it in both cases is its impartiality. But this is naturally more remarkable and surprising in the later than the earlier history. Sturla had been in the thick of it all himself, in many moss-trooping raids and forays; he had seen his kinsmen cut down; he had been driven to make terms with their chief enemy; it was his own daughter who was snatched out of the fire of

¹ 'He (Sturla Sighvatsson) was much at Reykholt with Snorri, and made it his business to have copies written of the histories which Snorri composed' (*Sturlunga Saga*, vol. i, p. 299).

Flugumýri, where her young bridegroom lost his life. But there is nothing in his story to show that he takes a side. He follows the custom of the old Sagas, which is, to let the characters alone and never allow the showman to come forward with his explanations and opinions. This Icelandic habit is not dullness or want of sense. It is a kind of imagination, and it is shown in their way of narrating things so as to get the most vivid effect. You see a boat putting out from an island, or a party of men riding along the shore ; you do not know whether they are friends or enemies until you go to find out. Two people of importance are talking business ; a messenger comes to one of them and speaks with him apart ; then he turns to his business again and you find that there is a change of some sort ; the messenger has told him something of interest, and you see this in his face and his conduct before you get it explained. The vague fact growing clearer, that is the Icelandic rule of story-telling, the invariable plan ; it would be a mannerism, if it were not so much alive. Mannerisms are lazy things, dodges for getting along easily without thought ; but this Icelandic form is exacting and not easy ; the right use of it means that the author is awake and interested.

It is impossible here to give any proper account of Sturla's Icelandic memoirs, and I shall not quote from his chronicle of slaughter and house-burnings. But there are other passages in his work besides those 'high facinorous things', as the Elizabethan poet might have called them ; there are intervals of comedy.

There is a scene between Sighvat and his son, Sturla, which is very pleasant to think about ; the father reading the son's character, playing on his vanity, and drawing him on gradually to a comic trap. The young man had

just come back in high spirits from a successful expedition, where he had beaten the other side. His father says to him : ' You have had a fight, I hear'. ' So we made out', says the son. ' It was a short squall', says Sighvat. ' Not so short, either'. ' You will be wanting to set up a new house somewhere', says Sighvat, ' and I have been thinking what will be good enough for you'. And then he goes on scheming great things for his son, who doesn't see the danger, but takes it all as his due, as if his father were showing a very proper appreciation of his merits. Sighvat plans out the household for him : ' You will want a bailiff and a housekeeper ; a shepherd ; a man to attend to the horses ; another for the boats and for trading'. In each case he makes suggestions of the proper people to take office ; the mischief being that he names people rather too good for the situation, beginning fairly low down and gradually rising to more and more dignified names, till it dawns upon his son that he is being chaffed. At last Sighvat proposes for his son's servants two of the greatest personages in the island ; and the glorious young man flings out of the room in a passion. His father stays behind, well content.

All this was repeated and gave great amusement. The story was told to Lopt, the Bishop's son, who was immensely pleased with Sighvat's wit, and particularly with the way in which he had allotted the parts in his imaginary housekeeping ; till he found that he himself had been put down for the charge of the horses. Then his language was strong : ' Devil take their fleering and jeering ! They will find soon that people have other things to do besides currying their favour !'

It is in this sort of domestic comedy that the Icelandic stories are most different from other medieval books.

In the year 1262 came the submission of Iceland to

Norway, 'the end of an auld sang'. In 1263 Sturla was ruined, to all appearances. He had been dragged into trouble by an ill-conditioned son of his, and was beaten by his adversary, Hrafn Oddsson, and had to leave Iceland. He resolved to go to Norway to try for the favour of the king. Hacon by this time had set out on his great expedition to Scotland, but the young King Magnus, who had been already crowned, was at home with his queen, the Danish lady Ingiborg. This was the beginning of Sturla's Norwegian historical work, and this is the story of his visit to King Magnus :—

STURLA AND KING MAGNUS.

Sturla sailed for Norway from Eyre [in the South of Iceland]; he had scarcely any supplies with him. They had a good voyage and took the land at Bergen; Magnus the king was there; as also was Gaut of Mel. Sturla went at once to find Gaut. Gaut was pleased and said: 'Art thou Sturla the Icelander?' 'That is so', said Sturla. Gaut said, 'You are welcome at my table like the other Sturlungs'. 'No house would be better for me, as far as I can see', said Sturla. So he went to stay with Gaut and told him clearly the whole story of his coming to Norway; and Gaut, on the other hand, told him how he had been evil spoken of with Magnus the king, and still more with Hacon. A little after Gaut and Sturla went to King Magnus. Gaut paid his respects to the king, and he took it well; Sturla did the same, but he made no answer. He said: 'Tell me, Gaut, who is this man that goes along with you?' Gaut said: 'This man is Sturla, Thord's son, the poet, and he is come to throw himself on your grace; and I think him, Sir, to be a wise man'. The king said: 'We think of him that he would not have come here of his own accord;

he must put it to the proof when he meets my father'. Gaut said: 'Even so, for I think he has poems to offer to you and your father'. 'It is not likely that I will have him put to death', said King Magnus, 'but he shall not come into my service'. Then they went away, and when they came to their lodging Gaut said to Sturla: 'The king seemed very slow to take you up, but he has put you out of danger; there must have been much evil-speaking against you'. Sturla says: 'I have no doubt of that, nay, I seem to make out clearly that Hrafn has been spreading slanders; all kinds of things were mixed up together in Iceland, small and great, truth and lies'.

The next day Gaut went down to the king's house. When he came back and met Sturla he said: 'Now you are provided for, since the king wishes you to come with him when he sails for the South'. Sturla answered: 'Shall not the king decide? But I have no great mind to go from here'.

Then he got ready to sail away with the king, and his name was put on the list. He went on board before many men had come; he had a sleeping bag and a travelling chest, and took his place on the fore-deck. A little later the king came on to the quay, and a company of men with him. Sturla rose and bowed, and bade the king 'hail', but the king answered nothing, and went aft along the ship to the quarter-deck. They sailed that day to go south along the coast. But in the evening when men unpacked their provisions Sturla sat still, and no one invited him to mess. Then a servant of the king's came and asked Sturla if he had any meat and drink. Sturla said 'No'. Then the king's servant went to the king and spoke with him, out of hearing: and then went forward to Sturla and said: 'You shall go to

mess with Thorir Mouth and Erlend Maw'. They took him into their mess, but rather stiffly. When men were turning in to sleep, a sailor of the king's asked who should tell them stories. There was little answer. Then said he: 'Sturla the Iclander, will you tell stories?' 'As you will', said Sturla. So he told them the story of Huld, better and fuller than any one there had ever heard it told before. Then many men pushed forward to the fore-deck, wanting to hear as clearly as might be, and there was a great crowd. The queen asked: 'What is that crowd on deck there?' A man answered: 'The men are listening to the story that the Iclander tells'. 'What story is that?' said she. He answers: 'It is about a great troll-wife, and it is a good story and well told'. The king bade her pay no heed to that, and go to sleep. She says, 'I think this Iclander must be a good fellow, and less to blame than he is reported'. The king was silent.

So the night passed, and the next morning there was no wind for them, and the king's ship lay in the same place. Later in the day, when men sat at their drink, the king sent dishes from his table to Sturla. Sturla's messmates were pleased with this: 'You bring better luck than we thought, if this sort of thing goes on'. After dinner the queen sent for Sturla and asked him to come to her and bring the troll-wife story along with him. So Sturla went aft to the quarter-deck, and greeted the king and queen. The king answered little, the queen well and cheerfully. She asked him to tell the same story he had told overnight. He did so, for a great part of the day. When he had finished the queen thanked him, and many others besides, and made him out in their minds to be a learned man and sensible. But the king said nothing; only he smiled a little.

Sturla thought he saw that the king's whole frame of mind was brighter than the day before. So he said to the king that he had made a poem about him, and another about his father: 'I would gladly get a hearing for them'. The queen said: 'Let him recite his poem; I am told that he is the best of poets, and his poem will be excellent'. The king bade him say on, if he would, and repeat the poem he professed to have made about him. Sturla chanted it to the end. The queen said: 'To my mind that is a good poem'. The king said to her: 'Can you follow the poem clearly?' 'I would be fain to have you think so, Sir', said the queen. The king said: 'I have learned that Sturla is good at verses'. Sturla took his leave of the king and queen and went to his place. There was no sailing for the king all that day. In the evening before he went to bed he sent for Sturla. And when he came he greeted the king and said: 'What will you have me to do, Sir?' The king called for a silver goblet full of wine, and drank some and gave it to Sturla and said: 'A health to a friend in wine!' (*Vin skal til vinar drekka*). Sturla said: 'God be praised for it!' 'Even so', says the king; 'and now I wish you to say the poem you have made about my father'. Sturla repeated it: and when it was finished men praised it much, and most of all the queen. The king said: 'To my thinking, you are a better reciter than the Pope'.—*Sturlunga Saga*, vol. ii, p. 269 sqq.

King Hacon never came back from his Scottish voyage; Sturla the Icelander wrote his life. The history of the former kings of Norway had by this time come into shape; they were read to King Hacon as he lay on his sick bed in the Orkneys, when he was too

tired to follow the Latin Bible. Sturla had many good models before him, and he was already practised in historical writing. The task, however, was a new one, and *Hákonar Saga* is in many respects very different from *Sturlunga*; chiefly owing to difference in the subject.

Norway and Iceland, in the thirteenth century, are in contrast almost as if they had been intended for a logical example, to illustrate the method of Agreement and Difference; or for an historical demonstration, to explain the nature and functions of monarchy in the Middle Ages. The original emigration to Iceland did not drain away all the freedom out of Norway; the Norwegians who stayed behind were not slavish and obedient people; it was a long time before the ideas of Harald Fairhair got the better of the old modes of life. The original *Germania* still thrived in Norway in spite of the great kings, and anarchy kept returning, in ways that were quite well understood by the Norwegians themselves. Their name for it was *nes-konungar*—‘ness-kings’—as we speak of the Heptarchy; in Norway in the old days there had been a number of little independent kings each on his own headland, ruling his own stretch of a fiord. By the year 1200 a new monarchical experiment had succeeded under Sverre, one of the most remarkable adventurers who have ever come forward as Saviours of Society. He had a ragged regiment, the *Birkibeinar*, or Birchlegs, as they were nicknamed from their birch-bark gaiters—a company like that of David—every one that was in distress, and every one that was in debt, and every one that was discontented. These Birkibeinar for a long time were a terror to the country; a bad report of them was brought to England in the reign of Henry II by the Norwegian Archbishop Eystein, and their nickname is

found in English history and even in English popular poetry (*Havelok the Dane*). But their leader Sverre was not merely a captain of bandits. He had ideas and he carried them out. He was one of Carlyle's heroes, though unfortunately Carlyle was old and tired before he came to him in his notes on the kings of Norway, and could not tell the history of Sverre in full. He was a good talker, and used to speak straight to his Birkibeinar about their faults, and give them the whole duty of man in simple moral tales. He drilled his own army, and with them he drilled the country, 'making the peace' there effectively, so that a time came when the *Birkibeinar* were received as benefactors, and the power of King Sverre was established and made legitimate.

The difficulty about Carlyle's heroes is to know what is going to happen when the hero dies. After Sverre's death in 1202 the old games began again—faction fights as ruinous as those of Iceland. The difference between the two countries was that in Norway there was always a semblance of a principle to fight about; which did not make things any more comfortable for Norway.

As a specimen, there is the fight in Trondhjem, at the end of April, 1206.

Ingi, the Birkibein king (Sverre's nephew), was in Trondhjem at his sister's wedding. The other faction, the Crosiers (*Baglar*)—'bloated Aristocracy', as Carlyle called them—had been sailing for three weeks from Tunsberg in the south, round the Ness and up the west coast, meaning to attack; news of this was sent to the king from Bergen, but it did not interrupt the feast. Orders were given to the king's guard to set a proper watch round the hall at night, but when the time came the bridegroom said it would be a pity to spoil the

entertainment for the king's men. He, the bridegroom, would send some of his own people to the shore, at the mouth of the river, to keep a look out ; and that would do well enough. The king assented, and the drinking went on far into the night. The bridegroom kept his promise and sent out his men, but they talked it over among themselves and said they would not keep watch for the king's men and the country squires ; they would go to bed.

It was a dark sleety morning when the enemy came to Trondhjem ; they rowed up to the land and held their oars and listened, and found everything quiet in the town : they put some men ashore to go scouting up to the king's house, who came back and reported that no one was stirring anywhere. Then they blew their trumpets and fell on the town.

The king slept hard, and was very slow to waken when the alarm came, and asked what the matter was. However, he got up and climbed from the balcony to the roof and lay there till the Crosiers had gone past along the street. Then he went down Chapman Street to the river, and jumped in and swam to a merchant ship that was lying moored there, and caught hold of the cable and tried to climb on board. A man came to the bow and told him to let go the rope and remove himself. The king hung on and said nothing. Then the man took a boat-hook and pushed him off, and the king had to swim across the river, and a number of his men also. On the other side he fell down numb with cold ; it was sleeting hard. One of his men, Ivar, came out of the river, and the king called on him to help him ; but he said, ' I must help myself first '. Shortly after another came, Reidulf, and said : ' Are you here, my lord ? ' (*eru þér hér, herra*). The king said : ' So you

called me yesterday'. Reidulf said: 'So art thou still, and so shalt thou be, while we are alive, the two of us'. Then he took off his mantle and packed the king in it on his back, and brought him safe away.

A story is told here in one of the versions of this which is significant, whether it is true or not.

A 'Bagling'—one of the Crosier party—chased a Birkibein along the street; the Birkibein tried to get to the church for safety. At the church corner he was cut down, and then the pursuer saw that he had killed his brother.

It reminds one of the formal scene in Henry VI—'enter, a Son who has killed his Father', 'enter, a Father who has killed his Son'—where the moral of the faction fights is expounded by King Henry as a sort of chorus.

Reading this story and others like it from the early part of the thirteenth century, one thinks of the country as fallen back into helpless misgovernment—gluttony, sloth, and selfishness, with flashes of energy through it, but all too undisciplined to do any good. What actually happened was better than expectation, to use an Icelandic way of speaking. The ideas of King Sverre and the results of his drill lived on, and that is what the life of Hacon has to show. The child Hacon was taken up by the Birkibeinar, the Old Guard of King Sverre, men with one idea, who would do anything for their cause, i. e. the right line of the kings of Norway, which Sverre had taught them to recognize as being the same thing as the Law of St. Olaf. In Sverre's contest with the Bishops and their allies he had made the Law of St. Olaf into a sort of watchword and emblem for his men, and Hacon, Sverre's grandson, was the king for them, the king whom the Law of St. Olaf required.

Sverre had taken much trouble over the rights of the question. Against the new law which the Bishops had tried to establish in 1164, which would have made the king vassal of the Church, Sverre had drawn up a full statement, one of the clearest and most interesting of political arguments, which asserts the Divine Right of Kings apart from any ecclesiastical interference, and proves it against the Churchmen by citations from the Canon Law. The old Birkibeins did not trouble themselves much about the science of politics, but their watchword, the Law of St. Olaf, meant in practice what Sverre had meant both in practice and in theory. The good fortune of the young Hacon was that he grew up among the veterans into a full comprehension of the ideas of Sverre. So that in this case, at any rate, the Carlylean ideal is not refuted by the death of the champion, or by the collapse of all his work under some foolish Ishbosheth of a successor. It looked like that, it is true, for some years after the death of Sverre—it looked as if the deluge had come back. But this was prevented by the fixed idea of the old partisans, and by the education of Hacon; all which is clearly brought out in Sturla's biography.

There are two Norwegian essays on Monarchy which may very fairly be contrasted with Sturla's Icelandic portrait of a king of Norway. They are both didactic: one is Sverre's treatise, already mentioned; the other is the *Speculum Regale*, or King's Mirror (*Konungs Skuggsjá*), written in the ordinary conventional form of a dialogue between a father and son, but very original and lively in its matter. The father is a king's man, as he calls himself, and among many other things he tells his views about the nature of a king and the manners of a Court: how one should demean himself in the

presence of the king. For instance, if the king is sitting at table when you are admitted, you must stand at the proper distance and leave room for the waiters. You should hold your left wrist in your right hand, and be careful to listen to what the king says. If it happens that you don't catch his words exactly, you must not say 'Ha!' or 'What!' but 'Sir!' or, if you wish to put it more fully: 'Let it not be displeasing, Sir, if I ask what you spoke to me, for I understood not clearly'.

The difference between the Icelandic biography and the more abstract Norwegian works is, in a way, characteristic of the two countries, though we need not make too much of it.

Sturla's *Life of Hacon* will bear comparison with other historians of the time—with Matthew Paris, for example, who was a friend of King Hacon. It has been blamed as too courtly, but other witnesses (Matthew Paris among them) take a similar view of the king; Hacon's energy and success can be proved independently of the Icelandic historian. Naturally, the book is not as lively as the family memoirs of Sturla; he had not lived through it in the same way. But he had plenty of information from old Birkibein traditions, and he was a practised sifter of evidence. There is not the same room for comedy as in the Icelandic books, but there are 'humours and observations'—e. g. in the account of the coronation ceremony and the emotion of the Scottish knight, Mitchell, who was so overcome by the splendour that he sobbed aloud—or, again, in the notes of Cardinal William's journey in 1247, and his uncertainty whether there would be anything in Norway fit for a gentleman to drink. It is pleasant to compare this with Matthew Paris on the same subject. He had made a special study of Papal legates and their ways, and describes

with gusto the expensive fitting-out of the Cardinal's ship, with all its store-rooms and cabins, richly furnished, 'like another Ark of Noah'.

Sturla luckily came to Norway in time to collect the reminiscences of the veterans. He does not tell us what Froissart would have told about the people and the places where he got his information; by the rules of Icelandic history the author is not allowed to talk about himself except where he comes definitely into the action. But Sturla makes as good use as Froissart could have made of the memories of older men, and the *Life of Hacon* contains a number of good stories. The childhood and the youth of Hacon are well told, from the time when the Birkibeinar took the infant and carried him across Norway over the snow. They were very fond of him and remembered his wise sayings: as when once, in winter time, the butter was frozen so hard that it could not be spread; the bread, on the other hand, was elastic, so the little Hacon (four years old) folded it round the butter, saying, 'Let us bind the butter, Birkibeinar'. At which they laughed enormously and went about repeating it. It is not quite as good as some of the early wisdom of King James VI ('There is a hole in this Parliament'), but the history is all the better for this and other like things. The Icelandic author himself does not care too precisely for the dignity of history, and the oral tradition preserved some things that a mere Court-historian might have left out: a rude speech of King Hacon to his trumpeter was remembered. The trumpeter's blowing was feeble, and the King spoke to him like one of Marryat's boatswains, and said: 'Why can't you blow? You blew better when you were playing for money on the quay at Bergen'.

Again, the critical talent of the Icelanders did not

prevent them from putting miraculous things into their histories; the Sturlung memoirs are full of dreams and portents, including a dream of Sturla himself, about a mighty stone shoot, a rushing 'scree', in the valley of Hvamm, just before the great defeat of the Sturlungs. There are some stories of that sort also in the Life of Hacon—best of all, the vision that appeared to King Alexander of Scotland as he lay at anchor in the Sound of Kerrera, when St. Olaf, St. Magnus, and St. Columba appeared and warned him. This, again, is told in the Icelandic way; the three men are described first, before their names are given, and their names are given as conjectures. A thick-set figure wearing the dress of a king—who could this be but St. Olaf? The third figure, who was much the tallest of the three, is described as 'bald on the forehead' (*mjök framsnoðinn*), which must mean the Irish tonsure of St. Columba—the frontal tonsure—a curiously accurate piece of detail. The Icelandic method is like that of a novelist: their best books are the history of families and neighbourhoods, 'annals of the parish'. The interests are those of private life. Hence Sturla had to change his manner somewhat in dealing with the larger political affairs of Norway. There is a different scale and other motives. Sturla does something to bring out his conception of the kingly office; as in the chapter which he gives to a well-filled day of King Hacon's life, in the Christmas time of his most anxious year, when the king had to attend the funeral of one of his lords, and also to look after the launch of a warship, besides hearing cases and holding a court. No time was lost; the mast of the warship was stepped while the funeral service was being sung; 'the king was busy that day'.

And further, while he thus exhibits the practical genius

of the king, Sturla does not neglect the more showy part of his government—as in the coronation that so impressed the Scottish knight. The correspondence with the Emperor Frederick and King Lewis of France, with King James of Aragon, the Conqueror, and King Alfonso of Castile, the Wise, not to speak of the Sultan of Tunis—all this takes one far from the dales of Iceland. The King of Norway belonged to the great world, and to the new fashions. There was some vanity in his ambition;—in his Icelandic policy, in his annexation of all Greenland, ‘North to the loadstar’, and in his last enterprise, the voyage to Scotland. But we may still believe that Sturla was right in his view of the king, as a hard-working man and a successful peace-maker.

Far beyond all the separate notable things in the book is the conduct of that story which Ibsen has taken for his drama *Kongsemnerne*. It is in the relation of Hacon to his father-in-law Duke Skuli that the two different principles—the monarchy and the oligarchy—are dramatized; and Sturla fully understands this, the tragic opposition of two sorts of good intentions; with the pathos, also, brought out in one memorable chapter, of the queen Margaret in her choice between her father, Skuli, and her husband the king. But it is impossible to say more of this here, except that the grace and dignity of it, in Sturla’s history, the honours paid to the beaten side, make us understand the character of Sturla himself, better than anything else in his writings. He is described by the anonymous first editor of *Sturlunga* (about the year 1300, probably) as ‘a man to our knowledge most wise and fair-minded’. His writings are proof that this friendly opinion is to be trusted; and with that we may leave him.

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Roland à Roncevaux

BY

JOSEPH BÉDIER

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ROLAND À RONCEVAUX

CULTIVANT la science, nous ne sommes pas, nous Français, de ceux qui disent 'notre science'.¹ Et vous non plus, les savants d'Angleterre, vous n'êtes pas de ceux-là. Mais, pour avoir multiplié entre nous, au cours des siècles, les liens spirituels, nous savons, vous et nous, qu'il est bon et salutaire de nous faire tour à tour, au grand sens où l'entendait Rabelais, prêteurs et emprunteurs. 'Tous soient debtors, disait-il, tous soient presteurs ! Croyez que chose divine est prester ; debvoir est vertu héroïque.'² En cet esprit vous m'avez appelé, quoique indigne ; et, comme un pèlerin qui chemine vers une basilique lointaine, lumineuse et chère, je suis venu, non pour donner, mais pour recevoir. En cet esprit, l'humaniste que je suis rend très pieusement hommage, au nom du Collège de France, la maison de Bude, à l'Université d'Oxford, la maison de Bentley. En cet esprit, le médiéviste que je suis vénère cette bibliothèque bodléienne où, tout jeune, jadis, il a travaillé, le sanctuaire des Douce et des Digby. Et le Français que je suis, père de deux soldats de la République et maître de tant de jeunes Français qui dans la grande guerre ont offert ou donné leur vie, salue avec respect les étudiants d'Oxford, tant de jeunes Anglais qui, comme eux, ont offert ou donné leur vie et qui méritent qu'à jamais on redise d'eux ce que M. Lloyd George disait des combattants de Verdun,

¹ Voir E. Renan, *Lettre à un ami d'Allemagne*, 1879.

² Rabelais, *Pantagruel*, chapitre V.

qu' 'ils ont sauvé non seulement la France, mais notre grande cause commune et l'humanité tout entière'.¹

* * *

Pour répondre à l'honneur de votre appel, que peut un érudit vieilli dans l'étude du moyen âge ? Ah ! je me souviendrai que je suis au pays de Richard Cœur de Lion et du Prince Noir, de Chaucer et de Malory, au pays qui entre tous a célébré la chevalerie,

the chivalry
That dares the right, and disregards alike
The yea and nay of the world ;

et, tout inégal que je me sache à mon entreprise, mon sujet du moins ne sera pas indigne de votre audience, si je vous transporte durant cette heure dans la vieille France, aux jours où se développèrent chez elle les formes classiques de la chevalerie. C'est aux alentours de l'an 1100, au moment de la première croisade.

Je ne crois pas qu'il y ait, dans le passé français, une date plus radieuse. Le grand fait d'histoire, à jamais honorable, c'est qu'alors, dans la courte période qui va de l'an 1080 environ à l'an 1130 environ, se dévoilèrent en France, contemporains les uns des autres ou presque, plusieurs grands poètes, un Thibaut de Vernon et la *Chanson de saint Alexis*, un Aubri de Besançon et le *Roman d'Alexandre*, un Richard le Pèlerin et la *Chanson d'Antioche*, un Guillaume IX de Poitiers et l'art des troubadours, et, bientôt après, l'auteur, qui doit tant à M. Paul Studer, du drame d'*Adam*, et Wace, et Benoît de Sainte-Maure, c'est-à-dire, en ce court laps d'un demi-siècle, les formes principales du roman, la poésie religieuse et la poésie amoureuse, et l'historiographie, et

¹ Discours prononcé dans la citadelle de Verdun.

le théâtre, une littérature, en un mot, presque aussi diversement organisée que celle des Latins et des Grecs, à peu près tous les genres littéraires qu'avaient connus les anciens, mais renaissant sous des aspects nouveaux, les aspects chrétiens, et tous ces genres représentés d'emblée par des chefs-d'œuvre. Le grand fait est que, dans le même temps où la fondation des ordres nouveaux, Fontevrault, Cîteaux, Prémontré, témoignait de l'ardeur religieuse de la France, dans le même temps où les maîtres des écoles parisiennes et chartraines, un Roscelin, un Abélard, un Guillaume de Champeaux, l'éveillaient à la haute culture philosophique, elle sut aussi, la France des premières croisades, par-dessus la diversité de ses dialectes et de ses patois, constituer cette belle chose, une langue littéraire, et une littérature nationale assez particulière dès l'origine pour que nous y reconnaissons, qualités et défauts, les traits distinctifs de son génie, assez généralement humaine pourtant pour que les nations cultivées, et l'Angleterre entre toutes, s'en soient éprises et inspirées. Oui, durant cette courte période de cinquante années, 'la France capétienne, comme l'Athènes de Périclès, a créé pour tous les peuples', et, pour le faire voir, une seule phrase suffira, si j'y rassemble les éblouissants synchronismes que voici : c'est alors, aux alentours de l'an 1100, qu'apparaissent, comme tumultuairement, la première croisade — et encore le premier arc d'ogive — et encore le premier vitrail — et encore le premier drame liturgique — et encore le premier tournoi — et encore la première charte de liberté d'une commune — et encore le premier chant du premier troubadour : toutes créations inattendues, jaillies à la fois du sol de la France.

J'ajoute : c'est alors qu'apparaît aussi la première chanson de geste. Sous l'influence de l'exaltation

religieuse et belliqueuse des croisades, à la faveur des pèlerinages lointains de Rome et de Compostelle, d'humbles traditions locales de nos églises, la légende de Charlemagne à Saint-Denis, de saint Roland à Blaye, de saint Guillaume à Gellone, de saint Ogier à Meaux, de tant d'autres personnages carolingiens en tant d'autres sanctuaires, prennent soudain une valeur neuve. Des jongleurs nomades les racontent, les chantent au son des vielles sur le parvis des églises, sur les champs de foires, aux étapes des pèlerins et des croisés, peu à peu les relie entre elles par le lien réel de leurs itinéraires et par le lien mystique d'une idée : l'idée que Dieu avait jadis choisi Charlemagne et ses Français pour être les champions de ses causes et mener en son nom par les pays une incessante guerre sainte et que la mission qu'il leur avait alors confiée n'avait été que l'ébauche et la préfiguration de la mission que la France des croisades devait à son tour reprendre et accomplir. C'est l'idée de la plus ancienne chanson de geste que nous ayons, la *Chanson de Roland*, qui groupe autour du vieil empereur, chevalier de Dieu, un peuple de chevaliers de Dieu ; c'est l'idée de tant d'autres romans qui, au XII^e, au XIII^e siècle, exaltent les vertus de loyauté, de désintéressement, de fidélité, qui répètent que 'droite justice vaut bonne prière', qui enseignent, comme l'Église, le sacrifice, qui sont fondés, comme la tragédie cornélienne, sur l'honneur, et qui reflètent comme de purs miroirs les sentiments et les passions, l'esprit de l'époque féodale.

Et parce que j'ai choisi, pour y vivre le meilleur de ma vie d'érudit, cette époque, et dans cette époque, pour les étudier de préférence, les chansons de geste, et parmi les chansons de geste, pour lui consacrer le plus de travail, la *Chanson de Roland*, je crois bien faire de choisir, pour les analyser devant vous, entre tant de

scènes complexes de ce complexe poème, celles où resplendit surtout, d'une splendeur d'ailleurs étrange et mystérieuse, la chevalerie de Roland.

* * *

J'irai droit à ces scènes-là, car cette heure est brève, et d'ailleurs il suffit de quelques mots pour résumer celles qui les préparent. Au terme de la longue guerre que durant 'sept ans tout pleins' il a menée en Espagne, le roi Charlemagne vient de conclure avec le roi sarrasin Marsile une paix qu'il croit durable. Il ramène vers la France ses troupes victorieuses. Pour les garer contre tout retour offensif d'un ennemi soumis de la veille, il doit, quand elles franchiront les Pyrénées, laisser derrière elles, à Roncevaux, une arrière-garde. Roland a réclamé de lui l'honneur de la commander. Qui est Roland ? Un chevalier, son neveu, jeune, beau, fort, qui, dans l'immense armée du vieux roi, semble entre tous proche de son cœur. C'est lui, nous est-il dit, qui 'guide les autres' dans les batailles, lui qui conquiert les royaumes, lui qui 'chascun jur de mort s'abandonet', et, s'il périssait, Charles perdrait 'le bras droit de son corps'. D'où lui vient donc son prestige, sa précellence ? Serait-ce de sa vaillance, de sa pureté ? Mais tous ses compagnons sont, eux aussi, des vaillants et des purs. Serait-ce de sa terrible épée, Durandal ? Mais Durandal est une épée sainte, non pas une épée enchantée ; elle n'est rien que le symbole matériel de la valeur de qui la manie. Serait-ce de sa tendresse pour le roi, son seigneur ? Mais ses compagnons l'aiment du même cœur. Il semble que, dans cette armée de chevaliers unanimes, pareillement dévoués à une même cause, Roland ne fasse que porter à leur paroxysme les vertus des autres, qu'il se distingue des autres seulement par

une sorte d'ardeur impérieuse, d'outrance, que ses amis appellent sa prouesse, que ses ennemis appellent son orgueil.

Voici donc qu'à Roncevaux, au pied des Pyrénées, il vient de réclamer l'honneur de rester à l'arrière-garde. Et voici que d'un même élan, Olivier, son compagnon, puis les dix autres pairs, puis Turpin l'archevêque, puis vingt mille Français, la fleur de France, se sont offerts à rester avec lui. Or nous savons que leur troupe sera attaquée par une armée sarrasine plus forte, qu'un traître, Ganelon, a conduite et cachée dans les gorges voisines. Et ce qui fait le pathétique de la situation, c'est que Roland et ses vingt mille volontaires pressentent leur péril, l'ont à demi deviné, et que pourtant des raisons de fierté, d'honneur, qu'il serait trop long d'analyser, mais qui sont justes et invincibles, les ont décidés à s'offrir à la redoutable mission, ont décidé Charlemagne à consentir.

Charlemagne, malgré ses pressentiments, s'est éloigné dans la montagne. Par la route du col de Cise, sa grande armée s'écoule vers la France. Gardant l'entrée de cette route, au pied des Ports, les vingt mille attendent. Les Sarrasins vont attaquer. Le poème ne sera-t-il donc que le récit d'une immense tuerie ? Comme des fauves acculés, ou comme des martyrs dans le cirque, les vingt mille n'auront-ils qu'à subir leur destinée ? Non, ils en sont les maîtres, autant que des personnages cornéliens. Car la route reste libre derrière eux : ils peuvent battre en retraite vers Charlemagne ou le rappeler, s'ils veulent, par un messenger ou par la voix du cor.

Que feront-ils ? Roland, maître de rappeler Charlemagne, et invité à le rappeler, refusera mais pour des raisons inattendues, et qui sont bien propres, semble-t-il, à nous surprendre et à nous choquer, puisqu'elles

semblent absurdes à Olivier, son plus cher compagnon, son double. Écoutons-les tous deux :

‘ Mille trompettes sarrasines sonnent.¹ Le bruit est grand, les Français l’entendirent. Olivier dit : “ Sire compagnon, il se peut que nous ayons affaire aux Sarrasins.” Roland répond : “ Ah ! que Dieu nous l’octroie ! Nous devons tenir ici, pour notre roi. Pour son seigneur, on doit souffrir toute détresse, et endurer les grands chauds et les grands froids, et perdre du cuir et du poil. Que chacun veille à y employer de grands coups, afin qu’on ne chante pas de nous une mauvaise chanson ! Le tort est aux païens, aux chrétiens le droit. Jamais mauvais exemple ne viendra de moi . . . ”

‘ Olivier est monté sur une hauteur.² Il voit à plein la terre d’Espagne et les Sarrasins, qui sont assemblés en si grande masse. Les heaumes aux gemmes serties d’or brillent, et les écus, et les hauberts safrés, et les épieux et les gonfanons fixés aux fers. Il ne peut dénombrer même les corps de bataille : ils sont tant qu’il n’en sait pas le compte. Au-dedans de lui-même il est grandement troublé. Le plus vite qu’il peut, il dévale de la hauteur, vient aux Français, leur raconte tout.

‘ Olivier dit : “ J’ai vu les païens. Jamais homme sur terre n’en vit plus. Devant nous ils sont bien cent mille, l’écu au bras, le heaume lacé, le blanc haubert revêtu ; et, la hampe droite, luisent leurs épieux bruns. Vous aurez une bataille, telle qu’il n’en fut jamais. Seigneurs Français, que Dieu vous donne sa force ! Tenez fermement, pour que nous ne soyons pas vaincus ! ” Les Français disent : “ Honni soit qui s’enfuit ! Au risque de mourir, pas un ne vous manquera. ”

‘ Olivier dit : “ Les païens sont très forts ; et nos Français, ce me semble, sont bien peu. Roland, mon compagnon, ah ! sonnez votre cor. Charles l’entendra, et l’armée reviendra. ” Roland répond : “ Ce serait faire comme un fou. En Douce France j’y perdrais mon renom. Sur l’heure je frapperai de Durendal de grands coups. Sa lame saignera jusqu’à l’or de la garde. Les félons païens sont venus aux Ports pour leur malheur. Je vous le jure, tous sont marqués pour la mort. ”

“ Roland, mon compagnon, sonnez l’olifant ! Charles l’entendra, ramènera l’armée ; il nous secourra avec

¹ Vers 1004-1016.

² Vers 1028-1097.

tous ses barons.” Roland répond : “ Ne plaise à Dieu que pour moi mes parents soient blâmés et que Douce France tombe dans le mépris ! Je frapperai de Durendal à force, ma bonne épée que j’ai ceinte au côté. Vous en verrez la lame tout ensanglantée. Les félons païens se sont assemblés pour leur malheur. Je vous le jure, ils sont tous condamnés à la mort.”

“ Roland, mon compagnon, sonnez votre olifant ! Charles l’entendra, qui est au passage des Ports. Je vous le jure, les Français reviendront. — Ne plaise à Dieu”, lui répond Roland, “ qu’il soit jamais dit par nul homme vivant que pour des païens j’aie sonné mon cor. Jamais mes parents n’en auront le reproche. Quand je serai en la grande bataille, je frapperai mille coups et sept cents, et vous verrez l’acier de Durendal sanglant. Les Français sont hardis et frapperont vaillamment ; ceux d’Espagne n’échapperont pas à la mort.”

‘Olivier dit : “ Pourquoi vous blâmerait-on ? J’ai vu les Sarrasins d’Espagne : les vaux et les monts en sont couverts, et les landes et toutes les plaines. Grandes sont les armées de cette gent maudite et bien petite notre troupe ! ” Roland répond : “ Mon ardeur s’en accroît. Ne plaise à Dieu ni à ses anges qu’à cause de moi France perde de son prix ! J’aime mieux mourir que choir dans la honte ! Mieux nous frappons, mieux l’empereur nous aime.”

‘Roland est preux et Olivier est sage. Tous deux sont de courage merveilleux. Une fois qu’ils sont à cheval et en armes, jamais par peur de la mort ils n’esquiveront une bataille. Les deux comtes sont bons et leurs paroles hautes.’

L’étrange conflit ! Lequel des deux a raison ? Olivier, semble-t-il bien. Car en quel temps, en quel pays, quel capitaine, surpris par un ennemi trop nombreux, a jamais hésité à appeler du renfort ? ‘ Pourquoi vous blâmerait-on ? je ne sais pas,’ a dit Olivier, justement. Faut-il croire que la soif du martyre, une fièvre d’ascétisme mystique possède Roland ? Non pas ; il tient à la vie, et à sa fiancée lointaine. Espère-t-il de Dieu un miracle ? Pas davantage, et, s’il pense comme Jeanne : ‘ Œuvrez et Dieu œuvrera,’ toujours est-il que pas une fois, tant

que dureront ses combats, il ne priera. Il n'a d'autres raisons de rebuter Olivier que celles-là même qu'il vient de dire, et, s'il n'en a pas d'autres, n'apparaît-il pas qu'il va sacrifier ses vingt mille compagnons à un point d'honneur de pure magnificence, et qu'il sera vingt mille fois leur assassin ? C'est qu'il est 'preux', dit le poète. Qu'est-ce donc que prouesse ? et ne serait-ce qu'orgueil ? que folie ?

Pourtant, et par contre, on sent bien qu'Olivier 'le sage', puisqu'il est homme de cœur, doit convenir avec Roland d'un principe au moins : en tout temps, en tout pays, une troupe se déshonore si elle appelle du renfort sans nécessité. Tout bien pesé, le différend du preux et du sage se réduit donc à répondre l'un oui, l'autre non, à cette question : 'Pouvons-nous remplir, à nous seuls, notre mission ? Pouvons-nous, sans crier à l'aide, remporter la victoire ?'

Or, vous l'avez entendu : c'est la victoire que par trois fois Roland a prédite et promise. Qu'il commence donc la bataille : c'est son devoir certain. Mais, à tout instant, il peut se dédire : et, s'il n'est pas un aliéné, l'instant viendra, que nous guettons, où il se dédira . . . ou bien, c'est qu'il sera vainqueur.

* * *

Le poète divise la journée de Roncevaux en trois batailles, très diversement belles.

La première est tout ardeur et toute joie. L'archevêque Turpin promet aux vingt mille la gloire céleste, s'ils meurent, mais Roland leur promet autre chose, le triomphe terrestre ; il repousse comme une pensée de couard l'idée qu'il pourrait être défait :

1107. Mal seit del coer ki el piz se cuardet !
Nus remeindrum en estal en la place :
Par nos i ert e li colps e li caples !

Il promet à ses Français la ruine de l'ennemi, les dépouilles sarrasines, un butin 'bel et gent' :

1168. Nuls reis de France n'out unkes si vaillant.

Et telle est, en effet, la vertu du cri d'armes : 'Montjoie!', et telle la fougue des chevaliers, et telle la gaité de la lutte sous le soleil clair, que bientôt Roland semble avoir prédit juste. Les vingt mille ne pensent plus qu'au riche butin escompté, tous, jusqu'au sage Olivier lui-même, qui s'écrie :

1233. Ferez i, Francs, kar très ben les veintrum . . .

1274. Dist Oliver : 'Gente est notre bataille!'

Cette bataille est gagnée, en effet. Hélas! Une seconde armée sarrasine entre en lice. Les exploits des épées fières, Durendal, Hauteclere, Almice, se multiplient. Vainement. Cette fois, les Français meurent 'par milliers, par troupeaux . . .' A mesure qu'ils tombent, Charlemagne s'éloigne et notre espoir décroît que, si même on le rappelle, il puisse désormais revenir à temps. N'est-il pas trop tard déjà? Certes, trop tard, et, pour que nous le sachions bien, le poète, jouant le franc jeu, décrit les signes funestes qui, loin du champ de carnage, là-bas en France, présagent le désastre :

'La bataille est merveilleuse et pesante . . .¹ Les Français y perdent leurs meilleurs soutiens. Ils ne reverront plus leurs pères ni leurs parents, ni Charlemagne qui les attend aux Ports. En France, s'élève une tourmente étrange, un orage chargé de tonnerre et de vent, de pluie et de grêle, démesurément. La foudre tombe à coups serrés et pressés, la terre tremble. De Saint-Michel-du-Péril jusqu'aux Saints, de Besançon jusqu'au port de Wissant, il n'y a maison dont un mur ne crève. En plein midi il y a de grandes ténèbres : aucune clarté, sauf quand le ciel se fend. Nul ne le

¹ Vers 1412-1420-1437.

Neil Graham.

In 1925 he
"Pour faire progresser
il importe de
d'étendre les
recherches sur
quelques livres
choisis."
tend à lui
à rechercher
most fruitful
particulars.

And the first
du langage.

Entre le pieux et
Rappelons nous
Dieu a voulu
du cœur dans
l'esprit dans
qui un lieu

Please Leave

le sage, faut-il choisir
plutôt cette parole de Pascal.
~ que les vérités entrent
; l'esprit et non pas de
le cœur... et delà nier

Mrs Graham

voit qui ne s'épouvante. Plusieurs disent : "C'est la consommation des temps, la fin du monde que voici venue". Ils ne savent pas, ils ne disent pas vrai : c'est la grande douleur pour la mort de Roland.'

Mais eux, les combattants, qui ne voient pas ces présages, en seraient-ils encore à espérer leur salut ? Il n'en est rien. Olivier désormais s'enferme dans un mutisme hautain. Turpin, pour la seconde fois, harangue les chevaliers : mais c'est pour leur annoncer (v. 1520) que pas un d'eux ne survivra. Il n'est plus question pour eux de vaincre, mais seulement de bien mourir. Et Roland ? Lui qui peut encore sauver les restes de cette noble troupe, est-il entendu qu'il ne veut pas ? Serait-il seul à ne pas voir ? Non : lui aussi, il voit, il sait. Cherchez, en effet, dans le récit de cette seconde bataille, son propos favori de naguère, qu'il était sûr de vaincre, vous le chercherez en vain. Pourtant, il parle plusieurs fois dans la mêlée, et c'est pour rappeler les mêmes arguments qu'il employait tout à l'heure.

1466. 'Male chançon n'en deit estre cantee . . .'

1560. 'Pur itels colps nos ad Charles plus cher.'

Il les répète tous, hormis le seul qui, au début, les justifiait, la promesse de la victoire.

C'en est donc fait. Il a descendu la pente terrible. De sa foi en son invincibilité, de la surestime de soi-même, il a passé peu à peu à l'inquiétude, à l'angoisse ; à son tour, il voit la défaite certaine : et c'est quand le roi Marsile lance une troisième armée pour achever ceux que Dieu a épargnés. A cet instant, quand s'engage la troisième bataille, combien sont-ils qui survivent ? Soixante seulement. Roland, nous le savons, n'a plus qu'à les regarder mourir, comme il a regardé les autres. Par insensibilité ? par démence ? On ne sait. Pourtant comme nous n'avons plus rien à espérer,

croyons-nous, sinon l'achèvement, aussi rapide que possible, de l'affreux holocauste, voici que Roland s'approche d'Olivier, cherchant à dire une chose qu'il ne sait comment dire : 'Nous avons bien sujet de plaindre douce France, la belle. . . . Pourquoi le roi Charles n'est-il pas ici ? . . .' Olivier le laisse parler, feint de ne pas comprendre . . . 'Comment pourrions-nous faire ?' reprend Roland. A cet instant où il laisse enfin voir qu'il souffre, et comme il trébuche, lui aussi, sous le faix de sa croix, pitié nous prend de lui . . . Si je rappelais Charlemagne ?' demande-t-il humblement, follement. Mais il lui reste à toucher le fond de sa détresse, et c'est quand Olivier, son compagnon, son frère, reprend à son compte, ironique, méprisant, les arguments dont Roland lui-même se prévalait tout à l'heure et les retourne contre le malheureux :

"Ah !" dit Roland,¹ "roi, ami, que n'êtes-vous ici ? Olivier, frère, comment pourrions-nous faire ? Comment lui mander la nouvelle ?" — Olivier dit : "Comment ? Je ne sais pas. Un récit honteux pourrait courir sur nous, j'aime mieux mourir."

'Roland dit : "Je sonnerai l'olifant. Charles l'entendra, qui passe les Ports. Je vous le jure, les Francs reviendront." Olivier dit : "Ce serait grand déshonneur et pour tous vos parents un opprobre, et cette honte serait sur eux toute leur vie. Quand je vous le demandais, vous n'en fîtes rien. Faites-le maintenant : ce ne sera plus par mon conseil. Sonner votre cor, ce ne serait pas d'un vaillant. Comme vos deux bras sont sanglants !" Le comte répond : "J'ai frappé de beaux coups."

'Roland dit : "Notre bataille est rude. Je sonnerai mon cor, le roi Charles l'entendra." Olivier dit : "Ce ne serait pas d'un preux. Quand je vous disais de le faire, compagnon, vous n'avez pas daigné. Si le roi avait été avec nous, nous n'eussions rien souffert. Ceux qui gisent là ne méritent aucun blâme. Par cette mienne barbe, si je puis revoir ma gente sœur Aude, vous ne coucherez jamais entre ses bras."

¹ Vers 1697-1736.

‘Roland dit : “ Pourquoi de la colère contre moi ? ” Et il répond : “ Compagnon, c’est votre faute ; car vaillance sensée et folie sont deux choses, et mesure vaut mieux qu’outrecuidance. Si nos Français sont morts, c’est par votre légèreté. Jamais plus nous ne ferons le service de Charles. Si vous m’aviez cru, mon seigneur serait revenu ; cette bataille, nous l’aurions gagnée ; le roi Marsile aurait été tué ou pris. Votre prouesse, Roland, c’est à la malheure que nous l’avons vue. Charles, le Grand — jamais il n’y aura un tel homme jusqu’au dernier jugement — ne recevra plus notre aide. Vous allez mourir et France en sera honnie. Aujourd’hui prend fin notre loyal compagnonnage. Avant ce soir nous nous séparerons, et ce sera dur.”

Olivier a soulagé sa rancune. Roland, que fera-t-il ? A ces reproches si violents, et si tendres, et qui lui viennent de son plus cher compagnon, que répondra-t-il ? Va-t-il réfuter Olivier ? ou, s’il ressent du remords, va-t-il confesser enfin ce remords ? Il se tait, et je ne sais rien de plus beau que ce silence. Il se tait, mais l’archevêque Turpin a entendu la querelle des deux amis ; et, poussant son cheval vers eux : ‘ Hélas ! ’ leur dit-il, ‘ elle n’a plus d’objet. Pourtant, sire Roland, oui, sonnez l’olifant, afin que du moins le roi revienne et nous venge et que nos corps ne soient pas mangés des loups, des sangliers et des chiens. ’ Roland répond : ‘ Seigneur, vous avez bien dit. ’

‘ Roland¹ a mis l’olifant à ses lèvres. Il l’embouche bien, sonne à pleine force. Hauts sont les monts et longue la voix du cor : à trente lieues on l’entend qui se prolonge. Charles l’entend et l’entendent tous ses corps de troupe. Le roi dit : “ Nos hommes livrent bataille. ” Et Ganelon lui répond à l’encontre : “ Qu’un autre l’eût dit, certes on y verrait un grand mensonge ! ”

‘ Le comte Roland, à grand effort, à grand ahan, très douloureusement sonne son olifant. Par sa bouche le sang jaillit clair. Sa tempe se rompt. La voix de son

¹ Vers 1753 et suivants.

cor se répand au loin. Charles l'entend, au passage des Ports. Le duc Naime écoute, les Francs écoutent . . . "Le comte Roland a la bouche sanglante. Sa tempe s'est rompue. Il sonne douloureusement, à grand'peine . . ."

Sa souffrance le justifie. Essayant d'interpréter cette scène, jadis, dans mes *Légendes épiques*,¹ j'avais écrit ceci : 'Pour tous ceux d'ailleurs qui aux siècles lointains ont entendu chanter la *Chanson de Roland*, pour tous ses lecteurs modernes, plus ou moins obscurément, la justification de Roland a commencé plus tôt, s'il est vrai que c'est la vaillance et la mort de ses compagnons qui le justifie progressivement, et qu'à mesure qu'il en mourait davantage, nous avons souhaité davantage que Roland n'appelât point. Les vingt mille ont combattu, sont morts sans jamais dire s'ils étaient du parti de Roland ou du parti d'Olivier, et peut-être tous ont-ils pensé ainsi qu'Olivier et tous se sont pourtant offerts à la mort comme s'ils pensaient ainsi que Roland. Roland leur devait cette mort, puisqu'ils en étaient dignes . . . Au début, Roland, étant Roland, étant celui qui s'élève d'emblée, non à la conception, mais à la passion de son devoir, ne pouvait pas appeler ; plus tard, à mesure qu'il élevait ses compagnons aussi haut que lui, il ne devait pas appeler.'

Aujourd'hui, pour avoir observé pendant les quatre années de la guerre les choses que j'ai observées, sachant mieux qu'un chef est sans force, qu'une troupe est sans force s'il ne s'établit du chef à la troupe et de la troupe au chef un courant double et continu de pensées et de sentiments bien accordés, je ressens l'insuffisance de cette analyse et combien il était faux de dire que Roland élève progressivement ses compagnons jusqu'à lui. Il

¹ Tome III, page 439.

faut bien sentir au contraire qu'ils sont dignes de lui, et Olivier tout le premier, dès le début de la bataille, et que cette équivalence morale remonte à des jours et à des années en arrière. Comme Roland, depuis des jours et des années, ils sont ceux qui aspirent au parfait. Ses victoires passées furent leurs victoires ; son 'orgueil' est fait de leur orgueil, sa 'folie' est leur folie. Il ne s'est jamais distingué d'eux en rien, sinon par le don, qui est son propre, de discerner avant eux, par une intuition plus immédiate, par une illumination plus claire, ce qu'ils veulent. A son insu, à leur insu, il incarne leur volonté profonde. A Roncevaux, son privilège de chef, de héros, de saint, est seulement de voir au delà, d'apercevoir d'emblée l'œuvre comme nécessairement accomplie, la victoire comme nécessairement remportée.

La victoire, qu'il avait prédite à une heure où sa prédiction semblait d'un fou, et dont lui-même a fini par désespérer, puisqu'il sonne du cor en sa détresse, absurdement, quand il est trop tard, la victoire, il l'atteint au moment même où il en désespère. Il l'atteint, puisque le roi sarrasin s'enfuit, le poing coupé, puisque bientôt les dernières troupes sarrasines s'enfuiront. La victoire, les deux derniers survivants de ses compagnons, Olivier et Turpin, auront le temps de l'entrevoir :

2183. Cist camp est vostre, mercit Deu, e mien,
lui dira Turpin, avant de succomber. Et lui-même, qui va mourir à son tour sur ce champ qui est sien, il contempera la victoire, il jouira d'elle délicieusement au milieu des affres de sa passion de martyr :

'Roland sent que sa mort est prochaine.¹ Par les oreilles sa cervelle se répand. Il prie Dieu pour ses

¹ Vers 2259-2397.

pairs, afin qu'il les appelle ; puis, pour lui-même, il prie l'ange Gabriel. Il prend l'olifant, pour que personne ne lui fasse reproche, et Durendal, son épée, en l'autre main. Un peu plus loin qu'une portée d'arbalète, vers l'Espagne, il va, dans un guéret. Il monte sur un tertre. Là, sous un bel arbre, il y a quatre perrons, faits de marbre. Sur l'herbe verte, il est tombé à la renverse. Il se pâme, car sa mort approche.

‘ Hauts sont les monts, hauts sont les arbres. Il y a là quatre perrons, faits de marbre, qui luisent. Sur l'herbe verte, le comte Roland se pâme. Or un Sarrasin le guette, qui a contrefait le mort et git parmi les autres, ayant souillé son corps et son visage de sang. Il se redresse debout, accourt. Il était beau et fort, et de grande vaillance ; en son orgueil il fait la folie dont il mourra : il se saisit de Roland, de son corps et de ses armes, et dit une parole : “ Il est vaincu, le neveu de Charles ! Cette épée, je l'emporterai en Arabie ! ” Comme il tirait, le comte reprit un peu ses sens.

‘ Roland sent qu'il lui prend son épée. Il ouvre les yeux, et lui dit un mot : “ Tu n'es pas des nôtres, que je sache ! ” Il tenait l'olifant, qu'il n'a pas voulu perdre. Il l'en frappe sur son heaume gemmé, paré d'or ; il brise l'acier, et le crâne, et les os, lui fait jaillir du chef les deux yeux et, devant ses pieds, le renverse mort. Après il lui dit : “ Paten, fils de serf, comment fus-tu si osé que de te saisir de moi, soit à droit, soit à tort ? Nul ne l'entendra dire qui ne te tienne pour un fou ! Voilà fendu le pavillon de mon olifant ; l'or en est tombé, et le cristal.’

‘ Roland sent que sa vue se perd. Il se met sur pieds, tant qu'il peut s'évertue. Son visage a perdu sa couleur. Devant lui est une pierre bise. Il y frappe dix coups, plein de deuil et de rancœur. L'acier grince, il ne se brise ni ne s'ébrèche. “ Ah ! dit le comte, sainte Marie, à mon aide ! Ah ! Durendal, bonne Durendal, c'est pitié de vous ! Puisque je meurs, je n'ai plus cure de vous. Par vous j'ai gagné en rase campagne tant de batailles, et par vous dompté tant de larges terres, que Charles tient, qui a la barbe chenue ! Ne venez jamais aux mains d'un homme qui puisse fuir devant un autre ! Un bon vassal vous a longtemps tenue : il n'y aura jamais votre pareille en France la Sainte.”

‘Roland frappe au perron de sardoine : l’acier grince, il n’éclate pas, il ne s’ébrèche pas. Quand il voit qu’il ne peut la briser, il commence en lui-même à la plaindre : “ Ah ! Durendal, comme tu es belle, et claire, et blanche ! Contre le soleil comme tu luis et flambes ! Charles était aux vaux de Maurienne quand du ciel Dieu lui manda par son ange qu’il te donnât à l’un de ses comtes capitaines : alors il m’en ceignit, le gentil roi, le Magne. Par elle, je lui conquis l’Anjou et la Bretagne, par elle je lui conquis le Poitou et le Maine. Je lui conquis Normandie la franche, et par elle je lui conquis la Provence et l’Aquitaine, et la Lombardie et toute la Romagne. Je lui conquis la Bavière et toutes les Flandres, la Bourgogne et la Pologne entière, Constantinople, dont il avait reçu l’hommage, et la Saxe, où il fait ce qu’il veut. Par elle je lui conquis l’Écosse . . . et l’Angleterre, sa chambre, comme il l’appelait. Par elle je conquis tant et tant de contrées, que Charles tient, qui a la barbe blanche. Pour cette épée j’ai douleur et peine. Plutôt mourir que la laisser aux païens ! Dieu, notre père, ne souffrez pas que France ait cette honte ! ”

‘Roland frappa contre une pierre bise. Il en abat plus que je ne vous sais dire. L’épée grince, elle n’éclate ni ne se rompt. Vers le ciel elle rebondit. Quand le comte voit qu’il ne la brisera point, il la plaint en lui-même très doucement : “ Ah ! Durendal, que tu es belle et sainte ! Ton pommeau d’or est plein de reliques : une dent de saint Pierre, du sang de saint Basile, et des cheveux de monseigneur saint Denis, et du vêtement de sainte Marie. Il n’est pas juste que des païens te possèdent : des chrétiens doivent faire votre service. Puissiez-vous ne jamais tomber aux mains d’un couard ! Par vous j’aurai conquies tant de larges terres, que tient Charles, qui a la barbe fleurie ! L’empereur en est puissant et riche.”

‘Roland sent que la mort le prend tout : de sa tête elle descend vers son cœur. Jusque sous un pin il va courant ; il s’est couché sur l’herbe verte, face contre terre. Sous lui il met son épée et l’olifant. Il a tourné sa tête du côté de la gent païenne : il a fait ainsi, voulant que Charles dise, et tous les siens, qu’il est mort en vainqueur, le gentil comte. A faibles coups et souvent, il bat sa coulpe. Pour ses péchés il tend vers Dieu son gant.

‘Roland sent que son temps est fini. Il est couché sur un tertre escarpé, le visage tourné vers l’Espagne. De l’une de ses mains il frappe sa poitrine : “Dieu, par ta grâce, *mea culpa*, pour mes péchés, les grands et les menus, que j’ai faits depuis l’heure où je naquis jusqu’à ce jour où me voici abattu.” Il a tendu vers Dieu son gant droit. Les anges du ciel descendent à lui.

‘Le comte Roland est couché sous un pin. Vers l’Espagne il a tourné son visage. De maintes choses il lui vient souvenance : de tant de terres qu’il a conquises, le vaillant, de Douce France, des hommes de son lignage, de Charlemagne, son seigneur, qui l’a nourri. Il en pleure et soupire, il ne peut s’en empêcher. Mais il ne veut pas se mettre lui-même en oubli ; il bat sa coulpe et demande à Dieu merci : “Vrai Père, qui jamais ne mentis, toi qui rappelas saint Lazare d’entre les morts, qui sauvas Daniel des lions, sauve mon âme de tous périls, pour les péchés que j’ai faits dans ma vie !” Il a offert à Dieu son gant droit : saint Gabriel l’a pris de sa main. Sur son bras il a laissé retomber sa tête : il est allé, les mains jointes, à sa fin. Dieu lui envoie son ange Chérubin et saint Michel du Pêril ; avec eux y vient saint Gabriel. Ils portent l’âme du comte en paradis.

‘Roland est mort : Dieu a son âme dans les cieux.’

Le roi Charles est revenu à Roncevaux. Il voit le champ de gloire tout couvert de morts, bientôt fleuri des fleurs sacrées ‘ki sunt vermeilles del sanc de noz barons’.¹ Va-t-il prononcer contre Roland le terrible *Vare, redde legiones* ? Non, mais il loue le victorieux, et tous ses compagnons avec lui, et les vénère.

1093. Rollant est proz e Oliver est sage ;
 Ambedui unt meveillus vasselage . . .
 Bon sunt li cunte e lur paroles haltes.

Entre le ‘preux’ et le ‘sage’, faut-il choisir ? Rappelons-nous plutôt cette parole de Pascal : ‘Dieu a voulu que les vérités entrent du cœur dans l’esprit et non pas de l’esprit dans le cœur. . . . Et de là vient qu’au lieu

¹ Vers 2872.

qu'en parlant des choses humaines on dit qu'il faut les connaître avant que de les aimer, les saints au contraire disent, en parlant des choses divines, qu'il faut les aimer pour les connaître et qu'on n'entre dans la vérité que par la charité.' Apprendre à aimer son propre sacrifice, n'est-ce pas une de ces choses divines? Et quelle doit être la juste limite de cet amour? Ceux-là le savent qui, dans la dernière guerre — la dernière des guerres — se sont offerts, les uns selon l'esprit du grand vers de Corneille :

'Faites votre devoir et laissez faire aux dieux,'
les autres, selon l'esprit du grand vers de Pope :

'Act well your part, there all the honour lies.'

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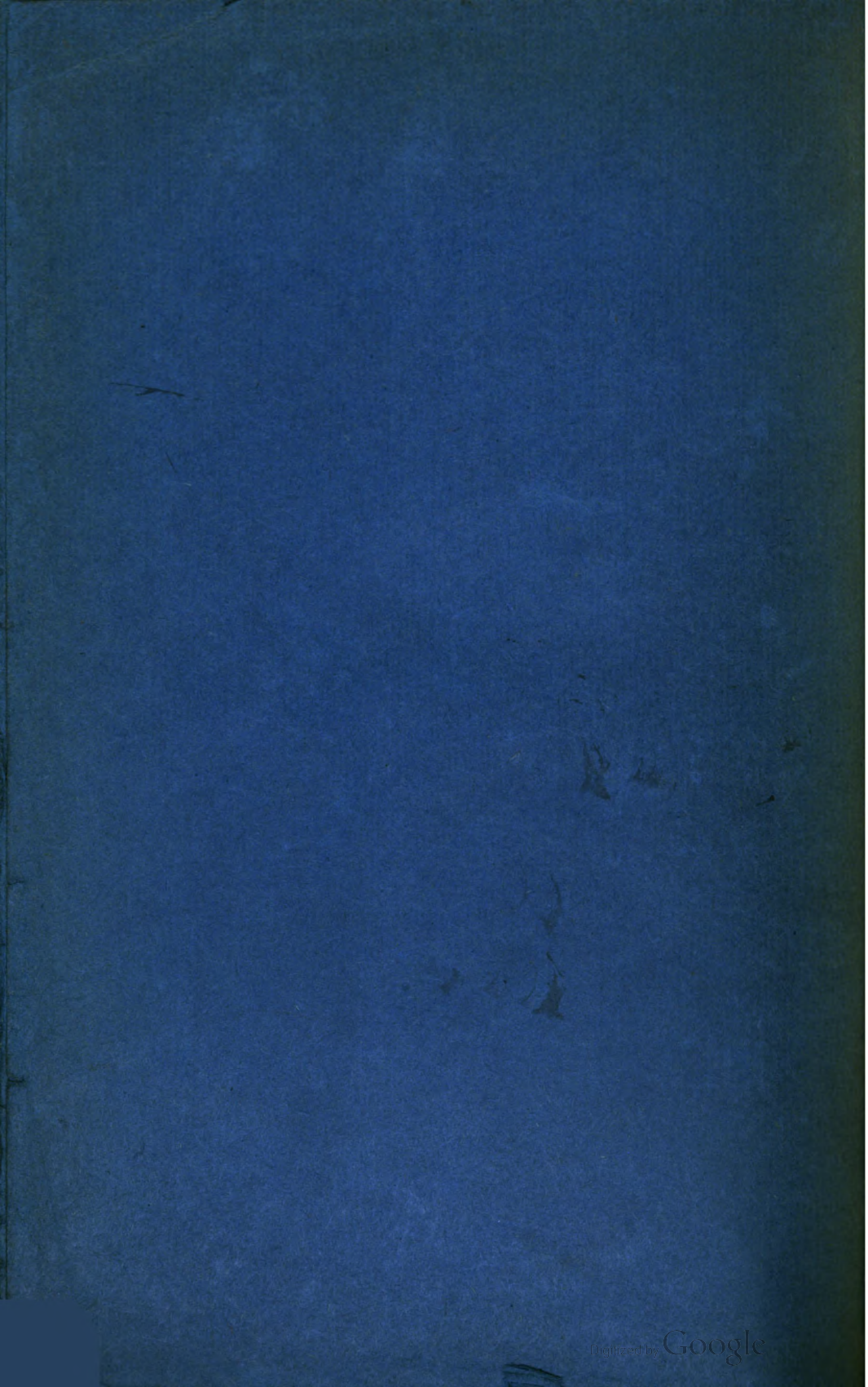
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