

ity is surely the blackest ingratitude. No science has owed so much to the universities. It was in a university that the first great revival of legal studies arose. Most of the best writers on law have been university professors. The universities alone kept alive the sacred fire through many a cloudy and dark day.

Let me justify in a few words these generalities. The great fabric of the Roman law was completed at a time when the empire, of which it is the most enduring monument, was already tottering to its fall. Most of the West had fallen to the Frank, the Burgundian, and the Vandal. Northern Italy had been lost and again recovered. But it was overrun by the Lombards only three years after Justinian's death. In the horror of black darkness which settled down over Europe from the 6th to the 11th century, it seemed as if the Justinianian compilations, and with them all scientific study of law, had perished. I am aware that Dr. Maitland has said that when people speak of the Dark Ages they mean the ages that are dark to them. In spite of the taunt a lawyer must confess that for him the darkness of the period is sufficiently palpable.

Not that it was equally profound in all places, and at all times during these long ages. Here and there, a flickering ray from some religious house or monastic school shoots up into the night. And in Northern Italy, especially in the cities of Lombardy, the conditions of classical art and culture never utterly died away. Speaking of Italy, Ozanam finely says that the dark age was but "*une des ces nuits lumineuses où les dernières clartés du soir se prolongent jusqu'aux premières blancheurs du matin.*" But the learning which lingered here and there was not legal learning.

Fitting has indeed made a desperate attempt to show that the books of Justinian were studied at Rome and Ravenna, and even at Orléans. With the zeal of a partisan he has claimed that there is sufficient evidence for the existence, during this period, of genuine schools of jurisprudence in these places. There seems to be ground for believing that some rude and unintelligent copies of the Institutes and of part of the Code date from somewhere about the tenth century. But the superstructure which Fitting has erected on such slight foundations has, I think, been finally shattered by the powerful attack of Professor Flach, of Paris. Even Fitting hardly ventured to assert that any intelligent use was made of the Digest before the revival at Bologna, to which I shall presently refer. And the Roman law without the Digest is much like the play of Hamlet without the Prince of Denmark.