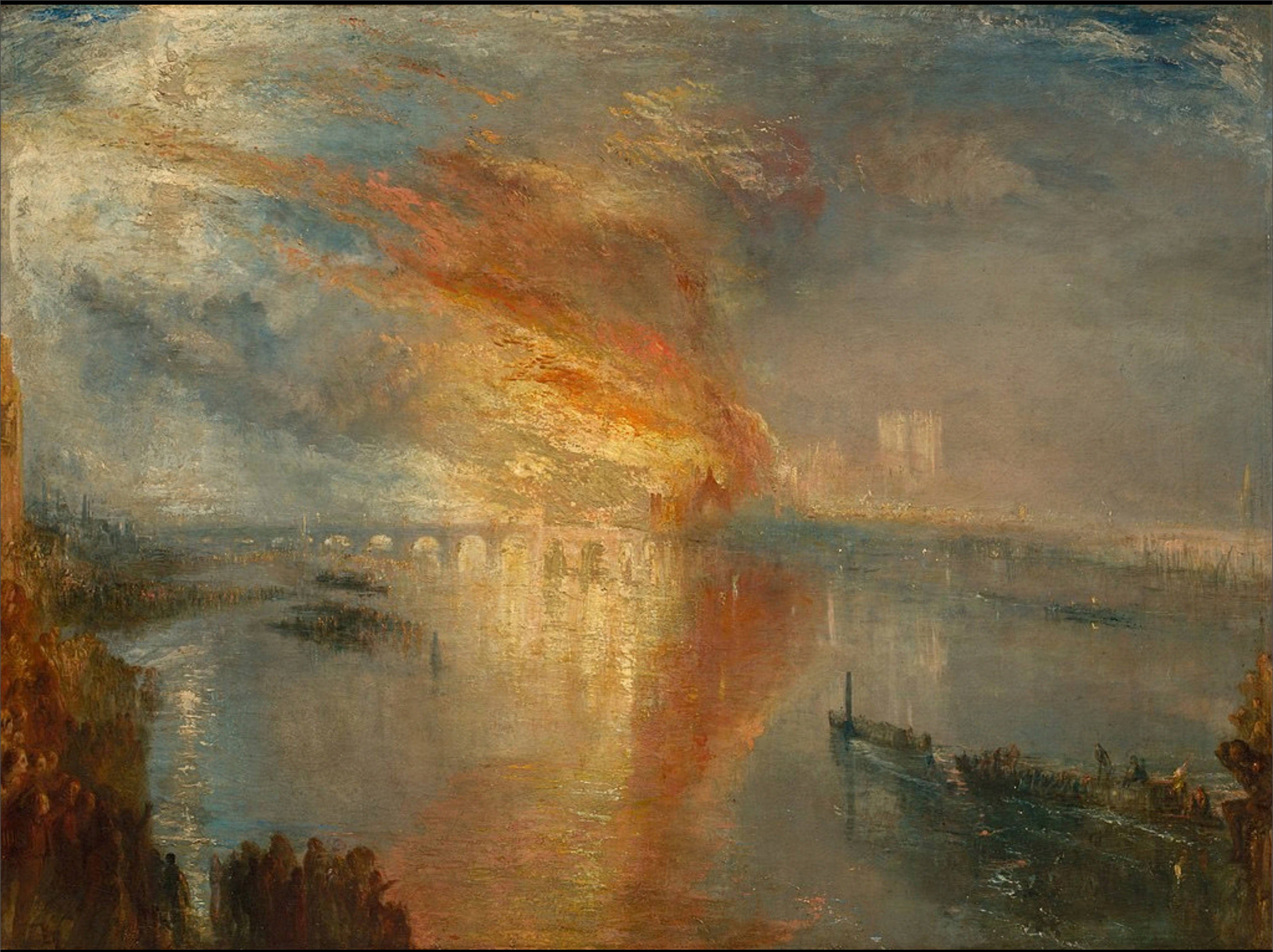




HISTORY OF ENGLAND, FALL QUARTER Week Nine Parliament

Institute for the Study of Western Civilization







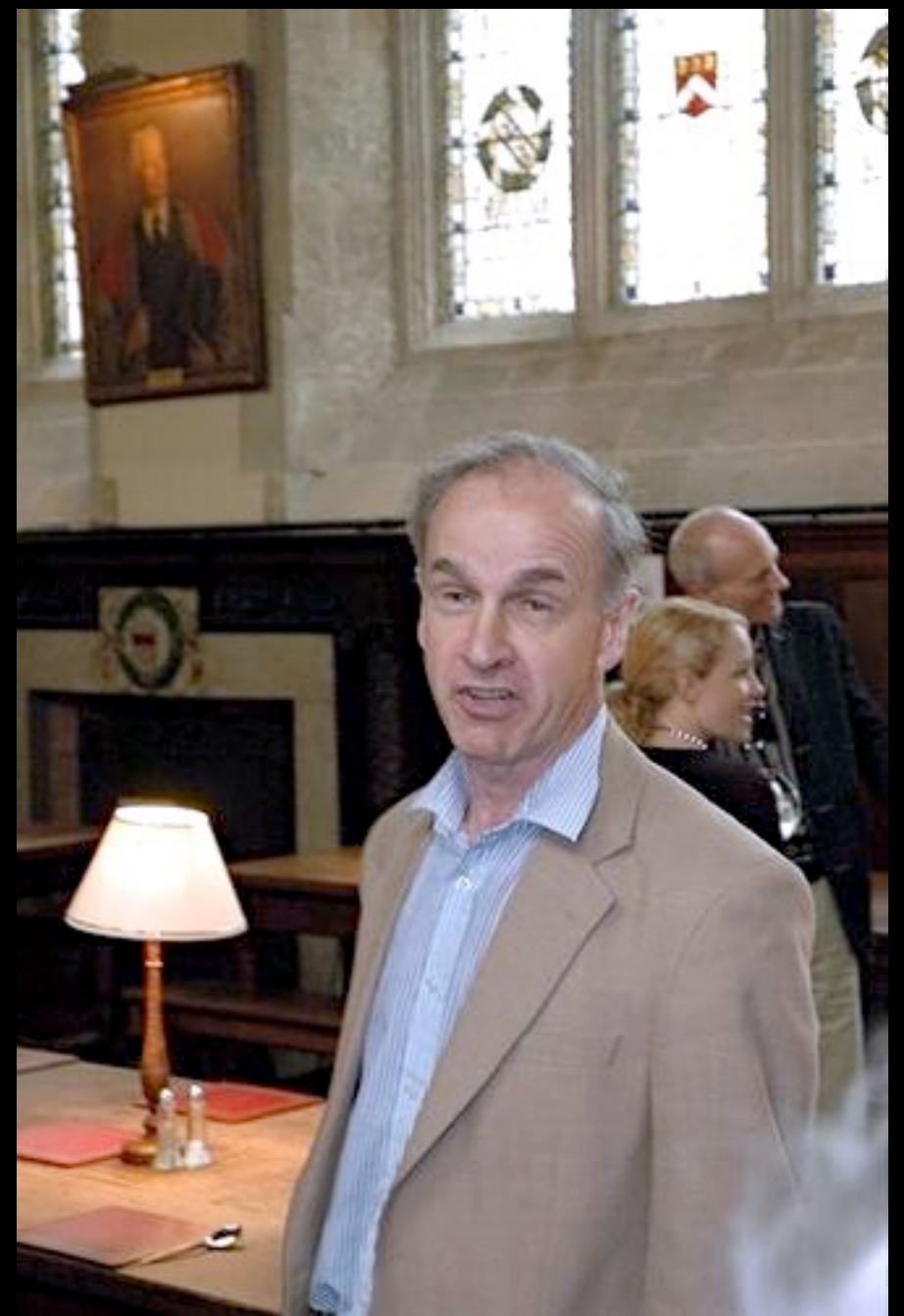




OXFORD

THE ORIGINS OF THE ENGLISH PARLIAMENT 924-1327

J. R. MADDICOTT



John R. Maddicott
Oxford University Press
2010

The Roman Republic 500 BC-20 BC vs. The English Parliament 1295



Consultation, representation BEFORE 1066

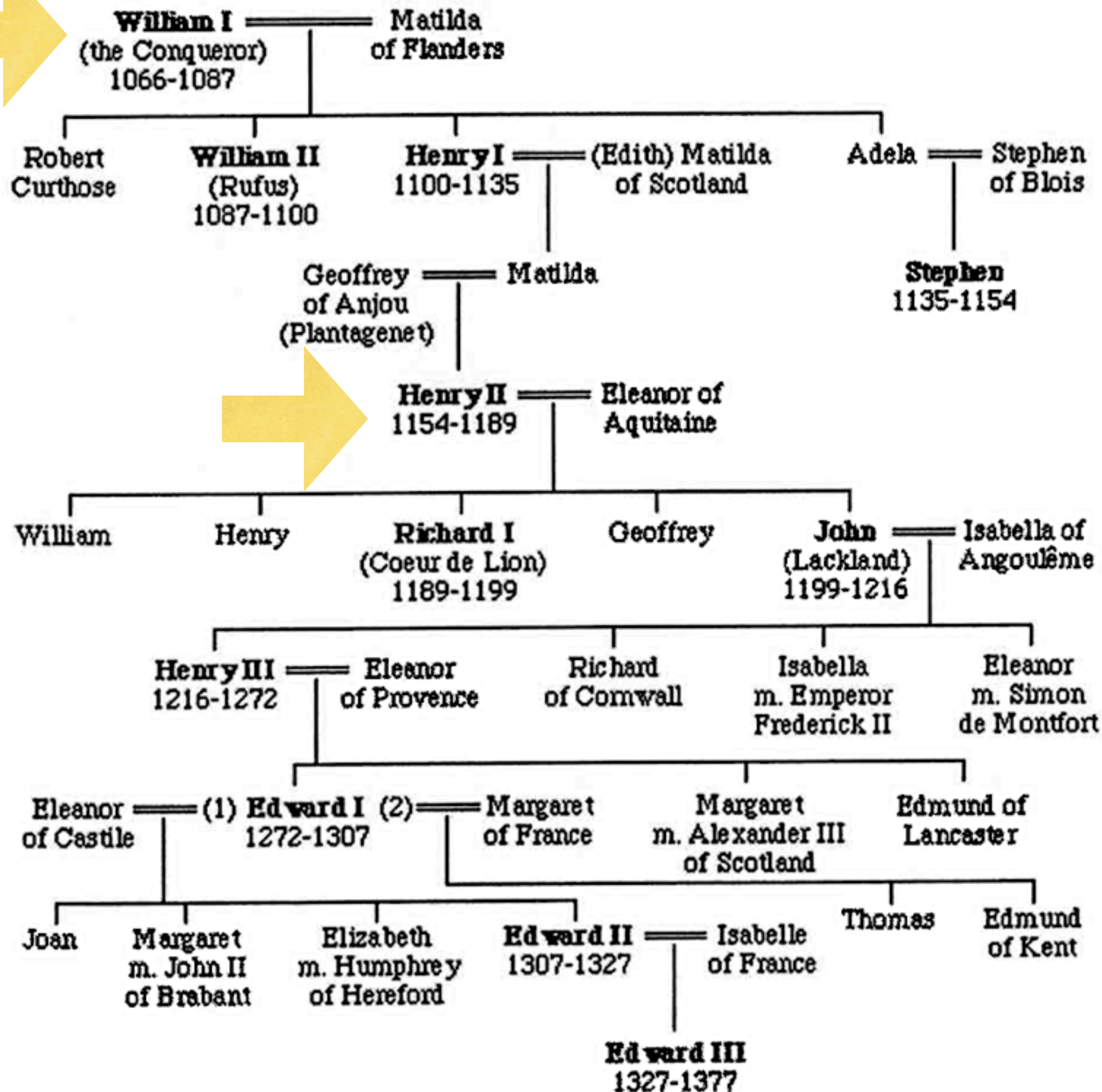
Ancient tribal councils Anglo Saxon tribal councils



© Alamy



1066, William the Conqueror



Norman Conquest 1066

England Transformed into Feudal Kingdom

THE GREAT COUNCIL, a Feudal idea all around Feudal Europe

King in Council

In order to seek consultation and consent from the nobility and the senior clergy on major decisions, post-Norman Conquest English monarchs called **Great Councils**.

A typical Great Council would consist of archbishops, bishops, abbots, barons and earls, the pillars of the feudal system. When this system of consultation and consent broke down, it often became impossible for government to function effectively.

1164 BECKET

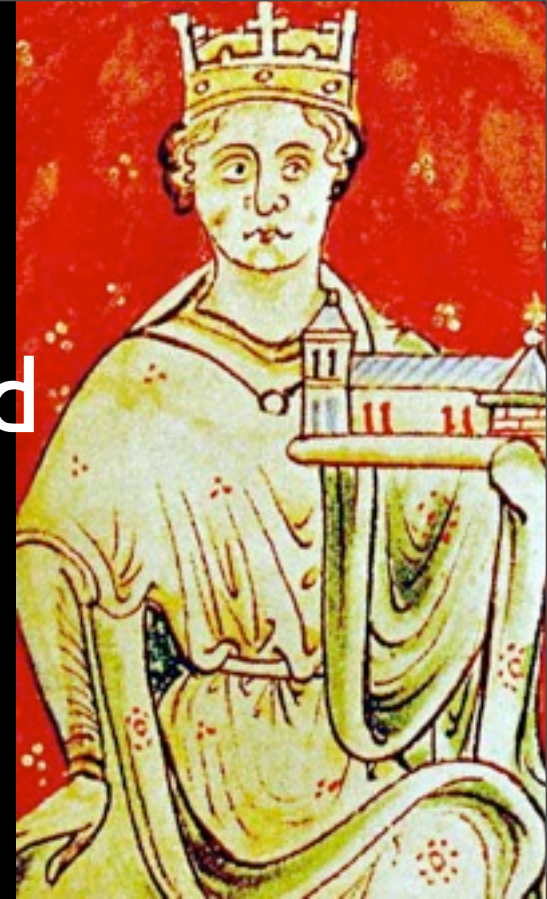
The most prominent instances of this before the reign of Henry III are the disagreements between Thomas Becket and Henry II and between King John and the barons. Becket, who served as Archbishop of Canterbury between 1162 and 1170, was murdered after a long running dispute with Henry II over the jurisdiction of the Church.

1215 King John, who was king from 1199 to 1216, aroused such hostility from many leading noblemen that they forced him to agree to Magna Carta in 1215. King John's refusal to adhere to this charter led to civil war (see First Barons' War).

Henry II, Richard I, John I, Hen III 1154-1230

The reigns of these four kings created the foundations of Parliament. By mid 1200s the "great Council" came to be called Parliament

The term (French *parlement* or Latin *parlamentum*) came into use during the early 13th century, when it shifted from the more general meaning of "an occasion for speaking." It first appears in official documents in the 1230s



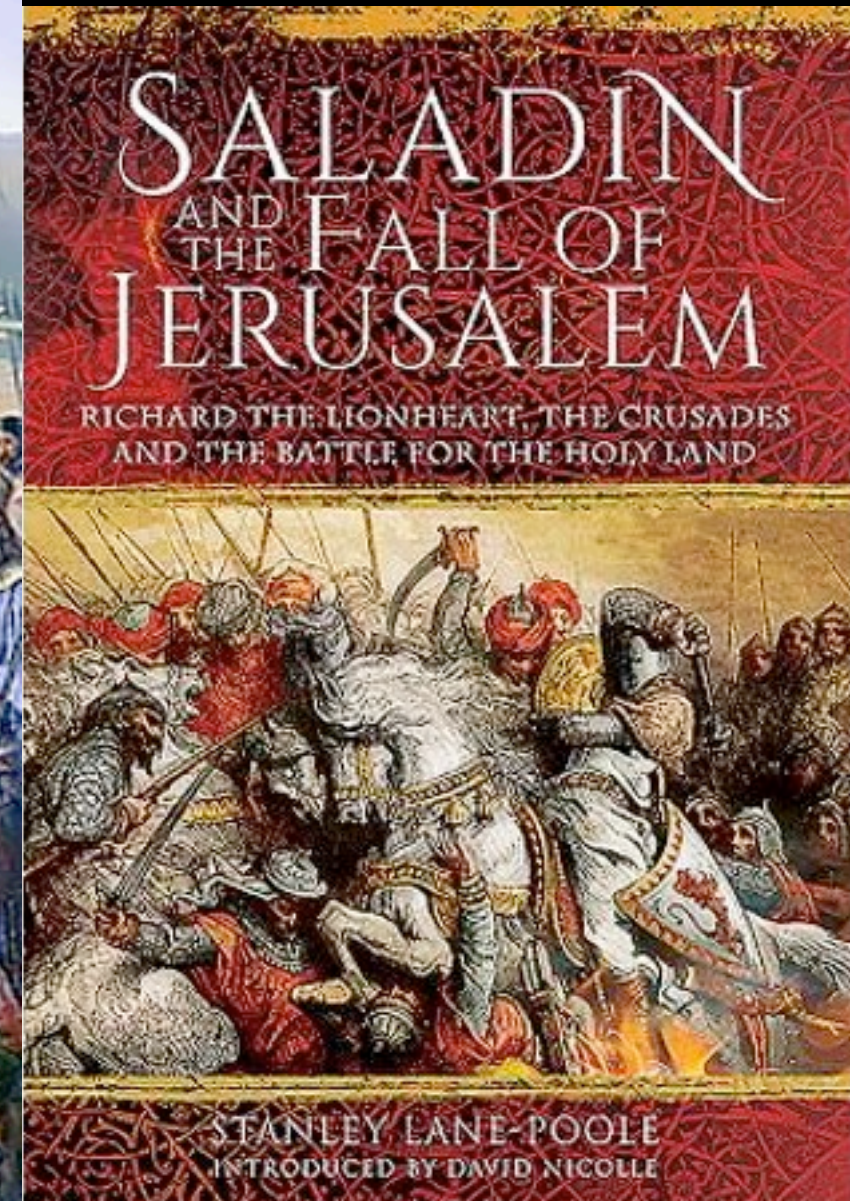
Henry II, Richard I, John I 1154-1216

The reigns of these three kings created the foundations of Parliament.

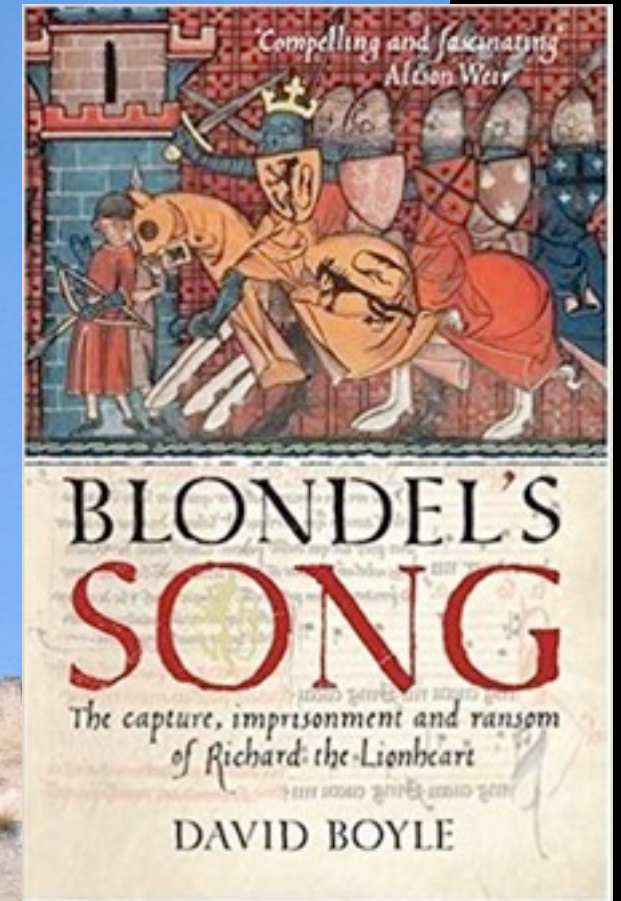
1. Hen II creates Common Law, Juries, King's justice. Local agents, sheriffs, for Law. **local agents** become rep. of counties, soon **elected** to Parliament.
2. Richard on Crusade, Capture, Ransom unites nation, all contribute.
3. Crisis of 1215 creates The Magna Carta
The Constitutional cornerstone
4. The wars and taxes of John drive need for councils
Councils = Parliament, 1230s use word.

THE EVOLUTION OF PARLIAMENT
AND
THE EVOLUTION OF COMMON LAW
AND
THE MAGNA CARTA 1215
ALL GO TOGETHER.

The Third Crusade to the Holy Land, 1189-1192



Dunstein Castle Germany, Richard imprisoned



THE
TROUBADOR
ON THE
ROAD

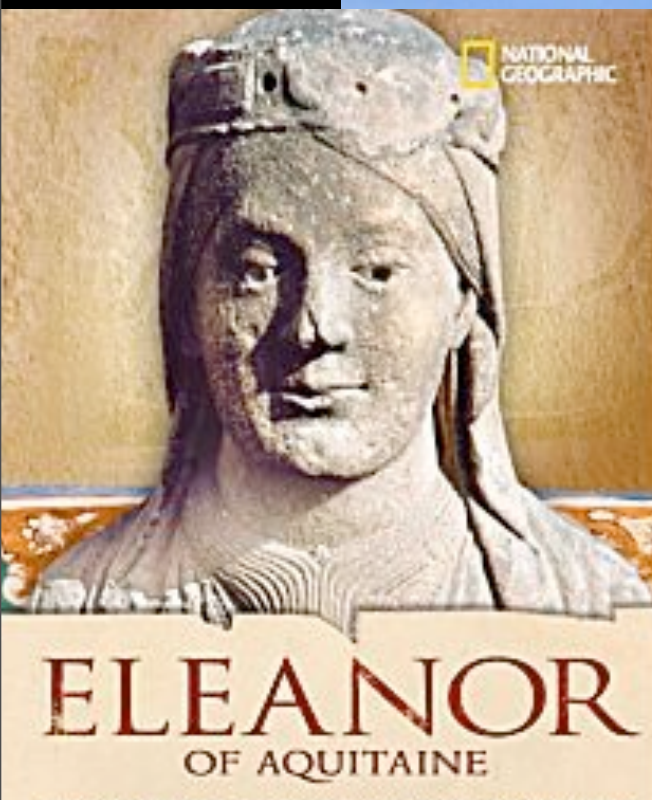


Dunstein Castle Germany, Richard imprisoned

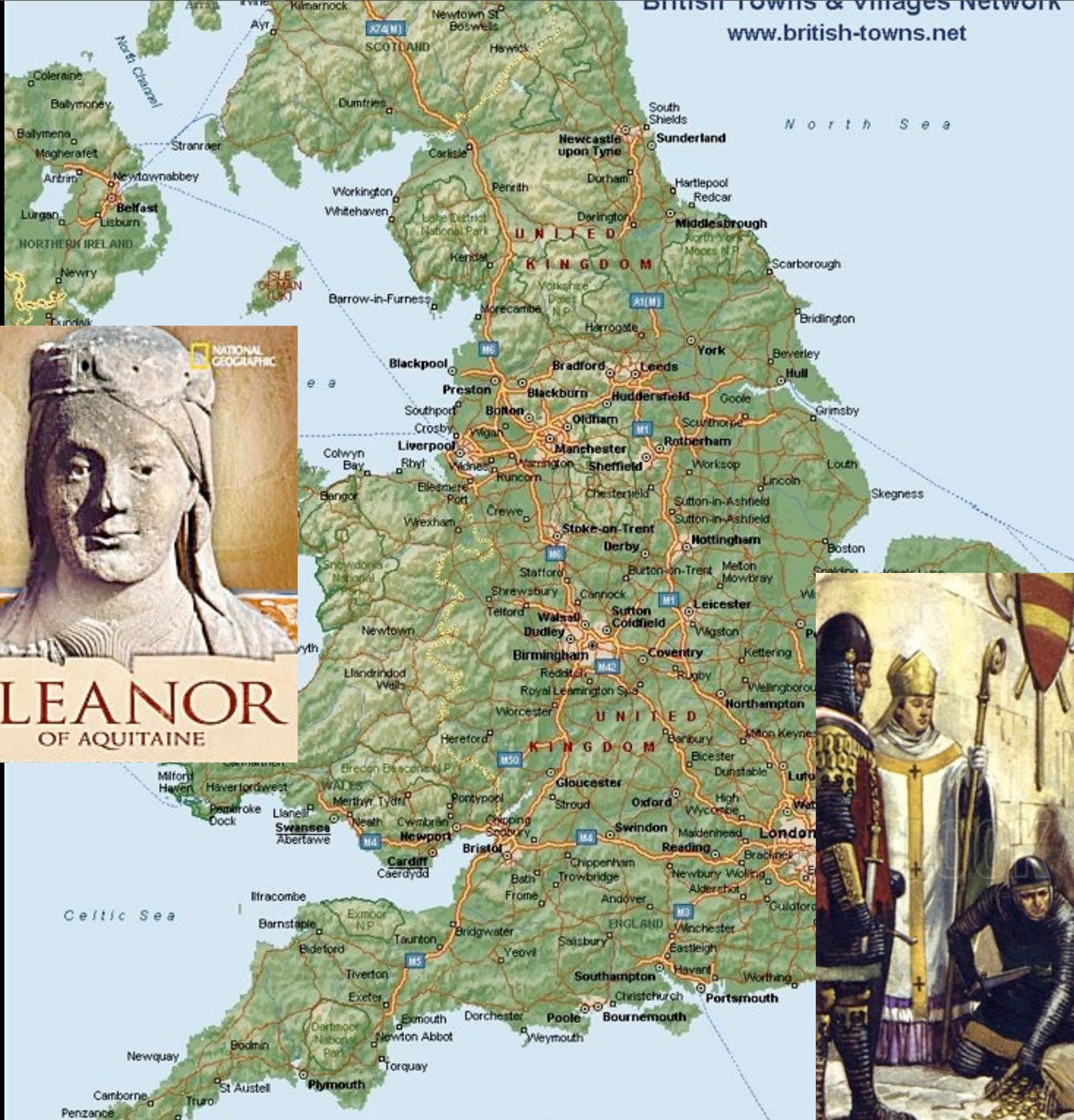


NOW ALL EUROPE KNOWS WHERE HE IS
AUTHORITIES HAVE TO ALLOW RANSOM

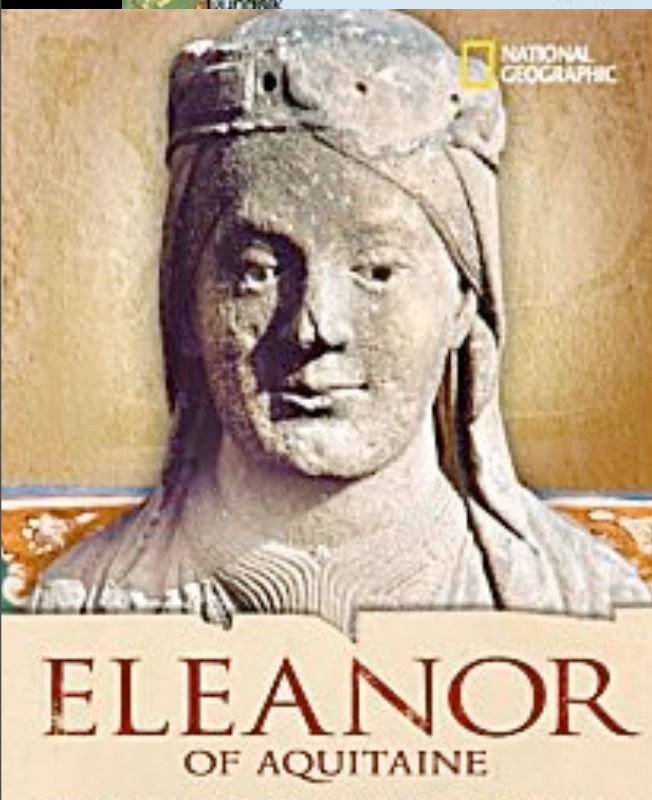
Dunstein Castle Germany, Richard imprisoned Eleanor goes to work to raise the ransom



NOW ALL EUROPE KNOWS WHERE HE IS
AUTHORITIES HAVE TO ALLOW RANSOM



The
whole
nation
ransoms
king...
all
contribute
a kind of
national tax



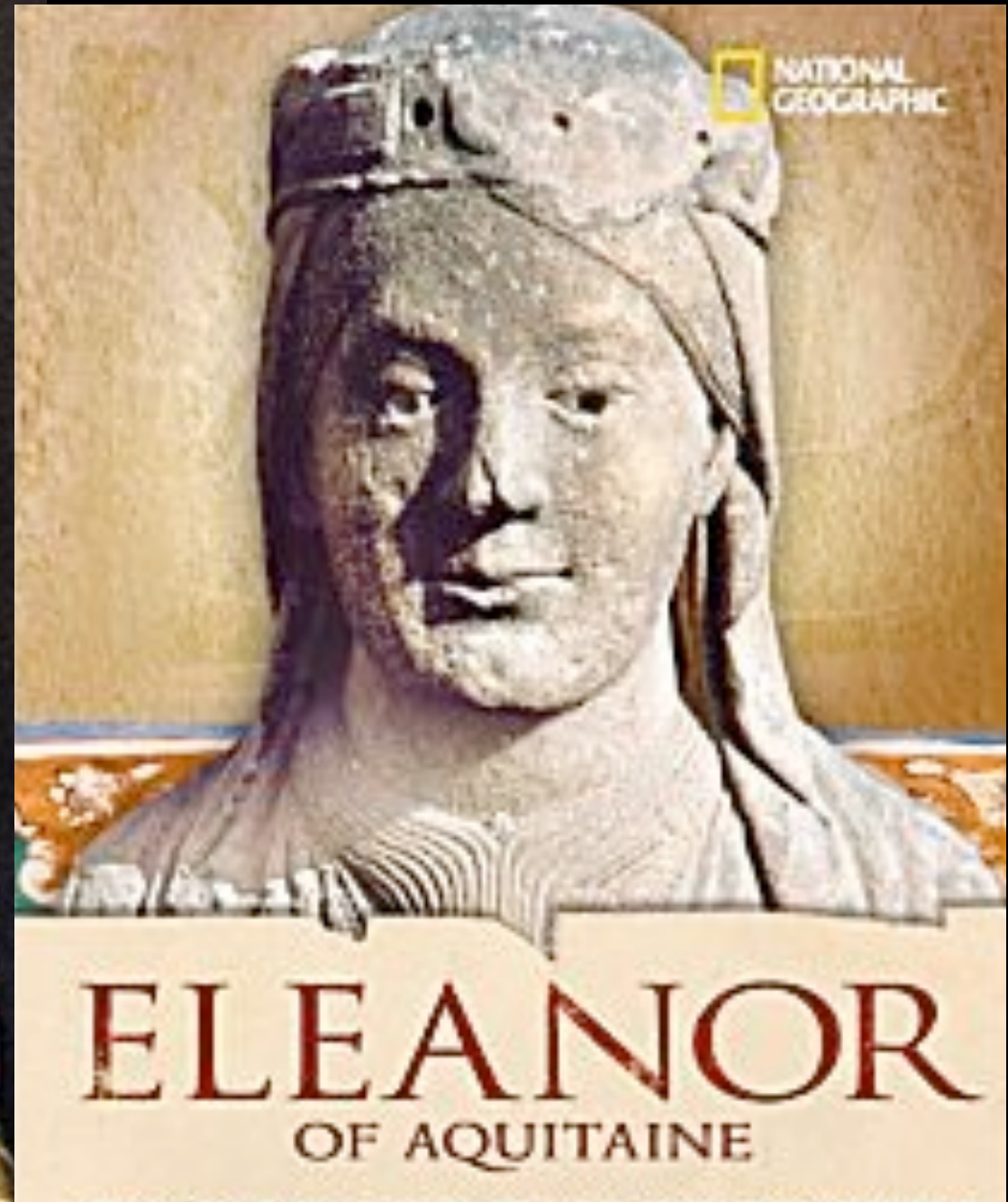


The Ransom is paid and Richard released, March 1194



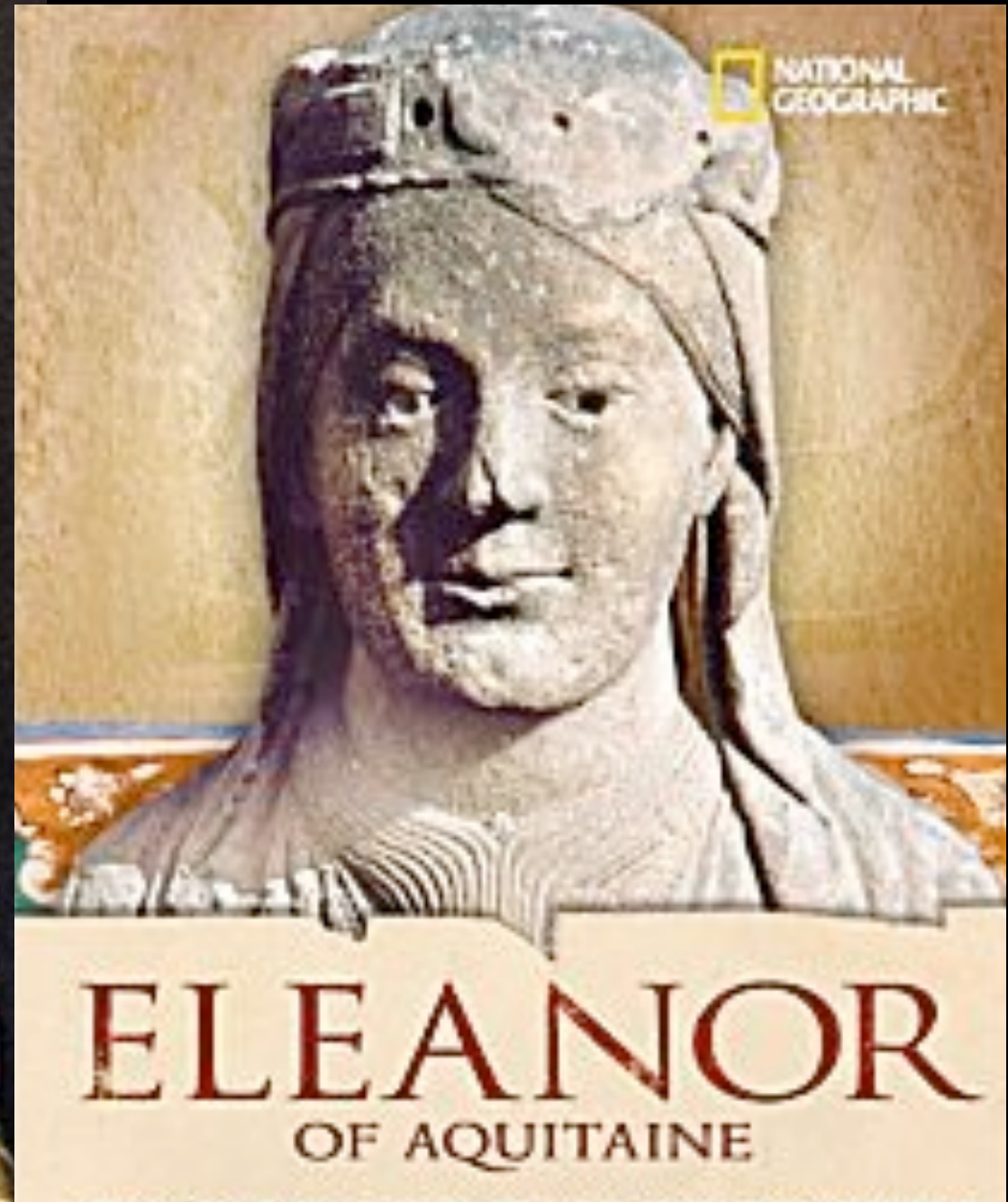
Eleanor Brings King Richard Home, March 1194

1194-1199, Richard and Eleanor rule together

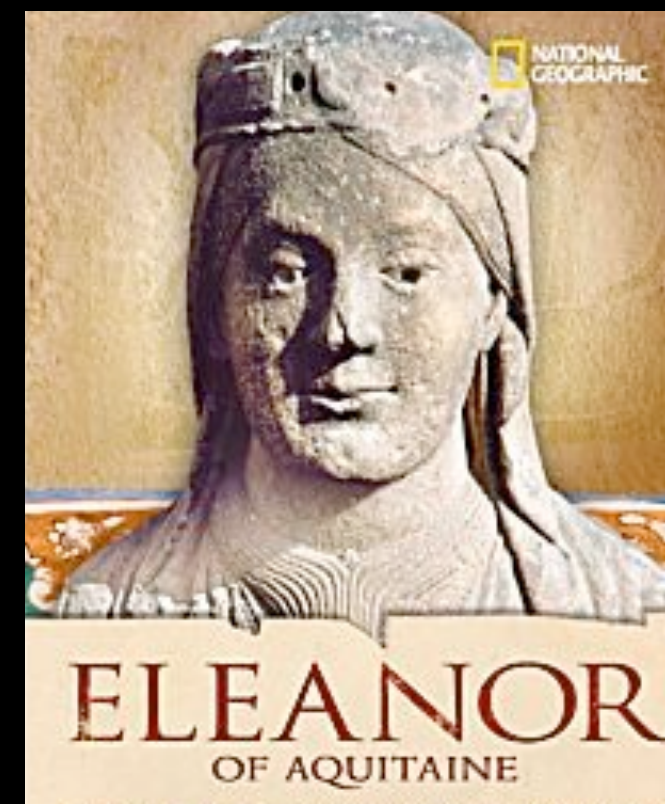
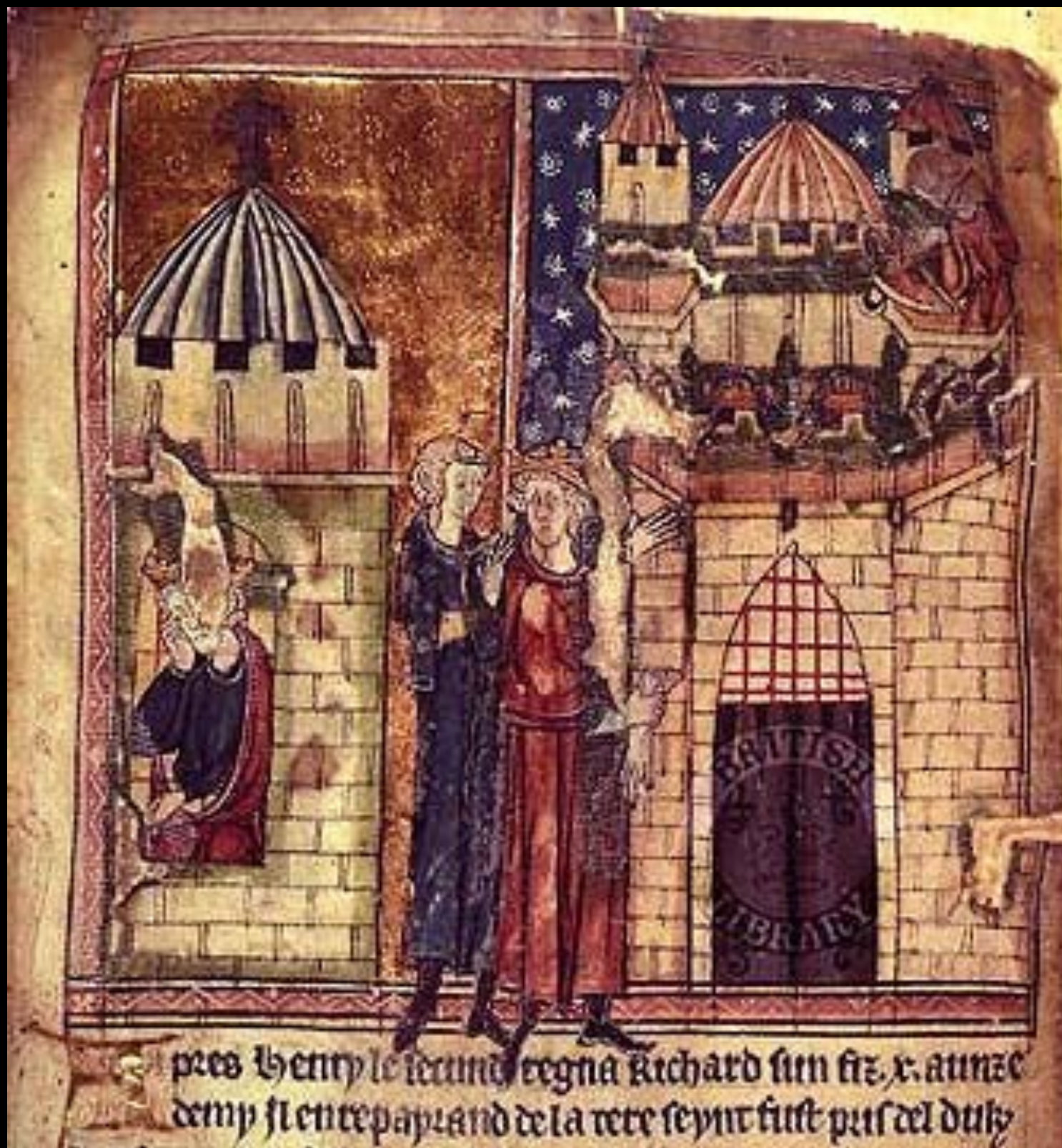


National unity, hero king, nation ransomed

National unity, hero king, nation ransomed

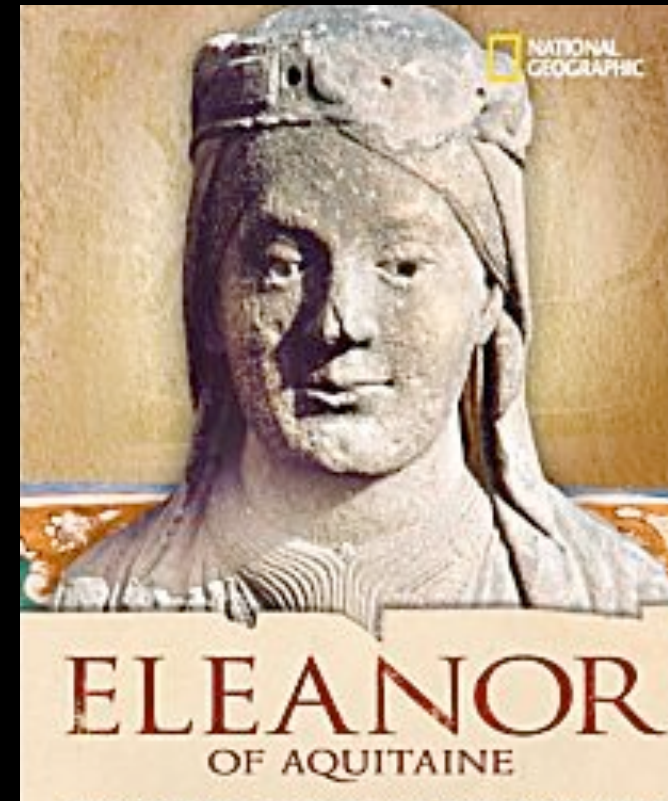
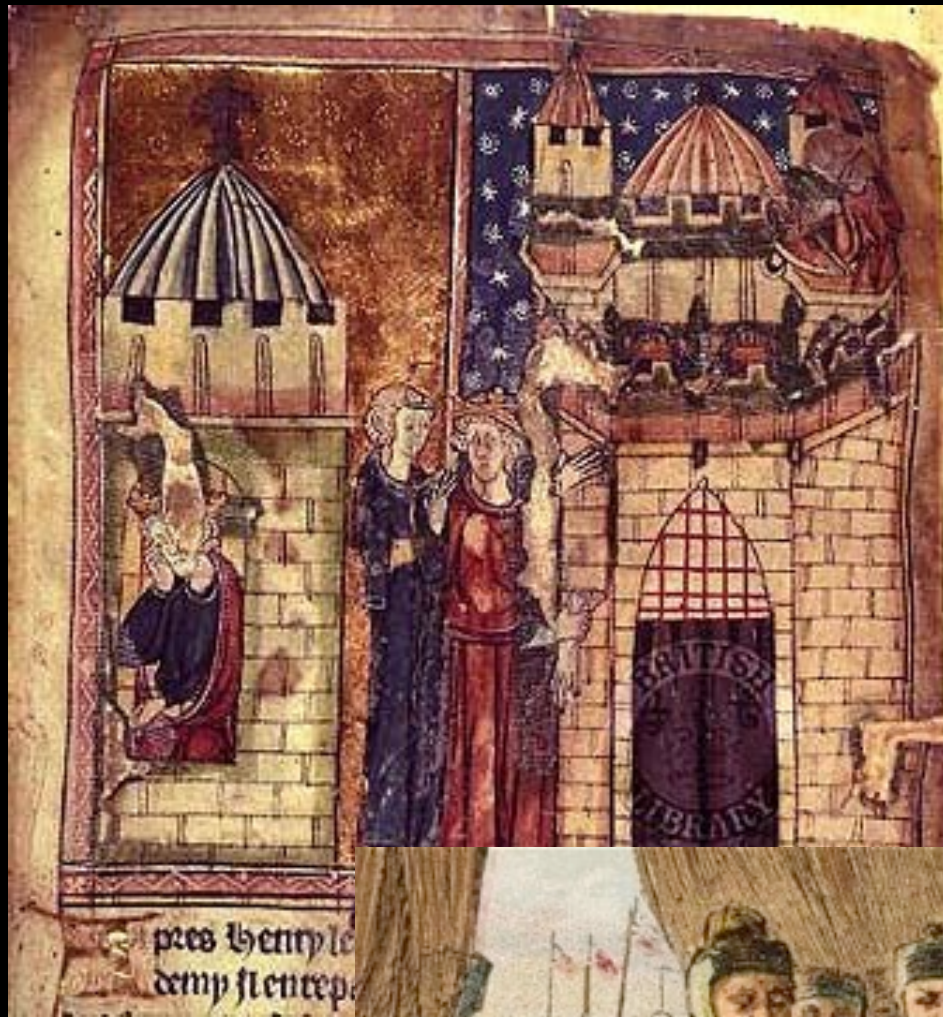


National unity will be INCREASED as
John loses French lands 1205-1215



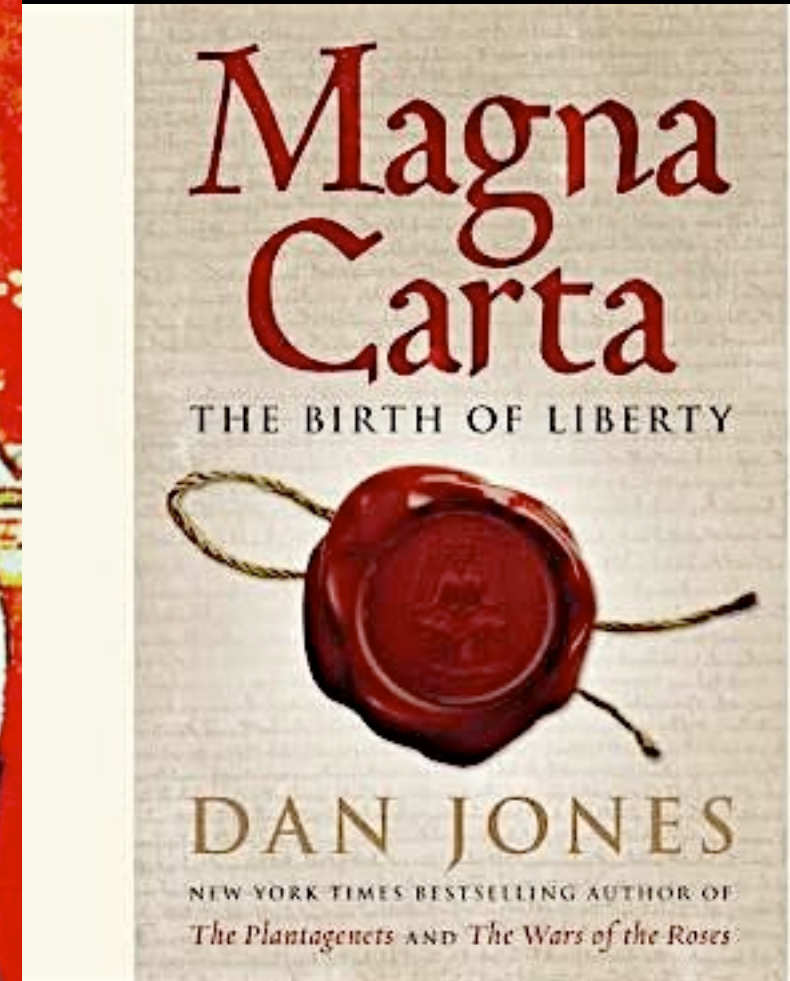
Death of King Richard the Lionhearted Chalus-Chabrol, France, 1199

Death of King Richard the Lionhearted 1199



Coronation of King John of England 1199 (1199-2016)

King John of England, reign: 1199-1216



King John of England, reign: 1199-1216



King John of England
What kind of person?
What kind of king?

spoiled brat from birth (1166)
king's favorite son
mother's least favorite
no discipline
terrible temper tantrums
jealous of his brothers
hates Richard
brilliant like father & mother
probably smartest of all the children
as king totally tyrannical
seizes individuals and seizes property



What did John do to bring on Parliament

arbitrary seizures

tax demands

scutage demands

inheritance demands

war costs

war n France expensive

need money lots of money

to get money you need Council

1213 Council of Oxford, first national assembly of knights of the shires summoned to council with king



1213, the counties were told to send up four knights from each county to a general assembly at Oxford 'to speak with us concerning the affairs of our realm'. The writs suggest that the knights might now represent their counties, not only in negotiating with the king and his agents for relief from burdens, but at the king's own bidding and for his purposes. The Oxford Council has a fortuitous importance as the **first known summons of the knights of the shire to a national assembly.**

King John 1199-1216,
Transformation of the Counties

John's need for money for war
increases need for Council;
need for Council puts spotlight on Counties

Counties become important
send magnates
send shariffs
send locals, knights

By 1200, Sheriffs elected
lowest rung on the feudal nobility
local landowners serve
by 1215 have elected sheriffs
elected knights
to go serve in the Great Council

1213 Council of Oxford, first national assembly of knights of the shires summoned to council with king

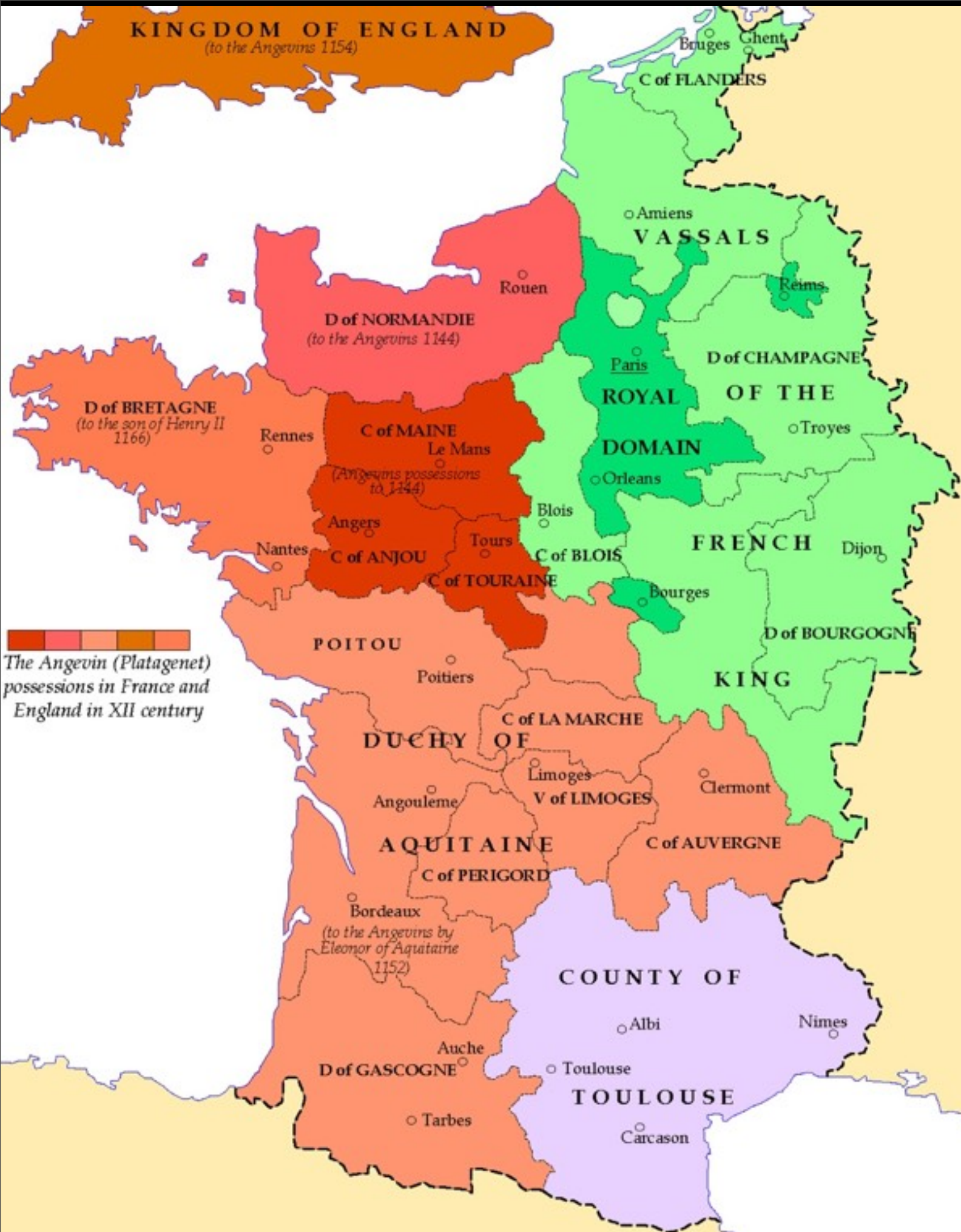


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Battle of Bovines (Flanders) July, 27, 1214



Total defeat of King John; returns home to England
Barons furious, organizing against him.



John has lost everything
in France
Barons, nobles enraged
all the money: lost

1215-17 First Baron's War CIVIL WAR

Barons organize against King John

Take London

May-June, War



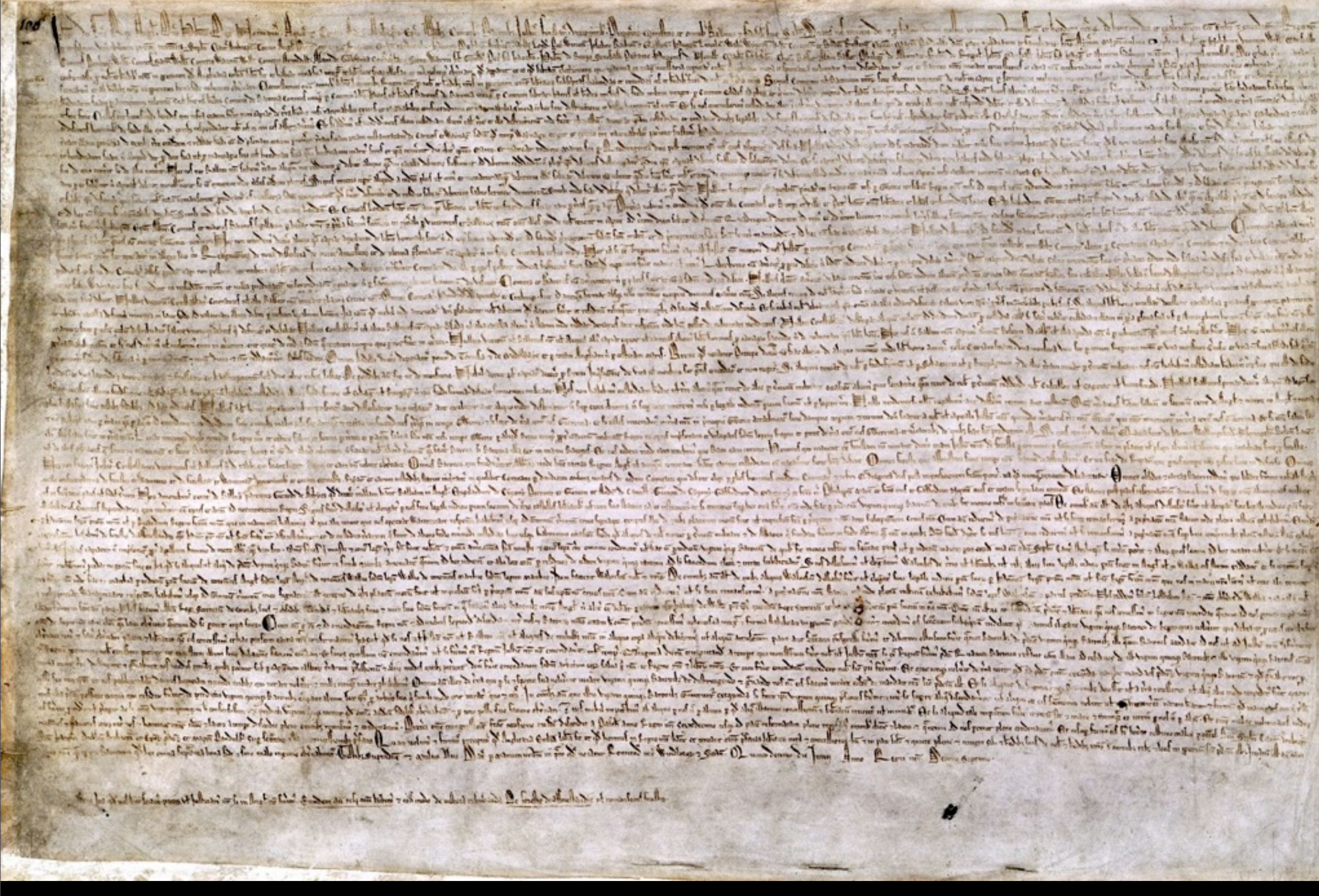
June 1215, Runnymede, Barons come to parlay



Negotiations go on for weeks with Arch Stephen Langton at the head of the Baron delegation

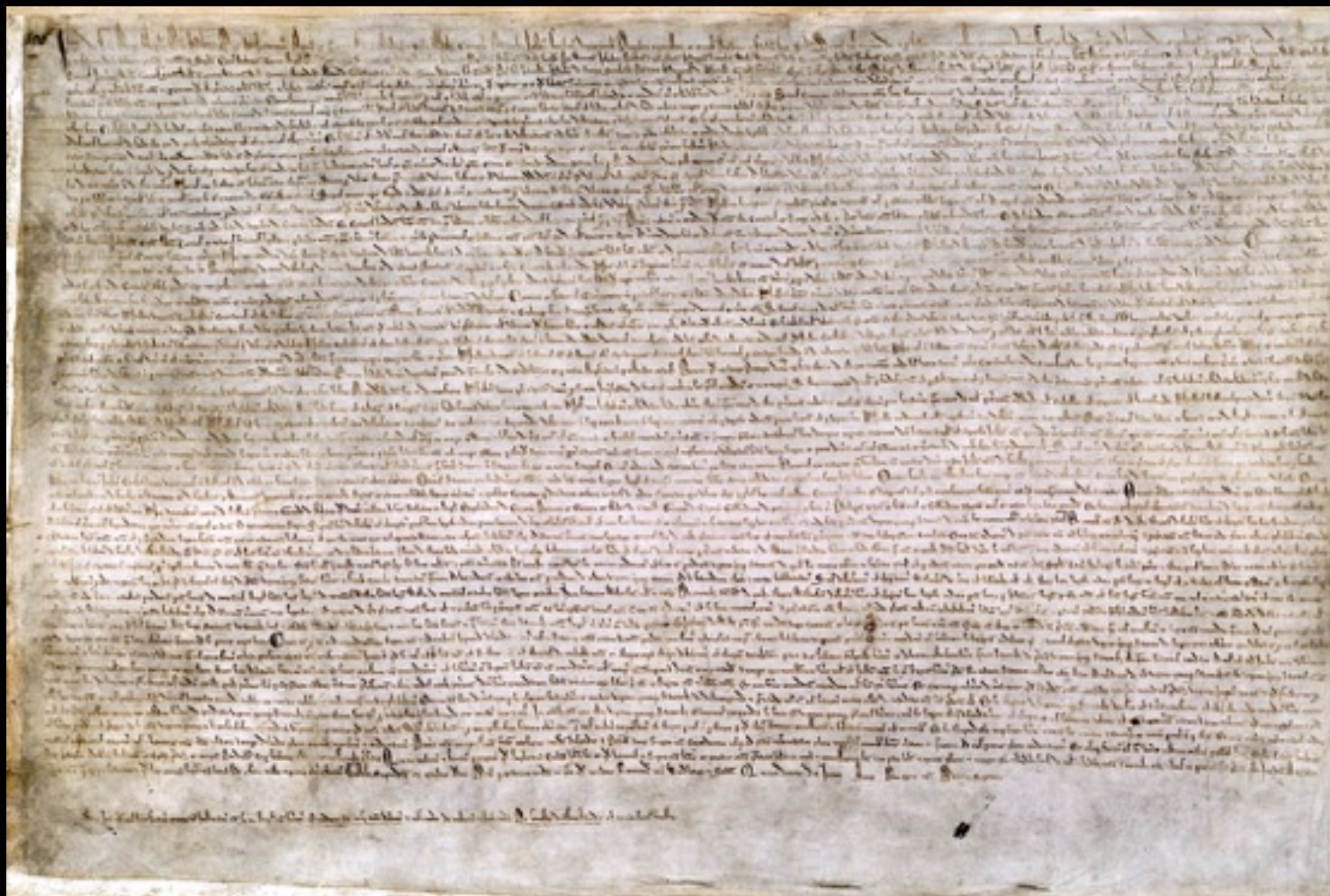


Magna Carta in the British Library. London, 1215

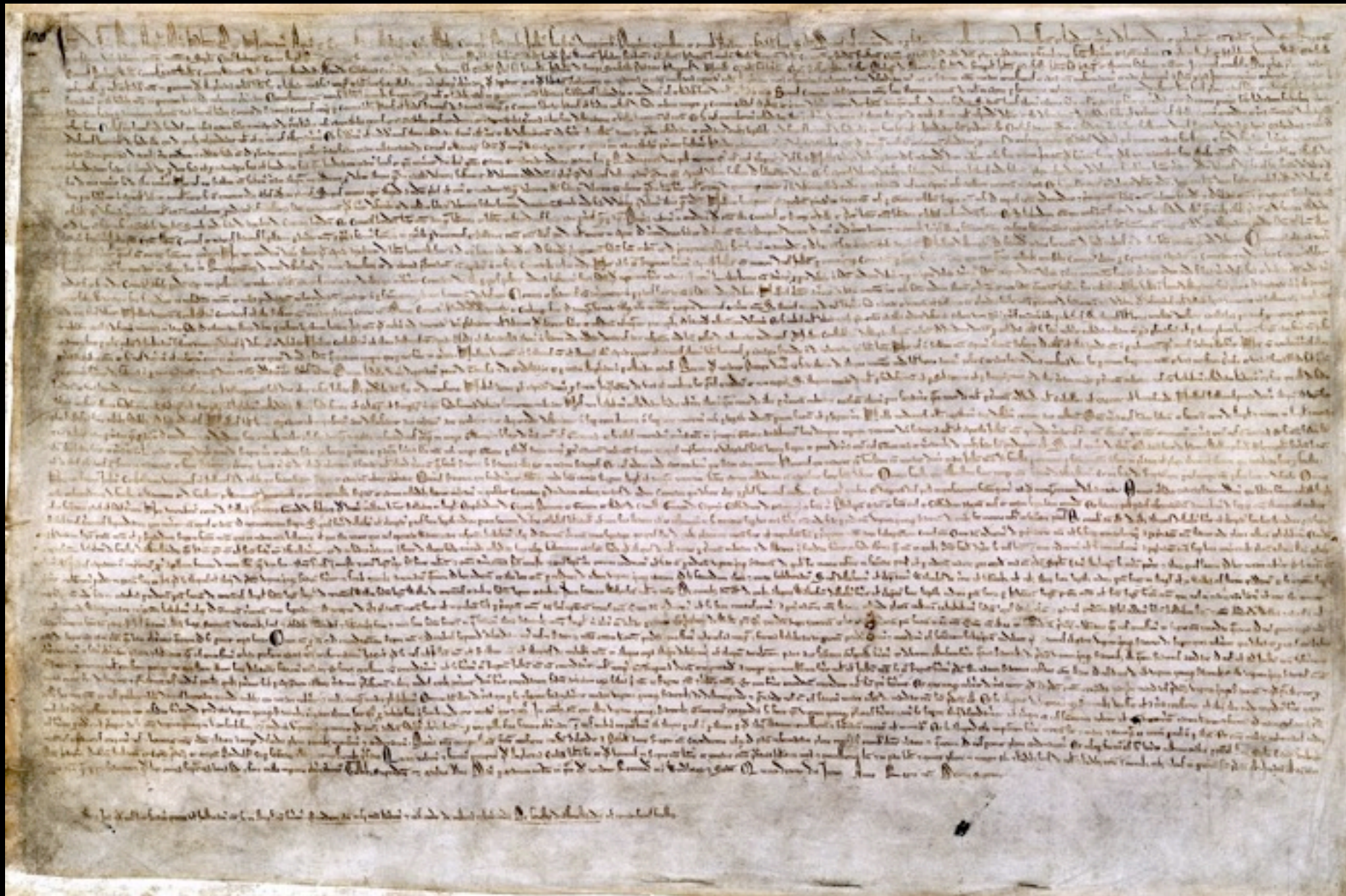


WHY Magna Carta of 1215?

1. Magna Carta was a **rebellion** by all social classes against the rule of the Plantagenets of the preceding 50 years (1154).
2. Unifying of the nation under **Common Law** was good in the long run, but in the short run it took away rights from some. They longed for the good old days of Henry I.
3. **Plantagenets seized property**, increased taxes, disinherited certain barons (those numbers mounted up so that by 1215 John faced many powerful barons who hated him passionately).
4. **Plantagenet power INCREASED** after John lost all the continental lands (Battle of Bovines 1214). Now the King of Eng only had England..no Anjou, no Normandy. This meant that John spent MORE time on England than any king had done since William the Conqueror. There were places in England that had not seen a king since William the Conqueror that now had a visit from John.
5. **John's terrible behavior**, seizing property, seizing women only increased every single resentment of the royal power.
6. **John's leadership in losing ALL continental lands** of the Angevin empire enraged the whole baronial class....many of the lands lost had been their castles, their lands.



Magna Carta NOT just to protect Barons
protected all the other tenants down the line
when the King taxed barons
those barons turned to THEIR knight tenants
for the tax money
so protection of barons for fees taxes
protected everyone in England.



The grievances of the knights and of county society in general were well represented in **Magna Carta**: in undertakings to prohibit increments on the farms of counties and hundreds, to appoint sheriffs and other local officials who ‘know the law of the land and mean to observe it well’, and to establish panels of knights to investigate ‘evil customs’ in each county, especially those laid at the door of forest officials and sheriffs.

1225 Emergence of Magnates as rep of the **Community of the Realm**

The years which saw the knights emerge as the de facto representatives both of their local communities and of their particular social group also saw the parallel emergence—or rather re-emergence—of the magnates as the representatives of a national community larger and more novel than that of the shire. Our terminus ante quem here must be the tax grant of 1225. Conceded by the magnates of the great council, the grant could nevertheless be regarded by Henry as one made by all his subjects: the ‘archbishops, bishops, abbots, priors, earls, barons, knights and everyone in our kingdom’, to be identified a generation later as ‘the community of the realm’ If the knights spoke for their own small societies, the **magnates had come to be seen as the spokesmen representatives of the whole kingdom**, here set against the king as the negotiators of the tax which Henry needed.

Maddicott, *Parliament*

Magna Carta AFTER JOHN & representation

It was both the **local publicity** given to the Charter and its everyday **citation in the courts**, as much as its **successive reissues** and confirmations at the centre, which ensured its permanence; while the social range of those looking to the Charter for justice and redress, from earls to freemen, reinforced its original standing as a national text, the property, not of any particular group, but of the community of the realm. Its reissues prompted by the great council, its particular clauses appealed to by a much wider constituency, the Charter had come to exemplify another way in which central assemblies could be seen to represent the realm.

King Henry III, 1207-1272, reign 1216-1272

five children Edward I, King of England Margaret, Queen of Scots Beatrice, Countess of Richmond
Edmund Crouchback Earl of Lancaster Katherine of England



1225, Henry signs reissue of Magna Carta
confirming all rights

Henry III's minority and Councils and Magna Carta

The effect of the minority was thus to make the great council an indispensable part of the country's government,

and to give it a degree of independent initiative and authority which central assemblies had never previously possessed, and to establish Magna Carta as a conciliar tool for national bargaining and practical code of redress. The Charter linked the principle of legal restraints on kingship both with the council's place at the centre of government and with the aspirations of political society in the provinces.

1260s REBELLION

King and Barons

King and Council

all the chaos of the 1260s
tells Henry's successor
King in Parliament essential
King Edward I, the creator of
a complete Parliament

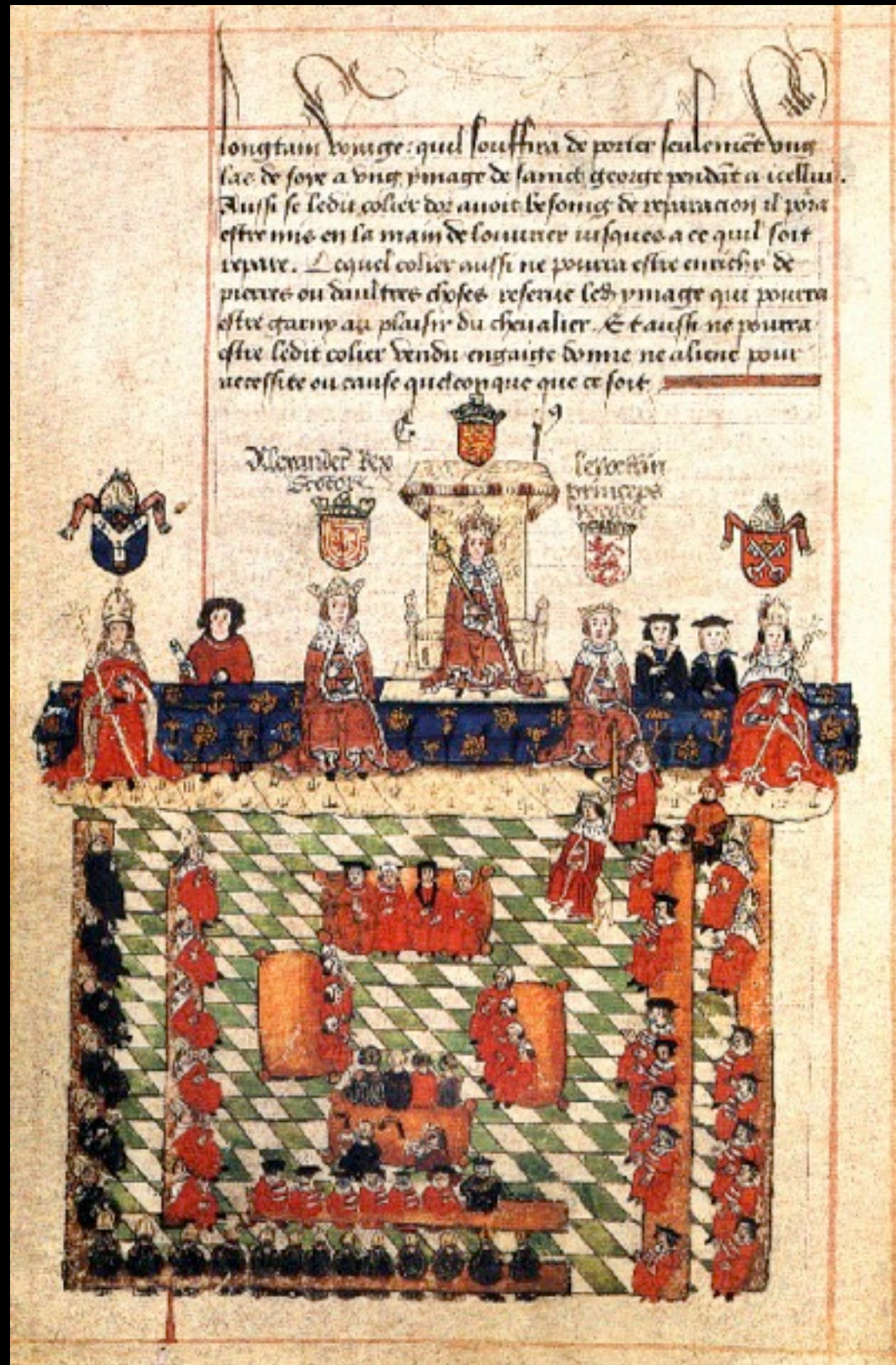
2. The House of Plantagenet

- **Henry II** (1154-1189), Henry I's grandson
- **Richard I** (1189-1199), the Lion-Hearted, third son of Henry II
- **John** (1199-1216), the Lackland, fifth son of Henry II
- **Henry III** (1216-1272), John's son
- **Edward I** (1272-1307), Henry III's son
- **Edward II** (1307-1327), Edward I's son
- **Edward III** (1327-1377), Edward II's son
- **Richard II** (1377-1399), Edward III's grandson
succeeded by Henry IV, (cousin) Lancaster

planta
ginestra



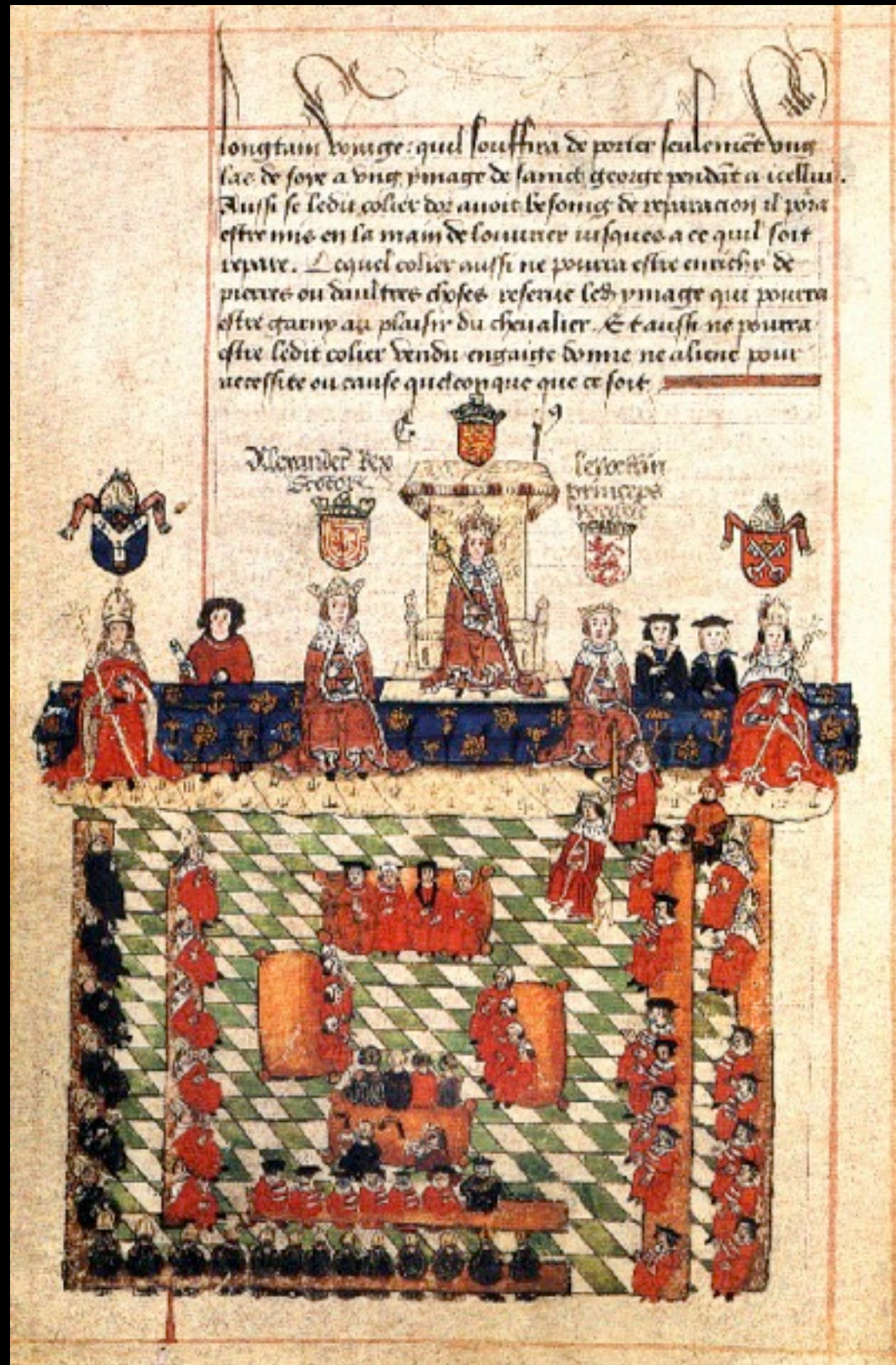
King Edward I in Parliament 1270s-1290s



The emergence of parliament as an institution

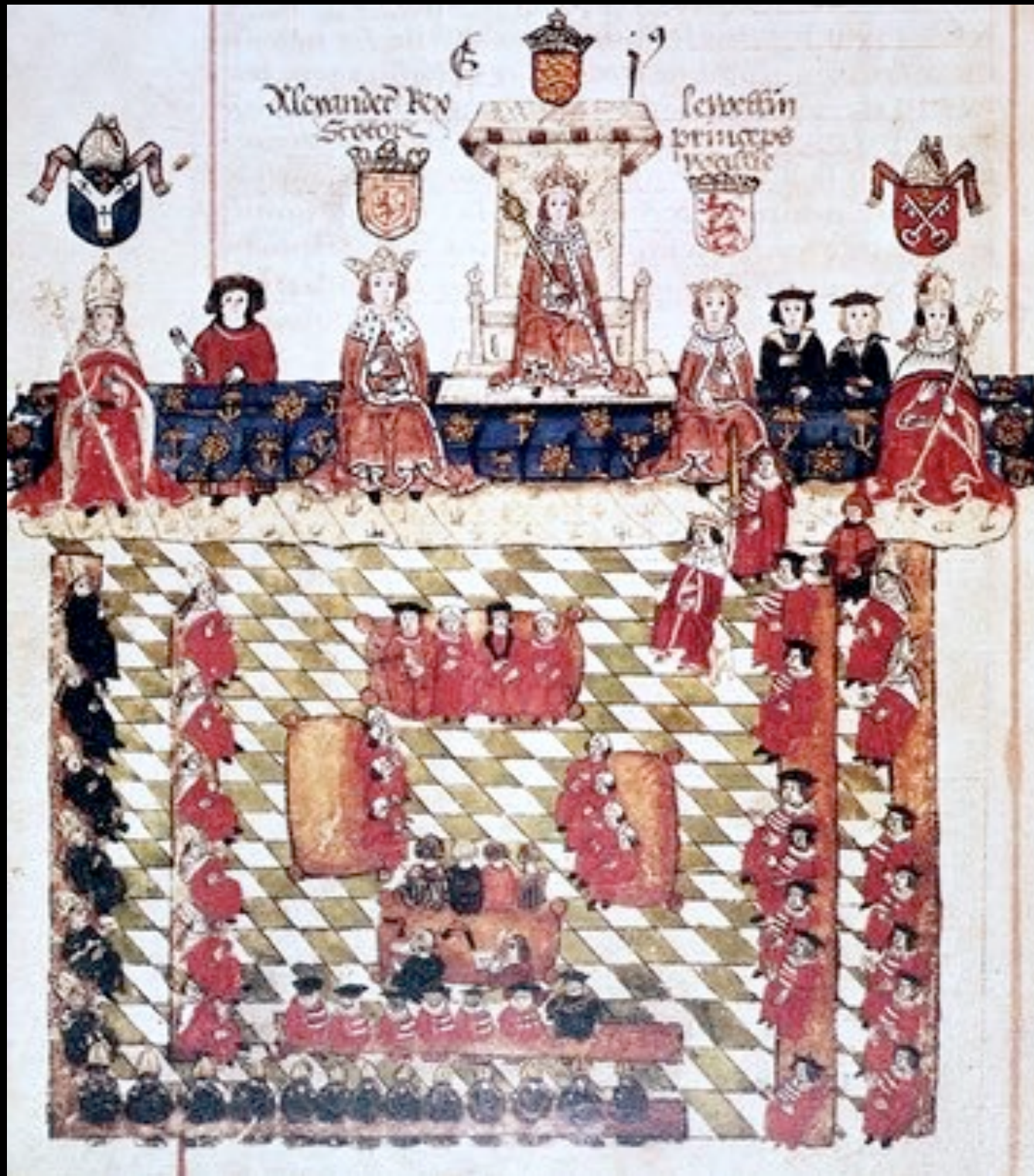
During the reign of Edward I, which began in 1272, the role of Parliament in the government of the English kingdom increased due to Edward's determination to unite England, Wales and Scotland under his rule by force. He was also keen to unite his subjects in order to restore his authority and not face rebellion as was his father's fate.

King Edward I in Parliament 1270s-1290s



Edward therefore encouraged all sectors of society to submit petitions to parliament detailing their grievances in order for them to be resolved. This seemingly gave all of Edward's subjects a potential role in government and this helped Edward assert his authority. Both the Statute of Westminster 1275 and Statute of Westminster 1285, with the assistance of Robert Burnell, codified the existing law in England.

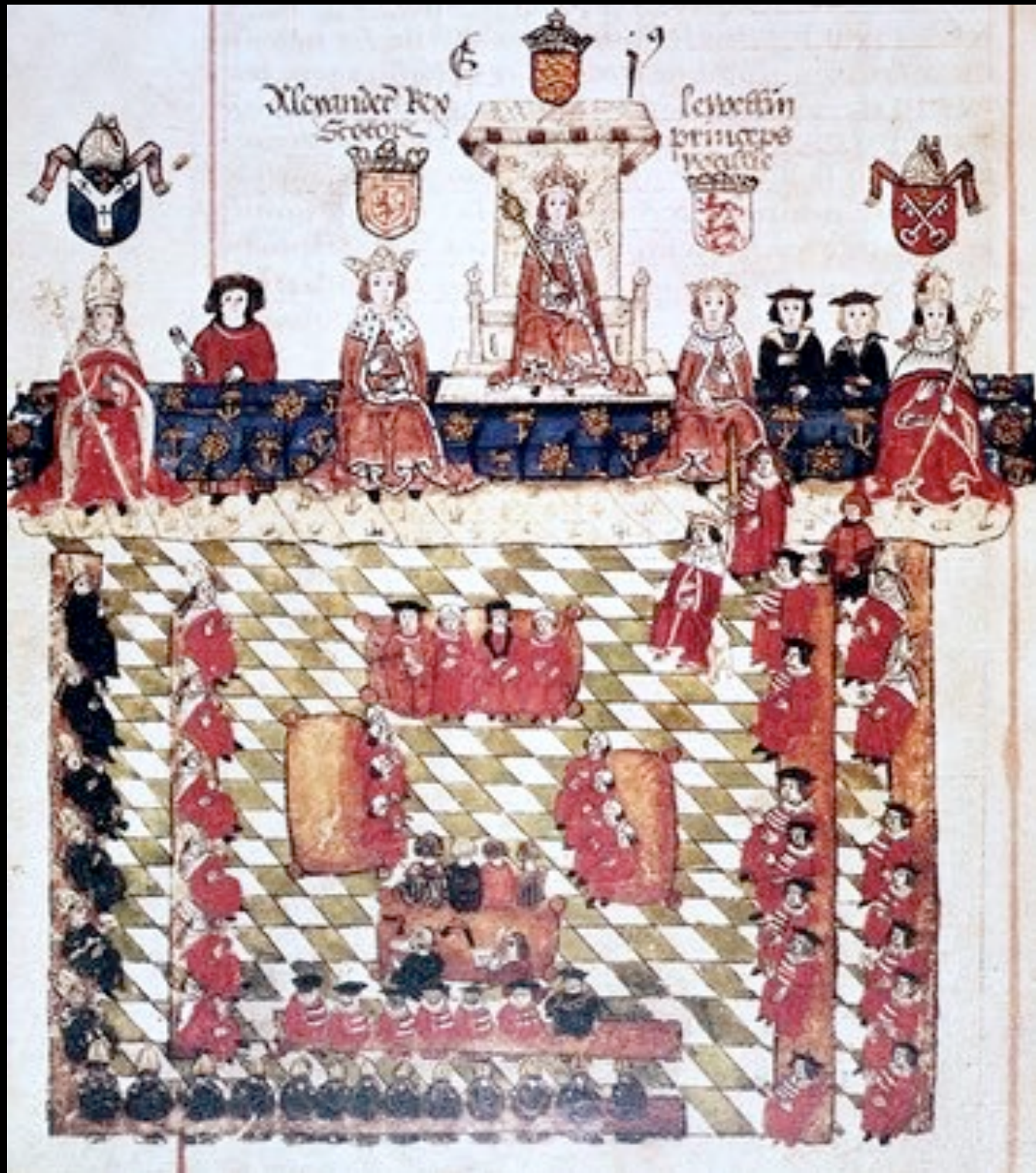
The Model Parliament of Nov 13, 1295



members of the clergy
barons, earls,
counties: 2 knights
counties: 2 "burgesses" townsmen

Edward I summoned the parliament on 13 November 1295. In calling the parliament, Edward proclaimed in his writ of summons, "what touches all, should be approved of all, and it is also clear that common dangers should be met by measures agreed upon in common"

QUOD OMNES TANGIT; OB OMNIBUS APPROBETUR

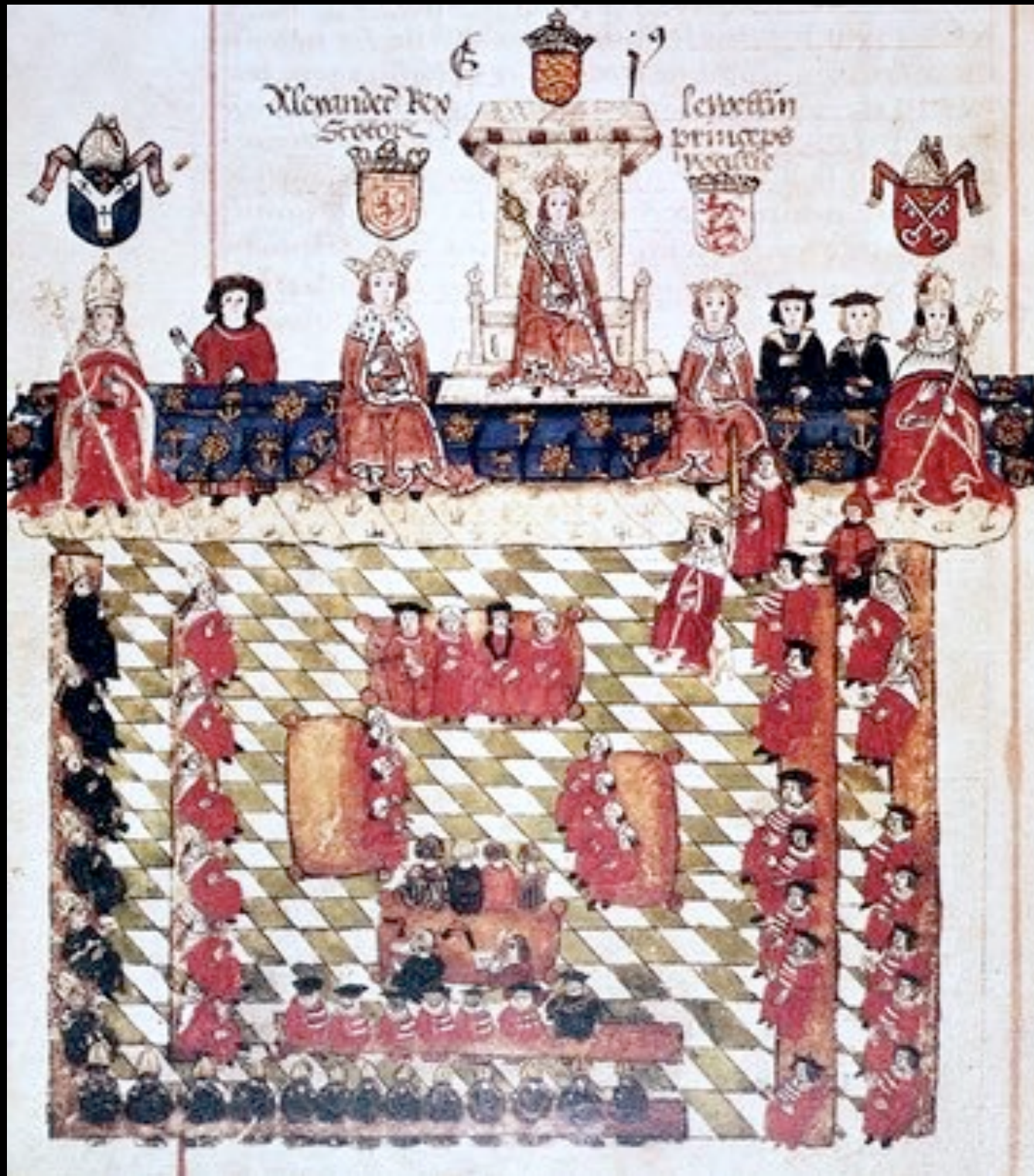


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QUOD OMNES TANGIT; OB OMNIBUS APPROBETUR



The Model Parliament
of Nov 13, 1295

members of the clergy
barons, earls,
counties: 2 knights
counties: 2 "burgesses" townsmen

First truly **national**
representative body in
all of human history.

Athens no rep.
Rome no rep
for provinces
Other Euro
countries
no rep.

1154 Henry II to 1307 Edward I

THE EVOLUTION OF PARLIAMENT

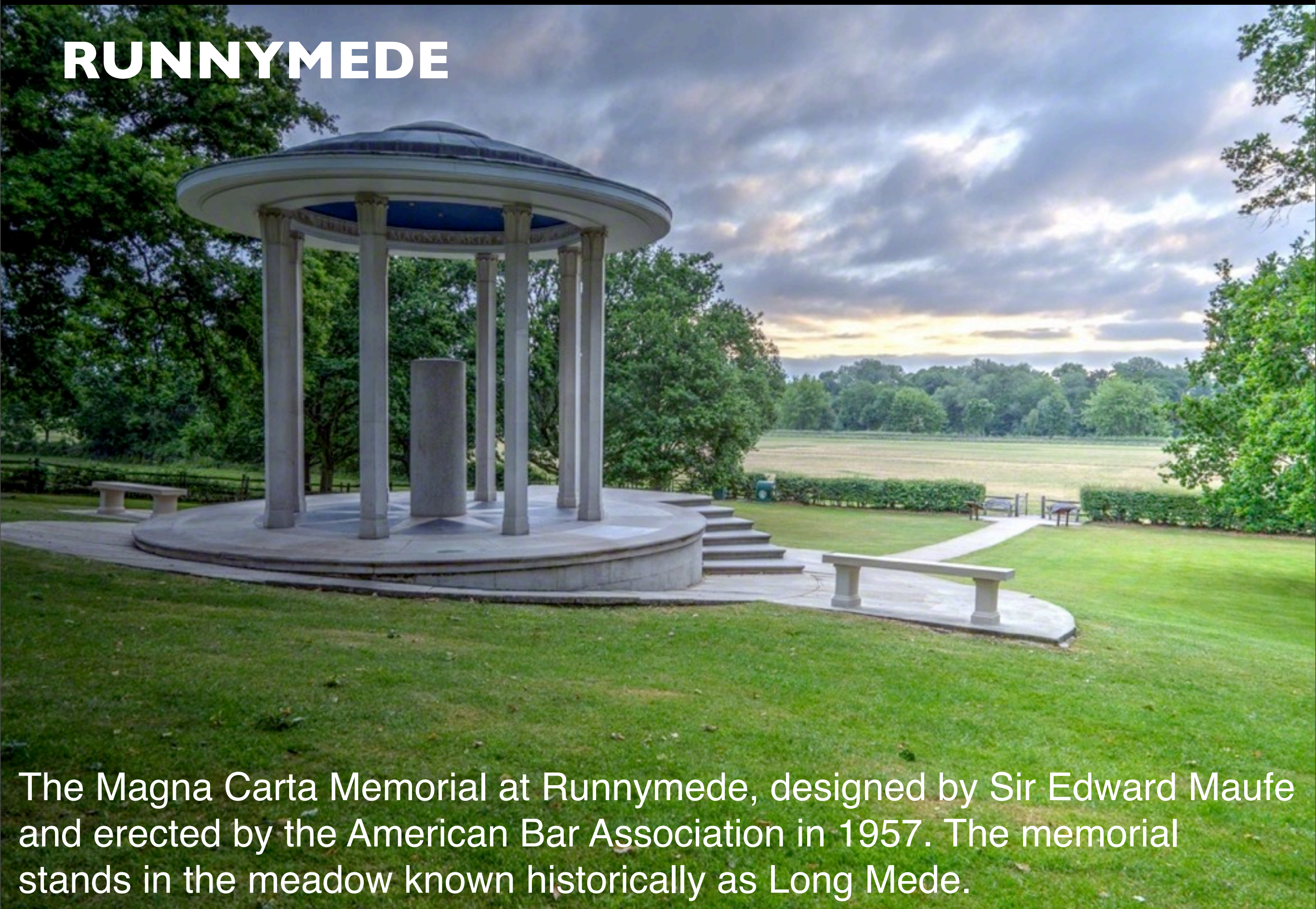
AND

THE EVOLUTION OF COMMON LAW

AND

THE MAGNA CARTA 1215
ALL GO TOGETHER.

RUNNYMEDE



The Magna Carta Memorial at Runnymede, designed by Sir Edward Maufe and erected by the American Bar Association in 1957. The memorial stands in the meadow known historically as Long Mede.



HISTORY OF ENGLAND, FALL QUARTER Week Nine Parliament

Institute for the Study of Western Civilization

Magna Carta I

The opening clause of the Magna Carta unmistakably bore the stamp: of Archbishop of Canterbury Stephen Langton

“Firstly, we have granted to God and confirmed by this, our present charter, for us and our heirs in perpetuity that the English Church shall be free.”

Magna Carta 2

Next the charter addresses one of the biggest issues of dispute between John and his barons: that of relief from inheritance taxes. Here John agrees to limit his demands for allowing earls, barons, and other great men to inherit to “£100 for the whole barony” or one hundred marks in the case of a knight. No longer would men like William FitzAlan be charged outlandish sums like ten thousand marks to come into their inheritance. No longer, equally, would John be able to force his great men into effective bankruptcy as a means of political control.

Magna Carta 3

Other major political issues can be traced throughout the document. The county “farm”—the fixed tax taken by royal sheriffs—was to be held at its “ancient” (antiquas) rates, although what these rates were is not defined (clause 25).

Magna Carta 4 Beginning of no taxation without rep

Important, in terms of England's later constitutional development at least, was the promise that the king would take scutage only at a "reasonable" rate **and after taking "the common counsel of our realm" (per commune consilium regni nostri)**—counsel that was to be summoned according to a newly defined protocol in clause 14.

During the later thirteenth and fourteenth centuries, the notion that tax was to be taken only when the kingdom had agreed on it—in Parliament, as the formal meetings between king and subjects became known—would emerge as one of the most sacred ideas in English political thought and practice (and in turn would have profound implications for the inhabitants of the English colonies in the New World, as the American Revolution would attest).

Magna Carta 10

The most important clauses dealt with justice and representation.

Judges, sheriffs, and other royal officials were to be competent and soon they would all be elected (clause 45) most already were.

Earls and barons were to be “amerced” (fined) only “by their peers” and “in accordance with the nature of the offence” (clause 21).

Magna Carta I I

Later, in clause 39, the charter expands the principle in what is perhaps one of most enduring clauses of any major constitutional document in two thousand years:

“No free man is to be arrested or imprisoned or disseized, or outlawed, or exiled, or in any other way ruined, nor will we go or send against him, except by the legal judgment of his peers or by the law of the land” (nisi per legale iudicium parium suorum).

In 1215 this statement was designed to stop John's highly personal and arbitrary pursuit of his greatest men.

Over the years, however, clause 39—in tandem with the next clause, which simply states: “to no one will we sell, to no one will we deny or delay right or justice”—

has been taken to enshrine
the principle of **trial by jury**,
the right of **habeas corpus**,
and the basic idea that **justice should always
restrain the power of government.**