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English Parliament in the Middle Ages

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Anotace

Bakalářská práce se zabývá vývojem anglického parlamentu v období středověku. Průzkum počátků a rané historie parlamentu propojí tradiční vnímání parlamentních dějin, např. v pracích H.G. Richardsons a G.O. Saylese, s novějšími přístupy a poznatky. Jedná se především o rozšíření časového rámce a ukotvení počátků parlamentu v anglosaském období (J.R. Maddicott, 2010). Součástí práce je také zhodnocení pozice raných předchůdců parlamentu v kontextu politických poměrů soudobé Evropy.

Klíčová slova: parlament, anglický parlament, středověk, anglosaské království, sněm, witenagemot, witan, Anglie

Abstract

The bachelor thesis deals with the evolution of the English parliament in the Middle Ages. The survey of the origins and early history of parliament combines traditional views of parliamentary history, represented, among others, by H.G. Richardson and G.O. Sayles, with more recent approaches and findings. This includes in particular the extension of the timeframe and locating the roots of parliament in the Anglo-Saxon period (J.R. Maddicott, 2010). The thesis also includes an assessment of the early parliament predecessors in the political context of contemporary Europe.

Key words: parliament, English parliament, Middle Ages, Anglo-Saxon kingdom, council, witenagemot, witan, England

Poděkování

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1 INTRODUCTION

This thesis focuses on the evolution of the English parliament from the beginning of the Middle Ages, which is dated in the fifth century until its end in the fifteenth century. The first chapter traces the beginnings of law on the British Isles. After the period of Roman law during the Roman colonisation, Germanic tribes introduced their law principles which remained in England until the eleventh century. The Anglo-Saxons established meetings between king, clergy and nobility where they consulted legislation and taxes. The end of sixth century brought Christianity to England which helped with the development of written law.

The next chapter analyses royal assemblies from the end of the tenth century called witenagemots. These meetings were different from the previous ones because they included nobles and clergy from all over the country, which made them national. The proceedings of witenagemots were documented by scribes who give us information about venues of the assemblies, the attendees and the topics that were discussed.

The third chapter focuses on assemblies held after the Norman conquest in 1066. William the Conqueror promised to continue in traditions of the previous kings, but the influence of the Normans was very evident. French nobility replaced the English nobles in important positions and many English freemen became serfs. Witenagemot was replaced by Norman councils, but the structure of meetings remained similar. One of the great documents that came from the meetings of William I and the greater council is called the Domesday Book. Domesday Book contained lists of land, manors, forest, cattle and much more, which helped enormously with the tax collecting. After a century, English and Norman people merged to the point where it was difficult to distinguish between the two nationalities.

Chapter four is dedicated to the establishment of the official English parliament and the document Magna Charta. Magna Carta, signed in 1215, represents some of the basic principles of constitutionality. After the death of King John in 1216, the kingdom was managed by the committee of barons until the successor Henry III turned eighteen. During Henry III's reign council meetings now called parliaments underwent a great development. Knights and burgesses became important members in tax parliaments which were summoned quite often due to Henry III's constant need for grants. Westminster was considered as the fixed venue for parliamentary meetings which happened at least twice a year. Members of parliament started to divide into two groups: reformers and royalists and this conflict led to the civil war. When the leader of reformers, Simon de Montfort, won over royalists, he gained control over Henry III for a while. Montfort summoned some important parliaments and died in 1265. Henry III continued to summon parliaments, now with newly confirmed Magna Carta, and he learned to respect the advisory role of parliament.

The fifth chapter analyses parliament after the death of Henry III. Parliamentary meetings started to have much more elaborate organisation. Answering petitions from people of lower social classes became a regular part of the meetings. Edward I was the first king who handed his own laws (statutes) to parliament for approval. Edward I took into account the opinions of parliament more than his predecessors and he also listened to expert advisors when he dealt with specific issues. The “Model Parliament” of 1295 represented the ideal composition of parliament. When Edward II became king, the nobility participated much more in the ruling of the country and they even selected the new king after Edward II’s death. England entered the Hundred Years’ War during the reign of Edward III. During the Hundred Years’ War, parliament played an important role in deciding about the kingdom’s finances.

Chapter six describes the two-chamber system that parliament developed over the fourteenth and fifteenth centuries. Archbishops, bishops, abbots, priors (Lords Spiritual) and nobles (Lords Temporal) formed the House of Lords while knights and burgesses formed the House of Commons. The monarch summoned the meetings and initiated them with proposals for parliament to discuss. The Commons appointed the speaker of the House of Commons as their chairman while the House of Lords was led by the Lord Chancellor. The power of parliament weakened during the Hundred Years’ War and the Wars of the Roses. When Henry VII became king, he strengthened the power of the House of Commons, but his gradual transformation of England into an absolutist regime did not leave much space for parliament.

The final chapter focuses on Maddicott’s comparison of the central assemblies in different European countries. The main aim of this chapter is to compare English and French assemblies from the twelfth century. French assemblies were much less frequent with more religious and social functions. English assemblies, on the other hand, were a regular actor in the governing of the country, meeting frequently and discussing political matters. England was the only European country that let nobility, clergy, representatives of counties and towns have a say in financial and other important matters to such a great extent.

The word parliament, according to Richardson and Sayles can be first found in the second half of the eleventh century in a French epic *Chanson de Roland* with the meaning of conversation. Around the same time the word parliament started to be used in Italian cities for general assemblies of the citizens of the cities; the English term in medieval England would be folkmoot (Richardson and Sayles, 1981, p. 146). A hundred years later the word parliament appears with the meaning of meetings between French and English kings, or between the king, bishops and barons. In 1215, the meeting where King John (1199 - 1216) handed his charter to the barons, was also called parliament (Richardson and Sayles, 1981, p. 150). Parliament eventually, in the thirteenth century, gained his formal meaning as a court, firstly used by earls for assemblies where they granted their charters and not long after that the word Parliament started to appear in royal records (Richardson and Sayles, 1981, p. 153-154).

2 THE BEGINNINGS OF ENGLISH LAW IN THE MIDDLE AGES

Roman law did not leave a great imprint on the evolution of the English law. After the end of the Roman reign, the English people refused to continue in the path of Roman law. The beginnings of English law can be found after the arrival of Germanic tribes (Jutes, Angles and Saxons) and after the expulsion of the Celtic inhabitants in the sixth century. A few of the Celtic settlements stayed in places such as Devon, Cornwall and Wales (Kuklík and Seltenreich, 2011, p. 25). The Anglo-Saxons brought the idea of witan, which can be translated as knowing, to England in the late sixth century and its relevance remained until the eleventh century, although the term witenagemot is not documented from before the year 1035. It was used for meetings between the king, bishops and noblemen, where they consulted legislation and tax collection (Ackroyd, 2016, p. 204). This period of English history is recorded in writings of Beda Venerabilis, a monk from Jarrow monastery, which are called *Historia Ecclesiastica Gentis Anglorum* and was finished in 731. The Anglo-Saxons successively created a structure of seven kingdoms in the first half of the seventh century, which is called a heptarchy. The Saxons created the kingdoms of Wessex, Sussex and Essex, while the Jutes took over Kent and the Angles appropriated Northumbria, Mercia and East Anglia. The differentiation of ancestral society gradually developed during the Anglo-Saxon's period. The king was at the top of the society, below him were his most prominent warriors, who became the

foundations of the future nobility. The free peasants, who received the land from the king, were differentiated by the size of the land they owned. The unfree people at the bottom layer of the society, were called theowmen (Kuklík and Seltenreich, 2011, p. 25). The early Anglo-Saxons assembled in local meetings called folkmoets, which set foundations for the later shire courts (Butt, 1989, p. 4).

2.1 The influence of Christianity

The acceptance of Christianity was connected with St. Augustine, who became the first Archbishop of Canterbury in 597. Another ecclesiastical centre developed in the Northumbrian town of York and fourteen other archbishoprics were gradually formed in the Anglo-Saxons' kingdoms. The real breakpoint in the transition from the Celtic religion to the Christian religion happened at the ecclesiastical assembly at Whitby in 664. The next step of strengthening the Christian impact in England was the building of monasteries. The monasteries were home to a lot of scribes such as Beda Venerabilis and Alkuin of York, who took part in creating the first writings that contained laws. The church had a significant role in the ordeal trials (Kuklík and Seltenreich, 2011, p. 26).

The trials were connected with the establishment of courts, which assembled in the administrative units - the hundreds and shires. The courts in shires, also called moets, were represented by free men with administrative and judicial power, who assembled once a month. Other than that, chaired by the ealdorman, who was the leader of the shire, county assemblies met twice a year to deal with county issues and business (Kuklík, 2013, p. 21).

The church supported the unitary reign of the king and they also influenced the oldest Anglo-Saxons' codes. The first codes originated in Kent, which was the most advanced out of all kingdoms. The codes were written in Old English and presented at the festal assemblies. The oldest code, dated in the beginning of the seventh century and written by the Kentish king Æthelbert (589 - 616), contained criminal law and property rights. The code also established the wergeld, which was set on 100 shillings. Wergeld was a ransom established on a person's punishment or blood vengeance. Other code is by King Ine of Wessex (689 - 725), where we can find seventy-six legal rules of

the western Saxons. Ine tried to set boundaries on the blood vengeance (Kuklík and Seltenreich, 2011, p. 26).

The codes showed the great power of the church because the codifications were usually highly affected by them. It was not unusual for the king to mention that the code was the result of a meeting with archbishops and bishops.

2.2 Alfred the Great and the unification of Anglo-Saxon kingdoms

The most significant Anglo-Saxon king, who had a great influence on the law, was Alfred the Great (871- 899). Alfred the Great was a literate king known for The Books of Laws. The code, written in Old English, contains mostly common law with several sections of a “new” law. The influence of the church is shown in the references to the Ten Commandments of God and other Christian principles. The code differs from previous ones in its effort to protect the king, his power and property under severe penalties (Kuklík and Seltenreich, 2011, p. 27).

The unification of the Anglo-Saxon kingdoms was a long process initiated by the Wessex kings such as Egbert (802 – 839), who was Alfred the Great’s grandfather. The Danes and Vikings started to invade the kingdoms at the end of the eighth century, which made the unification very difficult. Alfred the Great started to levy the Danegeld, which was a “peace tax” collected for the enemies. The collection system later developed into tax collection (Kuklík and Seltenreich, 2011, p. 27).

The peace between the Anglo-Saxons and the Northerners was finally achieved in 875. The land was divided into two parts between the Danes, the so-called Danelaw, and the Anglo-Saxons. The problem occurred when the Danes stopped receiving the Danegeld, and battles started again. The Danish king Sven and his son Cnut merged the two kingdoms into one for a short period of time in the eleventh century. There was a code written in 1018 by Knut and the archbishop of York, which combined some elements of both English and Danish law. In 1020 Knut spoke to the English people about how he will try to be a king respecting the God’s laws (Kuklík and Seltenreich, 2011, p. 28).

3 WITENAGEMOT

It is obvious that the term parliament became relevant in the late Middle Ages, however, it does not mean that no similar institution had existed prior to that. In this chapter, I would like to focus on the term witenagemot, which is known as a national assembly.

In *The Origins of the English Parliament, 924-1327* (2010), J. R. Maddicott dates the Anglo-Saxon witan between the years 924-1066. The reason is that before 924, the assemblies could not be called national as they missed some of the characteristic elements such as regularity, formality or specific agenda (Maddicott, 2010, p. 2). Witenagemot, from the reign of Æthelstan (924 – 939), was an assembly of earls, thanes, bishops and abbots from all over the country, and they gave unity to the land as they spoke for the whole nation. The assemblies were quite regular, the usual places were feasts of the church where they discussed legislation, national affairs and royal acts of patronage and the meetings were also an opportunity for the king to wear a crown (Maddicott, 2010, p. 55).

As J. R. Maddicott (2010, p 4) argues in his book, a major change in witenagemot happened in the tenth century, when it gained its importance with a central role in politics and government. The main source of information about the assemblies are charters with the names of witnesses and place-dates, many of which were composed by the scribe Æthelstan A, who documented the assemblies between the years 928-935. The number of attending people was usually about a hundred. Later on, the number lowered by a half, but not all of the present were documented. Butt (1989, p.6) mentions that when the size of the assembly was larger than usual or when it seated especially prominent people, the king and the witan tended to discuss the most important matters. The archbishop of Canterbury was almost always present, the archbishop of York was also often there and so were many bishops, abbots, ealdormen and many thegns (Maddicott, 2010, p. 6).

3.1 Composition of witenagemot

Witenagemot also had a few new members in 931, because the witness list shows seven men with Scandinavian names and they continue to be occasionally present during Eadred's and Æthelred's reigns. The names of the sub-kings of Wales and Scotland were also sometimes present in the witness list. This is interpreted as a display of the king's authority and a positive reaction to royal summons (Maddicott, 2010, p. 7-8). The majority of every witenagemot were the king's thegns, i.e. barons who were subject to the king's lordship and jurisdiction. Not all of the thegns present were noble, some of them owned only a fragment of estate but they used it in their advantage and these thegns became a group which was always present at royal councils even in the future (Maddicott, 2010, p. 10). The size of the assemblies matched the size of the kingdom, which was very large, and the king could no longer maintain travels all over his great country. The great men had to join the king for the witenagemot and that can be seen as the basis of parliament. King travelled a lot so the venue of witenagemot was not the same every time (Maddicott, 2010, p. 11).

3.2 Formal aspects of witenagemot

When it comes to the formal side of assemblies, they were held at Christmas, Easter and sometimes at Whitsun (seventh Sunday after Easter), but the kings could call assemblies as many times as they wished, and not only on church festivals. The king selected the attendees of the assembly and it is documented that under the reign of Æthelstan, special laws for assemblies existed, such as that of seven days' notice to be given before an assembly. Fines were collected from those, who failed to attend three meetings (Maddicott, 2010, p. 12).

The assemblies very often happened at a variety of places in southern England, in towns such as Winchester (934, 993) or Dorchester (933/934). Royal vills¹ were also usual places for the meetings, for example Cheddar (941, 956, 968), Calne (978, 997) and Amesbury in Wiltshire (932, 977). Later in the 10th century, a number of assemblies were hosted in Oxfordshire. The attendees of the meeting came from great distances so

¹ Royal vills were important establishments in rural areas in Anglo-Saxon England. The king and the members of the witenagemot would meet there for assemblies.

it is worth mentioning that the roads all over the country were in good conditions and the travels were not so long (Maddicott, 2010, p. 16). Only the northern parts of the country were usually underrepresented at the meetings due to adverse climate conditions. Since the meetings took place in different parts of the country, it was easier for the locals of the particular places to acquaint the king with the regional issues (Butt, 1989, p. 12).

3.3 Topics discussed at witenagemot

Although it seems that the main purpose of the assemblies was crown-wearing and great feasting, they had important legislative and judicial functions. Unfortunately, the charters were more focused on the lists of witnesses than political topics, so there is not enough documentation of the consultative function of the meetings. There are more texts from the reign of Æthelred, which suggest that the king summoned assemblies to discuss treaties and make important decisions. For example, king Æthelred ordered to exterminate the Danes in November 1002, which is known as the St Brice's Day massacre, based on a charter issued by the king 'with the counsel of my leading men and magnates' (Maddicott, 2010, p. 27).

In addition to the church official, some law codes also mentioned the councillors who helped the king with the law-making processes.

Witenagemot dealt only with the most special cases of disobedience and treachery in their judicial system, also called state trials. The common cases were solved in the local courts of shire and hundred (Maddicott, 2010, p 30).

The members of witenagemot became particularly important in the times of interregnum, which happens when one king dies and another one has not been crowned yet. King Eadred (923 - 955), for example, came to the throne 'by the election of the nobles' in 946, and although it may seem rushed, the electing assembly was composed of the nobles from all over the kingdom, including Welsh princes and Scandinavian earls. In Anglo-Saxon times, election was the most important act of choosing a new king (Maddicott, 2010, p. 33).

3.4 Influence of the witan

Witan's role was also protection of the old customs of the English people and to serve as their councilor (Butt, 1989, p. 2). The assemblies slowly gained more power: they were not just counsels for the king, but they also started to impose their own terms on the king. In 1014, the witan invited king Æthelred II (966 – 1016) to return from Normandy, where he was forced to stay after the Danish king Swein invaded the kingdom. Æthelred had to promise to be a kind king and carry out reforms to the wishes of his people, under the condition that they would not betray him. Maddicott agrees with Frank Stenton's claim that it was 'the first recorded pact between an English king and his subjects' (Maddicott, 2010, p. 37). Maddicott (2010, p. 37) argues that the pact was not a usual act but there is possibility that king Cnut was forced to accept the same pact as Æthelred. The pact can also be regarded as a 'coronation charter' because the new king greeds to rule under the same restrictions as his predecessor to legitimize his reign. Although Æthelred's son Edmund Ironside (1016) was chosen by the witan to become king after Æthelred's death, another, more numerous assembly of bishops, ealrodmen and other magnates renounced Edmund's reign and swore to be loyal to Cnut. After Edmund's death in 1016 (two years after his father's), the assembly swore that they want Cnut to be their king. When Cnut died in 1035, the assembly, which met in Oxford, did not initially agree on the successor. One part wanted Harold as king whereas the other one chose Harthacnut. Eventually they chose Harold for the throne (Maddicott, 2010, p. 37 - 40). This shows that the witan moved from having a rather passive, consultative, role to active participation in king-making and bargaining between the sovereign and his councillors.

In the years leading to the Norman conquest, crown-wearing was reintroduced at the meetings of the witan. There were no other visible changes of the meetings, the number of attendees was still high and they dealt with the similar matters as parliaments in later years (Maddicott, 2010, p. 43).

3.5 Venues of witenagemot

During the reign of king Edward the Confessor (1042 – 1066), assemblies mainly happened in towns, not like in the Æthelstan's reign, when the rural vills were preferred. Places like London, Westminster and Gloucester were very popular for the meetings,

because of their growing size, which could accommodate the high number of attendees. England was the only European country in the tenth and eleventh centuries, that allowed freemen of common birth to participate in assemblies. Assemblies in other countries were accessible only to the royals and nobility. The central assemblies in England were not just irregular gatherings of the king and the witan. On the contrary, they had the role of a political institution and provided a model for future rulers (Maddicott, 2010, 49).

Meetings of the witan were similar to the later proto-parliaments in a lot of aspects. Meetings included important men from all over the kingdom and they discussed legislation, state trials and essential matters of the kingdom. Members of the witan even discussed with kings the ways of how they were going to be acknowledged by the wider communities of the kingdom. Witan served as a powerful tool for political stability and keeping peace in the kingdom. Since the highest nobles took part in the decision-making processes and benefited from the contracts made with the king, they were less prone to causing problems than nobles in other European countries (Maddicott, p. 55 – 56).

4 THE COUNCILS OF THE CONQUEST

After the Norman conquest in 1066, William I (1066 – 1087) continued to call the meetings where they discussed the same matters as the previous witenagemots, such as national business, legislation and justice (Maddicott, 2010, p. 57). A change could be seen in the composition of the nobility, which went from the traditional Old English nobles to more military focused, mainly Norman, aristocracy after the Norman conquest. The French (Normans) became the second most prominent race in the country (Butt, 1989, p. 19). William I strengthened the royal powers and established the feudal system. The original Anglo-Saxon law started to be influenced by the French (Normans) in various aspects such as the usage of Latin and Old French in law. William I promised to the English people that the country will continue to have its law and customs but at the same time the conquest set bases for the gradual formation of the common law. One of the few major changes were established in the property law. The king took away almost 90 percent of the land owned by the Anglo-Saxon nobility, which he either kept or distributed between the church and his supporters. The *Book-land* was a charter confirming the royal claims of the land (Kuklík and Seltenreich, 2011, p. 30).

4.1 Language of the law after the conquest

After the conquest, the English law was enormously influenced by the French law which brought the “Norman French” language into the law. The usage of Latin was connected with the church from the Anglo-Saxon’s times and it was considered as a language of judicial proceedings and its records and also as the language of official documents (Kuklík, 2013, p. 36). English was considered as an inconsistent and vulgar language, opposite to French, which was treated as a diplomatic language suitable for abstract terms but also for exact juristic statements. Nevertheless, key words such as king, lord, sheriff, theft, murder, will or writ originate in English. French people living in England refused to communicate in other language than their own after the conquest, even during the trials called “parliaments” at that time (Kuklík, 2013, p. 37).

4.2 Assemblies during William I’s reign

The assemblies, which were also an opportunity for William I to wear his crown, usually met three times a year – at Easter, at Whitsuntide and at Christmas. A lot of the assemblies also happened in Normandy, where William I stayed over the Christian festivals (Maddicott, 2010, 58). The meetings during the reign of William I were known for extravagant feasts and for treating foreign visitors to expensive presents, which helped William I to gain a good reputation. William I wearing the English crown also demonstrated the continuity of the king’s tradition. It also meant that the crown-wearing ceremonies were no longer just a symbolic act, they became a political tool (Maddicott, 2010, p. 61). Although William I promised to lead the country in the same manner as his predecessors, the witan was now composed of baronial tenants-in-chief because of the new feudal system. Since the new people who ruled the country were Normans, many of the Anglo-Saxon freemen descended into serfdom (Butt, 1989, p. 21).

When William I held a council, it was very similar to holding a court in its composition of people. The men present were chosen by the king and the number of those who were present depended on the matters discussed at the meetings. At that time, the difference between judicial, executive, legislative or advisory roles of assemblies was not distinguished. Since William I, the councils could be differentiated into two types. The greater council, which can be viewed as the predecessor of parliament, had primarily an advisory role. The smaller council, better known as the

curia regis dealt with the country's administration, economics and judicature and later on developed into the government. Within the *curia regis*, William I also established the office of the chancellor that drafted writs and charters while the office of the exchequer dealt with finances of the country such as tax collection or the mandatory dues of shires that represented income for the king. The shires also paid the newly restored Danegeld and other feudal dues (Butt, 1989, p. 22). The role of the king in the assemblies was quite different from the ones before the conquest. William's opinion was the most important one, even if the council disagreed with him, which can be seen as a legacy from Normandy, where the country was mainly led by personal decisions of the duke and barons (Butt, 1989, p. 23).

4.3 Functions of assemblies

Maddicott refers to the historian William of Malmesbury (1090/1095 – 1143) as an important source of information because he was writing about the current affairs that happened during his life. William of Malmesbury described the work of assemblies after the conquest as a 'vital business affecting the realm' (Malmesbury qtd. in Maddicott, 2010, p. 2). This means legislation, policy-making and matters of justice, which is very similar to the function of parliament in the thirteenth century. The form of legislation changed from codes, which were used mainly by Danish kings in the tenth and early eleventh centuries, back to writs. An example of such legislation produced by an assembly in Gloucester, is called *Ten Articles of William I*. It says, among others, that if person, who has murdered a Norman, cannot be captured, the financial penalty is to be imposed on the lord of the dead man (Maddicott, 2010, p. 61).

4.4 Domesday Book

One of the outcomes of a meeting between William I and the greater council was the creation of *Domesday Book* in 1086, which served as a list of land, manors, peasants, forests, fishery, cattle and many more, for the purposes of tax making (Kuklík and Seltenreich, 2011, p. 30). The main reason for the tax collection was the possibility of invasion from Denmark. The king needed to have enough money for the mercenary army that would protect the country (Maddicott, 2010, p. 62). Butt (1989, p. 20) points out that only eight per cent of land still belonged to the English people. The king divided about a half of the land in England between the French aristocracy while the other half

was in hands of ten magnates. The rest of the land belonged to the church and the king's court.

4.5 Composition and functions of government after the conquest

It is also worth mentioning that after the conquest, William I did not create a whole new government, but allowed some people to stay in their positions. For example, the royal chancellor and king's priest, Regenbald, was in charge of the office both before and after the conquest in 1066. He also became the king's leading minister. Another example is the archbishop of Canterbury Stigand, who occupied his post from 1052 until 1070, when he fell out of favour. Since these men were acquainted with the original English government, they were quite useful to the new rulers. Other people, who were allowed to stay in their positions after the conquest, also helped with stabilising the position of the new government (Maddicott, 2010, p. 64).

Initially, the Anglo-Saxon witan and the Norman greater council, or assembly, functioned very similarly. The pre-conquest witan appears to have been more representative of the larger communities because of the thengs, who came from lower social classes, compared to Norman aristocracy (Butt, 1989, p. 4). After the conquest, the English law was enormously influenced by the French law which brought the "Norman French" language into the law. The use of Latin was connected with the church from the Anglo-Saxon times and it was considered as the language of judicial proceedings and its records and also as the language of official documents (Kuklík, 2013, p. 36).

4.6 William I's successors

After the death of William I in 1087, the greater council continued to be an important instrument of the government. The act of crown-wearing was no longer as popular. King William Rufus (1087 - 1100), the conqueror's third son, kept up with the tradition, but his successor Henry I (1100 – 1135), wore the crown only on exceptional occasions such as his marriage in 1121. Stephen (1135 – 1154), who became the king after Henry I, wore the crown in the first years of his reign but after the outbreak of the civil war, he wore the crown only twice (Maddicott, 2010, p. 68-69).

William Rufus had come to the native English people for help a few times because of the rebellions of the Norman barons. In exchange for defence, he promised the English people better law and he allowed them to hunt in their woods, but he never kept his promise for long (Butt, 1989, p. 24). When Henry I became the king in 1100, he also had to ask the English people for help in fighting baronial rebellions. Henry I issued the *Charter of Liberties* in 1100, which dealt with feudal matters, creating and maintaining good relationships between the king and the barons and also cancelled a number of taxes. The *Charter of Liberties* was later on used as a model for writing the *Magna Carta* (Butt, 1989, p. 25). Henry I initiated law, administration and financial reforms that laid foundations to developing common law. The law reform was very significant for the legal system because it divided English courts into four types – royal courts, sheriffs' courts operating in hundreds and shires, manor courts and lastly the ecclesiastical courts managing both the clergy and the subjects of the ecclesiastical authorities (Kuklík, 2013, p. 68, 69).

During the reign of Henry I, the most important matters were still discussed at festal assemblies because of the high number of attendees. However, councils, where ordinary business matters would be the main point, could be assembled anytime (Maddicott, 2010, p. 70). Henry I often stayed in Normandy because of the war in 1105, which meant that the English government had to function without Henry's presence. The appointed officials could also issue writs without the king. When Henry's son died, he made the barons swear to be loyal to his daughter Matilda and to take her as their queen after his death. After Henry's death in 1135 barons choose Count Stephen of Blois (William I's grandson) to be their king, which means that they never took seriously their promise to Henry I to take Matilda as the queen. During this time, a long conflict between Stephen and Matilda began. Since the reign was not so strong, barons had more free scope in building castles and also the number of earls rose during that time and the earls gained more control of the law, which they usually took advantage of and acted very cruelly. The conflict ended when Stephen and Matilda negotiated that her son Henry Plantagenet of Anjou (1154 – 1189) will be Stephen's successor (Butt, 1989, p. 26). The king's counsel was recognized as a great ruling element at that time and as

Butt (1989, p. 27) describes, the counsel became “the heart of medieval politics” and the basis of the future Parliament.

During the reign of Henry II Plantagenet (1154 – 1189), who spent only one third of his reign in England, the English and Norman people, mainly freemen, finally merged together to the point similar to today’s composition of inhabitants in the British Isles except for serfs, among whom the bigger number of purely English inhabitants was obvious. (Butt, 1989, p. 27, p. 28). Henry II carried out important legal and governmental reforms. Henry II wanted to unify many of the different customs from all over the country by creating customs common for everyone, which helped with the establishment of the common law. The most important document associated with the establishment of common law is called Clarendon Assizes from 1166 that introduced trial by jury to the English law. Henry II. created a new court consisting of the members of royal court who were supposed to meet regularly in London to discuss disputes previously designated to the king. The main subjects of those meetings were the highest crimes “against the Peace of our Lord the King, his Crown and his Dignity”. Those disputes later on belonged the King’s Bench court from the thirteenth century (Kuklík, 2013, p. 70, 71).

Since the conquest, the great councils, or central assemblies, continued to be the key instrument of government (Maddicott, 2010, p. 68). The most important affairs stopped being reserved for festal assemblies under Henry II because he dealt with issues as soon as they appeared (Maddicott, 2010, p. 70). Places of the meetings differed under each king. London and Westminster belonged to the most usual venues, but assemblies in the royal country retreats also became popular. One of the favourite spots for the meetings was hunting lodge in Woodstock, situated in the countryside in the county of Oxfordshire. Woodstock served as a place for assemblies in 1127, 1130 and 1132 (Maddicott, 2010, page 72). The king also dealt with foreign matters abroad, which is the reason why the meetings were irregular. In his absence, no assemblies were allowed to take place in England. Sometimes the councils were transferred abroad. Similarly it was not unusual to celebrate the feasts abroad, since the Norman kings spent a lot of time in Normandy and Anjou (Maddicott, 2010, p. 73).

5 MAGNA CARTA AND THE ESTABLISHMENT OF PARLIAMENT

The true beginning of the English parliament is dated back to the reign of John Lackland, or King John (1166 - 1216). As Kuklík (2013, p. 175) mentions, King John took advantages of his royal privileges while losing war with France, which made the barons, knights and towns (the coalition) in May 1215 come together and draft a document called Articles of the Barons. The coalition forced King John to sign the Magna Carta Libertatum (The Great Charter) on the field Runnymede located between Windsor and London in June 1215. Magna Carta is one of the most important documents in English history and it is considered as one of the foundation stones of constitutionality.

The original language of Magna Carta was Latin and the text could be divided into sixty-three provisions. There existed thirteen original scripts in 1215 and four of them are still preserved (in Lincoln, Salisbury and two of them in the British library). The document contains limits of the royal powers and confirmation of the king that nobility and town (especially London) have their own special privileges. The most crucial article says that no freeman can be harmed in any way without a proper trial. Everyone had to be treated fairly and freemen were protected against the royal clerks (Kuklík, 2013, p. 176).

Magna Carta established the committee of 25 barons who had to oversee the peace and freedom in the country guaranteed by the Magna Carta. King had to summon a council with a writ (barons, knights, towns and clergymen) at least forty days before the assembly. Assemblies discussed the essential domestic and foreign matters (Kuklík, 2013, p. 177).

5.1 Henry III's reign

King John recalled Magna Carta after a few years which led to the civil war where John the Lackland died in 1216. John's successor Henry III (1216 - 1272), was only 9 years old when he became the king, therefore he was not able to lead the country yet. During those time, the committee of barons took over the management of the country according to Magna Carta which they restored. When Henry III became eighteen and started to rule the country, he did not act in accordance with Magna Carta (Kuklík and Seltenreich, 2011, p. 42). Henry III planned his first foreign expedition in 1230 where he

tried to gain back lands in mainland Europe. The expedition failed and the great council refused to pay the king's debts at the meeting of 1232. Henry III had to wait for the grant until September 1233 when the council finally approved the finances in accordance with Magna Carta (Maddicott, 2010, p. 167). In 1232 Peter des Roches (died 1238), bishop of Winchester, became the new chief justiciar, which is a position similar to today's prime minister, and chief minister. Peter des Roches is considered to have had a great influence on Henry III in malpractices in law and justice until 1234, when he was removed from his post. From 1234 Henry III became an independent king whose opinions were usually in opposition to those of the parliament (Maddicott, 2010, p. 168-169).

Henry III had to deal with a number of difficulties such as the baronial rebellion and acknowledging the importance and legality of Magna Carta. Bishops and magnates at the meetings of the great council in 1233 and 1234 spoke up against the practices of the king that ignored the Magna Carta. The resulted with the order of Henry to proclaim and maintain Magna Carta again in 1234 (Maddicott, 2010, p. 168).

5.2 Tax problems

Since Magna Carta, taxation had to be approved by parliament, which could be a problem for the king, who could no longer fund everything that he wished for (Maddicott, 2010, p. 172). When the pope wanted to tax the English clergy without discussing it with the ecclesiastical representatives first in the 1250s, the clergy made it clear that they want to express their disapproval with the papal taxing, same as the problem of secular magnates with the king's taxing. This shows the major influence that the parliament started to obtain during Henry's reign. The question of taxes was so important that when the members of parliament were not able to come to the meeting themselves, they sent proctors instead. Proctors, who attended parliaments concerning taxes between the years 1226 and 1247, were either substituting for a group of men or individuals (Maddicott, 2010, p. 210).

Henry got himself into great debts during his life and almost all his requests for grants met with rejection in parliament. Henry had to usually do something in return for the approval of his grants. One of those occasions was the proclamation of Magna Carta.

Between the years 1237 and 1258 Henry made at least ten requests for direct taxes and all of them were rejected by the parliament (Maddicott, 2010, p. 173). The only time where king could directly impose taxes was in situations of necessity for the common good of the kingdom, not the private necessities of the king (Maddicott, 2010, p. 176). Parliament denied all of Henry's pleas of necessity so he found three ways of income, that were not regulated by Magna Carta and therefore, parliament could not stop him. The first way was to increase the sum that sheriffs had to pay to counties, the second way was to increase the amount of money counties had to pay for king's justices that travelled all over the kingdom. The third way consisted in taxation of the Jews who lent money to most usually knights and freeholders. This increase in money collecting took place between the years 1240 and 1257 and it resulted in very unhappy lower nobility (Maddicott, 2010, p. 175). Henry was not alone to suggest plans for tax collection because in some cases, royal ministers substituted for the king (Maddicott, 2010, p. 180).

Magnates advising the king was not a new phenomenon to appear during Henry's reign; such advising had already taken place during King John's life. There were occasions when Henry discussed with parliament matters such as the peace-making with Scots in 1237 or the planning military campaign to Wales in 1245. However, in three matters Henry refused to listen to parliament and acted as he wanted. They were matters connected with his family and inheritance, patronage, and appointments. Henry considered the appointment of the chancellor, justiciar and treasurer to be closely related to kingship, hence he decided to appoint them himself. This behaviour of Henry's disrupted the parliamentary development of the previous years (Maddicott, 2010, p. 178-179). In 1244, parliament decided in the document called the Paper Constitution that parliament itself would elect the great officials, and also four councillors, some of whom had to accompany the king at most times. Parliament's goal was to limit royal government (Maddicott, 2010, p. 180).

It might seem that parliament and king were almost always in opposition, but in some matters such as the papal taxation in 1245 – 1246, parliament and king came together to refuse the pope's requests (Maddicott, 2010, p. 183).

One of the other important activities of parliament was dealing with judicial matters. Trials were divided into two groups: state trials, which were previously held by the great council, and disputes between magnates about various rights (Maddicott, 2010, p. 185). Parliament dealt with trials had been previously discussed at the local courts, but the trial had to wait for the right composition of judges and officials, which happened at parliamentary meetings (Maddicott, 2010, p. 186).

Parliament started to use prorogation of tax debates with Henry which helped parliament to gain more control over direct taxation. The debates were usually postponed for several months and in the meantime, parliament created proposals for the king to accept in exchange for the taxation (Maddicott, 2010, p. 181). Another way of controlling the spending of taxes was the establishment of parliamentary committees. These committees were designated to supervise the spending of taxes that were given to Henry (Maddicott, 2010, p. 182).

Wealthy magnates were the only group who did not have problems with king's need for taxes or with providing king with military aid. On the other hand, members of lower nobility who did not have enough resources to help king, agreed more with the opinions of knights (Maddicott, 2010, p. 221). This led to knights rejecting proposals made not only by the king, but also the ones coming from magnates. Burgesses also expressed their disapproval in matters concerning themselves. An example of that can be a statute from 1237 where the parliament regulated the ways in which the king's agents could use town markets. Until then, the agents did not care about paying for the products they took from markets, but the statute ordered them to pay the price set by the merchants (Maddicott, 2010, p. 225).

5.3 Formal aspects of parliament in the thirteenth century

The word "parliament" started to be used regularly since 1236. Between the years 1235 and 1257, fifty-four assemblies were referred to as parliaments (Maddicott, 2010, p. 157, 160). Henry III arranged the reconstruction of Westminster which contributed to parliaments having a fixed place for meetings with only occasional exceptions such as floods on the Thames or the needs for peace-making in other regions of the kingdom (Maddicott, 2010, p. 163).

Parliamentary meetings from the 1230s most usually happened in January, February, April, May, July or October. Parliaments took place during these months because they were usually connected to Christian festivals such as Easter or Michaelmas. The meetings did not have only political, but also aesthetic and religious functions because the king liked to join liturgical celebrations with parliaments. With regular meetings at Westminster, which became the royal residence, parliament could be considered an institution by 1258 (Maddicott, 2010, p. 164-165).

Henry III spent much less time abroad than his predecessors, only about four and half years of his fifty-seven years on the throne, which transformed England from an Anglo-continental monarchy into solely English monarchy. When Henry III travelled abroad, he forbade the parliament to meet without his presence (Maddicott, 2010, p. 161).

5.4 Composition of Parliament during Henry III's reign

Parliaments under Henry III consisted of king's ministers and councillors, ecclesiastical and lay magnates including archbishops, bishops, abbots, priors, earls and barons. The next part of parliament consisting of county knights, burgesses and lower clergy later on became 'the commons' (Maddicott, 2010, p. 187). The king's ministers belonged to the centre of parliament with promoting the king's authority. Members of this central group established the king's council in the middle of 1230's and each member had to be faithful to the king. King's council consisted not only of important knowledgeable men but also men, mostly magnates, favoured by the king. The example of that can be the denunciation of Simon de Montfort (1208 – 1265) from the King's council while electing bishop William of Savoy, who was also related to the king, as a new member of the council in 1237. A change came in 1257 when the councillors had to swear to be impartial in a new oath (Maddicott, 2010, p. 188).

The King's council served as Henry's support system in opposition to parliament which acted in accordance with Magna Carta. On some occasions, councillors used their power to make some members of parliament take king's side, which mostly happened in tax granting. Parliament, on the other hand, used its powers to add new members of

their choice to the council in exchange for king's tax grants in 1237 and 1244 (Maddicott, 2010, p. 189).

The list of attendees of parliamentary meeting have mostly not been preserved, but Maddicott assumes that most of the meetings had around fifty to eighty magnates present. Some of the great magnates such as Ranulf, earl of Chester or Richard of Cornwall, the second son of King John. Archbishops and bishops who could not attend the parliament between the years 1245 and 1254 sometimes sent proctors on their behalf or they excused themselves for illness or travelling abroad. The wealth of the magnates participating in parliament varied between less than a hundred pounds of income a year to more than three thousand pounds of income a year, which tells us that there was not any kind of limit for nobility or clergy to become members of parliament. Those with higher income stood naturally higher in the king's eyes (Maddicott, 2010, p. 191-192). Nobles and prelates had to come together and negotiate matters such as the king's requests for tax grants. The cooperation of these two groups was not just for political reasons but also social ones because many of the prelates came from old royal families. It is important to mention that nobles and prelates had a great respect for Magna Charta and when Peter des Roches, the chief justiciar and chief minister, tried to evade the principles of Magna Charta in 1233, the bishops with Archbishop Edmund of Abingdon (1174 – 1240) in lead made sure that the principles were respected (Maddicott, 2010, p. 195). Another example of nobles and prelates cooperating was their resentment to papal provisions, which was the right of pope to appoint his, mostly Italian, candidates to the English church. Both groups wrote letters to the pope expressing their disapproval of the provisions between the years 1245 and 1257 (Maddicott, 2010, p. 196-197).

Another part of parliament, the so-called 'commons' became included in parliament during Henry III's reign. Smaller landholders (knights) had the biggest influence out of all commons. Their role in parliament became important with the clause fourteen of Magna Carta which announced that smaller landholders, also called tenants-in-chief, had to be present for tax debates. The clause fourteen was later erased from the Magna Charta but the rule continued to be applied (Maddicott, 2010, p. 198). Tenants-in-chief with lands worth at least twenty pounds a year were regarded as

knights. The number of knights attending parliamentary meetings at Westminster is estimated to be around three hundred (Maddicott, 2010, p. 203). Other parts of the commons, burgesses and lower clergy, started to sporadically appear at parliaments since 1225, but the official date of these groups attending parliament is 1265. Members of lower clergy were summoned to discuss matters such as taxes to their dioceses more usually than attending the great council or parliament (Maddicott, 2010, p. 204-205). Knights attending parliamentary meetings were elected by their counties and they were acquainted with the stance of their county by sheriffs. Therefore, they went to parliaments with prepared answers. Lower clergy was elected by dioceses (Maddicott, 2010, p. 213). While in 1220 magnates were the leading representatives of the kingdom, they were replaced by the elected knights and clergy by 1250 (Maddicott, 2010, p. 218).

It took some time during Henry III's reign for all the previously mentioned groups to be represented at parliamentary meetings. Even though Henry claimed that the 'archbishops, bishops, abbots, priors, earls, barons, knights, free tenants, and everyone in our kingdom' took part in the discussion of general taxes in 1225, it is very unlikely that all groups were present at the meeting. The representation of the commons at parliaments improved from 1237 when it was explicitly noted that they were present at the meetings (Maddicott, 2010, p. 206, 207).

Parliament had become a legitimate representative body by 1258. The attendees represented large groups of citizens of the kingdom. To sum up, the core of parliament consisted of the king, ministers, magnates and prelates. The tax parliaments required the presence of knights (lesser tenants-in-chief), occasionally the presence of burgesses and the lower clergy (Maddicott, 2010, p. 226). Parliament was a place for the attendees to voice grievances of the group of people they represented. Members of parliaments stood for the wide range of communities within the kingdom, not just for themselves as individuals (Maddicott, 2010, p. 231).

5.5 The reform movement

From the 1230s barons were growing quite unsettled by Henry III's actions. Henry III's ever-present need for grants, exploitation of the church or violation of the principles of Magna Carta were among the other reasons led to a confrontation between

the barons and the king (Maddicott, 2010, p. 232). The barons drafted two documents, one of them called Provisions of Oxford, drafted in 1258 which established the baronial council and introduced reforms to local and central government. Barons demanded to take part in the policy making, in justice and reformation of the law, which they expressed in the second document, Provisions of Westminster, drafted in 1259. In 1258, Henry III agreed to the establishment of the baronial council with twenty-four members in exchange for a grant he used for payment of the obligations to Pope Alexander IV (Maddicott, 2010, p. 235). The provisions stated that parliament had to meet three times a year: on 1 June, 6 October, which was during Michaelmas, and 3 February, during Candlemas. These parliaments, attended by fifteen members of the king's council and at least twelve representatives of the barons (nine barons, one earl and two bishops), discussed the general state and issues of the kingdom (Maddicott, 2010, p. 238).

Provisions of Oxford also initiated knightly panels, which was a way for county locals to express their disagreements with the government. Knights were those who presented the complaints in parliaments. Another important step in the barons' reforms was the chief justiciar's obligation to visit the counties to judge local affairs. By 1258, many practices of local courts, such as cases of accidental death or verdicts without finished case investigation, became illegal. The provisions provided good support for people of lower social level and they also supported tenants against their lords. Members of clergy participating in parliament, who violated the provisions, were excommunicated from the church (Maddicott, 2010, p. 243-244). Maddicott also analyses the attendance of knights in parliaments during the times of reform. Although the knights were not summoned by the usual formal ways but in more unofficial ways, they were still present in every parliament. The knights' attendance in parliament served as a great way of connecting reformers and people living in the counties (Maddicott, 2010, p. 246).

Parliaments under Henry III's reign did not deal too much with legislation until 1258 when parliament established that judges needed to participate in meetings to discuss legal matters, at least eight days before the parliamentary meeting (Maddicott, 2010, p. 242). Besides legislation, foreign matters belonged to the most important topics in parliaments during the reform years. Parliament also served as a place for the

appointment of new councillors and the offices of the justiciar, chancellor and treasurer (Maddicott, 2010, p. 248).

Henry III was not able to attend the Candlemas parliament in October in 1260 because of his visit to France, which was at odds with the Provisions of Oxford. Simon de Montfort, the leader of baronial reformers, came to London to assemble the parliament but his attempts were rejected by the justiciar (Maddicott, 2010, p. 249). Between the years 1261 and 1265, Henry III and barons in opposition tried to get small landholders on their side. Montfort summoned a few meetings of knights, which led to Henry III's fear of independent parliamentary meetings. Henry III tried to postpone another parliament in 1262 because of his travels abroad but this privilege became useless a year later because Montfort demanded the restoration of the previous provisions (Maddicott, 2010, p. 254).

The conflicts between reformers and royalists led to the civil war which prolonged the period between parliaments. The last parliament of 1263 happened in October and another one was summoned after Montfort's war victory at Lewes in June 1264. The victory put Montfort in a place of power and control of the king, so he announced via Henry III that every county has to elect four knights to come to parliament in June 1264. That parliament dealt with taxes and complaints of knights and burgesses (Maddicott, 2010, p. 254). The participation of knights in decision-making is specifically mentioned in the records of this parliament. The June parliament also decided the appointments of new sheriffs in nearly all counties, which helped the knights to have more individual governments in the counties. Other mentionable parliament under Montfort was summoned in January 1265 and it proceeded until March of the same year. The parliament was attended by mainly Montfort's supporters and it dealt with reforms and principles of the Provisions of Westminster. The final ceremony included the excommunication of nine bishops because of their violation of either Magna Carta or the provisions (Maddicott, 2010, p. 257-258). Montfort managed to change the position of knights from being required in tax parliaments only to being essential in every parliamentary meeting. Knights were finally able to promote the opinions of the local societies (Maddicott, 2010, p. 260).

Simon de Montfort was killed by the king's son Edward in August of 1265. Henry III restored the royal privileges but also reconfirmed Magna Carta and some parts of Oxford and Westminster provisions in the Statute of Marlborough (Kuklík and Seltenreich, 2011, p. 43). The barons' war continued until July of 1267 when the reformers and royalists restored peace (Maddicott, 2010, p. 261).

The parliaments between the years 1265 and 1269 met very irregularly and outside of London. The main topics of these meetings were war matters and peace making. Knights and burgesses did not attend any of those parliaments. From 1257, Henry III no longer asked parliament for general taxes but instead relied on financial support from the pope (Maddicott, 2010, p. 262-263). One exception occurred in 1268 when Henry III needed money for crusade. Henry III asked for tax in parliament in September 1268, but the proceeding of his request was postponed until later meeting because not all knights were present. The next parliament in October of 1268 is recorded as a general, full parliament (Maddicott, 2010, p. 267). Parliament discussed king's request for the tax, but it was met with rejection. Magnates finally granted the tax in July of 1269, but the parliament was attended by a small number of members and they did not approve everything that Henry III wanted. Henry III had to ask for the grant once again in the October parliament of 1269, and even though knights and burgesses were less willing than the nobles, the tax was finally granted. Henry III wanted to forward the process of tax collection and therefore he reconfirmed the Forest Charter and Magna Carta in April of 1270. The preparation of the crusade began in July (Maddicott, 2010, p. 269, 271). This indicates that the knights became very important actors in the decision-making, and especially tax granting, in parliaments during Henry III's reign. Henry III also recognized the importance of communication with the parliament.

In the final years of Henry III's life, parliament met again in January (Hilary's feast), at Easter and in September/October (Michaelmas). It continued to deal the most important topics, such as foreign matters (Maddicott, 2010, p. 269, 272). Henry III died after a long disease in Westminster on 16 November, 1272.

6 PARLIAMENT FROM 1272

Parliamentary meetings from the second half of the twelfth century started to have official documents connected to them. The first parliamentary roll, a document written by members of parliament, comes from the parliament of January 1242 and contains the arguments of bishops and magnates for refusing a tax. Another example of documents written by the king's opposition is the afore mentioned Paper Constitution from 1244 (Maddicott, 2010, p. 181). Other documents connected to parliaments included the writs, which summoned all the members of the parliament, both regular and occasional. Parliament had to have an agenda, and a memorandum, i.e. a report on the outcome, had to be written during the decision-making process (Richardson and Sayles, 1981, p. 130). Parliaments under Edward I (1272 – 1307) were usually summoned twice a year, after Easter and after Michaelmas, which is a Christian festival celebrated on 29 September (Richardson and Sayles, 1981, p. 133). One thing that changed under Edward I was the reduced use of Westminster for parliamentary meetings. Parliaments started to be held in other places for diplomatic reasons (Maddicott, 2010, p. 280).

6.1 Petitions

Parliament continued to develop and improve the organisation of meetings at the end of thirteenth century. The regular matters of parliamentary meetings included promulgation of legislation, discussions about the war, high politics and usually a big number of petitions (Richardson and Sayles, 1981, p. 530). Petitions were usually sent by people from lower social classes, small landholders or merchants, and the addressees of these petition were usually members of the council and the king. Petitions became so common that by 1280, parliament had arranged for them to be delivered to appropriate offices of justice, the Chancery or the Exchequer. The opportunity to send a petition meant a lot for the development of parliament. It was no longer just the institution of high business because with petitions, it appeared that parliament took into account opinions of regular people, even without the guarantee of fulfilments of petitions' requests (Maddicott, 2010, p. 295-297).

6.2 Parliament during Edward I's reign

Edward I was the first king to prepare laws which were then approved by parliament. They were called statutes. In 1275, Edward I and parliament issued the first

Statute of Westminster, a document consisting of fifty-one articles, including the right to free elections, which mentioned the term “parliament”. The statute also limited the king’s authority in imposing taxes and adjusted the property relations between the king and the barons. Parliament started to influence the financial system of England in 1275 with the Grant of Customs on Wool, Woolfells, and Leather, which regulated the prices of exported products and materials (Kuklík and Seltenreich, 2011, p. 44). Edward I summoned an Easter parliament in 1275 which produced the oldest preserved writ of summons with the king’s decisions regarding the members of parliament. The interesting fact about this meeting is that the representatives of knights and towns were called to the session later on, after the rest (clergy and the upper nobility) finished talking about the most important topics (Kuklík, 2013, p. 180).

Edward I led two wars in 1277 and 1282-3 that resulted in his conquest of Wales. The decision to go to war Edward was consulted with magnates and prelates in the parliament of 1276. Edward I did not want to be associated with his father’s governing style, therefore, he decided to use the programme of Henry III’s opposition (Maddicott, 2010, p. 278-279). In comparison to his father, Edward I sought the opinions of parliament more often. When parliament advised the king in decision-making, it strengthened the collective responsibility of parliament. Edward I also started to summon experts to discuss particular issues. When parliament planned the rebuilding of towns, Edward I summoned burgesses for their advice (Maddicott, 2010, p. 281-282). Edward discussed a lot of business with his own council, which helped to keep only the most important matters for parliament. The presence of knights and burgesses in parliaments between the years 1274 and 1290 was documented only twice but there were other meetings, not necessarily parliaments, with knights and burgesses in attendance (Maddicott, 2010, p. 286-287). The reason for the absence of the commons might be the diminished need for direct taxation. On occasions when the king asked for grants to pay for debts from his crusade, the Welsh war and other royal debts, the knights were present and the taxes were granted (Maddicott, 2010, p. 288).

By 1290 it was established by law that members of the king’s council and parliamentary clerks be protected from any charges while participating in parliaments. There are documented cases where people escaped execution because they took part

in a parliament. Members of parliament were not allowed to be armed while participating in the parliament, and if someone planned an attack on a member of parliament, the punishment was harsh (Richardson and Sayles, 1981, p. 131).

6.3 Edward I and the Model Parliament

Edward I convened the so-called “Model Parliament” in November 1295. This particular parliament consisted of seven earls, forty-one barons, all archbishops and bishops with seventy other significant members of the English church, two knights from every shire, two burgesses from important towns and two burgesses from each borough. This composition of parliament was sometimes also called the full parliament because it consisted of all three estates: church, upper nobility and lower nobility with burgesses. The representatives of shires and towns had to obtain the power of attorney, which gave them the authority to discuss important matters such as taxes (Kuklík, 2013, p. 181). Other meetings, even if almost identical with the parliamentary ones but with absence of the king were not called parliaments.

England entered the war with France in 1294 and invaded Scotland in 1296, which led to a money shortage in 1297. Edward I wanted to solve the situation by increasing taxes. The majority of the kingdom was unhappy with the tax increase, therefore, in 1301 parliament presented a law that permitted the king to increase taxes only with the approval of parliament. The law also forbade the king to send troops abroad without the permission of parliament (Kuklík, 2013, p. 181, 182). Parliament became more involved in diplomacy during this time. Examples include letters from parliament to the pope drafted at Lincoln in 1301 and Stamford in 1309. Other examples of parliamentary diplomatic expansion were the discussions of treaties with the count of Flanders or treaties with the doge of Venice under Edward II (Richardson and Sayles, 1981, p. 75).

In the final years of his reign, the relations between Edward I and parliament worsened over finances requested by the king for his planned military campaigns. Magnates and knights formed an alliance against the royal government and the discussions over taxes resembled to those under Henry III. Most of the parliaments during Edward I’s reign included the commons because Edward I needed their consent

for taxes (Maddicott, 2010, p. 300). The reappearance of the same knights in parliaments became more common from 1294 (Maddicott, 2010, p. 313). Not only knights, but also burgesses represented important forces in parliament. The number of burgesses present at parliaments moved around two hundred. Even though they fell into the same group, knights could not speak for burgesses in decision-making (Maddicott, 2010, p. 317).

The clergy present at parliaments included the more prominent group of bishops and heads of monasteries, and the lower clergy. Many of the ecclesiastical members were invited personally to each parliament, while the lower clergy was not obligated to be present at all times and later became invited indirectly through their bishops (Maddicott, 2010, p. 320).

Parliaments between the years 1297 and 1301 were filled with constant disagreements between Edward I parliament. Many of the meetings ended with tax refusals (Maddicott, 2010, p. 323). Edward I did not summon any parliament in 1303 and 1304 and chose to collect money by tallage (land tax), which did not require parliamentary consent. When Edward I started to win in his Scottish campaign, he regained the support of his earls and barons, which resulted in the conquest of Scotland in 1304 (Maddicott, 2010, p. 325-326).

The last years of Edward I's reign were filled with debts and complaints from knights and magnates who pushed forward their own interests (Maddicott, 2010, p. 330). Edward I died in July 1307 due to gastric disease.

There were quite a few changes to parliament when the fourth son of Edward I, Edward II (1307 – 1327) came to throne. Since Edward II was not a powerful monarch, nobility obtained a stronger position in the running of the kingdom (Kuklík, 2013, p. 182). Magnates formed various factions among themselves and tried to eliminate the influence of other members of parliament. The parliaments between the years 1307 and 1310 mostly consisted of nobility. These meetings also lacked the petitions section (Maddicott, 2010, p. 332-333). Parliament passed a new, important rule in 1309 which announced that parliament had to discuss parliamentary requirements before voting about the taxes. In 1311, Edward II agreed to summon the parliament at least once a

year to discuss the composition of the king's council and the appointment of judges. The law also said that the king could not leave the kingdom to lead a war without the consent of parliament. Laws that contradicted Magna Carta were cancelled. Edward II was murdered in 1327 and that gave parliament the power of selecting the successor of the throne (Kuklík, 2013, p. 182).

Edward III (1327 – 1377) became the next king of England and a more powerful one than his father. England and France competed to be the most powerful European country during this time, which brought them into a war in 1337. Edward III proclaimed that he was both the English and French king, which was not met with understanding from the French side and led to the Hundred Years' War.

Parliament issued the Statute of Northampton in June 1328 which forbade the king to use the charter of pardon (the king's right to give mercy) in cases concerning deliberate murders and major felonies. Parliament also made a request for parliamentary meetings to be held at least once a year. Edward III together with the parliament produced a number of decrees relating to legal courts. One of them was Justice of the Peace Act from 1361, which ruled that one lord and several other prominent men of the shires must take part in the shire magistrate courts. Another decree from 1362 was the response to petitions complaining about the use of French during legal proceedings. Consequently, the decree limited the use of French during royal courts (Kuklík and Seltenreich, 2011, p. 48).

Parliament was very important in decisions of financial questions of the kingdom. From 1340, parliament had to authorise all taxes and benefits and cancelled special charges that were previously collected for the war in France. Since the war in France lasted for a long period of time, parliament was compelled to pass laws that granted military funding over longer periods of time (e.g. in 1344 and 1362). From 1348 parliamentary statutes had to contain a phrase confirming that the adoption of the statute was made with the consent of the lords and the commons. The commons without the presence of the knights granted special subsidies for the king, the so-called tonnage and poundage. Tonnage was a duty set on every tun of wine and poundage was set on every pound of goods both imported and exported (Kuklík, 2013, p. 183).

Richard II (1377 – 1399) became the king after Edward III's death but since he was still underage during that time, parliament obtained more power. John of Gaunt (1340 – 1399), the king's uncle became his regent. Parliament passed the poll tax which reached to people who were previously excused from paying taxes and that led to the Peasants' revolt in 1381. This revolt resulted in execution of number of Royal officials by the rebels, plundering of royal residences and burning of tax records (Ackroyd, 2016, p. 284).

Parliament served as a judicial authority until the fourteenth century, when the corruption of judicial power became obvious in the political questions. The so-called "Merciless Parliament" convicted two supporters of the king in 1388 and the king reciprocated the act in 1397 by convicting his enemies. The term impeachment originated right around that time and it meant the recall of public offices by parliament. Richard II was forced to abdicate in 1399 due to the wrong use of his powers. Henry IV (1399 – 1413), founder of the Lancaster dynasty, became the next king by the choice of parliament (Kuklík and Seltenreich, 2011, p. 49).

7 THE TWO-CHAMBER SYSTEM

English parliament known today is divided into two parts (House of Lords and House of Commons), with the monarch playing a more or less symbolic role. This development of parliament happened mostly in the fourteenth century when the parliament gradually developed into the two-chamber (bicameral) system with the king or queen, who had considerable authority at first but later on obtained a more symbolic position. The House of Lords consisted of Lords Temporal (nobility) and Lords Spiritual (high clergy) while the House of Commons included knights and burgesses. The members of House of Commons did not meet until the year 1332. The monarch had an important role in the organisation of parliament because he summoned the meeting, initiated the proceeding and submitted a number of proposals for parliament to discuss. After the king opened the parliament with his speech, he left and the chambers held separate meetings where they discussed the proposals (Kuklík, 2013, p. 184-185). The first legal documents written in English, not French, date back to the year 1376. English

became the official language of parliamentary regulations by the end of the fifteenth century (Kuklík, 2013, p. 38-39).

With some exceptions, Westminster remained to be the regular venue for parliamentary meetings. The Palace of Westminster is also referred to as the Houses of Parliament (Kuklík and Seltenreich, 2011, p. 50).

The fourteenth century saw the establishment of the speaker of the House of Commons, who was always represented by a knight. The first known speaker was Peter de la Mare, member of the “Good Parliament” in 1376. The post of the speaker first served as a communicator between the king and the House of Commons. The chairman of the House of Lords was the Lord Chancellor. While the lords represented themselves at parliaments, the commons acted on behalf of the communities of counties and towns (Kuklík and Seltenreich, 2011, p. 51).

7.1 Election of Members of Parliament

Members of the House of Lords were always personally invited to parliaments via the writs of summons. Two knights from each county were elected by the county sheriffs and landholders while the election of burgesses lay in the mayors’ hands. The number of burgesses who were supposed to be present at parliament was usually much smaller (Kuklík and Seltenreich, 2011, p. 51).

7.2 The legislative power of the parliament

The legislative role shifted from the king to parliament during Edward III’s reign. Members of parliament started to present their own requests, which firstly had the form of a petition. After 1407, statute (law) had to be passed by both chambers and then by the king (Royal Assent) (Kuklík and Seltenreich, 2011, p. 52).

7.3 Parliament in the fifteenth century

The fifteenth century parliament did not see major changes because of the focus on the Hundred Years’ War. Parliamentary meetings lacked in frequency and significance. Henry IV established the passing of Bills by both chambers and the king. Henry IV also readjusted the election of knights in 1429 by setting the yeomanry, which was the smallest amount of money that landholders had to obtain each year to be able

to elect knights to parliament. This rule was more or less formal because the biggest say in elections had the prominent landholders (Kuklík and Seltenreich, 2011, p. 52). London gained a more significant role because the mayor elected four burgesses instead of two. Parliament could newly use the bill of attainder, which pronounced a person or a group of people from high treason without the necessity of a court trial (Kuklík and Seltenreich, 2011, p. 53).

England in 1455 entered the thirty-year conflict between the Lancaster and York dynasties, called the Wars of the Roses. Parliament was not capable of stopping this conflict. As the result of the civil war, Henry VII (1485 – 1509) became the new king with the approval of parliament but he gradually transformed England into absolutism, which put the significance of parliament into background. Henry VII summoned parliament for tax granting only seven times during his reign (Kuklík and Seltenreich, 2011, p. 54-55). The Wars of the Roses weakened the nobility while strengthening the commons, who became more involved in parliament by the king's decision (Balík and Balík ml., 2010, p. 86). The Star Chamber, a special court including the Lord Chancellor, members of the king's council, members of royal courts and high clergy, was established in 1487. Henry VII changed the composition of the House of Lords by adding more members while expelling high clergy from the same chamber. Henry VII also adjusted the composition of lower nobility (gentry), whom he favoured in administrative matters (Kuklík and Seltenreich, 2011, p. 56).

8 ENGLISH PARLIAMENT IN THE EUROPEAN CONTEXT

Many European countries went through very similar processes of establishment of central assemblies at the beginning of the thirteenth century. The main reason for these assemblies was the disagreement between subjects and their ruler about the finances he needed for the warfare. Rulers could no longer order tax collection on their own because they needed to have the approval of assemblies larger than their immediate courts (Maddicott, 2010, p. 377-378).

Another similarity is the fact that many European countries drafted their first charters of liberties and privileges in the first quarter of thirteenth century (Golden Bull by Andrew II in Hungary, *Privilegium in Favorem Principum Ecclesiasticum* by Frederick

II in Germany) just like England did with Magna Carta (Maddicott, 2010, p. 378). The word 'parliament' with the meaning of central assembly was first used in France in 1220, then in England in 1236 and shortly after that in Sweden, Denmark and Germany (Maddicott, 2010, p. 379).

8.1 Differences between English and French assemblies

Assemblies in France were summoned less regularly than the English ones and the proceedings of the meetings were more religious and social than political. During the reign of the Capetians, only Louis VII (1137 – 1180) was the exception because the assemblies under his reign included more nobility and the discussions were more of a political nature. The Capetians had less power than the English kings because France was divided into many regions, where the nobility and landholders were more influential than the king. French kings faced difficulties when summoning an assembly because of the divided nature of the country. Meanwhile in England, king was much more respected by the nobility, landholders and clergy, which enabled an easier organisation of assemblies that held greater power (Maddicott, 2010, p. 381-383). In England, unlike France, assemblies served as an important place for new kings to gain political power and respect of the attendees, who took part in the governing of the country because early England did not have set succession rules. Capetians had no problems with succession because all kings from 996 to 1316 passed the crown to their sons (Maddicott, 2010, p. 387-388).

The main source of maintaining the authority of French kings were their frequent travels around the country to meet with the nobility. In England, kings did not travel to such an extent because it was common for the nobility to come to the central assemblies for political matters (Maddicott, 2010, p. 389). French kings used 'familiar counsels', which were private counsels attended by the king and the men whom he trusted. Such counsels started to be used in England during Henry I's reign and they usually consisted of magnates, but they were never fully private (Maddicott, 2010, p. 391). One reason was that many of the magnates who provided this private counsel were also involved in parliaments.

The frequent national assemblies and the political matters that were discussed at these assemblies in England definitely contributed to a faster and more successful development of parliament. French kings rather travelled to local meetings and held familiar counsels which slowed down the establishment of French parliament (Maddicott, 2010, p. 393).

French *parlements* from the 1230s, had mainly a judicial function because there was no other system to enforce royal justice. English parliament only dealt with state trials because England already had effective central courts (Maddicott, 2010, p. 397). A major difference between these two countries could be seen in matters concerning taxes. English parliaments had played an important role in taxation due to the king's recurrent lack of finances and his dependence on nation-wide tax collection. According to Maddicott (2010, p. 402), French kings could not complain about money shortage until the end of thirteenth century when France entered several war conflicts. French nobility then also demanded local privileges in exchange for tax grants. However, because tax granting was not decided by any central assembly, the privileges were often derived from their own interests rather than the interests of wider communities like England (Maddicott, 2010, p. 406).

As for local representation, Philip IV (1268 - 1314) was the first French king who invited burgesses to the central assembly in 1302 because he wanted to obtain support for his war campaigns. In England, the presence of burgesses goes back to the tenth-century witenagemot (Maddicott, 2010, p. 409-410). The lower nobility in France never took part in the decision-making to such an extent as in England, which makes burgesses the biggest local representatives attending central assemblies (Maddicott, 2010, p. 414).

In conclusion, the greater differences between English and French central assemblies lie in frequency, composition and topics discussed in assemblies. English assemblies underwent a much faster development than any of the other European countries (Maddicott, 2010, p. 451). England was the only European country where tax granting depended to such a significant extent on the consent of the assembly. The enforcement of the king's feudal power made the nobility key actors in a complex tax collection system. This allowed them, on the other hand, to negotiate rights and privileges and build their own political power. In addition, no other country had such a

high number of rural gentry represented in assemblies. Alongside the representatives of towns and boroughs, they formed a truly national assembly that represented the widest communities of the kingdom.

9 CONCLUSION

To conclude this thesis, I would like to summarize the aims I was trying to reach. My main goal was to analyse English assemblies from the start of the Middle Ages until its end in the fifteenth century. The first assemblies go back to the settlement of the Anglo-Saxons in England. The Anglo-Saxons assembled meetings between the king, bishops and noblemen where they discussed legislation and taxes.

Assemblies from the tenth century are referred to as witenagemots. These meetings were the first to assemble the most prominent people from all over the country, which made them national. I have described the composition of witenagemot, the frequency and the venues of those assemblies. Witenagemots made it possible for nobility to become a part of the decision-making processes. The Norman conquest brought a new nation to England, which showed in language of the law and the demand of Norman aristocracy to be a part of the government of the country. William I tried to continue in the paths of previous assemblies but the needs of the English population were overshadowed by those of the Norman settlers. William I called the greater council with whom he drafted the Domesday Book, which was very important for tax collection. The greater council continued to exercise great power during the reigns of William I's successors.

Parliament, as an official institution, developed throughout the thirteenth century. The signing of Magna Carta brought more liberty to the people of the kingdom and more accountability for the king and parliament. I have tried to analyse in detail the evolution of the relations between the king and parliament during Henry III's reign and the formal aspects and composition of parliament. Henry III had major issues with money shortage, which led to a larger representation of wider communities in parliaments because the king needed their consent for tax collection. Barons, led by Simon de Montfort, disapproved of Henry III's rule, which resulted in the demand for reforms and led to the civil war. Montfort with reformers won and he summoned parliaments that decided on relevant changes, such as the need for knights to be present at every parliament.

Parliaments after the death of Henry III began to have obligatory documents from each meeting. The Model Parliament of 1295 presented the optimal composition of

parliament at that time. Parliaments still held considerable power over finances and, to some extent, the control of the king's actions.

Parliament developed into the bicameral system during the fourteenth century with the House of Commons and House of Lords. Unfortunately, the fifteenth century brought another civil war and absolutist style of government, which diminished the parliamentary influence. The focus of the last chapter are the differences between the central assemblies in England and other European countries, particularly France. I have summarised the most important reasons that made England and its central assemblies during the Middle Ages stand out among the other countries in Europe.

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