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THE INTERNATIONAL STATE OF THE MIDDLE AGES: SOME REASONS FOR ITS FAILURE [1]

SO much has been said during the last few years about an international organization which shall bring peace and order to the people of the world and so little about previous efforts of society to achieve the same result that it seems not inappropriate to sketch again the outlines of one of the most successful of those attempts.

It might appear rather rash, certainly visionary, to propose that the League of Nations, or Conference on the Limitation of Armament (new style), be empowered not only to administer territories gained by joint conquest, but, also, to recruit armies and levy taxes directly from the people, without the intermediation of national governments; to act as a supreme court, with original jurisdiction in cases arising between nations or against rulers of nations, and with appellate jurisdiction in all cases whether of nations or individuals; and to execute its judgments whether against individuals or against states, even to the extent of making war upon an obstinate state. That would seem a very dangerous array of powers, indeed, and yet, you will agree, this is but a sober summary of the powers actually exercised by such an international authority through nearly two centuries of medieval history.

Of the various attempts to achieve international control in the Middle Ages only one need receive our serious attention, however high the hopes and ambitions of the others. This is the one headed by the papacy in the days from Gregory VII. to Boniface VIII. It has been customary to trace its development in the evolution of papal theories and policies of temporal power reaching back all the way to Roman days. That path, however, is a rather tortuous one, like an old and abandoned road through the northern forest. Seldom smooth,

[1] This paper was read at the St. Louis meeting of the American Historical Association, Dec. 28, 1921.

it is often lost altogether in a morass of local Roman politics, while the intervals of solid footing afforded by a Gregory I., Nicholas I., Benedict IX., Sylvester II., Leo IX. are so few and the stretches of morass so long as to raise a legitimate doubt about the existence of any such road.

But there is a detour to the development of that international control which is continuous, is relatively free from depressions, and leads to the goal. This starts at the opening of the tenth century in southern and southeastern France. It begins not in ecclesiastical theory, but in a joint effort of churchmen and laymen, society in short, to re-establish peace and decency out of the brutal chaos into which Europe had been thrown by the civil wars of Charlemagne's descendants and the simultaneous raids of Northman, Saracen, Hungarian, and Slav. Under the cover of local defense which these calamities had necessitated had arisen a menace of indiscriminate and almost universal private warfare which continued after the external danger had subsided. For this, however, there was no justification except the selfish desire of armed men to aggrandize themselves at the expense of the unarmed or each other. Destruction of crops and means of sustenance, constant danger of life and limb to non-combatants, and unscrupulous appropriation of common property and livings for private use—all this was too heavy a burden to bear without protest.

This protest was first effectively voiced in southern and eastern France, probably because this region was a sheltered one, and, having suffered least from the foreign raids, was soonest free from them. The people could expect no help from the papacy, for the papacy was submerged in the mire of Roman party strife, nor from other secular clergy, most of whom were similarly mired in the welter of feudal competition. Nor could they look for any help from kings whose power did not extend beyond their petty feudal domain. Their chief hope must rest in themselves, in their local co-operation, their own activity as a self-determining society.

Perhaps the first advance in this direction was the rehabilitation of monasticism through the founding of Cluny. That Cluny became an international force was the result of circumstances, not the least of which was its remarkable series of abbots. But there were others as well. Its location on one of the main highways to Rome advertised its virtues more widely than was the usual lot even of good monasteries. Most of all, however, Cluny represented a general desire. As requests came for its monks to establish similar houses elsewhere or to reform existing monasteries, the abbots laid down

certain stipulations to guard against the relapses so general among
religious communities.   Related monasteries were to be subsidiary—
their heads, priors trained at Cluny and subject to annual inspection—
in short, the "congregation" of Cluny.   Every house added to the
Congregation meant just that much more subtracted from the mailed
fist of feudalism and private warfare.   It meant much more than this,
for nearly all the extensions of the Congregation were at the request
of the lay community and this evidenced the growth of a more peace-
ful public opinion.   With the spread of the Congregation this public
was given an effective organization through which flagging localities
could derive not only spiritual but often material reinforcement as
well.   Before the eleventh century ended it had already become inter-
national, penetrating Italy, Spain, the Empire, as well as all of
France.   In this area it not only served as a medium of intercom-
munication for the opposition to feudal violence, but even more as
an agency for arousing such opposition.   It was the Committee on
Public Information, the bureau of propaganda in this cause, and it
was also a political machine, better disciplined and more intelligently
managed than some which, in more enlightened days, have served
to terrorize communities.[2]

The same region which produced Cluny at the beginning of the
tenth century invented the Peace of God before the opening of the
eleventh.   Lay historians have not dealt kindly with this institution.
Gibbon, in cynical mood, dismissed it with a very incidental mention.
Milman, after describing it at some length, warns the reader in a
foot-note not to take it seriously, by saying, "history hardly recalls a
single instance of its observance."   Bury, in his revision of Gibbon,
is more curt in his dismissal of it.   These have been followed by our
text-books, and, though they all mention it, they do so in a spirit of
lofty contempt, as one of those colorful incidents of the past whose
apparent naïveté is so flattering to our sense of superior attainment.
It is difficult to resist a speculation as to the treatment which future
historians will accord our Naval Holiday and 5–5–3 ratio.   The
Peace of God and its early elaboration, the Truce of God, are viewed
much more seriously by the legal historians.   Maitland goes so far
as to deem it the most important preliminary to the development of
modern criminal law.   The opinions of Luchaire and Haskins are
scarcely less favorable.   Mr. Wells would have done better to have
followed the *Encyclopaedia Britannica* than the text-books in this
instance.

[2] *Cf.* the position and relations of Hirschau in Germany and of Camaldoli in
Italy.

Without entering into the controversy further, certain features of these two institutions should be cited. The first Peace of God was a modest enactment against "infractores ecclesiarum, res pauperum diripientes et clericorum percussores". The first Truce of God set aside the period from Saturday until Monday as sacred from the profanation of private warfare. Both met with speedy favor and were enacted by church councils outside of southern France in an ever-widening circle until they were taken up by the papacy and proclaimed for all Christendom. They were re-enacted again and again, but—this has been usually overlooked—not as mere re-enactments. They were being constantly expanded and becoming more specific in their application. Before the thirteenth century was very old the modest and general indictment of Charroux had become a specific exemption of all ecclesiastical buildings and their environs, all clerks, merchants, women, and peasants, as well as orchards, seeds, cattle, and agricultural implements, from the violence of private feudal warfare. The Truce of God had been extended sometimes to a period of several months and regularly included all days from Thursday to Monday and all festival days, besides certain special occasions, which left all told less than a fourth of a year to the unabated practice of feudal warfare.

It has usually been assumed that these institutions lacked enforcement and that the tortures of the damned were punishments too remote to deter the brutal and easily aroused passion for private warfare. That they were repeatedly violated, too, cannot be denied. Possibly, however, historians have judged too hastily from the violation. Practically from the beginning these institutions were given the full support of the Congregation of Cluny. Its monks were prominent in the councils at which they were enacted. In some districts all Christians at the age of fifteen and over were to take solemn oath for their observance. At the Council of Clermont it was prescribed that all men, whether noble, burgess, villain, or serf, above the age of twelve, should take the oath of adherence to the Truce every three years. And long before this, it should be remembered, it had become customary in certain localities to exact from the candidate for knighthood an oath to maintain the Peace of God. The so-called Code of Chivalry which became generally recognized in the twelfth century is a compound of feudal allegiance and the Peace of God. Progress such as this cannot be dismissed as a total failure.

The enforcement of these two institutions was not limited to this development of spiritual inhibitions alone. Their champions, even the purely ecclesiastical, showed an astonishing amount of practical wisdom. It was early discovered that the vast majority of offenses

and violations arose from the material ambitions of petty knights and vassals. The greater lords had less to gain and more to lose by the incessant practice of violence. At least, they could afford to scorn the temptation to pillage mere peasants, small merchants, and priests. Their own dangers came chiefly from their lesser vassals, who did yield only too frequently to such petty temptations. This cleavage among the promoters of private warfare was easily seized upon and the greater lords, especially the kings, were invited to lend their material support to the measure. What a boon to these! To have the non-combatant productive population thus welded together in the support of the Peace of God would furnish them an anvil upon which they could hammer out the flaming ambitions of their troublesome vassals into some degree of obedience. Some of the great nobles saw the light very quickly, others were helped to it by the sage counsel of the abbot of Cluny or other churchmen. The pious Robert of France was able to recommend the measure most heartily and so, too, the equally pious Henry II. of Germany. In the excess of their zeal at Mouzon, these two monarchs solemnly discussed the project of bringing peace to all Europe by this means. The idea appealed powerfully to Henry II. and, though he may have forgotten the ideal of universal peace, it cannot be said of him that he overlooked the possibility of incurring eternal reward in the enhancement of his own power. Promotion of the Peace of God and the other aims of Cluny proved his most effective means to this end. Other nobles took up the idea and lent their indorsement to the proclamations of the Peace. The hot-headed vassal who so far forgot himself as to risk the more remote danger of eternal damnation might cool somewhat more rapidly at the prospect of such an immediate foretaste, and if Huberti's contention that the separate proclamations of peace by lay rulers arose from its proclamation by the Church is sustained, this constitutes a most eloquent testimonial to the success of the Peace and Truce of God.

The next step forward in the cause of peace was the capture of the papal office from the clutches of the feudal factions of Rome. Cluny and the organized public opinion which it represented had made various efforts to accomplish this. The support of Benedict IX., the brief régime of Sylvester II., and the abortive attempt of Gregory VI. might be cited among the more striking of these. But what they had failed to accomplish as yet by pure moral force they were now enabled to achieve with the help of Henry III. at Sutri. The threat in the election of Leo IX., that this victory did not mean merely a transfer of vassalage from Roman nobles to German king,

was carried out fully after Henry's death. By that time the moral forces skillfully directed by Hildebrand, himself a disciple of Cluny, were strong enough to hold the office against feudal assault. The significance of the Investiture struggle which followed, in this approach to the formation of the international state, lay in the freedom thereby gained by the papacy from the violence of temporal interference. Where Cluny was in 910 the papacy was two centuries later. The parallel might be carried further. The remarkable succession of abbots of Cluny during that time was equalled by the sustained standards of the papacy at least as far as Innocent III., and to the "Congregation" idea of Cluny might be compared the effective organization of the secular and regular Church under the control of the papacy.

With the support of the papacy the cause of peace and order could hope for larger results. The peace which had already been so largely won from the petty lordlings could now be wrested from the greater lords and kings as well. The task remaining was twofold: to find an effective substitute for war in the solution of disputes, and to devise a temporal weapon to control the great lords whom it might now be necessary to discipline. The first was at hand in the law, both canon and civil, whose study was so rapidly promoted during the twelfth century by the help of Gratian and Irnerius. The second was more difficult. The Investiture struggle had proven that just as the kings could be called upon to suppress the violence of the lesser nobility, so conversely could the nobility be used to bring effective pressure upon refractory kings. But this was a doubtful resource, a sowing of dragon's teeth, whose consequences would be but a small blessing to society, as Central Europe learned to its sorrow. A less dangerous weapon appeared in the success of the First Crusade.

No one, I presume, would seriously urge that the Crusades were instituted as a war to end war, a means to universal peace. And yet this thought was a factor even in the First Crusade. The first act of the Council was to proclaim the Truce of God. It was also this Council which provided for the triennial renewal of the oath by all men of all classes for the observance of the Truce. And every one of the chroniclers who recorded the speech of Urban included in it the pope's lament at the spectacle of Christian shedding Christian blood, when salvation might be obtained by turning their weapons to the conquest of the Holy Land. The slogan, "If you must fight, go fight the Infidel," proved a powerful deterrent to private warfare as early as the First Crusade, and was so used throughout the next two centuries. It served to paralyze the petty noble who saw an oppor-

tunity to add to his possessions or privileges at the expense of his overlord or neighbor, and equally to halt powerful kings in the midst of their struggles. The five-year truce won from the outraged Richard and the crafty Philip, and the voluntary exile of Henry the Lion were but examples of a frequent practice, while at the very end of the thirteenth century the need of another crusade was still the most powerful argument Boniface VIII. could urge to compel mediation in the dispute between Edward I. and Philip IV. King and noble and commoner alike were compelled to stay their violence against the possessions or family of those who had marked themselves with the Cross. However legitimate might be the complaints against such as these, they must be settled in the courts of the Church or stayed until the Cross was removed. And thus, though blood was shed in quantities in the East, to Europe the Crusades meant peace.

One other purpose the crusade served. When the troops led by Robert of Normandy arrived at Rome on their way to the East, they stopped a little while to exchange blows with Urban's enemies at Rome. This lesson was not lost upon the popes, but it remained for Innocent III. to demonstrate the full possibilities of the Crusades as a weapon against incorrigibles in the West. Usually the mere threat of a crusade was sufficient to bring kings to terms. Frederick II. required the actual execution of the project, and in the fate of his successors was demonstrated the full power of the weapon.

By the time of Innocent the Church with the papacy at its head had become an international state. It had everything that a state has—and more. It could raise funds by direct taxation and raise armies equally directly. It could bring offenders to the courts of justice, and it had the means of executing its judgments. It applied its laws equally to peasant and king and it executed judgments against both. It controlled education, controlled the agencies of publicity, and controlled the courts. The social cares of charity and public health were in its hands. And on top of all this, it wielded the awful power of eternal life or death. Never in history have the moral forces of so vast a society been so thoroughly concentrated and so effective. As an experiment in practical idealism, it is still without equal.

Viewed solely in the West, the progress of the papacy was ever upward to the time of Innocent. The advance was accompanied by constant struggles, but in practically every struggle the papacy appeared as the champion of the common needs and desires of society against the selfish interests of individuals or groups. The popes displayed a willingness to undergo discomforts and dangers in behalf of

the justice of their cause and society rewarded them by ever increased confidence and delegations of power. Under Innocent the full extent of this power was displayed for the first time, and his successors maintained it at that pitch for a century before it began to decline noticeably.

I do not desire to deceive you or myself with the thought that this reaction against feudal warfare was the sole cause and explanation of the international state of the Middle Ages. Other causes were operating to the same end. But the theory that this structure was erected solely upon the ignorance and credulity of society by a combination of supernatural inspiration and unscrupulous fabrication of documents leaves too much to be explained. The more or less conscious acquiescence of society in the arrangement was absolutely necessary. Such acquiescence was obtained through the promise of peace held out by the Church, and society was receiving its *quid pro quo.*

And now for the opposite side of this picture, the causes for the collapse of this international power. The chief causes are usually found in the fourteenth and fifteenth centuries and are too well known to require elaboration here. The greatest of these, however, the rise of the national states, deserves some consideration—not because they functioned as political organizations, for Innocent III. had clearly shown that the papacy had ample resources to cope with organizations of that scope, but because the national state built up a moral force opposed to the papacy. This is the most significant factor in the struggle between the popes and the kings and it is the factor which has been least well explained.

Possibly the papacy itself was in some measure responsible for this untoward development. In its management of the great military expeditions of the Crusades it apparently failed to realize the necessity of undivided leadership. Only the First Crusade revealed any real degree of unification through the efforts of the papal representative, the effects of which were apparent long after that representative had died. The Second and Third Crusades failed notoriously, chiefly because of their divided command. The leaders were more or less rivals and they were able to unify the natural friction among their followers as a national force which was kept alive long after the expeditions by the growth of tradition and literature designed for self-justification. Thus the kings dodged the responsibility for their selfish ambitions and rivalry, while in the long run the repeated failures of crusading expeditions must necessarily weaken the papacy which preached them. In view of the resources of military leadership afforded by the Templars and Hospitallers and the immense moral

force of the papacy this unfortunate result would seem to have been avoidable.

The loss of support from the growing commercial interest was likewise a factor in the downfall of the international state. Trade grew rapidly with the spread of peace in the eleventh and twelfth centuries. It attained international proportions and had an international organization even before the thirteenth century. *A priori* a close alliance between the business elements interested in international trade and the international state of the Church would seem inevitable. And yet such was not the case. Whether the ecclesiastical nature of the Church state imposed limits upon it incompatible with or hostile to close co-operation with international trade or whether the constitutional aversion of the Church to new social movements (for such the growth of trade undoubtedly was in the twelfth century) led to hostility, is beyond the limit of this paper to decide. The fact remains that in England and France the greater commercial interests cast in their lot with the kings even against the Church, while in Germany, where the king was impotent, they sought safety and protection in leagues among themselves rather than in the Church. As early as the Second and much more clearly in the Fourth Crusade these commercial elements appear in hostility to papal plans. In the fourteenth and fifteenth centuries they are often found harboring the chief opponents of the papacy. This loss of support to the papacy was all the more serious because these commercial interests had a wide-spread organization capable of influencing public opinion powerfully, while their wealth thrown to the support of kings constituted no mean item in the success of the latter.

Perhaps an even more serious fault in papal management was that revealed by the condition of the Church in the Holy Land when the kings of Jerusalem began to weaken. Through circumstances doubtless more than through policy the various important ecclesiastical establishments in the Holy Land had been taken under the direct jurisdiction of the popes. The fact that the devotion of countless pilgrims had showered upon them properties located over all Christendom might have necessitated such action. Its effect however was to subtract these establishments from the authority of the local prelates. Even the cathedral chapter of the Holy Sepulchre had its separate agent at Rome, while the important monasteries, *e.g.* Mary of Josaphat, military orders, Templars and Hospitallers, and secular establishments like Bethlehem, Hebron, and Nazareth all had independent access to the papacy. In the Holy Land, each was jealous of its own independence and after 1163 their actions seemed to be governed

much more by fear of encroachments upon that independence than by the necessity of united action against the foe. The secular prelates had long watched this diminution of their authority with disfavor and were particularly resentful toward the Templars and Hospitallers, whose activities recognized no diocesan limitations. As early as the middle of the twelfth century the patriarch Foucher, with an imposing retinue of archbishops and bishops, took his way to Rome to complain to the Holy Father against these military orders, only to find that they were stronger in the papal favor than he and his bishops. This repulse left him in no happier frame of mind, while it strengthened the pretensions of all independent elements against him. As a consequence, when the kings of Jerusalem failed and the direct responsibility for the conduct of affairs might have been assumed by the patriarch, there arose instead an endless wrangle among the various ecclesiastical and secular leaders, which doubtless hastened, if it did not cause, the downfall of Jerusalem in 1087.

In the West this weakness, so fatal in the Latin East, did not appear until the thirteenth century. It is true that there had been some friction between the White Monks of Clairvaux and the Black Monks of Cluny and some between the seculars and regulars in the twelfth century. But on the whole this mutual criticism had been helpful rather than hurtful and had in general redounded to the power of the international state through the improvement of its agencies. But in the thirteenth century, when the two orders of friars were founded and the military orders were gradually forced out of the Holy Land back upon Europe, trouble grew apace. The papal register became crowded with complaints of seculars against regulars and of regulars against each other. In general these cases were decided by the papacy in favor of the universal clergy as against the local clergy and in favor of one or another order depending upon the peculiar affiliations of the particular pope. To the papacy the multiplication of these cases on the papal docket might have seemed a flattering and concrete evidence of the unity and power of the Church centralized in itself. The disappointed litigants, however, left the papal court with the sting of rebuke rankling in their hearts and not a whit more kindly disposed toward their opponents than before. Thus what may have seemed unity to the head of the Church was chaos to its lay members, for society now found its direct moral leaders divided among themselves. So bitter was the friction between the seculars and regulars or between the various regulars that it was a poor cause indeed even against the papacy which could not

command the support of a considerable portion of the clergy, as witness the *Defensor Pacis* in behalf of Ludwig of Bavaria.

That the kings would be restive under the restraints imposed by the papacy for keeping the peace had been only too evident. They had lent their support to the building of the international state as long as that process had conduced to their own increased power. In return the Church had lent nearly all its resources to strengthen the power of the kings. It had hedged their thrones about with a certain divinity, it had lent its officers to mould public opinion in behalf of the kings against the lesser nobility. It had done much to substitute respect for law in the place of violence as the proper solvent of disputes. It had developed law and trained lawyers. In France and England, where the kings had, on the whole, been obedient until the end of the thirteenth century, the powers of local nobles had been effectually clipped beyond hope of speedy revival; in the Empire, whose rulers had been more troublesome, the powers of local nobles had been retained as a counterweight. But everywhere, as late as the thirteenth century, the moral forces had still been effectively centred in the Church.

Now, however, those moral forces were divided and the kings felt themselves in a position to further their selfish ambitions by violence. In vain did Boniface VIII. seek to restrain them. Able lawyers trained by the Church enabled the kings to meet every move of the pope, even to the extent of gaining church money with which to carry on very unholy wars. By supporting the claims of the local churchmen against the encroachments of the central authority the kings gained the neutrality, if not always the active support, of the local clergy in their struggle against the papacy. The right of asylum, such a boon to society in the days of local warfare, was now made to appear as a refuge for criminals and scoundrels. Even the attack upon the benefit of clergy was given the support of some of the local churchmen. Papal revenues for the maintenance of the international organization were attacked as unwarranted exactions for which society had no return and even the appeals to papal courts were denounced as venal devices. The kings contended that they maintained the peace, that they could offer impartial and speedy justice to all, and that there was no need to pay both papacy and kings for this service. This contention was supported in France and England before the end of the thirteenth century by the financial aid of the greater business interests and by the moral support of many of the local clergy. The Model Parliament of 1296 and the Estates-General of 1302 will serve as concrete examples. And when, after 1305, the Babylonish Cap-

tivity of the papacy made it seemingly subservient to the French
crown, the international control by the papacy was practically gone
and the era of unrestrained national warfare begun.   The plight of
the papacy during the next two centuries—first in Captivity, then in
Schism, and after that again under the baneful influence of local
Italian factions—rendered the re-establishment of the international
state difficult, while with the success of the Protestant revolt, it
became impossible.

Now that six centuries have convinced society that unrestrained
national warfare is just as devastating and destructive and scarcely
less direct than the neighborhood warfare of feudal times, we see it
again groping toward some form of international control.   The Bal-
ance of Power, the Holy Alliance, the Hague Tribunal, the League
of Nations, and the Conference on the Limitation of Armament are
all attempts in this direction, not unlike those which preceded the
achievement of international control in the Middle Ages.   The paral-
lel is so striking as to give added point to the study of this medieval
experiment, but such study should include a greater consideration of
the influence of public opinion and the organization of the moral
forces of society than has hitherto been given.

<div align="right">AUGUST C. KREY.</div>

THE SECRETARY OF STATE FOR THE COLONIES,
1768–1782

A COMPARISON of the list of offices included in a modern British cabinet with a similar list of 1760 shows that the number of secretaries of state has increased from two to five. This growth in numbers, however, has not altered the theory that there is but one secretariat, that new secretarial portfolios are not, in the eyes of the law and the constitution, new, and that each secretary of state has the full power and authority inherent in the secretarial seals and may perform any of the duties of his brother secretaries. This theory may be briefly summarized: although there is but one secretariat, there may be as many secretaries as the business of state demands, each of whom may exercise the full powers of the secretariat. This constitutional fiction has been so consistently adopted in the nineteenth century to meet the exigencies of an expanding government—and possibly to avoid the inconveniences and prohibitions of the Act of Settlement and the Place Acts of Anne—that it may not be amiss to call attention to a series of incidents which, had they attained their purpose, would have stopped this subdivision of the secretariat and thus would have altered the form and appearance of the cabinet. At the same time this brief survey will serve to call attention to an office which has never received sufficient study—the office of secretary of state for the colonies, 1768–1782.

The particular problem with which this paper is concerned may be illustrated by an incident in the debate which foreshadowed the end of the colonial secretaryship. The first clause of Burke's Establishment Bill as presented in the House of Commons in 1780 provided for the abolition of "the office commonly called or known by the name of third secretary of state or secretary of state for the colonies". Governor Pownall suggested that the only description necessary was "third secretary of state", but Lord George Germain, who held the office in question, objected to any qualifying terms, for the reason that he was neither third secretary of state nor secretary of state for the colonies, but "one of his Majesty's principal secretaries of state"[1]—a position he had taken in a previous session when he had described himself as "secretary of state at large".[2] "He wished most sincerely," however, "if the committee should determine to

[1] *Parl. Hist.*, XXI. 193–194.
[2] *Id.*, XX. 266.