**Legal Practice in Modern History**

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The title of this paper is simply the title of the conference with the order of the adjectives switched. Instead of talking about legal history in modern practice, I will talk about how the academic discipline of history, as we know it today, owes its origins to the legal profession and to the needs of early modern legal practice.

A great deal of work has been done on the ways in which the study and writing of history changed in Europe during the 16th and 17th centuries.[[1]](#footnote-1) Much has been written, too, about the emergence of legal history as a separate branch of intellectual inquiry.[[2]](#footnote-2) Less attention has been given to the specific relationship between history and the profession of law in this period.

This paper is essentially about the reinvention of the study, writing and methodologies of historical inquiry carried out in the 16th century by lawyers who were trying to create an expression of history that met the needs of the legal profession. In doing so, they created what we would now call the discipline of modern history.

**The beginnings of Western historiography**

The Western tradition of written history begins in Greece, but the influence of Greek historiography on European thought was, for linguistic reasons, quite limited until at least the 18th century. It was instead Rome that provided the intellectual inheritance of European historiography.

For the Romans, history was didactic. It existed to teach lessons. Indeed, Cicero describes history as the *magistra vitae* – the teacher of life.[[3]](#footnote-3) That phrase encapsulates the conventional Roman perspective. The purpose of history was to impart lessons to the reader. Overwhelmingly, these lessons were moral in nature. As early as the second century BC, Cato the Elder, the first historian to write in Latin prose, was using his account of Roman history to rail against the degeneracy and immorality caused by the influence on Rome of Hellenistic culture. Cato was followed by a great many historical writers, of whom four stand out as the key Roman historians of antiquity. These four become the great models for later literary emulation. They are Sallust, Livy, Tacitus, and Ammianus. Livy gives us a summary of the purpose of history as he understood it: “What chiefly makes the study of history wholesome and valuable is this, that you behold lessons of every kind of experience set forth as if a conspicuous monument; from these you may choose what to imitate, both for yourself and for your state, and what you should shun as shameful in design and shameful in outcome.” [[4]](#footnote-4)

Similar things can be said about the others. Sallust described Rome, following the destruction of Carthage, as a culture in moral decline as ambition and greed corrupted Roman society and political life. Tacitus, too, cared less about the facts of history than about the “deeper moral meaning” behind events and used his works to critique the politics and perceived corruption of Rome.[[5]](#footnote-5) Ammianus, a Syrian Greek pagan in the later empire, was the last great Roman historian. He continued Tacitus’ moralising historiography with a bleak view of the downward moral spiral caused by Rome’s ever-increasing distance from her ancestral customs.

Roman historiography was usable precisely because it was avowedly moral; but, since it was moral, it was also inherently personal. Roman historiography recounted the moral conduct of individuals, which was construed as the driving force behind all historical and political developments.[[6]](#footnote-6) History was a creation or function of human morality; so, historiography had to be a moral narrative. By illustrating the character of historical figures and the consequences of their personal conduct and moral standing, Roman historians provided heroes to emulate and villains to blame. The Roman historiographer never attempted to explain events in a disinterested way, as the Greeks historians did, nor to analyse particular events in a scientific manner, as a modern historian would; he aimed, instead, at the reader’s moral instruction.

Roman historiography can be read holistically as a long jeremiad of moral decline and its effects. This moral narrative was inherently political because it analysed and judged the character of the men (and sometimes women) who worked the levers of political power at Rome. Everyone one of the classical Latin historians was ultimately writing about how Roman society had been damaged by declining moral standards, particularly among its leaders but also among the Roman people in general. This dimension of moral judgment makes these sources more difficult for a modern readership to engage with, but this was precisely the thing that made history usable to a Roman.

The tradition of moralising history did not end with the Roman Empire. The Roman approach dovetailed very neatly with the emergent Christian theology of the early middle ages.[[7]](#footnote-7) Christianity has its own particular moral history to recount and part of that is the tale of humanity’s long moral decline beginning in the Garden of Eden and ending with the destruction of the material world at the Apocalypse. History could be seen as “a unified Christian drama extending from the Creation to the Last Judgement”.[[8]](#footnote-8) As St Augustine saw it, history was “a theatre of God’s hidden purposes”.[[9]](#footnote-9) So, if Christian historiography served any function, it was *as* a moral didactic.

There were some real differences between the mediaeval and the classical approaches to writing history, however. The mediaeval works were less complex, more parochial, lacked an understanding of period and commonly incorporated fantastic elements. Nevertheless, the Romans historians served as literary models for medieval writers of history;[[10]](#footnote-10) and we see definite continuity in terms of history’s moralising function. In almost any medieval historiographical text, there is an introduction in which the writing of history is justified by the moral lessons it provides.[[11]](#footnote-11) Just as in classical Rome, history mattered in the middle ages because it was morally usable.

This is well illustrated if we look at the preface to Bede’s *Ecclesiastical History of the English People*: “For if history relates good things about good men, the attentive listener is excited to imitate the good; or if it mentions evil things about wicked men, the faithful and pious listener or reader, by shunning that which is sinful and perverse, is nevertheless more zealously excited to perform those things which he knows to be good and worthy of God.”[[12]](#footnote-12) Bede’s attitude to the function of history is typical of medieval Christianity: history is a moral narrative meant to instruct the reader. That makes sense from a Christian perspective, because the entirety of human existence is a grand moral test that decides whether you spend eternity in heaven or in hell.[[13]](#footnote-13)

This is, of course, a risibly shallow account of the millennium and a half between the first Latin historical writing and the start of the Renaissance. Nevertheless, for the purposes of analysing the role of law in creating modern historiography, the single broad fact that matters is that the function of written history was markedly different from those with which we are familiar today.

**Renaissance Historiography**

Suddenly it’s the Renaissance! Central to the very concept of the Renaissance is the idea that it is fundamentally different from what went before. It is a new period of history, distinct from the middle ages and defined by the rediscovery (or rebirth) of classical culture.[[14]](#footnote-14) As with all forms of historical periodisation, one could debate its value, but the broad issues are relatively uncontroversial.

In the period which we now call the Renaissance, beginning in the mid-14th century and ending in the 17th century, there developed a growing awareness of and interest in the classical world. This is eventually leads to the self-conscious emulation of classical Rome and the concomitant rejection of the values and culture that define medieval society.[[15]](#footnote-15) These emulators of Rome described themselves as humanists or *humanistae*, a word describing their dedication to the literary and cultural product – or *humanitas* – of ancient Rome.

The humanists were critical of the medieval tendency to see history as no more than a “repository of examples and precedents”.[[16]](#footnote-16) They were keenly aware of periodisation. They understood that history, as the story of human civilisation, consisted of discrete cultures in discrete historical periods and that historical sources, therefore, had to be contextualised if they were to be understood, if they were to be made usable. This leads to a new sense of history or, more accurately, to a new philosophy of history, that is focused on authenticity and on the analysis of sources through philological exegesis.[[17]](#footnote-17)

However, at its core, Renaissance historiography was not starkly different from that of the middle ages. The humanist desire to imitate and, indeed, resurrect the culture of classical Rome led to refinement rather than revolution in the field of historiography.[[18]](#footnote-18) While the humanists were content to throw out much of their medieval inheritance, they retained the core tendency, inherited from Rome, to treat history as an exercise in moral didactic.[[19]](#footnote-19) So, history in 1500 and history in 1300 are not radically different intellectual exercises. The Renaissance historian writes better Latin and utilises critical and philological methodologies which make his work more accurate, less anachronistic, less fantastic. But the core moral function of history is largely unchanged.

**The Legal Humanists**

Then the lawyers show up.

Lawyers come to the Renaissance late. The greatest medieval lawyers – Bartolus and Baldus – emerge in the 14th century just as the Renaissance is beginning. Law is a conservative discipline at this point, always looking back to established authorities. As the Renaissance begins, lawyers are perfecting, not rejecting, the medieval approach. The first humanists were not lawyers at all, so they looked at the legal profession from the outside and they criticised it for its conservatism, its failure to embrace new critical methodologies, its reliance on medieval sources and above all its failure to interpret Roman law contextually rather than as a mere repository of legal principles. But, at the same time, these non-lawyers failed to understand both the problems and the achievements of the legal profession.[[20]](#footnote-20)

The conservatism of lawyers was a simple consequence of their profession, which required them to demonstrate the validity, authority and applicability of the sources of law at a time when written legal institutes were rare and when lawyers across Europe were drinking collectively from the intellectual well of the *ius commune*. Lawyers were often dealing with customary law which existed not on paper or parchment but in the memory.[[21]](#footnote-21) They did not have the luxury available to the humanists of simply throwing out the medieval inheritance.[[22]](#footnote-22) But, in their conservatism, lawyers were able to utilise the literary and philological techniques of humanism in ways that were useful to the profession of law. We see this for the first time in the 15th century when the Italian lawyer Lorenzo Valla applied humanist literary techniques to the Donation of Constantine and proved, through linguistic analysis, that it was a forgery. The Donation was ostensibly an imperial decree of the emperor Constantine giving the Pope full political authority over the Western half of the Roman Empire. Valla demonstrated that it could not have been composed during the reign of Constantine and that it was probably written in the 8th century. Thus, he utilised humanist methodologies to expose and remove inauthentic sources of law.

In the years that follow, we see the proto-historians of law excavating the origins of legal principles and institutions and tracing lines of continuity across the centuries of legal practice. But lawyers really come into their own in France during the 16th century.This is a period when the Reformation had given rise to the French Wars of Religion; when tensions were growing between the educated urban middle classes and the traditional military aristocracy; and when the tottering House of Valois was about to be replaced by the Bourbons in the guise of the Protestant Henry IV. This period of French history is defined by constitutional, social, political and religious tumult. The French jurists sought solutions to these issues through a search for original authoritative legal and historical truths amidst the quagmire of French customary law.[[23]](#footnote-23) This is the context in which we see the emergence of the earliest forms of legal history.[[24]](#footnote-24)

In the mid-18th century, the Scottish judge and philosopher Lord Kames wrote that law only becomes “a rational study, when it is traced historically”.[[25]](#footnote-25) Such a perspective is owed directly to the thinking of the legal humanists who excavated the history of law in order to make the practice of law rational and intellectually coherent. However, the first flowering of legal historiography is not without its problems. When lawyers approached the past as a source of law, their instinct was sometimes to fix the law (in both senses of the verb) by adapting what they found, to make it of greater utility in the present. We can see this in, for example, the growing efforts across Europe to Romanise customary law by creating written institutions which are made authoritative through copious references to the Roman civil law. Nevertheless, we are seeing, for the first time, a determined and comprehensive effort to articulate an authentic historical analysis of the structures of law.

Although this phenomenon finds its first and fullest expression in France, it was Andrea Alciato, an Italian professor of law at Bourges, who first taught that humanist critical methodologies could be applied to the study of Roman law. The idea that law could be analysed critically in the humanist fashion was taken up with alacrity by French Protestant lawyers, starting with Charles Dumoulin. What they produce is a rationalising history stripped of moral or theological components, a history both of structures[[26]](#footnote-26) and of the societies governed and shaped by those structures. After Dumoulin, figures like Jean Bodin, François Hotman and Jacques Cujas join the process of developing and improving the hermeneutics of legal historiography. Indeed, Bodin, in his *Methodus ad facilem historiarum* *cognitionem*, lays out a developed theory and philosophy of historiography, essentially a guide for how to conduct historical research in law, in which he emphasises the value of public records and legal sources rather than private documents or rhetorical accounts.

These lawyers were no longer speaking about the institutions of law simply as timeless or inherently authoritative but, rather, as products of a long cycle of historical development. Alciato applied humanist critical techniques to the study of Roman law, but his pupils took it further and usefully applied them to the study of French law, both municipal and customary, and then to the social structures which law had created. In the process, they created new techniques of their own, including the fundaments that would eventually become comparative legal method.

In 16th century France, lawyers were attempting to solve problems by excavating usable truths from the historical record. Moral and personal history had no relevance to the legal and political issues they faced. They rejected the idea that history was defined solely by the character and actions of individuals and constructed a new form of history based upon critical analysis of events and structures within periodised cultural and political contexts. Their new history recognised that cultural and political contexts changed over time and that therefore structures too had to change and develop over time. For the first time, lawyers advanced a comprehensive set of methodologies to facilitate the understanding of not just the inception of law but its subsequent evolution and, indeed, its historical reception. They were creating legal history but, in the process, they were laying the methodological and conceptual foundations for what we would now call the modern academic discipline of history. From the historical inquiry of the legal humanists, all later manifestations of historiography have sprung.

The primary question facing all historians in all eras of human existence has been: how does the past relate to the present? Within the Roman, medieval and classicising Renaissance traditions, the answer to that question was simple: the past provided examples and warnings. For the legal humanists, the answer was much more complex.

**Scotland**

Notwithstanding its geographical distance from the Continental centre, Scottish culture, education and law were inextricably linked to the conventions of Renaissance Europe. Humanism helped define Scotland’s intellectual worldview during the 16th century. Lawyers in Scotland were not only reading legal humanist works, but were often actually educated in France by the very same professors who wrote the books, such as Bodin, Hotman and Cujas.[[27]](#footnote-27) Thus, legal practitioners became the conduit that introduced the new modes of historico-legal thought and critical method to Scotland.

Thomas Craig is a seminal figure in Scots history because he wrote the country’s first comprehensive legal treatise. However, he ought to be a seminal figure in British history because he wrote what we would now consider the first authentic historical analysis of legal structures. He was, in a sense, Britain’s first modern historian anticipating the likes of the English feudal historian Spelman. Both Craig’s legal treatise and his historiographical approach are owed to his exposure to French legal humanism.

Craig, of course, had narrower interests than the French legal humanists. He was a legal practitioner in the truest sense of the term.[[28]](#footnote-28) While Bodin and Hotman were trying to solve, through the application of law and history, the existential crises afflicting the French state, Craig was merely trying to explicate Scottish feudal legal practice,[[29]](#footnote-29) albeit with an eye to the Stuart succession to the English throne. The writings of the French legal humanists, though legal or historico-legal in nature, had much wider applicability than Craig’s. However, Craig was utilising innovative historical techniques to explicate the principles and structures of living Scots land law.

One natural consequence of Craig’s narrower focus is that he was always going to have a narrower readership. Only those who actually wanted to know about Scottish feudal practice would ever pick up his book. As a result, his historical contribution has tended to be downplayed and, conversely, whenever his historical contribution is under discussion, the legal element of his writings tends to be ignored. Nevertheless, none of this should diminish the scale of Craig’s historiographical achievement. We can get some impression of that achievement if we compare his work to other historical work being written in Scotland at this point.

Scotland produced a surprising number of significant humanist authors who wrote accounts of Scottish history. At a future date, I hope to engage in the kind of detailed and comprehensive comparative work that cannot be done in a conference paper. But, for the time being, we will discuss only one – George Buchanan. Buchanan was unarguably the greatest humanist writer and poet in Europe during his lifetime and he wrote a history of Scotland, the *Rerum Scoticarum* *Historia* or History of Scottish Affairs.[[30]](#footnote-30)

In a letter to Thomas Randolph, the English postmaster, Buchanan described himself as “occupied in the writing of our history, being certain on that basis to please few and displease many”.[[31]](#footnote-31) He was writing history, he explained, to purge it of “Inglis lyis and Scottis vanite”. In practice, what Buchanan produced was a conventional moral history written in very elegant Latin. His gives us a “narrative of the lives of the successive Scottish monarchs, of their wars, their battles, their quarrels with their subjects, their understandings and misunderstandings with foreign powers”.[[32]](#footnote-32) The moral component is central to their successes and failures. For Buchanan, the Scottish state does not exist other than in the physical guise of a monarch. Buchanan’s entire understanding of history is, therefore, that of a classicising humanist self-consciously trying to emulate the moral historiography of Rome. Buchanan’s Victorian biographer, Hume Brown, observed that the great man showed “no real insight into the draft and scope of the great movements that passed under his eyes”.[[33]](#footnote-33) He was surprised that Buchanan, the greatest humanist author of the 16th century and who was at the centre of Scottish politics during the country’s most turbulent years, lacked both the kind of historical insight we find in Bodin and the practicality we find in Machiavelli. He justifies these shortcomings by says that the writing of history in Buchanan’s day made less demands than the writing of history in later days.[[34]](#footnote-34) The fundamental problem, however, is that Buchanan was not writing history as Hume Brown would have understood it because, whether he knew it or not, the conceptualisation of history with which Hume Brown was familiar was one that arose from law and was alien to the classical tradition which was Buchanan’s literary model. In effect, Hume Brown was bemused that Buchanan wasn’t more like Thomas Craig.

At its simplest, Buchanan wrote a moral narrative of Scottish history because Roman historians wrote a moral narrative of Rome. For the conventional humanist historiographer, there was no reasonable alternative to this. Emulation of the classical was at the core of their literary activity and deviation from that ideal was literary barbarism. It was left to the lawyers to challenge the classicising model. It took them some time, but lawyers eventually seized on the critical methodologies of humanism and used them not to imitate Rome but to construct an entirely new articulation of history, a form of history that looked beyond the personal to the interaction of culture, politics and law, a form of history that endeavoured to create not models for emulation but a rational understanding of events.

I will conclude by observing that, to the extent that the contribution of these lawyers is recognised, the influence and function of law in driving their new method of historical inquiry is largely ignored. Seminal figures in the creation of modern historical inquiry – such Bodin, Hotman, Dumoulin and Cujac who pioneered the new expressions of structural and political historiography – are, more often than not, presented as political or at least philosophical actors rather than as lawyers. To the extent that their legal profession is acknowledged, it is usually as a footnote when, in fact, their profession defined their writings and their methodologies. Even Craig’s position as a lawyer is very often overlooked or minimised by modern scholars outside the field of legal history.[[35]](#footnote-35) This has had unfortunate consequences, particularly among medieval historians from the 1970s onwards, who have on more than one occasion failed to apprehend that the practical and the historical are inseparable in *Jus feudale* and, in consequence, have badly misunderstood not only what Craig was trying to achieve but the practical legal realities to which he and his work were subject.

Yet, if we acknowledge that the legal humanists created a new form of structural and political historiography during the 16th century, we are remiss not to acknowledge that it was the needs and norms of the legal profession which drove the creation of this new history. Modern history emerged as historico-legal techniques of the 16th century were applied gradually to other areas of inquiry. Legal practice, in a very real sense, created what would become the dominant expression of history-writing.

1. E.g., W K Ferguson, *The Renaissance in Historical Thought: Five Centuries of Interpretation* (Cambridge, MA; 1948). [↑](#footnote-ref-1)
2. E.g., D R Kelley, “‘Fides Historiae’: Charles Dumoulin and the Gallican View of History”, *Traditio* 22 (1966) 347-402; D R Kelley, “The Rise of Legal History in the Renaissance”, *History and Theory* 9:2 (1970), 174-194; M Stuckey, “Early Modern English Humanism and Antiquarianism: the Prosopographical Method and Reflections on Historico-Legal Tradition”, *Journal of Legal History* (2012) 33:1, 31-64 [↑](#footnote-ref-2)
3. Cicero, *De Oratore* 2.36 [↑](#footnote-ref-3)
4. Livy, *praefatio* 10: *Hoc illud est praecipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in inlustri posita monumento intueri; inde tibi tuaeque rei publicae quod imitere capias inde foedum inceptu foedum exitu quod vites*. [↑](#footnote-ref-4)
5. R Mellor, *Tacitus* (London, 1993) 45 [↑](#footnote-ref-5)
6. Ibid., 47 [↑](#footnote-ref-6)
7. P Brown, *Augustine of Hippo*, (London, 1967) 388. [↑](#footnote-ref-7)
8. C P Rodgers, “Humanism, History and the Common Law”, *Journal of Legal History* 6 (1985), 129–156, 130 [↑](#footnote-ref-8)
9. R Markus, “Chronicle and Theology: Prosper of Aquitaine”, in C Holdsworth & T P Wiseman (eds.), *The Inheritance of Historiography 350-900* (Exeter, 1986) 31-43, 40 [↑](#footnote-ref-9)
10. Cf. R R Bolgar, *The Classical Heritage and its Beneficiaries* (Cambridge, 1958) 193; but note that Roman historical events had no real influence and were displaced by the Old Testament: see A Murray, *Reason and Society in the Middle Ages* (Oxford, 1978) 117-118 [↑](#footnote-ref-10)
11. Murray, *Reason and Society*, 131 [↑](#footnote-ref-11)
12. Bede, *Historia ecclesiastica gentis Anglorum*, *praefatio*: *Sive enim historia de bonis bona referat, ad imitandum bonum auditor sollicitus instigatur; seu mala commemoret de pravis, nihilominus religiosus ac pius auditor sive lector devitando quod noxium est ac perversum, ipse sollertius ad exsequenda ea, quae bona ac Deo digna esse cognoverit, accenditur*. [↑](#footnote-ref-12)
13. Even fantastic histories, like Gregory of Monmouth’s *Historia regum Britanniae*, were not immune to the moral impetus; cf. E Auerbach (tr. R Manheim), *Literary Language and its Public in Late Latin Antiquity and in the Middle Ages* (London, 1965) 206 [↑](#footnote-ref-13)
14. C G Nauert, *Humanism and the culture of Renaissance Europe* (Cambridge, 1995) 19-20 [↑](#footnote-ref-14)
15. Cf. Ibid., 31-32 [↑](#footnote-ref-15)
16. Rodgers, “Humanism, History and the Common Law”, 130 [↑](#footnote-ref-16)
17. Cf. D R Kelley, “‘Fides Historiae’: Charles Dumoulin and the Gallican View of History”, *Traditio* 22 (1966) 347-402, 347 [↑](#footnote-ref-17)
18. Ibid., 348 [↑](#footnote-ref-18)
19. Cf. P Hume Brown, *George Buchanan, Humanist and Reformer* (Edinburgh, 1890) 299 [↑](#footnote-ref-19)
20. Bolgar, *Classical Heritage*, 291 [↑](#footnote-ref-20)
21. J D Ford, *Law and Opinion in Scotland during the Sixteenth Century* (Oxford, 2007) 32 [↑](#footnote-ref-21)
22. Bolgar, *Classical Heritage*, 293 [↑](#footnote-ref-22)
23. Cf. V Ortenberg, *In Search of the Holy Grail: the Quest for the Middle Ages* (London, 2006) 17 [↑](#footnote-ref-23)
24. Cf. J G A Pocock, *The Ancient Constitution and the Feudal Law* (Cambridge, 1957) 1-29 [↑](#footnote-ref-24)
25. Henry Home, Lord Kames, *Historical Law Tracts* (Edinburgh, 1761) v [↑](#footnote-ref-25)
26. Kelley, “Fides Historiae”, 348 [↑](#footnote-ref-26)
27. This fact allowed later authors to go wild in their imaginings. Thus, Patrick Tytler, *The Life of Sir Thomas Craig of Riccarton* (Edinburgh, 1823), has Craig being taught by Rebuffi and Baudouin (16–17). This was followed by A J G MacKay, “Thomas Craig”, *Dictionary of National Biography* (1885–1900) vol. 12 and, surprisingly, by Pocock, *The Ancient Constitution*, 79. But cf. D Baird Smith, “Sir Thomas Craig, Feudist”, *Scottish Historical Review* 12:47 (1915) 271-302, 278 for tacit recognition that, however influential his French educators may have been, we have no idea of their actual identities. [↑](#footnote-ref-27)
28. On Craig’s career, see J Finlay, “The Early Career of Thomas Craig, Advocate”, *EdinLR* 8 (2004) 298–328; see also L Dodd, “Historical Introduction”, in T Craig (ed. L Dodd) *Jus feudale tribus libris comprehensum* Book 1 (Edinburgh, 2017) xiii-lxvi, xvi-xvii. [↑](#footnote-ref-28)
29. Baird Smith, “Sir Thomas Craig”, 286, insists that, although clearly influenced by Bodin’s thinking, Craig’s “exclusively legal mind” could not grasp the “trend of [Bodin’s] views”. Baird Smith’s remark is far too broad, but there may be a germ of truth at the heart of it. [↑](#footnote-ref-29)
30. Buchanan’s *De iure regni apud Scotos* (1579) is sometimes erroneously described as an historical work. It was not and should never be treated as such. [↑](#footnote-ref-30)
31. “I am occupiit in writyng of our historie, being assurit to content few, and to displease mony tharthrow” [= *Ep.* 14, f.2, in the 1775 Leiden *Georgii Buchanani opera omnia*; but p.58 in P Hume Brown (ed.) *Vernacular Writings of George Buchanan* (Edinburgh, 1892)]. [↑](#footnote-ref-31)
32. Hume Brown, *George Buchanan*, 299 [↑](#footnote-ref-32)
33. Hume Brown, *George Buchanan*, 298-299 [↑](#footnote-ref-33)
34. Hume Brown, *George Buchanan*, 293, “To write history in Buchanan’s day was something very different from writing it in ours. The limited number of authorities he had to consult, the easy standard of accuracy he had to satisfy, made his task a far lighter one than a similar undertaking would be at the present day.” [↑](#footnote-ref-34)
35. E.g., J E Berg, “Gorboduc as a tragic discovery of ‘feudalism'”, *Studies in English Literature 1500-1900* 40 (2000), 199-226, 201-2 where Craig is a “Scottish antiquary” at the Stuart court; or S Reynolds, “Fiefs and vassals in Scotland: a view from outside”, *Scottish Historical Review* 82 (2003) 176-193, 177 where Craig’s work is academic. [↑](#footnote-ref-35)