Eschenbach in Suabia imitated the epic songs of the Carlovingian or Arthurian cycles. The *Nibelungenlied*, however, reveals its distinctively German origin, but the meistersingers and minnesingers, whose theme was love, drew their inspiration from Provençal poetry. German prose is hardly visible in a few rare moments of the thirteenth century. In Italy Dante was born in 1265. Spain had her war-songs in the romances of Bernardo del Carpio, the children of Lara, and the Cid. England was still too much engrossed with welding into a single idiom the Saxon-German and the Norman-French to produce any marked literary works. Her first great poet, Chaucer, belongs to the following age.

Architecture, the characteristic art of the Middle Ages, attained its perfection in the thirteenth century. Then it was simple, severe, grand, while in the following century it was to become florid and flamboyant. In France it produced Notre Dame de Paris, Notre Dame de Chartres, the Sainte Chapelle, the cathedrals of Amiens, Reims, Strasburg, Bourges, Sens, Coutances and many more. Corporations of lay architects were formed. Lanfranc and Guillaume de Sens labored together in the construction of Canterbury cathedral. Pierre de Bonneuil went to Sweden to build the cathedral of Upsala (1258). Maître Jean in the same century erected the cathedral of Utrecht and French artisans worked on that of Milan.

The sculpture is heavy, but the stained glass windows of the churches were magnificent, and the miniature-painters embellished the missals with delicate masterpieces.

XII

FORMATION OF THE KINGDOM OF FRANCE

(987–1328)

First Capetians (987–1108). — While feudal Europe was thronging the roads which led to Jerusalem, the great modern nations were assuming their outlines. Italy separated from Germany. France sought to separate herself from England, and Spain endeavored to rid herself of the Moors. The Capetian royal house was weak in the beginning, though it undertook the first internal organization of France. Hugh Capet spent his reign of nine years (987–996) in battling against the last representative of the Carlovingian family, and in seeking recognition in the south, wherein he did not succeed. His son Robert, crowned during his father's life so as to assure his succession, reigned piously although excommunicated for having married Bertha, his relative. He was wise enough to refuse the offered crown of Italy, but inherited the duchy of Burgundy. Henry I and Philip I lived in obscurity. The latter took no part in the first crusade or in the conquest of England by his Norman vassals. In fact from the ninth to the twelfth century French royalty existed only in name, because the public power which should have rested in its hands had become local power exercised by all the great proprietors. This revolution, which shattered the unity of the country for three centuries, was to be followed by another which would strive to unite the scattered fragments of French society and deprive the lords of the rights they had usurped. This revolution was to render the king the sole judge, sole administrator and sole legislator of the country. It began with Philip Augustus and Saint Louis, who restored a central government. It was fully accomplished only under Louis XIV, because the Hundred Years' War (1338–1453) and the religious wars of the sixteenth century interrupted this great internal work.

Louis the Fat (1108–1137). — The reign of Louis VI marked the first awakening of the Capetian royalty. That active and resolute prince put down in the neighborhood of Paris and the Île de France almost all the petty lords who used to descend from their donjon-keeps and pillage the merchants. He favored the formation of communities on the lands of his vassals. The example set by Mans in 1066 was soon followed by many other cities. But Louis, though gladly aiding the cities against their lords and thereby enfeebling the latter, permitted no communes to arise on his own domains. He tried to force Henry I of England to cede Normandy to his nephew, Guillaume Cliton, but did not succeed. When Henry V emperor of Germany, son-in-law of the king of England, menaced France in 1124, Louis VI faced him with a powerful army wherein figured the men of the communes. In the north for a brief space he imposed Cliton upon the Flemings, who had just assassinated their count (1126). In the south he protected the bishop of Clermont against the Count of Auvergne. He compelled Guillaume IX, Duke of Aquitaine, to pay him homage and obtained for his son, Louis the Young, the hand of Eleanor, the heiress of that powerful lord.

Louis VII (1137–1180). — By this marriage Louis VII added to the royal domain Aquitaine, Poitou, Limousin, Bordelais, Agénois and Gascony and acquired suzerainty over Auvergne, Périgord, La Marche, Saintonge and Angoumois. But while fighting with the Count of Champagne, he burned 1300 persons in the church of Vitry. From remorse he joined the crusade. Incensed against his queen Eleanor, he divorced her on his return and gave her back the duchy of Guyenne, her dowry. This divorce was disastrous to the French monarchy and to national unity. Eleanor soon after married Henry Plantagenet, Count of Anjou, Duke of Normandy and heir to the crown of England. The little domain of the king of France was thus enveloped and threatened by an overwhelming force. Fortunately this king was the suzerain and feudal law, which imposed respect on the vassal, still prevailed in its full force. Thus Henry, having attacked Toulouse, dared not prosecute the siege because Louis threw himself into the place. The French king also found supporters against his powerful adversary by allying himself with the clergy, whom the Englishman persecuted, and with the English

princes, who revolted against their father. He welcomed Thomas à Becket, archbishop of Canterbury, whom Henry's officers afterwards assassinated when the prelate, trusting the royal word, ventured to return to England.

Philip Augustus (1180–1223). — This prince, the last king crowned before his accession, redeemed his father's faults. By persecuting and robbing the Jews, he obtained money. By giving up heretics and blasphemers to the Church, he gained the bishops. By forming a close alliance with the rebellious Richard, son of Henry II, he increased the embarrassments of the English king. At the same time safe but profitable petty wars secured for him Vermandais, Valois and Amiens. On returning from the third crusade he had an understanding with John Lackland, brother of Richard Cœur de Lion, to despoil the latter. Richard, being released from prison, reached England in a rage and began a furious war in the south of France. Pope Innocent III interposed and caused the antagonists to sign a truce for five years. Two months later Richard was killed by an arrow at the siege of a castle of Limousin (1199).

The crown of England reverted by right to the young Arthur, son of an elder brother of John Lackland. John usurped it, defeated his nephew and murdered him (1203). Philip Augustus summoned the murderer to appear before his court. John took good care not to come and Philip asserted his right under this forfeiture to take from him all the places of Normandy. That rich province, whence the conquerors of England had set out, then became a part of the royal domain and Brittany, which was its dependency, became a direct fief of the crown (1204). Poitou, Touraine and Anjou were occupied with equal ease. These were the most brilliant conquests that a king of France had ever made. By way of revenge John Lackland formed a coalition against France with his nephew, the Emperor Otto of Germany, and the lords of the Netherlands. Philip collected a great army, wherein the militia of the communes had their place, and gained at Bouvines a victory which had an immense influence throughout the whole land. This was the first national achievement of France (1214).

Before Philip Augustus died, the French monarchy reached the Pyrenees and the Mediterranean. The university had been founded, the supremacy of the royal jurisdiction vindicated by the verdict of the peers against John Lackland,

the kingdom subjected to a regular organization by division for administrative purposes, and Paris embellished, paved and surrounded by a wall.

In 1193 Philip had married Ingeborg of Denmark. The morning after the wedding, he sent her away to give her place to Agnes de Méranie. This scandal called down the reprimand of Pope Innocent III, who long threatened "the eldest son of the Church" before striking any blow, but finally to conquer his resistance placed the kingdom under an interdict. Philip understood the danger of an open rupture with the Church. He separated from Agnes, and took back Ingeborg in the Council of Soissons (1201).

Philip Augustus had nothing to do with the crusade against the Albigenses.

Louis VIII (1223) **and Louis IX** (1226). — Louis VIII, who before his accession had been invited to England by the barons in rebellion against John, undertook a new expedition into the south. He captured Avignon, Nîmes, Albi and Carcassonne, but died in an epidemic on his return (1126). His eldest son, Louis IX, was only nine years old. The barons endeavored to deprive the queen mother, Blanche of Castile, of the regency. But Blanche won over to her side the Count of Champagne and the war terminated to the advantage of the royal house.

Henry III, King of England, headed a rebellion of the lords of Aquitaine and Poitou. Louis, victorious at Taillebourg and Saintes, showed himself a generous conqueror and thereby secured the legal possession of what he retained. On condition of liege homage he consented (1259) to restore or to leave to the king of England, Limousin, Périgord, Quercy, Agénois, a part of Saintonge and the duchy of Guyenne; but he kept by virtue of treaty Normandy, Touraine, Anjou, Poitou and Maine. He followed the same principle with the king of Aragon, ceding to him in full sovereignty the county of Barcelona, but compelling him to renounce his rights over his fiefs in France. Louis' virtues rendered him the arbitrator of Europe, and surrounded the French royalty with a halo of sainthood. He served as mediator between Innocent IV and Frederick II, and between the king of England and his barons in reference to the statutes of Oxford.

We have related the story of his two crusades in Egypt and Tunis. His domestic government aimed at putting an

end to feudal disorder. In 1245 he decreed that in his domains there should be a truce between offender and offended for the space of forty days, and that the weaker might appeal to the king. He abolished the judicial duel in his domains. "What was formerly proved by battle shall be proved by witnesses or documents" (1260). He conceded a great place to the legists in the king's courts, the jurisdiction of which he extended. He fixed the standard of the royal coinage, and was the first to summon the burgesses to his council. In short his reign may be regarded as that period of the Middle Ages most favorable to learning, art and literature, and he is well called Saint Louis.

Philip III (1270) **and Philip IV the Fair** (1285). — Together with the body of his father, Philip III brought back to France the coffin of his uncle Alphonse, whose death gave to him the county of Toulouse, Rouergue and Poitou, which were united to the royal domain. The marriage of his eldest son, Philip IV, with the heiress of Navarre and Champagne paved the way for the union of those provinces to the crown of France. The Massacre of the Sicilian Vespers (1282), which expelled the French from Sicily, brought about a war with Aragon which was finally profitable to the French of Naples. The reign of Philip III is obscure.

In 1292 a quarrel between some sailors caused difficulties with England of which Philip IV took advantage to have the confiscation of Guyenne declared by his Court of Peers. The war was at first carried on in Scotland and Flanders, one country being the ally of France and the other of England. Philip supported the Scottish chiefs, Baliol and Wallace, and occupied Flanders, whose count he sent to the tower of the Louvre.

Quarrel between the King and the Pope. — To meet the expenses of these wars and of a constantly embarrassed government, much money was needed. Philip pillaged the Jews, debased the coinage at his will and taxed the clergy. Pope Boniface VIII imperiously demanded that the clergy should be exempt. He excommunicated whatever priest paid a tax without the order of the Holy See, and the imposer of such tax, "whoever they may be" (1296). Philip retorted by forbidding any money to leave the kingdom without his permission, thus cutting off the revenues of the Holy See. The great jubilee of the year 1300 caused the

pontiff to indulge illusions as to his power. To Philip he sent as his legate Bernard Saisset, the bishop of Pamiers, who seriously offended the king by his arrogance and in consequence was arrested. The Pope immediately (1301) launched the famous bull, *Ausculta, Fili*, to which Philip made an insolent reply. But feeling the need of national support for this conflict he convoked (1302) the first assembly of the States General, where clergy, barons and burgesses pronounced in his favor. Boniface answered this attack by the bull, *Unam sanctam*, which subordinated the temporal power to the spiritual power, and threatened to give the throne of France to the emperor of Germany.

Thus the quarrel between the papacy and the empire seemed repeated. This time it was of brief duration. The weakening of the spiritual power could be measured by the rapidity of its defeat. In a new States General the jurist Guillaume de Nogaret accused the Pope of simony, heresy and other crimes. Guillaume de Plasian, another jurist, proposed that the king should himself convene a general council and cite Boniface before it. Nogaret started for Italy to take the person of the Pope into custody, and his companion, the Italian Colonna, with his iron gauntlet smote in the face the aged pontiff who died of grief (1303). The king was powerful enough to impose upon the cardinals the election of one of his creatures as Benedict XI and afterwards of Clement V. They established the Holy See at Avignon, and began that series of Popes who remained at the mercy of France for seventy years (1309–1378). This period is called the Captivity of Babylon.

Condemnation of the Templars. — Philip obtained from Clement V the condemnation of the memory of Boniface and of the Order of the Knights Templar, a militia which was devoted to the Holy See and whose immense possessions tempted the king. One morning the Templars were arrested throughout France without their offering any resistance. By legal process they were accused of the most monstrous crimes. Torture wrung from them such confessions as it always extorts. The States General, convoked at Tours, declared them worthy of death, and in 1309 fifty four were burned. In 1314 Jacques Molay, their Grand Master, suffered the same fate.

Insurrection of the Flemings. — While royalty was triumphing over the great religious institutions of the Middle

Ages, the people were beginning their struggle against the lords. The Flemings, driven to desperation by the extortions of the governor whom Philip IV had imposed upon them, rose in rebellion and inflicted upon the French nobility the terrible defeat of Courtray (1302). This disaster Philip avenged by his victory of Mons-en-Puelle (1304). Nevertheless in Flanders he retained only Lille, Douai and Orchies.

The Last Direct Capetians (1314–1328). **The Salic Law.**— Under Louis X the Quarrelsome a feudal reaction took place against the new tendencies of royal power. The ministers of the late king were its victims. The reign of Louis X is remembered only for the enfranchisement, after payment, of the serfs of the royal domain. On his death his brother Philip V claimed the crown to the detriment of Jeanne, his niece. He caused the States General to declare that "No woman succeeds to the crown of France." This declaration has been rigidly observed by the French monarchy and is improperly called the Salic Law. Philip V also died without male heirs (1322). His brother, Charles IV the Fair, succeeded and left only a daughter. The crown was given to a nephew of Philip IV, who founded the Valois dynasty (1328). But Edward III of England, by his mother Isabella the grandson of Philip the Fair, asserted a claim to the throne. Hence arose the Hundred Years' War.

XIII

FORMATION OF THE ENGLISH CONSTITUTION

Norman Invasion (1066). — After Canute the Great the conflict of the Saxons and Danes in England became complicated by a new element. The princes of Saxon origin, dispossessed by the Danes, found an asylum with the Normans of France. When Edward the Confessor ascended the throne of Alfred the Great, he invited many of these Normans to his court and bestowed on them the principal bishoprics. The Saxons were jealous and their leader, the powerful Earl Godwin, succeeded in expelling the foreigners. His son Harold, who succeeded to his dignities and influence, conceived the unfortunate idea of visiting William, Duke of Normandy. His host, having him in his power, made him swear that he would aid William to secure the English throne on Edward's death. When Edward died, Harold was elected king by the wittenagemote and repudiated the promise wrung from him by force. William, accusing him of perjury, undertook the conquest of England. He had the sanction of the Holy See, which complained that Peter's Pence was not paid. The invaders disembarked in the south, while Harold in the north was repelling a Norwegian invasion. A few days later the battle of Hastings (1066), in which Harold perished, delivered the country to the Normans. Nevertheless for a long time the Saxons did not resign themselves to their defeat. The Welsh and the Norwegians helped them to resist. In the Isle of Ely they formed the "camp of refuge." Rather than submit many of them became outlaws and lived in the forests, where the Norman lords hunted them like wild beasts.

Strength of Norman Royalty in England. — William divided England among his comrades. The secular and ecclesiastical domains of the Saxons were occupied by the conquerors, many of whom had been cowherds or weavers or simple priests on the continent, but now became lords and bishops. Between 1080 and 1086 a register of all the properties occupied was drawn up. This is the famous land-roll of England, called by the Saxons the Doomsday Book. On this land thus divided was established the most regular feudal body of Europe. Six hundred barons had beneath them 60,000 knights. Over all towered the king who appropriated 1462 manors and the principal cities and by exacting the direct oath from even the humblest knights attached every vassal closely to himself.

This fact demands consideration for the whole history of England depends upon this partition, as does French history upon the inverse position occupied by the first Capetians. The English royalty, so strong on the morrow of the conquest, soon became oppressive and forced the barons in self-defence to unite with the burgesses. Thus the nobles saved their own rights only by securing those of their humble allies. In this manner by agreement between the burgher middle class and the nobles English public liberty was founded. Hence the nobility has always been popular in England. Liberty, the dominating sentiment of England, has created its noble institutions. The English have disregarded equality, to which the French sacrifice everything. In France the oppressor was not the petty sovereign who wore the royal crown, but feudalism. Against it the oppressed, both king and people, united, but the chief who directed the battle kept for himself all the profits of victory. Therefore instead of general liberties was developed the absolute authority of the king. Before him villeins and nobles were equally dependent, and hence arose the common sentiment of equality.

William II (1087). **Henry I** (1100). **Stephen** (1135). — William the Conqueror died in 1087. William II. Rufus, his second son, succeeded him in England and Robert, the elder son, in Normandy. Robert tried unsuccessfully to take England from his younger brother and then set out on the crusade. He was still absent when William Rufus died while hunting. Their youngest brother, Henry I, Fine Scholar, seized the crown. When Robert attempted to assert his rights, he was beaten at Tenchebray (1106) and Normandy was reunited to England. Louis the Fat was also defeated, who had tried to secure that duchy at least for Guillaume Cliton, Robert's son (1119).

Henry I intended to leave the throne to his daughter, Matilda, widow of the Emperor Henry V and wife of

Geoffrey, Count of Anjou. He charged his nephew, Stephen of Blois, with protecting the empress, as she was called. Stephen usurped the crown for himself and defeated the Scotch, Matilda's allies, at the battle of the Standard. Afterwards she took him prisoner, but it was agreed that he should reign until his death and that his successor should be Henry of Anjou, surnamed Plantagenet, the empress' son.

Henry II (1154). — By the renunciation of Matilda, his mother, he received Normandy and Maine. From his father he inherited Anjou and Touraine. Marrying Eleanor, the divorced wife of Louis the Young, he acquired Poitiers, Bordeaux, Agen and Limoges, together with suzerainty over Auvergne, Aunis, Saintonge, Angoumois, La Marche and Périgord. In 1154 he ascended the throne of England at the age of twenty-one, and finally married one of his sons to the heiress of Brittany. This power was formidable, but Henry II frittered it away in quarrels with his clergy and his sons.

The clergy ever since the time of the Roman Empire had possessed the privilege of judging itself. When an ecclesiastic was accused, the secular tribunals could not try the case. The ecclesiastical courts alone could pronounce judgment. In England William the Conqueror had granted to this privilege, called the benefit of the clergy, a very wide extension. Numerous abuses and scandalous immunity from punishment resulted therefrom. Henry II wished to end all this. With the object of awing the clergy, he appointed as archbishop of Canterbury his chancellor, Thomas à Becket, a Saxon by birth, and until then the most brilliant and docile of courtiers. Becket immediately changed character and became austere and inflexible. In a great meeting of bishops, abbots and barons the king had adopted the Constitutions of Clarendon (1164), which compelled every priest accused of crime to appear before the ordinary courts of justice, forbade any ecclesiastic to leave the kingdom without the royal permission and intrusted to the king the guardianship and revenues of every vacant bishopric or benefice. Thomas à Becket opposed these statutes and fled to France to avoid the wrath of his former master. Louis VII having reconciled him to Henry, he returned to Canterbury but would make no concessions in the matter of ecclesiastical privileges. The patience of the king was exhausted and he let fall hasty words which four

knights interpreted as a sentence of death. They murdered the archbishop at the foot of the altar (1170). This crime aroused such indignation against Henry that he was forced to abolish the Constitutions of Clarendon and do penance on the tomb of the martyr.

He submitted to this humiliation only from fear of a popular uprising and excommunication at the very time when he was at war with his three eldest sons, Henry Duke of Maine and Anjou, Richard Cœur de Lion Duke of Aquitaine and Geoffry Duke of Brittany. Even his fourth son, John Lackland, eventually joined them. Henry II passed his last days in fighting his sons and the king of France who upheld the rebels. In 1171 he conquered the east and south of Ireland.

Richard (1189). **John Lackland** (1199). — Richard who succeeded is that Cœur de Lion, or Lion-hearted, whom we have previously seen famous in the third crusade. This violent but brave and chivalrous prince [illegible] llowed by his brother, John Lackland, a man of many [illegible] l destitute even of courage. His crime in murdering [illegible] ther's son cost him Touraine, Anjou, Maine, Norma[illegible] nd Poitou, and he foolishly renewed his father's [illegible] with the Church. Refusing to accept the prelat[illegible] the Pope had appointed archbishop of Canterbu[illegible] as excommunicated and threatened with an in[illegible] nnocent III had authorized Philip Augustus to [illegible] 1265 [illegible] ngland. He humbled himself before the Holy S[illegible] d tribute and acknowledged himself its vassal. [illegible] tried to take revenge for all his humiliations [illegible] against France the coalition which was overthrown a[illegible] e battle of Bouvines. While his allies were defeated in the north, John himself was vanquished in Poitou. On returning to his island, he found the barons in revolt, and was forced to sign the Magna Charta (1215).

This memorable act is the foundation of English liberty. It guaranteed the privileges of the Church, renewed the limits marked out under Henry I to the rights of relief, of guardianship and marriage, which the kings had abused, promised to impose no tax in the kingdom without the consent of the great council, and lastly, established the famous law of habeas corpus which protected individual liberty and the jury law which assured to the accused a just trial. A commission of twenty-five guardians was charged with super-

vising the execution of this charter and with compelling a reform of abuses. The danger past, John wished to tear up the charter and obtained the Pope's sanction thereto. The barons invited to England Louis, the son of Philip Augustus, who might have become king of the country if after the sudden death of John (1216) the barons had not preferred a child, his son, to the powerful heir of the French crown.

Henry III (1216). — The new reign was a long minority. In it we constantly behold weakness, perjury, fits of violence and every attendant circumstance to teach the nation the necessity and the means for restraining by institutions that royal will which was so little sure of itself. Abroad Henry III was defeated by Saint Louis at Taillebourg and Saintes. His brother Richard of Cornwall being elected emperor, played a ridiculous part in Germany and one costly for England. At home popular discontent increased at repeated violations of Magna Charta, at the favor shown to the relatives of Queen Eleanor of Provence, who caused all the offices to be conferred upon them, and at a real invasion of Italian clergy sent by the Pope who monopolized all the ecclesiastical benefices.

First English Parliament (1258). — On the eleventh of June, 1258, convened the great national council of Oxford, the first assembly to which the name of Parliament was officially applied. The barons forced the king to intrust the reforms to twenty four of his number, only twelve of whom were appointed by him. These twenty four delegates published the statutes or provisions of Oxford. The king confirmed the Great Charter. The twenty four annually nominated the lord high chancellor, the lord high treasurer, the judges and other public officials and the governors of the castles. Opposition to their decisions was declared a capital crime. Finally Parliament was to be convoked every three years. Henry III protested and appealed to the arbitration of Saint Louis who pronounced in his favor. But the barons did not accept this decision. They attacked the king in arms, having as their leader a grandson of the conqueror of the Albigenses, Simon de Montfort, Earl of Leicester. They took prisoners the monarch and his son Edward at the battle of Lewes (1264). Then Leicester, governing in the name of the king whom he held captive, organized the first complete representation of the English nation by the ordinance of 1265, which prescribed the election to Parliament of two knights for each county

and of two citizens or burgesses for each city or borough of the said county.

Edward I (1272). — Under this prince the public liberties were respected and the kingdom increased by the acquisition of Wales. In Scotland Edward vanquished in succession the three champions of the independence of that country: John Baliol at Dunbar (1296), William Wallace at Falkirk (1298) and Robert Bruce. But the latter gained the advantage under the reign of the feeble Edward II (1307) and by the great victory of Bannockburn (1314) secured Scottish independence. The despicable Edward II was governed by favorites whom the great lords expelled or sent to the scaffold. He himself was put to death by his wife (1327).

Progress of English Institutions. — These convulsions consolidated institutions which were destined after their complete development to prevent the recurrence of disorder. Let us recapitulate these constitutional steps. In 1215 Magna Charta, the Great Charter or declaration of the public rights, was promulgated. In 1258 the statutes of Oxford established regular meetings of the great national council, the guardian of the charter of 1215. In 1264 there entered Parliament representatives of the petty nobility and of the burghers, who were subsequently to form the lower chamber or the Commons, while the barons, the immediate vassals of the king, were to form the upper chamber or the House of Lords. Beginning with 1265 deputies of the counties and cities were regularly and constantly elected. In 1309 Parliament stipulated conditions to the voting of taxes, so that royalty, naturally extravagant, would be kept in check and made to respect the laws. Thus in less than a century through the union of the nobles and the burgher class, England laid those foundations which in modern times have so firmly upheld her fortune and guaranteed her tranquillity.