

THE MEDIEVALISTS AND JUSTICE

OUR search in quest of divine justice led us, in the fourth lecture, to the secret of Jesus, that which had been since the foundation of the world. It is anarchical and beneficent. It differentiates strictly what can be owned and what cannot be owned. This difference lies in the fact that what is created cannot be produced by man, and therefore cannot be owned by him. The earth—all natural opportunities and forces—is the creation of an All-Father who intended it for the use of His creatures without distinction of race or creed. "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's" signifies clearly that there can be only one Ruler, the All-Father. The greatest of the ancients recognized this. It was understood by the children of Israel when they said they would obey. The injunctions laid down by Moses, which were to be followed when the Promised Land was entered, are just the same as those that

governed the most ancient of the communities. The instruction to be observed is:

Call no man master upon earth, for One is your master, the Father which is in heaven, and all ye are brethren.

This was the dominant idea of the early Christian Fathers who advanced the same gospel as that which Henry George has given to us. St. Cyprian said:

No man shall come into our commune who sayeth that the land may be sold. God's footstool is not property.

Then St. Chrysostom declared:

God gave the same earth to be cultivated by all. Since, therefore, His bounty is common, how comes it that you have so many fields and your neighbour not even a clod of earth?

Another early Father, St. Ambrose, proclaimed:

The soil was given to the rich and poor in common. The pagans hold earth as property. They do blaspheme God.

St. Gregory the Great rebuked the Romans when he said:

They wrongfully think they are innocent who claim for themselves the common gift of God.

Surely this proves that the early Christian Fathers were on far safer ground than many of those prelates who came after the eighth century. But what is really remarkable about these sayings is that the clearest distinction was made between land and property. In their reasoning they were so far ahead of the lawyers of the

State that they did not confuse what is produced by man with that which was created by God. They saw clearly what gave man title to ownership. A man owns what he produces or what another has produced when it is tendered to him by gift. There can be no title to that which is not produced. How strange it is, when we pause and turn back to the classics and the early Christian Fathers, that we should find an economic wisdom expressed in clear terms which is utterly foreign to the popular ideas of the supporters of the State! The inference to be drawn from the expressions of the early Christian Fathers is that, given the source of his well-being—that is, equality of opportunity to use the gifts of creation—man should be perfectly capable of governing himself.

On the sarcophagus of Voltaire there are lines from his poems, and one is: "*Si l'homme est créé libre, il doit se gouverner.*" In plain English that is: "If man is created free, he ought to govern himself."

It is worth pointing out in this connection that Voltaire lived in the wicked days when revolution was rife and all governments were tyrannous and cruel to the people. Yet, he could put that statement in one of his poems. I wonder what on earth would happen in these liberal days, when democrats of all varieties are ruling us, if anyone should have the audacity to declare that man should govern himself. It is just as well to point out these strange anomalies because so many labor under the influence of the drug of forgetfulness which is administered daily by the various departments of the government.

Those of us who have been much perturbed when we have been obliged to read the books of modern economists and sociologists may find relief from the

utter confusion noticeable in their works by returning to the classical writers, and particularly to the leaders in the early Christian Church. Pay heed to this from Clement of Alexandria's *Exhortation to the Greeks*:

. . . It is to the font, to salvation, to enlightenment that He invites us, almost crying out and saying: Earth and sea I give thee, my child; heaven too, and all things living in earth and heaven are freely thine. Only, my child, do thou thirst for the Father; without cost shall God be revealed to thee. The truth is not sold as merchandise; He gives thee the fowls of the air and the fishes of the sea and all that is upon the earth. These things the Father hath created for thy pleasant delights. The bastard, who is a child of destruction, who has chosen to "serve mammon," shall buy them with money; but to thee, that is, to the true son, He commits what is thine own,—to the true son, who loves the Father, for whose sake the Father works until now, and to whom alone He makes the promise, "and the land shall not be sold in perpetuity"; for it is not delivered over to corruption. "For the whole land is mine," He says; and it is thine also, if thou receive God. . . .

Clement lived in the middle of the second century and, if we start with him, we can follow this subject for hundreds of years in the books of the most famous men of the Christian Era. It is possible, for the purposes of a short essay, to select only a few of the giants of the past who are in the direct line of tradition of the justice sought by Henry George. Down to the close of the sixteenth century, almost without exception, these men were of the church.

One of the greatest books modern scholars have acclaimed as having an influence that was indispensable on education was written by Boethius, who lived in

the first half of the sixth century. This work, *The Consolation of Philosophy*, deals with the very profound problems that are perplexing mankind today. Whether in the realm of the spirit or in the domain of the flesh, Boethius in verse and prose examines them and analyzes them with an authority few philosophers have excelled.

Erigena, who lived in the ninth century, is so modern that his most recent biographer, Dr. Bett, says that we are still discussing the philosophical questions he raised. In his great work, *De Divisione Naturae*, he postulates the four divisions of nature, and I have found that these divisions may be translated into absolute economic terms. They fit exactly. The four are:

- (1) that which creates and is not created—God;
- (2) that which is created and creates—germ;
- (3) that which is created and does not create—labor;
- (4) that which neither is created nor creates—wealth.

Here we have the three factors in production: land, labor, and capital. You may be forgiven for thinking that there were far better fundamental economists in the Dark Ages than are to be found in most of the universities in these days of enlightenment.

In the first book of the *Division of Nature*, Erigena expounds a test of the apostles on justice and wisdom, and he points out that St. Augustine found "a certain marvelous and ineffable conformation of the divine wisdom and our intelligence." So certain were the philosophers of the period which has been called the Dark Ages that justice was from the beginning, that it was divine and ineffable, that they spared no pains in their search for an irrefragable basis upon which to establish their convictions.

In one of the most beautiful essays of Bernard of Clairvaux, in his famous work, *The Steps of Humility*, he says:

. . . A just is better than an indulgent kindness; indeed, kindness without justice is not a virtue at all. Because thou art ungrateful for God's gracious goodness, by grace of which thou wast made, thou dost not fear the justice thou hast not learned to know, and so thou sinnest boldly, falsely promising thyself impunity. . . .

Here I must pause for a moment for the purpose of making an attempt to impress upon you what it means to turn back to these philosophers and to devote some time to the study of them. It may seem to many not worth while wasting an hour upon their long philosophical discussions about theology and the interpreting of the Creator's purpose. Some time ago a dear friend of mine in Chicago discovered that many men who were daily occupied with the material affairs of existence were seriously disturbed by instances of their own ignorance. Several of them were the heads of great mercantile establishments. And these men, severally, with no combined intention, reported that they had a keen desire to know the things that had been overlooked when they went to school. They found frequent references in books and magazines to characters and events that were mere names to them, signifying nothing in particular. One man said he was now determined to know who Aristotle was. Another man remarked that he would like to know something about Homer. Another said that in the early part of this war some of the authors he read referred to a fellow named Thucydides.

The result was that regular sessions were begun for the reading of the Greek and Roman classics. These meetings are attended by some of the shrewdest Chicago merchants. There are ten or twelve of the best-known professors giving their time freely to the course, and I have met several of the pupils who are most enthusiastic about the adventure. The fact is: you never know when you will be stricken with the thought that you have missed opportunities of gathering the knowledge that would enable you to comprehend passages in works you dearly wish to understand.

Now let us proceed and, in moving forward, we shall perhaps appreciate what these simple words on everyone's tongue meant to the ancient philosophers and how it became a tradition of learning, century after century, for the wisest of them to ponder their significance. Here is one of many instances of how, at an interval of hundreds of years, a definition is handed down in its integrity. In *Disputed Questions*, St. Thomas Aquinas says: "Justice is a constant and perpetual will to yield to each one his right." You remember we found that in the Justinian Code seven centuries earlier.

Perhaps the busiest man of whom we have record in the Middle Ages was the great mystic, Meister Eckhart, of the thirteenth century. He bore the administration of high offices and is accepted as the greatest preacher of all times. To us he is the philosopher who has given to men the greatest conception of justice. He, too, like St. Thomas Aquinas, accepts the Justinian definition of the term. In one of his sermons Meister Eckhart says: "The just man is so earnest for justice that, if God himself were not just, he would not care in the least

for God." In the *Book of Divine Confidence* he tells us:

In the first place, it must be clear that wisdom and the wise, truth and the true, goodness and the good, justice and the just are each related to the other.

We might go on for hours quoting the mystic philosophers of the Dark and Middle Ages, and even then not exhaust the survey of their amazing labors in this quest.

While all this essential work of knowledge was pursued in the cloister, the political powers were at work undermining God's constitution. What a story have we here—the civil wars that went on for centuries, the object of which was to take the land—God's footstool, as Bernard of Clairvaux called it—from the people and reduce them to the wages of slavery!

I have referred before to the changes occasioned by recent authors of the best historical schools in the works which were published mainly in the nineteenth century; for example, those of Freeman, Kemble, and Stubbs. This was only to be expected, for somehow, year after year, for nearly half a century, the research men in the universities have found new material, or documents, which supply further evidence of the need of new constructions in the body of historical work.

For those who are keen to have the latest expressions of opinion upon the questions with which we are dealing, I can do no better than recommend *The Cambridge Economic History of Europe*. But you will find no changes which alter in any way the fundamentals which it has been our purpose to present. Undoubtedly much in interpretation and in detail will have to be changed, but these are far apart from our quest in that they relate to the action of the State upon the condi-

tions we are studying. We are therefore on safe ground, and I can give one instance of how the latest investigator of whom we have record supports our findings taken from Kemble. I suppose that Professor Richard Koebner of the Hebrew University of Jerusalem, who was formerly Professor in the University of Breslau, may be accepted as the greatest authority on the settlement and colonization of Europe. Koebner says:

. . . The different villages or groups of settlers were still divided from one another so far as possible by tracts of country that were useless, or nearly so—forest, thorn-brake, marsh. In these wastes boundaries were determined: the process can be traced in eighth- and ninth-century England and in descriptions of German marks. The villagers had always used land not required for the plough as pasture; and the forest round about the utilised land had supplied them with timber and pannage. These customs of user, with those of water, came under communal control, and the rights of the various proprietors were determined by the community. . . .

Another work of great use to us in our studies was published last year. It is *Anglo-Saxon England* by F. M. Stenton, Professor of Modern History in the University of Reading. The British reviewers praise it highly, and it may be regarded as a comprehensive record and analysis of the documents relating to the Saxon settlement in Britain. In Chapter XIV, "The Peasants and Their Lords," is to be found the clearest statement I have read of the changes that took place from free communities of land users to the degradation of serfdom.

It is difficult to fix a date when the awful process of denuding the peasant of his land began in Europe, but this we do know—that for many centuries in most of

the European countries the village community existed long after the State came into being. Indeed, we have document after document which lays it down that land is the badge of the free man. Under a law of Alfred the Great, we read that even the serf was to have free power "of bequeathing to whomsoever he pleases, whatever may have been given him for God's sake, or he may have earned in his own moments of leisure." We also know there are records of serfs clearing land and cultivating it with such energy and skill that they have become free men and have been granted knight's service. Still, it must be admitted that individuals enclosed land by force before the great conspiracy engineered by John of Gaunt and the nobles in England took shape. For our purpose it is sufficient to begin at the time of Richard II, in the period when the first Peasant Wars assumed great significance and were waged against the land-greed of the nobles. When the insurrectionists headed by Wat Tyler and John Ball marched on London, the King cried out: "I am your King and Lord, good people, what will ye?" The reply from the peasants was: "We will that you free us for ever, us and our lands; and that we be never named nor held for serfs."

The iniquity of the conspiracy can be traced generation after generation. And when we reach the middle of the sixteenth century, some of England's greatest prelates dealt in their sermons with the consequences of the greed of the powerful. Bernard Gilpin says:

. . . As for turning poor men out of their holdings, they take it for no offence, but say their land is their own, and they turn them out of their shrouds like mice. Thousands in England, through such, beg now from door to door, which once kept honest houses. Poor men

are daily hunted out of their livings, there is no covert or den can keep them safe. . . .

Supplications entered into prayers and in the Church Prayerbook of Edward VI we find admonitions against enclosure by force:

We heartily pray thee to send thy holy Spirit into the hearts of them that possess the grounds and dwelling places of the earth, that they, remembering themselves to be thy tenants, may not rack and stretch out the rents of their houses and lands, nor yet take unreasonable fines and incomes after the manner of covetous worldlings but so let them out to other, that the inhabitants thereof may both be able to pay the rents, and also honestly to live, to nourish their families, and to relieve the poor. . . .

Hugh Latimer, who was burned at Oxford, presents the case of his own father, in which he shows how, within his own lifetime, the conditions of the farmer were changed. His father had a farm of £3 or £4 a year, that is, according to the regular rent of land at the time, of from 120 to 160 acres arable, with considerable communal rights of pasture.

On this he employed six labourers. He had walk for a hundred sheep, and his wife milked thirty cows, which also, of course, must have mainly subsisted in summer on the common pasture. He served on summons as a mounted yeoman, and repaired to the king's banner at Blackheath, receiving pay when he had joined his troop. He gave his daughters portions, £5 or 10 marks a piece, kept hospitality, and gave alms to the poor, from the profits of his tenancy. The present farmer gives £16 a year for the same holding, and has no surplus for the king's taxes, for his own savings, for his children's advancement, or for the poor.

Under Henry VIII came the dissolution of the monasteries, and their lands fell into the hands of courtiers who formed a new aristocracy acquiring a political power from which the English people have not yet freed themselves.

In review we must give a hasty glance back to the conditions after the Black Death, when that dreadful scourge swept over England and wiped out a large proportion of the people. This was in the middle of the fourteenth century, and the demand for labor was so great that, for a short time, wages doubled and, in some cases, were trebled. But a Parliament of land-owners very quickly put a stop to that. You know of the iniquitous Statute of Laborers which was enacted in 1351. Twenty-seven years later a sterner measure was put upon the Statute Book, and mobile labor was reduced to a slavery such as England had never known. These acts have in some way overshadowed the importance of one that was passed after the dissolution of the monasteries. During the reign of Edward VI Parliament enacted a law against idleness and vagabondery. Here are some of the provisions it contained:

Idleness and vagabondrie is the mother and root of all thefts, robberies, and all evil acts and other mischiefs, and the multitude of people given thereto hath always been within this realm very great.

That if any man or woman, able to work, should refuse to labour and live idly for three days, that he or she should be branded with a red hot iron on the breast with the letter V. and be adjudged a slave for two years, of any person who should inform against such idler.

The master was directed

to feed his slave with bread and water and such refuse meat as he should think proper, and to cause his slave to

work by beating, chaining or otherwise, in such work [however vile it be] as he should put him unto.

Masters were empowered

to sell, bequeath or let out on hire the services of their slaves

and they might "put a ring of iron about the neck, arm or leg of the slave for the more knowledge or surety of the keeping of him."

If a slave ran away from his master for fourteen days, he was to be branded on the cheek, and become a slave for life. If he ran away a second time, he, when caught, "was to suffer pains of death, as other felons ought to do."

From the peak of favorable conditions for the English laborer, which was reached in the reign of Henry VII, there comes a swift decline which reduced the peasantry to beggary and starvation. Such was the result of taking the land from the people. The assumption of political power was complete. The old law and custom of the land was annulled by the rapacious landlords who fawned upon the king and served his purposes.

When we trace through the ages that have been called Dark and go on through the medieval period which terminated in the reign of Henry VIII and the Reformation, we see how, on the one hand, economic power was usurped by the landlords and, on the other hand, how the guiding principles of the great philosophers of the church were lost in the rationalistic orgy of what has been called the Renaissance. Thomas Cromwell's reign of terror completed the destruction of the economic system which had with certain vicissi-

tudes and revolts endured in large part even so late as the termination of the Wars of the Roses.

In the days of Henry VIII England was to suffer the greatest of all the scourges through which she had passed. Political power rose to its greatest height, and everything that is worth the name of honest dealing was swept away. When Henry VIII took the title of "on earth supreme head of the Church of England" and Cromwell was raised to the post of Vicar-General or Vice Regent of the King in all ecclesiastical matters, a real renaissance of the greatest evils that had afflicted the earth began. Liberty took flight and, for the first time, the most powerful prelate, the wealthiest noble, dared not raise a voice in protest. For many years before, the lesser monasteries had fallen into evil days. There was gross laxity, and some became utterly dissolute; but it is averred that one-third of the houses were above reproach. Indeed, the greater, wealthier institutions really did carry on the essential work of monasticism. Cromwell, however, swept them all away and, in destroying those that were reprehensible, he spared not the riches of husbandry, of learning, of art or of music. Over a period of time all were dissolved, and the glorious work of at least a thousand years was struck with a blight from which it has never recovered. God's footstool had been taken by the Defender of the Faith and divided to give seats to the new aristocracy he had raised to power.

You who have in the past thought of this period from the viewpoint of a quarrel between two factions of the church must look a little deeper if you are interested at all in the change that was wrought in the economic and cultural conditions of the people. For there was not an avenue of life and not a channel of

activity that was not riven by the disaster which visited the continent of Europe. It began with the change in the economic conditions of the people brought about by enclosure by force. While this was taking place, the political power became concentrated in the hands of the great landlords who bowed to the will of the King. This gave the power of dictatorship to the Tudors. Meanwhile, the hunt for riches seemed to affect all who could take advantage of lowly paid labor. A palsy fell upon many of the monasteries which had hitherto been the centers of communal life—those establishments of education which dispensed alms to the needy, and were at the same time the pantheons of all the glories of the arts. Therefore, in looking more deeply into these changes which came so rapidly, we shall find that the terms Renaissance and Reformation have been used to cover multitudes of the grossest evils.

I was only seven years old when John Richard Green published *A Short History of the English People*. Having been reared in a Presbyterian household, I heard nothing at that time about the period we are reviewing but the stock statements of middle-class Protestants. My mother and father were free of religious animosity, but they were nevertheless Scotch Presbyterians. Imagine, then, my amazement when seven or eight years later I began to read Green's history. My master who taught Grammar and Composition put it into my hands and urged me to study it. He was one of those God-fearing men who took no sides in religious quarrels, and very soon he used Green's work for a textbook in the studies of Composition which was really a course in History and Literature. With this aid I made rapid progress in reading Green.

Now, after a period of seventy years, the main principles of Green's work stand. It is true he made mistakes, but he was conscious of them and, if he had not been taken away so early in his life, he would undoubtedly have corrected what was wrong. But nothing that is wrong affects the basic idea and material upon which he built this immortal edifice. There is no other work—not anywhere—that can be compared with it as a record of the life of a people. Therefore, if you wish to understand this critical period in the life of the English people, you must go to Green first. You need not be anxious about the mistakes he committed. For the punctilious historian and the research purist they are of consequence; but for the purpose that we have in view they matter little. They vitiate in no way the truth of the main story he has to tell. Here you will find scenes described by an historical genius. Indeed, they are so vivid that once read with understanding, they can scarcely be eradicated from the memory. This is the way that he sums up the result of the changes we have had under review. After the death of Henry VIII,

. . . Ecclesiastical order was almost at an end. Priests flung aside the surplice as superstitious. Patrons of livings presented their huntsmen or gamekeepers to the benefices in their gift, and kept the stipend. All teaching of divinity ceased at the Universities: the students indeed had fallen off in numbers, the libraries were in part scattered or burnt, the intellectual impulse of the New Learning died away. . . . All that men saw was religious and political chaos, in which ecclesiastical order had perished and in which politics were dying down into the squabbles of a knot of nobles over the spoils of the Church and the Crown. The plunder of the chantries and the gilds failed to glut the appetite of

the crew of spoilers. Half the lands of every see were flung to them in vain: the wealthy see of Durham had been suppressed to satisfy their greed; and the whole endowments of the Church were threatened with confiscation. But while the courtiers gorged themselves with manors, the Treasury grew poorer. The coinage was again debased. Crown lands to the value of five millions of our modern money had been granted away to the friends of Somerset and Warwick. The royal expenditure had mounted in seventeen years to more than four times its previous total. It is clear that England must soon have risen against the misrule of the Protectorate, if the Protectorate had not fallen by the intestine divisions of the plunderers themselves.

That is the story of how the enslavement of the people was brought about. Green describes the atrocities inflicted upon the peasantry. Here are laid bare the schemes of the cutthroats and the thieves, and there is presented to us the clearest picture of how the State became omnipotent and its supporters grew rich at the expense of their poorer kin. Surely if there is one lesson to be learned from the so-called Renaissance it is this: that man cannot dispense with justice, love, and beauty. Out of the Dark Ages there arose the glory of the Gothic. When men were free, they built the cathedrals of Europe. Anyway we may be sure that most of the work upon these buildings in the west of Europe was done by men who enjoyed the work of their hands. If anybody wishes to be assured of this fact, all he has to do is to visit one of the old foundations, whether it stands in its completeness today or in ruin, and being there, observe and reflect. Then try to count the different artisans and artists called into action to produce what is seen there. Take Chartres or Lincoln—two of

the great monuments raised by these people, which are the pride of France and England—and ask yourself what manner of folk were they who did this work. Or go to Jumièges, founded in the eleventh century—now a ruin—the remnants of which take your breath away when you note the splendor of what is left standing. Or visit two ruins in England—Tintern and Melrose—and think, think deeply, of what had been done in the days when the great administrators of these monastic estates gave the best of themselves to solving the problem of how men might find the key, justice, which would unlock the gates of heaven on earth.

When we turn again to this period and review once more the history of monastic life, we find that many of us have been greatly deceived by those who have written the condemnatory works which followed the bitter attacks of the French rationalists at the end of the eighteenth century. It is now shown clearly that their works dealt with the worst features of the monasteries in the days of their decline.

For our purpose it is only necessary to realize that, when the monasteries thrived and were useful institutions, there was land enough even for the serfs. Contrast that with our condition now. When the great conspiracy was fully achieved at the time of Henry VIII, the peasants of Europe were reduced to a slave status and during these nearly four hundred years nothing has been done by church or State to strike the fetters from their limbs.