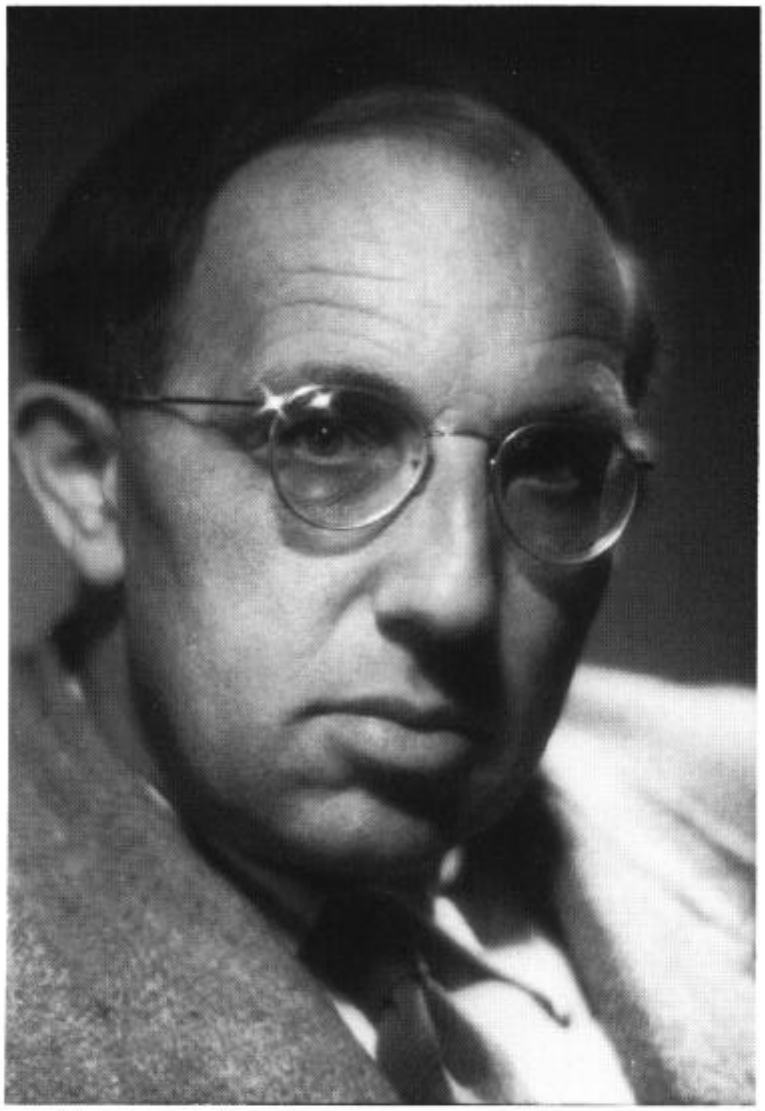
PLATE IX



W. ULLMANN

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WALTER ULLMANN
1910–1983

WALTER ULLMANN arrived in England in 1938, a refugee from Nazi Austria. His first university appointment came in 1947, in the Department of History at Leeds. In 1949 he was appointed to a lectureship in History at Cambridge where he was to spend the rest of his working life, becoming professor of Medieval History there in 1972. A medievalist of formidable erudition, he had a gift for popular exposition, a combination which made him at once an eminent scholar of genuinely international status and a very successful teacher of undergraduates. He published eleven books, an edition of a medieval text, and those of his learned articles which have been collected form five solid volumes (approaching 2000 pages in all); a record which places him among the most prolific of British medieval historians since World War II. His general field was the law and legal scholarship of the whole millenium of medieval European history. His own highly individual vision of the past lay in that area—almost an intellectual no man's land, he used to claim—where law, political thought and specific historical situations interact and integrate.

Ullmann was not much given to reminiscence about his own past. But in later years, he made public some facts and reflections. It had been chequered enough until the post-war years, reflecting from childhood to manhood, the tribulations of central Europe, from the breakup of the Austro-Hungarian Empire to the rape of Austria by the Nazis. His father came from the Sudetenland in Bohemia and practised medicine at Pulkau in Lower Austria, where Walter was born. His first experience of twentieth-century violence came early—in 1914 when as a child of three and a half he found himself with his mother who was nursing at his father's hospital to the rear of the Serbian front. On his sixty-eighth birthday, at a dinner in his honour, he told the Cambridge History Faculty he could still recall vividly 'the sight of dying and wounded soldiers, of the unspeakable misery of soldiers arriving half-dead from the front, of the endless rows of primitive coffins in the large barns adjoining the hospital'. Post-war inflation ruined the family's finances and brought hard times. But he was educated well in classics and ancient history and got into print for the first time at the age of seventeen—in a

local weekly paper for wireless enthusiasts, with an account of a new circuit he had constructed.

It was to be neither classics nor electrical engineering, however, but law, that gained his choice for his university course. He did not take readily to inter-war Vienna ('I felt alienated in this sprawling and incoherent mass of superficiality') and was not at ease in the University, being particularly unhappy with the remoteness of his supposed teachers. After two years, he made a happy transfer to Innsbruck and duly graduated *doctor utriusque iuris*. It was in this University that his first scholarly instincts were stirred, by Ferdinand Kadecka, the Professor of Criminal Law. This branch of the law was to be his gateway to scholarship in the medieval period, though as his career developed, it was not the field he was to make especially his own.

More immediately, crime was his entrée to a career in the Austrian judicial service. After an initial year at Innsbruck, he transferred to the Regional Court near Vienna in 1935. His court work lay in pre-trial criminal investigation (*Untersuchungsabteilung*). He took pride in being the youngest to hold his rank in the state judiciary. At the same time as he was a practising lawyer, he was developing academically as Assistant to the Professor of Criminal Law in Vienna.

There was plenty of warning, however, that this bright start to his career promised no auspicious future. The Germans were undermining Austrian independence in a sustained campaign of terrorist activity, spearheaded by their satellite illegal Nazi organizations. Those who had sworn to uphold the legitimate state authority and to administer its law faithfully and wished to continue to honour their obligations, soon found themselves in difficulties. Crimes were committed by Nazis within the jurisdiction of the court Walter served and in continuing to serve it, he and others of the same mind inevitably fell foul of the Nazis. His position became more vulnerable when he was suddenly confronted with what he had not known before, that though both sides of his family were Catholic, there was Jewish blood on his father's side (though not enough for him to qualify as Jewish under the infamous Nuremberg Laws). After the nightmarish experience of the invasion of Austria, 11–12 March 1938, and the establishment of the new regime, Walter refused to take the oath of allegiance to the Führer. He was suspended from duty, though *mirabile dictu*, still receiving his salary. He considered that he only got a breathing space before flight because the Gestapo

was 'far too busy with the big fish to deal efficiently with such small fry as myself'.

He left quietly and legally, by permission of the Austrian military authorities, with a pass for four weeks study leave, to be spent in Cambridge. The month expired, he became technically a deserter and stateless. He was miserably unhappy, but well aware of his narrow escape from a concentration camp, and effectively, a death sentence.

Walter was not without friends in Cambridge. The Cambridge Refugee Committee had few resources but it took him under its wing. The Principal of Ridley Hall was his first host, followed by Mr Gerald Fitzgerald and R. G. D. Laffan. He made academic contacts: with Buckland, the Regius Professor of Civil Law with whom he conversed in Latin as his spoken English was very poor; with H. D. Hazeltine who subsequently wrote a brilliant introduction to Ullmann's first book, *The medieval idea of law as represented by Lucas da Penna: a Study in Fourteenth-century Legal Scholarship* (1946). He discovered the riches of Cambridge libraries: such a wealth of the work of fourteenth-century jurists, he told Robin Laffan gleefully, was not to be found in the whole of the Reich. It was to be in Cambridge, too, that he met his future wife, then a student, Elizabeth Knapp. They married in 1940.

By that date, however, Walter's fortunes had ebbed and flowed. Robin Laffan introduced him to Revd C. J. Emery, President of Ratcliffe College, Leicestershire, a small Catholic boarding school run by the Rosminian Fathers, Ullmann joining his staff in September 1939. He taught a variety of subjects in the lower school, took every opportunity he could to work in the Cambridge libraries, researching Lucas da Penna and preparing his first learned articles on other fourteenth-century Italian jurists, Bartolus and Baldus being his preferred writers. But again, war was to make a drastic incursion into his life. Towards the end of June 1940, the police arrived unobtrusively at Ratcliffe before breakfast and took Walter off to what was finally internment on the Isle of Man as an enemy alien. No doubt, forty-six years on, the nation-wide round-up of refugees (Mr Churchill's 'Collar the lot' operation) appears ludicrously indiscriminate but the time of the fall of France was not one for the niceties of selection. In due course, Walter was allowed to join the Pioneer Corps. Not for him the eventual rise to military distinction, such as some of his co-internees, medieval historians among them, were to achieve. But he soon learned to turn the unde-

manding life of the alert private soldier to his own advantage: camp sanitary fatigue, whilst the rest were felling trees in the Forest of Dean, allowed him ample time to write up his research notes. A later spell of duty in the Company office gave him the chance to type them into the finished product. And so was produced 'Baldus' conception of Law' published in 1942 in the *Law Quarterly Review*. It was not his first wartime publication. Even while as a member of the sanitary detail he tended what he was to call delicately 'the evacuation furniture', all unknown to him, the *Revue d'histoire de droit* in occupied Paris had published in 1941, his 'Der Versuch nach der mittelalterlichen italienischen Lehre'.

Walter was discharged from the Army in 1942 on medical grounds (though his reminiscences suggest it might have been because he was more dangerous to his own side than to the enemy) and rejoined the staff at Ratcliffe. There he gave the impression he had found his military period hard and wasteful. But he himself, much later, was to claim he had enjoyed and benefited from contact with 'the real *Volk*'. In Cambridge, it was a sign of conspicuous approval when he referred to anyone as a 'man of the people'. For five years Walter taught at Ratcliffe with characteristic energy, initiative and thoroughness. He introduced German into the syllabus with outstanding success in public and university entry examinations and also introduced medieval history for those being prepared for Cambridge scholarships in History. There can be no doubt he was an outstanding schoolmaster. Patrick Nuttgens has described the experience and impact of an encounter, as a sixth-former, with the 'original mind and the intellectual energy of a great teacher'.

In his Ratcliffe College period Ullmann published two good books. The first, *The medieval idea of law as represented by Lucas da Penna: A study in fourteenth-century legal scholarship*, was a solid and detailed analysis of Lucas's lengthy commentary on Books X–XII of Justinian's *Codex iuris civilis*. It assessed his work in comparison with other Post-Glossators, both of the Neapolitan law school where Lucas had studied and elsewhere in Italy and also in France. He brought within the range of his analysis, writers on law from disciplines other than Roman law, such as John of Salisbury (on whom Ullmann was to publish several notable articles) and Thomas Aquinas. A main theme of the book was its analysis of the idea of justice, a concept imbued with the spirit of Christianity, transformed into a workable social

reality in the law. This emphasis on the harmony of Christian and legal values and its concomitant disposition to present medieval Christianity primarily as a juridical system became characteristic of the Ullmann approach. Also discernible already is another approach to the material which became characteristic. H. D. Hazeltine in his generous and perceptive introduction to his book, neatly quoted F. W. Maitland's observation that 'political philosophy in its youth is apt to look like sublimated jurisprudence'. Ullmann extracted from Lucas da Penna's jurisprudence several themes relevant to political thinking other than that relating to justice. From considering the relations of the two bodies of law, civil and canon, and of two sets of courts, temporal and spiritual, he moved on to the nature of civil government as such, with particular reference to the concept of sovereignty. There is here a first formulation of an analysis of medieval theories of the origin of political authority which was to be more fully worked out in many articles and books to come. Ullmann distinguished a view of rulership and authority established by divine mandate from one which saw rulership and authority deriving from consent of the people. These views, Ullmann came to label respectively the 'descending' and 'ascending' themes of governmental authority, and the study of the making of the political logics each view represented, and the study of their conflict in a dialectic that extended from the middle ages into the early modern period, were to be vital elements in his future work.

It would, however, be unjust to present *Lucas da Penna* simply as the seedbed of ideas to be worked out later. The book has never perhaps quite fulfilled its author's ambition to raise Lucas to the front bench of fourteenth-century juridico-political theorists. Nor can it be considered the most readable of his books, if only because of the relatively high proportion of the text presented in untranslated Latin. But it has an established place in the history of European medieval legal scholarship and was reprinted in 1968.

Research into fourteenth-century legal material had brought Ullmann into contact with the problem which formed the subject of his next and more ambitious book. *The Origins of the Great Schism. A Study in Fourteenth Century Ecclesiastical History* (1948), researched and written in time snatched from a demanding life as a schoolmaster, was to prove one of his most influential studies. It is a particularly good example of the Ullmann methodology: an analysis of a specific historical situation which can be achieved

through its legal dimensions, with a consequent assessment of the significance of that discussion in the general development of political thought.

The narrative and factual element of the book concerned the election and subsequent rejection by the College of Cardinals of Pope Urban VI. After some seventy years in exile, the papacy in the person of Gregory XI returned to Rome from Avignon. Gregory's death followed shortly thereafter. The eighteen cardinals (one of them was a former law teacher of Lucas da Penna) chose from outside the College, Bartolomeo Prignano, Archbishop of Bari, who was enthroned as Urban VI on 18 April 1378. There had been rioting in Rome during the conclave and demonstrations calling for the election of a Roman, or at least of an Italian, and there can be no doubt that the cardinals were under some pressure. But before Prignano accepted the office they assured him that the election had been free and canonical. On 9 August, however, they made public declaration that the election had been invalid because they had been intimidated by the Roman mob. On 29 September, they proceeded to elect a new pope. The double election inaugurated a forty-year long division within Christendom, the papacy's greatest crisis before the Reformation.

The analysis of the reasons why the cardinals abandoned Urban VI occupied much of the book. But in the author's own mind that was not the most important part of it, nor has it been that part of it which has been most influential on subsequent research. The deficiency of the canon law in having no remedy for papal incapacity (Urban had shown distinct signs of madness) and the even more serious deficiency in having no remedy for the subsequent crisis of the double headship of the Church, raised constitutional problems of a particularly fundamental nature. The search for their solutions initiated a strong movement away from the traditional concept of papal monarchy towards other forms of government: in the case of the cardinals, towards an oligarchic form in which the pope shared his power with them; more widely and more radically still, towards a conciliar form which subjected papal authority to a general council, representative of the body of the faithful as a whole, with whom supreme power was located. The monarchic, or traditional view of papal headship, and the conciliar models of government were seen as being in conflict. Here, more clearly than in *Lucas da Penna*, Ullmann was moving towards an analysis which came to dominate his thinking about the past. In 1949 he

had not yet found the appropriate terminology. When he did, he expressed it as a dialectic between two ways of looking at the origin of political authority. One was the *descending* theme of government where authority, conferred by God on a ruler seen as his image on earth was located in 'one monarchic individual who distributed it downward'. The other was the *ascending* theme, with authority located in the 'totality of the people'. The Great Schism saw the clash in its purely ecclesiastical context. But its significance was not confined to that context: secular governments were to have their own particular experience of it. In fact, Ullmann was to argue, the supersession of the one by the other, with the victory of the 'ascending' theory, was the story of the emergence of Western constitutionalism. For the 'descending' theme was the political model of absolutism, with the ruler unaccountable to human authority. The 'ascending' theme was that of the ruler responsible to the people, who retained the power to modify the ruler's authority and to remove him from office if need be. The genesis of these different modes, their clash, and the consequences for European political thinking were to be the substance of Ullmann's life-work. It is fascinating, with hindsight, to see the seeds of this work in these earliest books.

In the immediate post-war years, Ullmann was employed as a part-time lecturer by the Political Intelligence Department of the Foreign Office for the re-education of German prisoners of war who included former SS members. He also instructed officers of the future Control Commission, Austria. In 1947 he became a naturalized British subject and ceased to be a schoolmaster. John Le Patourel was responsible for his appointment to a lectureship in History at Leeds University. 'I still reckon,' he wrote in 1971, 'that his appointment to Leeds was one of the best things I ever did.'

Ullmann taught chiefly Medieval European History, with Empire-Papacy as the principal organizing theme. He introduced a Special Subject 'The Age of Dante' where, typically, Dante appeared only through the *Monarchia* and not at all through the *Commedia*. It was law and political thought, not literature that was the focus. The development of the medieval idea of sovereignty and the practical and theoretical 'termination' of the Holy Roman Empire as a universal monarchy in the reign of Henry VII was its subject matter. By the time of his appointment to Leeds, Ullmann was already an experienced teacher and lecturer and his impact was immediately considerable. The enthusiasm, the drive, the total dedication was infec-

tious. While his disapproval of idleness and slipshod work was awe-inspiring, his encouragement of effort and good work was quick, strong and of heart-warming sincerity. These were teaching characteristics he was never to lose. In addition, he was a stirring and vigorous lecturer, of a quality outstanding in days when many university teachers seemed to have lost their belief in the lecture as a medium of instruction and let it be seen in their performance. His stay at Leeds University lasted but two years (with regular returns in a third year to see remaining students through their examinations) but it sufficed to produce in that period another book, a clutch of articles and three postgraduate students.

The book was an extended version of the Maitland Memorial Lectures delivered in Cambridge in the Lent Term of 1948, published under the title *Medieval Papalism. The Political Theories of the Medieval Canonists* (1949). Ullmann's work on Lucas da Penna had brought him into contact with the ecclesiastical lawyers and aroused his interest in canonistics. Civilians and canonists shared a common intellectual world. But they were often in disagreement, not least in how they viewed the relationship between the two laws, civil and canon, the jurisdictions of their courts, temporal and ecclesiastical and their respective legislators, emperor and pope. *Medieval Papalism* was essentially an exploration of this theme of Empire-Papacy as it appeared especially from the papal and canonist side of the debate. The lectures were delivered with all Ullmann's characteristic verve and zest, won general approval, attracted his first Cambridge research student and led, on the initiative of Professor David Knowles, to his being appointed to a University lectureship in Cambridge. Leeds had already started the procedure to have him promoted Reader.

Medieval Papalism, the book, was somewhat more coolly received, especially abroad. Whatever the position in Cambridge, it was not the case, so far as scholars on the Continent and in North America were concerned, that canonists were 'a species of mankind that is virtually known only to librarians'. Canonistics was a flourishing industry and not only in the Catholic universities and seminaries where canon law was a living subject. The lectures had been produced in circumstances of intense teaching pressure, when library visits were necessarily restricted and at a time when, in the immediate post-war world, full scholarly communications had not yet been re-established. *Medieval Papalism* was accused of failing to show knowledge of

relevant literature; after *Medieval Papalism* this could never happen again. A second criticism concerned his use of the sources themselves: 'arbitrary eclecticism' was the charge. A third concerned the substance of his interpretation of the canonists. Ullmann's view that the characteristic canonist doctrine was one of unqualified papal absolutism in temporal affairs was far from receiving general assent.[1] For these critics the main thrust of the canonist political logic lay rather in a dualism, a relationship of two entities, coordinated under a certain restricted superiority of the spiritual power. Nor could they agree that the canonists showed 'an open contempt for the secular authority and its tasks'. But whatever the criticisms, indeed because of the criticisms, the book was an important stimulus to a more detailed analysis of canonist sources about a problem fundamental to the understanding of the medieval church and achieved the author's purpose of putting law and legal commentary more centrally in the discussion of the political jurisdiction of the medieval papacy. His new status in the world of canonistics was marked by the invitation in 1951 to become a co-editor of *Ephemerides Iuris Canonici*, a position he was to hold until 1964.

Ullmann needed time to adjust to Cambridge. He once told me that he had seriously considered returning to Leeds where he had been very happy. Problems of relocation did not, however, impede his work; rather the reverse. Articles and reviews proliferated, invitations to participate in the reviving international conference scene began to arrive—the Frederick II *Convegno* at Palermo in 1950, for example, and the Gratian commemoration in Rome in 1952 (which he reported for *The Times*). He became an important figure in the process of re-establishing British links with scholars abroad. He had made his mark as an outstanding teacher of undergraduates. Within a year of arriving in Cambridge, he had four Ph.D. students. Several of the articles he published in his first Cambridge years can now be seen to have a special place in the *oeuvre*. 'Cardinal Humbert and the *Ecclesia Romana*' pushed back into the eleventh century the roots of that theory of oligarchic papal government which the Cardinals of the Great Schism period had espoused against the erratic and incompetent Urban VI, analysis of which had been a notable feature of *The Origins of the Great Schism*. Ullmann was to write a

[1] Eminently fair summary and appraisal by A. M. Stickler, 'Concerning the Political Theories of the Medieval Canonists', *Traditio*, **8** (1949–51), pp. 450–63.

number of important articles on the theme of the power of the Cardinalate which, taken together, constitute a highly original monograph on the subject. Two other articles complement each other in a close analysis of the Empire-Papacy position in the period of Frederick Barbarossa. 'The Pontificate of Adrian IV' was a lecture by which, on his prompting, the University of Cambridge commemorated the eighth centenary of the accession of the only English pope. It connects very readily with 'Cardinal Roland and Besançon', an article which retains its authority as the most convincing explanation of this celebrated confrontation between papal and Hohenstaufen thinking about the nature of the Empire.

It was with the appearance in 1955 of his *The Growth of Papal Government in the Middle Ages: A Study in the Ideological Relations of Clerical to Lay Power* that it became apparent what had been his main preoccupation in his first Cambridge years. This book had manifestly grown out of *Medieval Papalism*. It was a reply to his critics, whether consciously so intended or not. It concentrates on the same subject, papal world monarchy, being another examination of 'hierocratic ideology', i.e. that political logic which justified the supremacy of the sacerdotal over the lay power. But whereas the earlier book studied the developed, mature form of the doctrine as encountered in selected writings of the thirteenth and fourteenth centuries, *The Growth of Papal Government* examined its evolution from its first manifestations in the letters of Pope Leo I in mid-fifth century to its 'final exposition' in mid-twelfth century. It is a learned book, written with force and eloquence and very detailed reference to the sources, completely at ease with a vast secondary literature. Because the period covered is so lengthy, the issues so complex, the documentation often the focus of decades, even centuries, of controversy, it is not easy to do it justice in short compass. But the essence of the interpretation can be summarized fairly briefly.

The logic began with the New Testament: 'The papal-hierocratic scheme is a gigantic attempt to translate scripture and quite especially Pauline doctrine into terms of government.' The reference was first to that title-deed of papal authority, the Petrine commission which gave *principatus* and therefore sole headship of the Church, to the pope as successor of St Peter. His role was to govern. The church he ruled was no mere 'pneumatic, sacramental and spiritual body' but, 'a corporate body under law and government, an organic, concrete and earthly society'. It had been especially St Paul who had emphasized the organic

unity of this body (Eph. 5: 23–4; Rom. 12:5), the diversities of functions within it (1 Cor. 12) and particularly diversity of office (Rom. 12:4). To each part of the organic whole is assigned its appropriate function ('the principle of functional order within society'). What determined the particular function was the nature of the body itself. Being a Christian society, its *telos* or end is salvation. The temporal-material in such a society is subordinated to the sacerdotal-spiritual ('the teleological conception'). Hence the direction of that society can only be in the hands of those properly qualified to lead: those ordained for salvific leadership, the priests. The king's function then is simply to help these leaders to fulfil their role. It is merely auxiliary ('the function of the prince teleologically conceived: an auxiliary organ'). While the authority of the pope came directly from God, the power of the lay ruler was mediated to him through the pope, making the emperor 'specifically created protector and defender and advocate'. The logic could be encapsulated in a sentence: 'The principle of functional ordering and consequently the principle of subordination is nothing else but the political formula for the teleological principle, operative only in a society that was viewed as *unum corpus Christi*.'

These principles Ullmann found virtually fully-fledged in the thinking of fifth-century popes, most notably Leo I (440–61), especially important in the evolution of the principle of papal governmental supremacy, and Gelasius I (492–96) whose particular contribution was in turning 'the imperial argument of the divine derivation of imperial powers into an argument with which to establish control over the emperor'. Such theories, however, met formidable opposition from the caesaropapism characteristic of Byzantium, especially the Byzantium of Justinian, whose ideology was 'Gelasianism turned upside down'. Emancipated at last from the trammels of Eastern Emperors, the papacy was then to find itself faced with a comparable obstacle from the new Roman Empire of the Carolingian and Ottonian West. The struggle to shake off imperial shackles entered a second phase. The *rex-sacerdos* had again to be cut down to size, dethroned from his usurped role as monarch of the Christian body, reassigned to that function for which alone he was qualified, that of protector of the Roman Church. In this process, the age of Gregory VII is seen as of central importance. Whence to the 'final exposition of the hierocratic theme' in the first half of the twelfth century, and so to the canonists of *Medieval Papalism*.

The book attracted much attention. David Knowles, broadcasting on the BBC Third Programme, thought it a work that would influence historians for many years to come, 'until, in fact, much of it has become common property'. Others found it less convincing, maintaining that what the Gospel and Christian tradition (especially Popes Leo and Gelasius) stood for, was a dualism of the powers with hierocracy more an occasional aberration rather than the main line of orthodox teaching.[2] But whatever the judgement, there was no doubt about the range of the author's erudition and his ability to construct a synthesis from diverse materials from many periods. The book was to go to a fourth edition and was translated into German.

The University of Cambridge accepted his distinction as a scholar of international repute in admitting him to proceed Litt. D. in 1956 and by his appointment as Reader in Medieval Ecclesiastical Institutions. Three years later he obtained a college fellowship (at Trinity), ten years after his appointment as University lecturer.

The Growth of Papal Government analysed a dialectic: the confrontation between *sacerdotium* and *imperium* (in both its Eastern and Western forms), between hierocratic and anti-hierocratic thought. Ullmann's main emphasis had been on the *sacerdotium*, but 'the defence of the lay thesis' was an essential part of the argument. Its thrust had been to demonstrate how difficult it was to present a case for the autonomy of the civil power in face of the God-given authority of the papal monarch which had successfully cast it for the role of ministerial assistant. The book closed with intimations that this state of affairs, by the second half of the thirteenth century, was about to end. The rediscovery of Aristotle was to provide 'what antihierocratic thinkers had been groping for so long to find'. His works revealed to European political thinkers with the conviction of a master, an essentially natural origin of society, a *societas humana* fundamentally different from the *societas christiana*. It was different because it portrayed a society, not originating in God above, but in human nature below: 'Into the one *societas* man comes through the working of the social instinct; into the other *societas* he comes through the sacramental act of baptism.' The one descends from God, the other ascends from the people.

[2] Most forcefully argued by F. Kempf, 'Die päpstliche Gewalt in der mittelalterlichen Welt: Eine Auseinandersetzung mit Walter Ullmann', *Miscellanea Historiae Pontificiae*, **21** (1959), pp. 117–69.

This distinction between the ascending and descending theories of government, the premises of two conceptually distinct societies, had been foreshadowed by Ullmann in *Growth of Papal Government* where it is enunciated clearly, if briefly, for the first time in a book. It was given a more extended airing in a long paper to the Stockholm Congress of the Historical Sciences in 1960 and given full-length treatment in *Principles of Government and Politics in the Middle Ages* (1961), a book which is perhaps Ullmann's most distinctive contribution to the history of medieval political thinking. Certainly it lies close to the heart of his richest and most extended analyses.

Principles is Ullmann's most ambitious book. The key to it is in the Introduction, 'The Ascending and Descending Theories of Government'. It sees the history of Europe in terms of a 'competitive rivalry' between these two conceptions. He presents another dialectic, or rather the same dialectic differently defined, one on which to organize an analysis of an evolution of thought which links republican Rome with modern times. It makes of the middle ages 'a living bridge between the primitive European period and the new Europe'. The ascending, or populist, theory, known to republican Rome, but also characteristic of the early Germanic tribes, seed-beds of the European monarchies, was to be all but obliterated by the descending, or theocratic, theory, which 'ecclesiasticized' monarchy and made it subject to the *sacerdotium*. But it lived on, if inconspicuously and ineffectively, to be revivified when the times were propitious, by the neo-Aristotelians. The tracing of how the primitive conception became the dynamic of renaissance Europe had become one of Ullmann's central preoccupations.

Principles divides, simply, into three Parts. In *Part I. The Pope*, there is much that is familiar from *Growth of Papal Government*: the papal-hierocratic theme as a transformation of the Bible into terms of law and government (the *claves regni coelorum* transposed into *claves iuris*); the equation of political society with the *corpus Christi*, the corporate juristic entity of all Christians; its attendant teleology, making office relative to the nature of society and thus making kingship merely ancillary to the priesthood. The chronological range, however, had been extended, new research on a wider spread of source material, previously worked out in articles, incorporated and the general argument sharpened. 'Petrinology' was the term now coined to describe the sum total of the juristic and political logic based on biblical foundations.

Part II. The King presented a striking analysis of the theory of

medieval monarchy. Medieval men did not overtly theorize very much about the most important political institution of their era. Ullmann recovered the basics by close analysis of the records of government, especially of its vocabulary, of the legal writers where they existed and by pressing into service sources often overlooked in this context. Royal coronation rites were recognized to be especially fruitful of insights. Ullmann found monarchy to be a *Zwitterding*, an office composed of two elements, one, theocratic and 'descending', the other, feudal, relating readily to the 'ascending' theme. The two aspects were formally irreconcilable: the one put the king above and beyond the law, responsible only to God, while the other subjected him to it, making him responsible to the political community which ultimately had created him. A fundamental contradiction, then, lay in the foundations of monarchy. Much of their history lay in how nations came to terms with that monarchy—by choosing to follow one or other of the logics, theocratic or feudal, descending or ascending. For the one led to revolution, as evidenced by France, the theocratic monarchy *par excellence*. The other led to constitutional monarchy, as evidenced by England, where *Magna Carta* and the common law tradition demonstrated the superior value of the ascending theme. This contrast was developed with vigour, ingenuity, the author's customary erudition, and inevitably, controversy.

Part III. The People addressed itself to the problem of how a medieval Europe with much experience of popular associations at many levels of society and in many different contexts, focused this experience in political doctrine. This was the newest part of the book though it has long-term origins in Ullmann's earliest work: in the discussion of the source of legislative authority by the fourteenth-century commentators on Roman law and in the conciliar theory which sought to locate the authentification of papal authority in the body of the faithful. The sovereignty of the people was the issue. A recent conference to commemorate the fourteenth-century civilian, Bartolus of Sassoferrato, had facilitated Ullmann's return to the Postglossators and a remarkable paper ensued. In it he traced how Bartolus had worked out a doctrine of the people's legislative sovereignty: a *civitas sibi princeps* (the sovereign state); *concilium repraesentat mentem populi* (the people conferred authority on its government). Roman law combined with the model of the Italian city-state had produced a fully-fledged 'ascending' political logic. The emergence of this political doctrine was exactly complemented with the concept of

the popular basis of the ruler's power arrived at by a different intellectual route. A lengthy analysis of Aristotle and of the neo-Aristotelians Aquinas and John of Paris demonstrated the elaboration of the first European theory of the state, a natural entity distinct from the supra-natural entity, the Church. But it was with Marsilius of Padua that a complete account of the people as sovereign legislator was produced. In his *Defensor Pacis* was felicitously combined the twin influences of Aristotelian political philosophy and the Italian city-state construct. And his was an account of the popular basis of the ruler's authority applicable in Church (conciliarism) as in State (popular sovereignty). Bartolus and Rome, Marsilius and Greece, conditioned by Italian political experience, had produced a 'populism'. This concept of the primacy of the community, the triumph of the 'ascending theme', was the political counterpart of other changes which in sum constituted the Renaissance: naturalism in art and literature, 'the rediscovery of man', humanism.

Principles deservedly went to four editions. It was also translated into Spanish and Italian. It would seem, on the evidence of reviews, that it was more appreciated on the Continent and in the USA than in England. Its analysis of English monarchy, carrying such judgements as 'the conflict between John and his barons centred in the conflict between the theocratic and feudal king' was thought too neat and clear-cut for a situation, as ever in English constitutional conflicts, characterized by muddle and confusion. Or found too abstract; 'over-intellectualist' was one English comment on Ullmann's approach to the past in general. It proved to be a book capable of generating fruitful controversy, as exemplified especially in the notable if severe appraisal by Francis Oakley[3] and in the questioning of the significance attached to Aristotle.

It was very characteristic of Ullmann's working method that his books were preceded by careful preparatory studies, often the result of invitation to address international conferences or contribute to *Festschriften*. There had come to be many of both. Some of these papers and articles would be consolidating or restating in more developed form, aspects of his fundamental theses, others would be breaking new ground, some would do something of both. A typical example of this latter was an important conference paper given at Spoleto on 'The Bible and Principles of Government in the Middle Ages'. It offered new thoughts in

[3] F. Oakley, 'Celestial Hierarchies Revisited: Walter Ullmann's Vision of Medieval Politics', *Past and Present*, **60** (1973), pp. 1–48.

discussing the influence of Roman law on the Latin used by Jerome in his Vulgate translation and the effect of this on Western ecclesiastical thinking, while consolidating earlier work in the most detailed examination he had yet published of the biblical influences on the formation of the 'descending-theocratic' theory of government. What was rather more unusual about his writing in the early 1960s were his broadcasts on the BBC Third Programme. In them he presented to the wider audience a selection of topics which went to the heart of his technical researches: 'The King's Grace'; 'Medieval Populism'; 'John of Paris'; 'Cardinal Zabarella' (an important canonist-conciliar theorist). No concessions here to popular taste, though some unbending towards it might be read into 'The Inquisition: an explanation' which publicized a new edition of Chapters 7–14 of Volume I of H. C. Lea's *The Inquisition of the Middle Ages*, to which he had written an Introduction. These broadcasts, published in *The Listener*, show Ullmann's power as a popular lecturer and his gift for lucid, forceful exposition of intellectual themes. These qualities were to receive magisterial expression in two works of synthesis, written for the general reader. They are brilliant books, together presenting the quintessence of the Ullmann vision of the past.

They first appeared in 1965 as a Pelican Original, *A History of Political Thought: the Middle Ages*. In broad, if perhaps rather crude, terms it might be said that the first half of this book is a rewrite in a form appropriate for a general readership, of *Growth of Papal Government* and the second half, of *Principles of Government and Politics*. But the freshly-worked version, with its assurance of argument, balance in presentation and energetic sweep through the centuries had acquired a validity of its own. It is not necessary to agree with all its parts to recognize an outstandingly powerful work of historical synthesis. That it was reprinted twice would seem to prove that the recognition was widespread and went beyond academic circles. A Spanish translation appeared in 1983.

Much the same can be said of *A Short History of the Papacy in the Middle Ages* published in 1972. It seems likely that the immediate stimulus to the writing of it was the appearance of Geoffrey Barraclough's *The Medieval Papacy* (1968), dissatisfaction with which Ullmann had expressed in no uncertain terms. ('In superficiality, common-place statements, clichés and meaningless generalizations, this book reaches a high-water mark.') He had, however, in 1956, sketched the history of the papacy from

Gregory I to Boniface VIII in an article in the *Encyclopedia Britannica* which is clearly a first short version of a substantial part of the later book. *A Short History* is another masterpiece of lucid compression, a portrait of the papacy from the late Roman Empire to the Reformation. The organizing theme is entirely characteristic: the history of the papacy is not the summary of individual papal biographies but the history of an idea, the governmental idea of the papal office translated into practical action. The book, therefore, is an analysis of the organic development of the rise and decline of the papacy as an institution of government. Like the complementary *History of Political Thought*, it achieves that fusion of history, law and political thought which was ever Ullmann's aim, the blend which gives his work its distinctive character.

In 1964–5, he enjoyed a very successful spell as Visiting Professor of Humanities at Johns Hopkins University, conducting a seminar in 'Problems of Social and Political Theory' and teaching related graduate courses. An invitation to deliver some public lectures gave him an opportunity to pursue further some of the ideas with which *Principles of Government and Politics* about 'the liberation of man as a citizen in the political sphere' had closed. These lectures were published in expanded form both here and in the USA under the title, *The Individual and Society in the Middle Ages* (1966).

This book, structured along very similar lines to *Principles of Government and Politics*, is a variant of the story of the supersession of the theocratic-descending view of government by the populist-ascending view, with feudalism acting as the bridge between the two. Whereas in *Principles* the accent was on the concept of governmental office and its jurisdiction, *Individual and Society* switches the spotlight to the governed. The author aimed to demonstrate how radically differently each of the two political logics regarded their place and role in political society, aiming to show the importance of the transition from one to the other in the history of European (and thus American) civilization. Inevitably, there is repetition of earlier work but the book is no mere rehash.

The change plotted is from the *subditus* (mere subject, required only to do as he is told) to *civis* (responsible, participating citizen), from a society where government gave the law to a subject population, not itself considered equipped or qualified to participate in government to a society where the free individual, having rights and duties, was encouraged to take part. *Humanitas*,

natural man, 'the full-grown citizen' had been freed from the smothering force of traditional (pre-thirteenth century) paternalistic, theocratic kingship. The actualities of medieval life—the self-organization of the village community, the constitutions of towns and especially, the reciprocity of individual obligations in feudalism—were in contradiction with the prevailing theory of man in society. In his final lecture, Ullmann developed 'The Humanistic Thesis' explaining in detail how these diverse realities of social and political life were articulated into a new theory. His subject-matter was the relationship between the emergence of this new view entailing 'the rebirth of man and the consequential re-emergence of the citizen' and the Renaissance 'with its professed apotheosis of the individual'. To this relationship Ullmann was to devote some years later a whole book, *The Medieval Foundations of Renaissance Humanism* (1977), the comprehensive exposition of his personal vision of the rise of humanism in the early modern period.

It was very characteristic of the Ullmann style, particularly when lecturing, to lift his eyes from the chronology of the immediate topic to those distant horizons toward which he saw his subject leading. Thus he finished his Baltimore lectures with a typical ringing assertion: 'It was the fusion or confluence of what might well be called feudal civilisation and common law practice (the theme of his second lecture) with the natural rights themes (which he had argued was the fruit of Aristotelian–Thomist thought) which not only produced the Declaration of 1776 but accounted for the steady constitutional development leading to democratic evolution. ... To this extent, then, the U.S. is the rightful heir of the European Middle Ages.'

Individual and Society was to be translated into Italian and German; a Japanese version went to a second edition. In 1965, Ullmann was promoted to a personal chair in Medieval Ecclesiastical History. His Inaugural Lecture, 'The Relevance of Ecclesiastical History', put the emphasis on the relevance. A vigorous denunciation of 'aimless medievalism' which made of the subject 'a playground for antiquarians' was part of his credo that the historian's task was not only to discover what a past age was like, and how it became what it was, but also how it relates to the present. This 'postulate of self-recognition' led to the formulation of an aphorism which was to recur time and again in the writings of Ullmann's last years: 'In order to recognize what we are, we have first to enquire into what we were before we have

become what we are.' Ullmann called for a study of 'the genesis of the present age'. The 'genetic' approach made the study of the medieval past, aimful. His own framework for such study he defined as 'political-ideological'. His lecture sketched many of the ideas and developments that had formed the substance of his books, giving especial prominence to the 'jurisprudential cast of mind of the middle ages' which 'seems incontroversially the result of thought and action'. *Lex est anima totius corporis popularis*; the axiom linked the seventh century and the American Revolution, the *leitmotif* which, 'conceptually', held together European public life.

In 1968 Ullmann was elected Fellow of the British Academy. He was also Birkbeck Lecturer in Ecclesiastical History at Trinity College, Cambridge. At this time too there began his most fruitful connection with the Cambridge University Press with the general editorship of the third series of *Cambridge Studies in Medieval Life and Thought*. Twenty-one volumes appeared under his charge.

The Birkbeck Lectures, unhappily interrupted by illness which threatened to be serious but mercifully proved not to be so, appeared in 1969 under the title *The Carolingian Renaissance and the Idea of Kingship*. Again, this marked a return to more detailed and finished consideration of ground already surveyed in earlier books. What was here newly articulated was a challenging reinterpretation of that general cultural revival which historians continued to find sufficiently impressive to merit the title 'Renaissance'. Ullmann rejected the notion that it was simply a literary and artistic movement. He could not accept that Charlemagne's deep personal commitment to the movement was born of a culture for culture's sake motivation. He argued that Charlemagne had something far more ambitious and far reaching in mind: nothing less than 'the transformation of contemporary society in accordance with doctrinal and dogmatic notions of Christianity, as it was seen in patristic lore'. The Frankish bishops and scholars resuscitated the Christian past in accordance with a definite programme: the rebirth of the individual (through the regenerative effect of baptism which conferred membership of the society) and a *renovatio* collectively to make of Frankish society a *populus christianus* or *imperium christianum*. Thereby *Europa* became conceptually meaningful, no longer a mere territorial notion but endowed with a new ideological identity. *Romanitas* and *Christianitas* were its title deeds. This ideology, however,

proved to be a kind of Christianity which was unacceptable in Byzantium. The rift between Old and New Rome, between Latin West and Greek East, was a Carolingian bequest.

With this new view of society went a new view of kingship characterized by the replacement of an 'ascending' notion of government which saw kingship authenticated by blood descent or selection by the 'people' by a 'descending' notion which saw it as authenticated by God himself. 'King by the grace of God' was the governmental dictum which best characterized the new view. It was the coronation ceremony which 'visibly and tangibly brought about the rebirth of the ruler'. But coronations, with anointing as their true *raison d'être*, were the creation of the clergy and manifested their role as mediators of political power between heaven and earth. The history, custom and experience which had made Germanic kingship was not overlaid by a kingship seen as ecclesiastical office. Royal sovereignty was 'stunted' by this clericalization process. The *sacerdotium* had vindicated its superiority and this in a two-fold way: by exacting extensive privileges of exemption from royal jurisdiction and by asserting its monopoly of the interpretation of that divine and ecclesiastical law which alone would provide the norms appropriate for the new *populus Dei*.

Ullmann's work, meanwhile, continued to receive its due recognition. In 1970 he was honoured by the university that remained so high in his affections. Innsbruck conferred on him an honorary doctorate, *Rerum Politicarum* and its Jubilee Medal for distinguished services. In 1972, he succeeded C. R. Cheney in the Cambridge Chair of Medieval History. Two years earlier, he had spoken very forcefully in the Cambridge Senate in a cause he had long espoused: the defence of his subject against what he saw as a threat to its position in the Historical Tripos. In his Inaugural Lecture he returned to the defence of medieval history from a different angle. He attributed the 'retarded progress and lessening appeal of medieval studies' to over-specialization by academic historians. Many, he considered, were too restricted in their chronological range and too narrow in their specialist interests. He inveighed against 'le spécialiste de l'insignifiant' (L. Halphen). Against the corroding effects of such academic attitudes, he offered what he called 'integrative history', a revivifying *Zusammenschau* of topics, subjects and sources, many of which he went on to itemize, significant enough to be integrated into a general course of medieval history. Pride of place, as ever, went to law, 'the point where life and logic meet' in that aphorism of

Maitland's which Ullmann never tired of quoting. If law and jurisprudential principles were given their proper standing, many another subject would be opened up. Each topic should feed into the other; integration of disciplines, not their isolation one from the other should be the order of the day. The study of law was the great binding agent of integrative history.

Ullmann was the better qualified to apostrophize his fellow medievalists urging that they had a duty to society which made it 'imperative for them to return to it the fruits of their own research work and learning by putting their specialist work into a broader perspective', because it was at this very time that his *Short History of the Papacy* was selling well in the bookshops. As has been seen, popularization in the sense of making scholarship available to the general reader had always been part of Ullmann's work. And so it was to continue. Another book which can be included among those which made highly-specialized research available to a wider public is *Law and Politics in the Middle Ages. An Introduction to the Sources of Medieval Political Ideas* (1975). This was a volume in a very successful series, *Studies in the Use of Historical Evidence* (general editor, G. R. Elton), which aimed to relocate discussion of the nature of historical knowledge and explanation where it properly belongs—with the materials with which the past is reconstructed. The emphasis of the main part of the book was wholly characteristic: 'Until the late thirteenth century the study of political ideas is primarily part of historical jurisprudence with special reference to public law.' This was examined in four magisterial chapters on the adaptation, development and relevance to political thinking of Roman and Canon Law and their attendant scholarship and a fifth on Non-Roman Secular Law. A concluding chapter on 'The New Science of Politics', treating of the 'cosmological revolution' which the absorption of Aristotle brought about in political theory from the late thirteenth century on, returned in chronologically expanded form, to a favourite theme.

Law and Politics was soon to be followed by a complete and final restatement of his interpretation of the transition from the medieval to the modern world (so far as that transition was expressed in political thought) in *Medieval Foundations of Renaissance Humanism* (1977). This book is essentially complementary to *Carolingian Renaissance*. The later middle ages were to put into reverse what had been the dominant ideology of the early middle ages. Whereas the Carolingian Renaissance had obliterated the natural and populist roots of, and elements in, Germanic

kingship, and substituted for it a theocratic and clericalist view of government and society, so the later Renaissance restored a populist and secular view. The Carolingian period had seen the transformation of the Frankish realms into a Christian society and the fashioning of political theory to match. The later Renaissance period saw the emergence of the laity as a force in public affairs and the promotion of a theory of a secularized society and government, fashioning an ideology of which the long-term result was 'the modern democratic state in its pluralist configuration'. The two books shared a basic argument. Just as Ullmann had postulated that the Carolingian Renaissance had initially been politically motivated before it became a literary and artistic movement, so with the later Renaissance. It was an essentially political quest, in both Renaissances, which had motivated and propelled the search of ancient literatures; in the one case, of the Bible and the Fathers, for the 'right' law and exemplars of theocratic government, in the other, of Roman law, the classic Roman authors (Cicero in particular) and Aristotle for the state, the concept of the citizen, civic virtue. But if the original point of reference was wholly political, it did not remain so. The rediscovery of *humanitas* enlarged intellectual horizons generally and 'the effect was the burgeoning of renaissance humanism in all its multiformity'. The main preoccupation of the book, however, remained with the 'secularization' of politics, its break from theocracy, with the 'rebirth or rehabilitation of man as an autonomous citizen'. State, society, politics were natural phenomena. The baptismal, or religious, qualification for membership of society was 'relegated to the background and neutralized if not wholly eliminated'. Man had been 'rehabilitated in his earthly environs'. Natural man, especially *qua* citizen, had been reborn.

'Humanism' is a subject of considerable interest and debate among historians and the book therefore attracted attention from an even wider range of critical scrutiny than Ullmann's books generally attracted. What came especially to the attention of Renaissance scholars in particular was the contention that the literary, philosophical and educational movement was a sequel to a humanist renaissance that was primarily, if not exclusively, of political science. P. O. Kristeller, in a notably fair and appreciative review, was led to make an important comment: 'Ullmann starts from the assumption, shared by many historians, that political thought is the only area of thought and learning that is of real historical importance, and he tends to relegate all other

areas of thought and learning to a secondary place' whereas Kristeller believed 'rather in the autonomy and intrinsic importance of all branches of learning, quite apart from their impact on political thought and action'. *Medieval Foundations* appeared in Italian translation under the title *Radici del Rinascimento* in 1980.

In 1978 Walter Ullmann retired from his Cambridge Chair. Retirement seemed to make little difference to his working life, though his health, long far from good, was worsening. He had always loved undergraduate teaching—he claimed a high degree of personal responsibility for the change in the long-established Cambridge practice by which professors did not give supervisions to undergraduates. He continued to teach undergraduates and also took on more postgraduate students. His publication continued apace: between 1979 and his death, he completed sixteen articles, many of substantial length, a book of over three hundred pages and published reviews of forty books. He prepared for the Variorum Series a fourth volume of his collected studies, supervised the translations of various of his books and continued to edit the *Cambridge Studies in Medieval Life and Thought.* To mark his retirement and seventieth birthday, seventeen of his former pupils, invited to write in his honour, presented him with *Authority and Power. Studies on Medieval Law and Government* (ed. B. Tierney and P. Linehan, C.U.P., 1980). The contributors had been asked to return to topics which they had first researched under his supervision. The spread of the ensuing studies says much about the breadth and depth of postgraduate teaching Ullmann had been able to achieve. They range chronologically over the whole medieval period and geographically over much of medieval Christendom: from Visigothic Spain to fifteenth-century Cracow. Topics covered are law codes, canonical collections, royal coronation ceremonies, church–state relations, papal administration, the cardinalate, conciliarism, fourteenth- and fifteenth-century legal doctrines and the medieval history of Cambridge University.

The title of Ullmann's last book, *Gelasius I. (492–496): das Papsttum an der Wende der Spätantiker zum Mittelalter* (1981) might suggest a book limited strictly to a very short pontificate. In fact, *Gelasius I,* like virtually all its predecessors, sweeps widely through time. It is concerned with the period which lay between the grant of freedom of worship to the Christian church by the Emperor Constantine in 313, through the reigns of twelve popes from Damasus I (366–384) to Felix III (483–492), and on to that pontificate which saw at once the culmination of many aspects of

papal thinking and the laying of the foundations of the papacy as an institution of government for many centuries to come. That analysis, yet again, is of *Mentalitégeschichte* (the author's own word): the ideology of papal primacy, reconstruction of which lay through a minute examination of the vocabulary which, especially in chancery usage, the developing papacy adopted. In terms which were making their first appearance in this period—*apostolica sedes*, *cathedra Petri*, *principatus*, *haeres Petri*, *plenitudo potestatis*, to name but the most important—papal primacy received its classic formulation. It was with just such a vocabulary that Vatican I defined the doctrine. At the heart of the development was the interaction of the New Testament Petrine texts concerning the mission conferred on Peter with a juridical understanding of the papal function formulated in the language of Roman law and a juridicizing Latin translation of the Bible. These are of course familiar theories, discussed by Ullmann in other books and articles in the context of other periods. There had been articles preliminary to the writing of this particular book, especially on the *Epistola Clementis*, Leo I (440–461) and on Gelasius himself. *Principles of Papal Government* and *Short History of the Papacy* each begins with a succinct account of the particular significance of the fifth century in the history of the government of Christians. *Gelasius I* supplied the extended analysis, detailed discussion and well-crafted footnotes to sustain what previously, by contrast, had been but lightly sketched.

Essentially, there are three main themes supplying the framework of *Gelasius I*. The first traces the emergence and increasing precision of formulation of a doctrine of papal authority with an organic notion of the Church as the congregation or corporation of all Christians as its corollary. Though his search concentrates primarily on the writings of popes themselves, it has recourse too, to the writings of such Fathers as Cyprian and Ambrose and to Pseudo-Denys (important for the concept of hierarchy and for the 'descending' thesis). The second main theme analyses how that doctrine was formulated as a response to the challenge of the imperial government at Constantinople. As 'New Rome' sought to justify its ascent from bishopric to patriarchate equal in rank to 'Old Rome' and as the Emperors exercised power over the church as part of Roman public law, so the popes constructed their counter-claim to primacy (of jurisdiction) and autonomy. Where 'New Rome' justified its position on its role as the imperial city, 'Old Rome' proclaimed its divine commission and its apostolic origins. Conflict between the popes and Constantinople

was, then, the forcing-ground of the doctrine of papal *principatus*. And, fatefully, the seed-bed of the breach between the Latin and Greek churches. The confrontation between popes and emperors also brought about that which formed the third of the main themes: that of the role of the emperor in Christian society and, by extension, of any lay power. He was within the Church, not above it, its son, not its master. Ullmann had his own interpretation of the celebrated and influential Gelasian distinction between the *auctoritas* (*sacrata pontificum*) and (*regalis*) *potestas*. Most historians have preferred to read it simply as distinguishing the respective jurisdictions of ecclesiastical and civil powers in their own proper domain and as insisting on the necessity of their mutual co-operation. Ullmann saw it as a key-piece in the emergence of a papal political logic which made of papal *auctoritas* the supreme directive voice and of *potestas* merely its subject executive. In a word, hierocracy. With these three main themes, Ullmann saw fashioned, in the fifth century, a grand design for the structure of government in the Christian world, and for the proper distribution of authority within it, in both ecclesiastical and civil terms. It comes to fruition in the work of Gelasius, first as draftsman to Felix III and then, short though it was, in his own pontificate. The medieval papacy was born in the fifth century.

Walter was seventy-one when *Gelasius I* was published. Heinrich Fichtenau noted most aptly that it was a work of 'youthful *Elan*'. When I asked the author why he had chosen to write this book in German, he replied simply that he had wanted to prove to himself that he was still capable of doing so. It is not perhaps fanciful to find in this return to his native language in his last book and articles a certain symbolic aptness. For much though he loved and appreciated England, his sense of being Austrian seemed to grow stronger as he grew older. Or perhaps it was just that it became more obvious to others. His career forged a strong link between the world of English and German scholarship: Roman law, the clash of *imperium* and *sacerdotium*, *Staatslehre* and the emergence of the modern state. He identified readily with Maitland as one who fully grasped how the relationship between law and jurisprudence and the life and values of society could be exploited by the historian. I think he was more influenced by G. de Lagarde's *La naissance de l'esprit laïque au déclin du moyen âge* than is generally appreciated. But when all is said about the influences that formed his historical outlook (and much more no doubt could be said), he remains very much his own man. He fashioned

for himself a uniquely personal vision of the European past and even evolved a specialized vocabulary of his own in which to express it.

Horst Fuhrmann has written that Walter's was 'eine Kämpfernatur', and so it was. Much of his work was challenging and was presented deliberately as such. He threw down gauntlets to many types of historian. When they were picked up, he could respond over-emotionally on occasion. He reacted sharply to criticism, sometimes too sharply. Walter had a forceful personality. There were no half-measures about him in anything; he felt, spoke and wrote with passion, whether it was in the world of international scholarship, in public debate on academic issues in Cambridge, where, sadly, friendship could be cooled by emotive language or even, occasionally, with his own research students. Walter was proud of his students; his dedication of *Principles of Government and Politics* to his pupils past and present was not a mere conventional polite gesture. And they are proud of him. For he offered them intellectual excitement, a conspicuous example of the totally dedicated scholar and teacher, generous to a fault with the time and effort he put into their work. But sometimes, particularly for graduate students, there could be a price to pay. There were times when he was reluctant to give them independence and took it personally when they did not fall into line. In a speech on the occasion of the presentation of his *Festschrift* (to which only his former pupils were contributors), he expressed his sorrow at the excess of paternalism, as he put it, which had created difficulties for some, including some of those present. There was of course, as we all knew, a positive side to this paternalism. It was never more touchingly demonstrated than by the anxiety he showed to continue on his very death bed the supervision of his last research student. There was not in the narrow sense an 'Ullmann school' though this term has been used outside England. But his graduate students have produced a considerable body of work on topics which he had himself researched, to which he had introduced them and it was under his close supervision that they had advanced to first publication. Perhaps it may be said that their work has one general methodological characteristic in common: in the master's own inimitable language, the belief that 'the study of medieval law and jurisprudence leads to a fruitful penetration into the matrix of medieval society and its variegated expressions'.

For many years, Walter contended with deteriorating health. He met his final illness with inspiring courage, working to the

end. The *Kämpfernatur* here showed at its finest. He was not without support. As Henry Chadwick said at the conclusion of his moving Memorial Service address, '... besides Trinity, his oasis was his home, his wife and sons, music, the service of his friends and pupils and the sublime simplicities of Mass at his parish church'.

JOHN A. WATT

Bibliography of the Writings of Walter Ullmann

For the years 1940–79, see P. Linehan in B. Tierney & P. Linehan (eds), *Authority and Power. Studies on Medieval Law and Government presented to Walter Ullmann on his seventieth Bithday* (Cambridge, 1980), pp. 255–74.

For the years 1979–88, see G. Garnett in *Law and Jurisdiction in the Middle Ages. Collected Studies of W. Ullmann V* (Variorum; London, 1988).

Walter Ullmann left an *Autobiographische Darstellung* which the Austrian Academy requested from its members. It is complemented by the text of an address he delivered on the occasion of the dinner given by the Cambridge History Faculty to mark his retirement. Professor Henry Chadwick's Memorial Address was published in the *Cambridge Review*, 18 November 1983, pp. 212–13, and the obituary by Professor Horst Fuhrmann in the *Jahrbuch der bayerische Akademie der Wissenschaften* (1983), pp. 198–201. Dr Patrick Nuttgens wrote of the Ratcliffe period in 'The death of a great teacher', *The Times Higher Education Supplement*, 4 February 1983. In 1971, I was asked by *The Times* to write on Walter Ullmann for their obituary file (it was used as part of the obituary which eventually appeared. Further material had been added by another writer). In preparing my text, I received valuable help from R. G. D. Laffan, Revd W. D. Murray (who had been on the staff of Ratcliffe College throughout Walter's two teaching periods), Professor John Le Patourel and Professor David Knowles, all of whom have since died, and also Richard Cunningham who had been Walter's pupil at Ratcliffe. I am very grateful for additional, more recent, help from Mrs Elizabeth Ullmann, Dr Peter Linehan, Sir Geoffrey Elton, Dr George Garnett and Mr Peter Thornton.