

PLATE XCIX



*Photograph by Walter Stoneman, 1950*

T. F. T. PLUCKNETT

## THEODORE FRANK THOMAS PLUCKNETT

1897-1965

T. F. T. PLUCKNETT—his formal signature was as characteristic as his formal dress, and to no more than two or three friends did he become Theo—was born on 2 January 1897 in Bristol. The name is an old one in Somerset; and perhaps he was descended from those early Plucknetts he was to meet in the Year Books, and from whose lawsuits and others like them he was to learn so much. But in his home the distinguished historian of the future would have seemed only a little less remote than the great family of the past. Intellectual inquiry was not absent, however. His father was Frank Plucknett, a master of shoe manufacturing processes and of the theory behind them, who taught in a series of technical colleges and is remembered as a pioneer in this branch of technical education. Frank Plucknett wrote two books on his subject, and there is about these a strength and directness, and a concern to make sense of detail from first principles, which it may not be fanciful to identify as sources of his son's quality. In more concrete terms, it seems certain that Plucknett, who was the only son, had the support and encouragement of his father in his ambitions; and there is some reason to think that when he was accepted as a full-time student at University College, London, his father sought employment in London to make the venture financially possible.

The household had then moved several times since Plucknett's birth, and nothing is known of his earliest education. Between the ages of 11 and 16 he was at Alderman Newton's School in Leicester, and for the two years after that at the Bacup and Rawtenstall School at Newchurch in Lancashire. Even as a schoolboy, however, he went about things in his own way. Whatever the weather or season, as a lady still living in Newchurch remembers, he was never without a rolled umbrella. And whatever occupation his contemporaries found for their free time, Plucknett was qualifying himself for an external degree. He matriculated at London University in 1913; and in 1915, when he was 18 years old, he graduated with second-class honours in history. When in the following year and within a week or two of his nineteenth birthday he became a full-time internal student at University College, it was not therefore as an

undergraduate but as a candidate for the M.A.; and this degree he had obtained before he was 21.

The striking thing, however, is not so much the rapidity of his start as its independence. Although, after getting his first degree by private study, he spent seven years as a graduate student in London and the two Cambridges, those years were devoted to research. He seems to have undergone no formal courses of instruction, and to have had little guidance beyond whatever was involved in the supervision of his theses. The only known exception is that while in London he had some instruction from Hubert Hall in editorial techniques, and in his last years he remembered this with pleasure. Otherwise he can have had little time for anything but the work out of which came his M.A. thesis, supervised by Pollard and Miss Jeffries Davis, and the Alexander Prize Essay for 1917. In 1918 he went to Cambridge with a research exhibition in history at Emmanuel College. And though this led in 1920 to the LL.B. degree, it was awarded for research under regulations superseded when Cambridge adopted the Ph.D. His thesis on the early statutes was supervised by Hazeltine and published as the second volume in Hazeltine's series of Cambridge Studies in Legal History. After a further year at Emmanuel working on medieval canon law, Plucknett was nominated by Cambridge to the Choate Memorial Fellowship at Harvard. There he went to the Law School, which kept him for a second year as a student and then took him on to the staff. But as a student he again spent his time in historical research; and though no doubt he had some guidance from Pound, he attended no courses of any kind.

That the professor of legal history seems to have had no formal university instruction in either law or history is a pleasing fact; but it may also be relevant. The legal historian is fortunate in having an abundance of truly original materials which, though often complex and intractable, can be relied upon to give consistent answers when asked the right questions; and a major difficulty is to avoid anachronism in framing the questions. The formal continuity of our law and its language and institutions distorts the vision of an inquirer who brings the simplest assumption to his material. Plucknett allowed himself few assumptions, and the extent to which he had from the beginning found things out for himself must have had to do with this. For him, as he says in discussing Maitland's work, history was an adventure; and, though he does not use the adjective, the adventure was a solitary one. He went out among his sources

and listened until they made their own sense to him; and his reports were in the definite terms of one who had been there. This sense of immediacy, which impressed his pupils from his earliest lecturing days, distinguishes his writing from much other work on legal history in two special respects. He did not go in for theories, propounded with particular pieces of evidence neatly deployed, though he sometimes attacked them in that way to clear the ground: either he knew, because his answer fitted a great mass of evidence, or he kept silent. And he did not go in for abstract connexions between the technicalities of one generation and those of another: what he listened for was the complaint of the lawyer's client, the mischief faced by the legislator or administrator.

The germination of these qualities, and of Plucknett's interests, can be seen in the work of his graduate student days. His M.A. thesis exists only in typescript; but there is a natural overlapping with his Alexander Prize Essay, 'The Place of the Council in the Fifteenth Century', which is printed in the *Transactions of the Royal Historical Society* for 1918. Although the prize was awarded to Plucknett when he was 20, there is no sign of youthfulness unless it is joy in the investigation and in the use of words to state the results. The work of other scholars has been digested, but it is not discussed. The political ideas of the time are allowed their place, but as the 'vague, hazy notions of the clerk in the office and the baron at court' rather than as large theories. What mattered were administrative routines, and the points in them at which power could in fact be brought to bear. And the directness of the approach is matched by the dexterity with which these things are reconstructed from the scattered remains. Such results as the discovery of the struggle for control of the royal seals are exciting in themselves; but they are by way of bonus to what would anyway have been an exciting inquiry. The same cannot be said of *Statutes and their Interpretation*. This is a dull book, and the dullness is that of the Ph.D. thesis: the author is not in full control of his materials. If Plucknett was ever intellectually a young man, it was when he did this, his second piece of work, at Emmanuel.

But the cause was in the subject rather than in the writer, and the book is important. For one thing it made a legal historian of Plucknett. How far this was intended, and by whom, can no longer be established. Hazeltine had not yet left Emmanuel for the Downing Chair when Plucknett went there; and whether or not Plucknett entered for his studentship at Emmanuel in

order to work under him, he must have influenced the choice of subject. Rarely can an unhappy choice have had such happy results. At the outset Plucknett probably saw his question as a constitutional one; and both he and Hazeltine may have supposed that it could be answered by seeking statements in the Year Books. But for one of Plucknett's cast of mind it is impossible to be content with statements whose contexts are not understood. And so he found himself confronted with a multitude of individual problems which, for all the connexion they had with each other, might as well have been picked at random from the whole field of private law. Treated in this way the task was gigantic, something that a legal historian might attempt towards the end of his life, something indeed that Plucknett was to do again, and triumphantly, in his Ford Lectures. The triumph of the beginner was in getting the upper hand of his materials enough to make a book of them at all. But what matters in retrospect is the beginning.

Plucknett had now qualified himself in two areas. He had chosen to make a particular reconnaissance in constitutional history, and had done it with distinction and grace. In the history of private law, whether he had chosen to enter it, or had been directed there, or misdirected, he had in some sense found himself lost; and though he had made his own way through, and written an account of considerable value, the struggle had evidently been a weary one. That he went back there, and spent much of his life proving the wealth of this difficult country, is his chief contribution. But his constitutional interests never left him, and they account for many of his publications. Apart from the general survey which he undertook in editing *Taswell-Langmead*, when his usual materials became inaccessible during the second war, these mainly fall into three related groups. There are the institutional studies; the Alexander Prize Essay; 'The Lancastrian Constitution' contributed in 1924 to the celebratory volume for Pollard; and the study of parliament in the first volume of *The English Government at Work, 1327-1336*, published in 1940. He also became a member of the Editorial Board of the History of Parliament, when that project finally took shape. Then secondly there is a series of articles, ranging from 1937 to 1953, about the judicial aspect of government: impeachment and attainder, and state trials generally. And thirdly, and showing even more clearly than these how much of a piece Plucknett's interests really were, there are the studies in which he followed up, one by one, ideas that had come to him

when he was writing *Statutes and their Interpretation*. The constitutional question from which that work seems to have started, seen as central in the United States and quietly smothered in England, is about the relationship between legislature and courts and the idea of fundamental law. To this Plucknett came back in an article in the *Harvard Law Review* on *Bonham's Case*, published in 1926 but the result of long cogitation, and remembered after his death by Mrs. Plucknett as a kind of Moby Dick. The legalistic shadow of this question, a matter which English lawyers can allow to be discussed so long as no conclusion is reached, is statutory interpretation itself. Plucknett returned to this in a public lecture of 1933 which was not itself printed but which formed the basis of his contribution to the studies in honour of Edouard Lambert in 1938; and here is a survey of one of the woods lost in the trees of his first book. And then there is the exploitation of the trees for their own sake, the use of legislative history to display the underlying social facts. From this came an article in 1936 about measures suggested before the enactment of the Statute of Uses, the Ford Lectures in 1947, and, in a sense, all Plucknett's work on the history of private law.

But in 1920, notwithstanding the book destined for the Cambridge legal history series and the rather misleading LL.B. which it had won, it is not clear that Plucknett saw himself as a legal historian in this sense. His third year at Emmanuel was spent on a point which had caught his attention when working on the statutes. But, although it again set him digging into the details of private lawsuits, he may first have seen it as a rather similar institutional problem. This was the treatment of canon law in the English royal courts; and the fruits of his inquiry were an immediate article in the *Cambridge Law Journal*, the acceptance of a dimension to be reckoned with in all his later work, and an interest in canon law as such which was to grow toward the end of his life. Even his earliest publications from the other Cambridge carried him no further into the sphere of private law. But if any external event finally drew him in, it was the award of the Choate Fellowship and his attachment to the Harvard Law School. Plucknett was, and he always firmly remained, an historian and not a lawyer; but the American and particularly the Harvard approach to the law would probably have been more congenial to him at that time than the English. The historian concerned to detect the mischiefs at which rules were originally aimed will at least understand the language of lawyers

determined to approach rules from mischiefs; and they will understand his. More specifically, there was the influence of Pound. More specifically still, in the rather surprised words of Plucknett's own recollection, there was the fact 'that in September 1923 Roscoe Pound stood me for the first time before a university class, with a general direction to teach legal history'. And so began his career of just forty years as a professional legal historian, for most of that time, as he used to lament, the only one in the common-law world.

Harvard was good to Plucknett. His Choate Fellowship lasted only one year, but the Law School provided for another with one of their own scholarships. And it was no doubt his appointment in April 1923 as Instructor from September that enabled him in that year to marry. His wife was Marie, the daughter of Ferdinand Guibert of Clermont-Ferrand, and they met while she was teaching French in the Massachusetts Cambridge. They were married at her home in France, which became a second home for Plucknett, to be visited every year except when war or illness intervened; and there he is buried. His marriage was presumably also responsible for his taking ancillary employment in Cambridge, as Instructor in History at Radcliffe College; but this lasted only twelve months, and he seems never again to have allowed himself to be distracted by undertaking paid jobs outside his principal field of interest. From 1926 until his resignation and return to England in 1931 he was Assistant Professor of Legal History in the Law School. When he left, the Faculty gave a luncheon for him, and presented him with a set of the Year Books. It was a remarkable gesture to make to a junior colleague of eight years standing, now aged 34 and leaving to go to a new post in his own country.

But the Harvard Faculty had done more than give him a good send-off. His reputation at the time rested not only on his publications but also on the news they spread about him and about the course he gave. This was a general course for graduate students, uncompromisingly entitled 'History of English Law' and uncompromisingly requiring the use of original materials, Latin, black-letter, and all. Its impact may be recorded in words written after Plucknett's death by Dean Griswold, who in 1928-9 attended not as an enrolled member of the class but for interest's sake. It was 'one of the great experiences in my legal education'; and 'he made everything alive and interesting'. Whatever the feelings of piety, curiosity, or resignation with which members joined what must have looked like an arduous

excursion into the unreal, some evidently came back believing that they had seen things both real and relevant. The everyday problems of another society had been conjured up around, and largely elicited from, its legal technicalities; and this was the kind of sense they wanted their twentieth-century law to make. It was this approach to his subject, little proclaimed and springing from a powerful sense of reality rather than from any *a priori* doctrine, that made his work exciting; and it was probably this that came in particular to the ears of Harold Laski, who played some part in bringing Plucknett to the London School of Economics. And so it came about that his quality as an historian made Plucknett one of only four full-time professors in the law faculty of London University. His was the first university post in England devoted to legal history, and there is still no other; and in 1931 London had no full-time professor in either Roman law or jurisprudence. It was an imaginative appointment; and there is irony in the reflection that towards the end of his life concern with the social context of the law, which had seemed a self-evident need to the medievalist, should have arrived after a slower crossing of the Atlantic to be a reforming cry in English legal education.

At Harvard Plucknett had written two books and had been partly responsible for a third. This, the earliest, was a new edition of the *Readings on the History and System of the Common Law* originally compiled by Pound, and it is one of two visible memorials of the association between these dissimilar men: the encyclopedic mind marshalling generalizations against the specialist marshalling facts; the teacher who wanted his ideas to be acted upon against the scholar concerned only to find out; the interpreter against the legal historian. But though one looked out and the other looked in, they stood upon much the same ground; and it is appropriate that library catalogues should list a book known as 'Pound and Plucknett'. The other memorial is the essay on wager of law which Plucknett contributed to the volume published in honour of Pound in 1962. Although nearly thirty years the younger, he was to outlive Pound by only a few months; and in this, his last printed work, there are signs of struggle.

'Pound and Plucknett' was published in 1927. In 1929 came the Ames Foundation *Year Books of 13 Richard II* and the first edition of the *Concise History of the Common Law*. The Year Book edition follows the pattern which had been worked out by the Selden Society in its Edward II volumes. But the textual



problem was simpler because the manuscripts proved to be collatable; and the implications of this and other changes are discussed in an introduction which greatly advanced the study of the Year Books as such. The emphasis of Plucknett's approach to their content shows itself elsewhere in his introduction. Of a substantial commentary on cases which seemed to him interesting, less than a page at the end is devoted to those which played a special part in settling legal doctrine; the rest uses individual cases to light up their social and economic circumstances.

The *Concise History* defies discussion. As such books go it must be a best seller, having run to five editions and been translated into several languages, including Japanese. It grew in size with the years, but even the first edition was over 450 pages; and it was written by dictation in a few weeks. This last is of course a misleading statement. Plucknett did not work by forcing his thoughts into order on paper, disciplining them through successive drafts. A picture formed itself in his mind, and would then go straight down in very much its final form. The *Concise History* must have been taking shape, both in his head and as lecture notes, since he started teaching his Harvard course six years earlier. But the completeness and detailed richness of the panorama he unrolled in a single operation is altogether astonishing; and once again there is Plucknett's quality of immediacy. A rather flat effect is due to the scale of the work and not to any want of originality in the writer's vision. From the first this was far more than the undergraduates' textbook it professed to be; and through the successive editions it became more important for scholars at the expense of its acceptability to students. The accommodation of new knowledge disturbed its balance and flow, and enhanced the difficulties arising from compression. Of these Plucknett tried to take account. 'A concise statement, carefully framed, may be intrinsically accurate, and yet fail to convey to the beginner a true sense of the situation.' The sentence comes from his preface to the fourth edition; and in one reader it still arouses a rueful indignation which would have amused Plucknett, but is not mentioned entirely in fun. The beginner is not alone in his difficulty when there is nowhere else to look, when the words complained of are the only statement of a conclusion derived from a large mass of original materials. It can happen that an answer laboriously won from the sources is afterwards seen to be given in the *Concise History*, but in a way which had not meant much to one reading it before doing the work for himself. But what was lost

by economy of words is now only a tantalizing addition to the knowledge inevitably lost on the death of a major scholar.

Plucknett did not go back to the United States after his return to England. Indeed, apart from his visits to France, he was never long away from the house in Wimbledon in which he and Mrs. Plucknett settled soon after his London appointment. They remained there throughout the second half of his life, and his last years were cheered by the presence next door, the width of his pleasant garden away, of their son and daughter-in-law and grandchildren. His study, surrounded by shelves but not nearly large enough for his books, was where he really lived. He was by disposition a methodical man. Files of letters were carefully kept. The page proofs of Selden Society volumes were bound up by himself, so that he could read them without irritation and get the feel of them as books. Finished galley proofs were spiked through at the head and strung together like plea rolls, and then hung up for use as rough paper. But the method did not extend, as it does not with many academic persons, to the accurate estimation and arrangement of his time, and there was generally a rush to get things finished. And after the first onset of his long last illness, when routine for some time continued to deal more or less well with established commitments and old correspondents, there was a growing limbo in which new matters might particularly get lost. For many years the Selden Society and other things involved him in much business over and above his own work. But, although letters except to a few friends particularly tired him, he seems to have found it less distracting to do things himself than to arrange for help. His own dexterity with a typewriter perhaps contributed to this. His books and articles, like his letters, were mostly typed with his own hands, being composed directly on the machine; and after a bout of illness he wrote of his pleasure at being comfortably settled in front of it again.

A survey of the principal works produced in the Wimbledon study, other than those already mentioned, may properly begin with the projects which were not really Plucknett's own. Among reference books and the like, there are many contributions to the *Encyclopaedia of the Social Sciences* and the *Annual Survey of English Law*; there is also the account of legal chronology in the Royal Historical Society's handbooks. The main bulk, however, is in his contributions to books published by learned societies. For the Dugdale Society he made an analytical index to the indictments in a volume of fourteenth-century

sessions rolls edited by Dr. Kimball. For the Ames Foundation, of which he was for many years General Editor, he contributed to two volumes apart from his own Year Book: he wrote an elaborate commentary on the indictments in Miss Putnam's volume of proceedings before justices of the peace; and for Miss Thornley's *Year Books of 11 Richard II* he wrote both a commentary on cases and much of the legal annotation accompanying the text.

But the principal beneficiary was the Selden Society, of which he became one of three joint literary directors in 1937 on the death of Pollock. The other two were Holdsworth, who died in 1944, and G. J. Turner, who died in 1946. Although Plucknett edited no complete volume for the Society, and although his name appears on the title-page of only four, he had a hand in getting on for twenty. In some he played a large part, in many a small one; though even then his ministerial function was often arduous, particularly in the difficult period just after the war. There were also, of course, volumes which have not yet appeared, and a few which came to nothing; and some of these involved him in a great deal of work. Of the four volumes to which his name is attached, three are in the Year Book Series. In Volumes XXIII and XXIV of that series, largely the work of Professor Collas, Plucknett discussed the cases and provided their English summaries. Volume X, as its number suggests, had a longer history. It was originally entrusted to Geldart and Turner some time before the first war. Geldart died in 1922, and Turner had got most of the text into proof at least as early as 1933; but there, as happened with Turner, the matter rested. Plucknett completed the editorial work; and the introduction and apparatus are entirely his. The fourth of the volumes carrying Plucknett's name has a longer history still, and for the same reason. This is Turner's edition of *Brevia Placitata*, one of the most important single works the Society has ever published. Finding all the pieces and actually bringing it out were Plucknett's main contribution to this; but he undertook some revision and rearrangement, and added extracts from a later version linked by passages of exceedingly valuable commentary written by himself. It should be added that he had long been working on an edition of *Doctor and Student*, which was far from complete at his death but which the Society hopes to be able to finish. But the matter cannot be left as a discussion of specific books. When he had to give up a few months before his death, Plucknett had been a literary director for more than a third of the Society's existence, chiefly

responsible for nearly a quarter; and the Society's aims and Plucknett's subject are that much further forward.

For anyone who feels moved, or able, to attempt a balance-sheet, these things and such activities as Plucknett's work for the History of Parliament, pose a common problem in a pointed way. They add up to a large advance of knowledge, much larger than the library catalogues or a bibliography will show. But from another angle they can be seen as a diffusion of his special talent, or at least as an investment in materials of which, had time been given, he could have made much more. If there is regret, it is for death itself; but at least the extent of his anonymous benefactions must be remembered. This work, with his university teaching, became his daily routine. From it he could and did rescue the time and concentration for many articles. But to produce a book some strong counter-pressure was needed; and the books that he wrote after his return to England were all the products of invitations to give special lectures.

The latest began as the Wiles Lectures in Belfast in 1958 and its rather pedestrian title, *Edward I and Criminal Law*, is misleading. The Wiles Lectures are devoted to the history of civilization, and Plucknett addressed himself to fundamental questions. The approach was characteristic. A society's state of advancement was to be judged by getting inside the mind of a legislator, of Aethelberht and Alfred as well as of Edward I. Was the law seen as a system, or systematic thought seen as desirable? To the extent that it presented itself as a monetary calculus, can considerations of financial advantage be separated from those of good government? And what part was played by what ideas of right and wrong? Such questions are for an historian at the height of his powers; and Plucknett, whose illness had first struck three years before the lectures were given, was too late. His life's learning was brought to bear, but could no longer quite be focused, and by the highest standards his last book must be classed with his first as a failure, though for the converse reason: large ideas are insufficiently fixed in place by detail. But few venture into such dark places, and even a flickering light shows exciting shapes or shadows for other brave men to explore.

*Early English Legal Literature* began as a series of lectures in Cambridge to celebrate the centenary of Maitland's birth. The first chapter, published also in the *Law Quarterly Review* for 1951, is called 'Maitland's View of Law and History', and it will be mentioned later as the only real expression of Plucknett's view of these things. The rest of the book surveys legal literature from

Henry I to Henry VIII, but its emphasis lies in the thirteenth and early fourteenth centuries. A 'cautious reconnaissance of the Bractonian position' ('there is always the risk of getting caught in the fire of zealous colleagues') is followed by an inspection of more peaceful and ultimately richer ground. The clerical and learned Bractonian tradition ended and, after a little spurt, science with it. A new literary beginning was made in practical tracts and then in the disorderly reporting of cases; and in this dingy new tradition, 'insular, lay, and French (what French!)', the unremarkable English customs were transmuted by men learned in no arts but their own into a great system of law. The real theme is the controlling effect on the law of the education and the cultural background of its practitioners; and this book is the statement for which Plucknett had been feeling in his inaugural lecture in London twenty years earlier.

Just as legal literature was for Plucknett about lawyers, so the law itself was about life. The Ford Lectures in 1947, the *Legislation of Edward I*, and the Creighton Lecture of 1953, *The Mediaeval Bailiff*, are really studies in social history; and they represent his most individual and in one sense his most perfect work. Particular results may of course be open to question: what is conclusively demonstrated, and beautifully, is the method. From the great mass of legal material that survives from the Middle Ages, it will be possible to reconstruct a picture of society as rich and full as any historian could wish for; but it will not be done by chance finds of social detail more or less expressly stated, but by laboriously piecing together lawyer's law.

Plucknett did not often preach, but he was explicit about this message: 'The present trend of medieval studies is happily in the direction of increased use by historians of legal materials as a source for constitutional, economic, and general history, and it is much to be hoped that they will extend their curiosity to the law itself.' If the view suggested earlier of his own metamorphosis is right, namely that he first opened Year Books to look for constitutional statements, these words from his preface to the Ford Lectures must have been deeply felt. The underlying creed was put more characteristically in his Creighton Lecture: 'It is only in text-books that constitutional, economic and legal history are set apart from one another. In real life they are simultaneous, and one man lives all his histories concurrently.'

An important corollary, regarding legal history as sufficiently separate for a person to concentrate on it, is that that person

ought to be an historian and not a lawyer. He must know about the other histories his litigants were living. It was this need for completeness of vision, as much as the difficulties of the lawyer in thinking like an historian, that led Plucknett, in his chapter on Maitland at the beginning of *Early English Legal Literature*, to insist that legal historians must be recruited from the history school rather than from the law school. That this is the ideal cannot be doubted, certainly not by one who came from the law school and knows the handicap. But from whichever discipline one starts, the other must always be difficult; and Plucknett did not realize how improbable his own achievement was, or how rebarbative legal technicalities can be to the historian. So far there has been no recruiting and no occasion for choice. The subject's few volunteers have come from either side, and generally by accident.

The value of legal history to lawyers was considered by Plucknett in the same chapter on Maitland and in his presidential address to the Society of Public Teachers of Law; and again the premiss was that the subject must be regarded as history for its own sake. There could be no use in 'obsolete law, repealed statutes, cases overruled, institutions long ago abolished', not even as background knowledge. 'It is still too often said that English law can only be understood historically. Now English law may be bad, but is it really as bad as that?' There was probably conscious exaggeration. Like Maitland before him, Plucknett believed that just as the history which emerges from legal argument is apt to be bad history, so the law which relies on historical justification is apt to be bad law. It is a good working principle. But a system such as ours can never quite be freed from its continuing past; and we do not have to urge that the Chancery Division should be abolished because we cannot well explain its existence without going back in time. Legal history has more workaday relevance than as a diagnostic aid for the law reformer; but reservation about the negative side of Plucknett's proposition does not affect the positive. The history of law, like its philosophy, enables the lawyer to see his subject from the outside, otherwise a very difficult thing for him to do. And if he looks at it as Plucknett did, connecting abstractions not just with other abstractions but with life itself, he may see and judge his own technicalities in their proper place among 'men's attempts to introduce order into their affairs'.

Literally as well as otherwise it was increasingly to historians rather than to lawyers that Plucknett spoke. At the Harvard

Law School his colleagues and his pupils had all been lawyers. But in London he taught constitutional and other history to history students, and legal history but, of course, no modern law to law students; and he had more to do with his colleagues in the history faculty than with those in the law faculty. To lawyers and law teachers he became an honoured but remote figure; and his own sense of pleasant incongruity appears from the beginning of his presidential address to the Public Teachers of Law. A larger task, and an office which meant much to him, was his presidency of the Royal Historical Society. He was given honorary doctorates of laws at Glasgow and Birmingham, and of letters at Cambridge, a variation particularly pleasing to the whole-hearted historian. He also became Fellow of the British Academy, Fellow of University College, London, and Honorary Fellow of Emmanuel College, Cambridge.

Plucknett had to resign his chair in 1963, an old man before his time. He died on 14 February 1965. Outside his home his life had been a solitary one, though not lonely. Having deep reserves, in both senses of that word, he did not seek personal contacts. But there was nothing forbidding about him. Simple and kindly in manner, he went to much trouble for those whom he regarded as having a claim on him, and did it with unaffected enthusiasm. He was incapable of superficial work, however, and the time taken up by such excursions seems to have induced in him a habit of elusiveness to the casual inquirer, which enhanced the withdrawn impression he gave. He came to read mostly around his subject, and his recreations were the unsociable ones of music and, occasionally, mathematical puzzles. Disliking small talk and detesting politics at any level, he appeared to his less intimate colleagues as amiable but uncommunicative and unworldly; and many would have been surprised at the efficiency with which he ordered things that seemed important to him, at the firmness with which he could defend his own interests and those of scholarship, and at the occasional sharpness of his tongue. The two or three friends with whom he would truly relax were all historians of similar interests, and even with them the talk was hardly ever personal; perhaps even they did not fully realize how small was their number, and how unusual such relaxation was for him.

But this was not the withdrawal of melancholy: it was just that Plucknett did not live much of his life in company. He was by nature cheerful, and he remained so through his last illness. He enjoyed dealing with Selden Society proofs, and

baby-sitting for his grandchildren while doing so, and looking forward to a glass of wine, and looking back at his own success; and above all he enjoyed making sense of his materials. This deep pleasure in his work was obvious in conversation and in his letters, and it is obvious in much of his writing. Those occasional vivid phrases are not added ornament, but particularly gay flights in a prose in which happy excitement is often discernible. Labour went into it, but not into the composition: things fitted together, and the world which came to life was described with spontaneous delight. Only for Maitland had the dead technicalities of early English law yielded visions so intense.

S. F. C. MILSOM