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European Studies

Development of Parliamentarism in England

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## **Abstract**

England was the first country in Europe to develop representative institutions. This paper looks into this development through the prism of the perception of royal power. The English developed a specific understanding of what their king should be. The king has to be just and care about the land, and if he was not his subjects felt that they could make him so. This principle would guide their political and social life through the XI-XIII centuries. This would lead to the Magna Carta and then the formation of the Parliament. The Magna Carta was a proto-constitution of the English states, defining the responsibilities of the government. And it is considered in this paper a supreme manifestation of English perception of royal power. This paper would try to analyze this development. At first it provides a historical background, to enable the reader to better understand the events at work. Then it continues with the analysis of the important documents of the era. Then it looks into the development of English institutions and processes behind the events.

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## I. Introduction

### 1. Introduction into the topic

The strong hostility of the English Parliament in XVIIth century, which openly defied the king's rule, is one of the long-standing effects of many struggles between the king and his subjects, which happened in medieval part of English history. Being a history of constant struggles of king to gain more power, and of his' subjects that did not wish that, England could develop strong representative institutions, a specific understanding of what the king should do, and what he should not. The representativeness and a good system of centralized government created a quite different perception of king's power and the role of the king in the state system that the rest of Europe had. The old Anglo-Saxon local administration system, combined with the new methods of state ruling brought by Normans, strongly contributed to the formation of such views. As John of Salisbury, a prominent English scholar wrote in his work *Policraticus*: "Between a tyrant and a prince there is this single or chief difference, that the latter obeys the law and rules the people by its dictates, accounting himself as but their servant."<sup>1</sup> John of Salisbury wrote this in XIIth century, when most of other European countries still believed the king to be a Vicarius Christi, just a person to temporarily substitute for Jesus Christ on Earth, while he has some unattended business God know where. And while in some places monarchs tried to disprove this belief, nevertheless the monarchies of Europe remained very weak. On the other hand, England starting with the time of William I also known as the Conqueror had a strong centralized government, and a good administration. Such strong positions of the king lead to a different perception of how king should behave, and this is where the ideas similar to those of John of Salisbury come to life. Those ideas further lead to a number of events, when the subjects of the

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<sup>1</sup>John of Salisbury. "Policraticus, Book Four (selections)". *Medieval Source Book*. October 1998. Web. April 2011 <<http://www.fordham.edu/halsall/source/salisbury-poli4.html>>.

king though his actions unbefitting of his position, and took arms to stop him or make him change his ways. "We fight the king to defend the King" indeed. This very specific understanding of what the king should and should not do is what gave birth to the English political ideas of a king's power limited by the parliament.

Long before Magna Carta was signed the relationship between the English king and his subject was a very different one from other European monarchies. The king was strong, the government more centralized than on the continent. But the subjects of the English king were also strong and they knew that. Thus the specific perception of king's function was born in the realm of England. And one part of the research would deal with that period. Later on, when the king due to poor judgment turned most of his barons against him they rebelled and forced him to sign a document called Magna Carta. This part of the research would focus on this document and the formation of the first Parliament. One can describe this period as the period when the perception of royal power started to morph into the idea of parliamentarism. The Magna Carta was the example of a proto-constitution, as it defined the responsibilities and limits of the institutions at that time – the king and a specific council of barons. Even though the first version of Magna Carta was abandoned as it was signed, the document nevertheless played an important role in shaping future relationships between the king and the people. For example, Magna Carta was in the center of discussions and polemic during the pre-Civil War period. How England came to the signing of this document is also an interesting subject, as no other country in Medieval Europe demonstrated such dedication towards limiting king's rights. The creation of the first legally based parliament – the Parliament of Oxford - proved to be a consequence of a longtime of struggles between the king and his subjects. The first legitimized parliament was in fact an attempt of a number of English barons to substitute king's power with the power of a council of subjects, when the king was perceived by barons as ineffective. Later on, one of those barons –

Simon de Montfort – would create his own parliament. This parliament was composed of the less privileged representatives of different lands across the kingdom. Their support permitted to continue de Montfort's resistance to the king. Later on the institution of the Parliament would be cemented by Edward I. After that it would be the Parliament that would take the place of the barons in the matter of spoiling the English king's attempts to gain new power. This would eventually lead to the sharp increase of hostilities in the XVIIth century, which would lead to three Civil Wars, beheading of the king, forming a republic and then again returning to a king's rule, albeit with a number of limitations. The history of England in regards of government development was a very intense one indeed.

## **2. Introducing the concepts**

As the reader can guess already, there are two important concepts in this research without which it would be nonexistent – one of them is the English perception of royal power, another one is the idea of parliamentarism. Before starting, there is a need to define them to start making any progress.

We'll start with the “English perception of royal power” concept. As mentioned above, while the rest of the Europe was regarding the king as a Vicarius Christi and disregarding his existence as such, in England the situation was totally different. The subjects of the English king preferred for the king to be an institution rather than a representation of Christ on Earth. Why did it happen? There maybe several reasons. One of them is the Anglo-Saxon heritage, which was preserved when William conquered England in 1066. The Anglo-Saxons had a very sophisticated governmental system installed in their realm, with a clear administrative division and a strong land representation. When William came in 1066 he preserved the system even though he practically wiped out the native aristocracy. Another reason for the unique approach to

understanding of king's power is the actions of the king himself. First of all, when the Norman conquers England the king - William the Conqueror in this case – declared that all the land of the realm belongs to him. Then he took the liberty to distribute it between his lords as it seemed fit to him. In this perspective the usual word “tenants” for English aristocracy is very understandable, as they in reality just leased land from the king in return for their services and taxes. When the king takes so much power for himself the standards by which he would be measured against would be higher than just a king, who just sits and represents Christ on Earth in his capital, while “his” aristocracy rules supreme in the countryside. But to uphold the standards set by his subjects a king must do a lot to prove that he is worthy, and the first Norman king of England did such things. How William the Conqueror was able to achieve these results would be discussed in the pre-Magna Carta part of this research. This could be considered as a preview. But what happened if the king was unable to meet the standards set by his subjects? The barons would usually raise their voices against the sovereign and it could end in a very ugly way. The example of the John of England, who as king brought many hardships on his realm, demonstrates us how the English perception of royal power works and reasons why it manifested in England. Actually the uprising against king John showed all of the reasons of existence of the specific English perception of power. The wish of the English barons to control how their taxes are spent, the distant echo of the Anglo-Saxon tradition of regarding the king as a part of state, the failure to meet the standards set by the predecessors – all of these factors defined views on king's role in the state. This particular struggle also gave birth to the Magna Carta – an important document that started the English way towards parliamentarism, and which is a direct descendant of those processes that formed the English understanding of king's functions.

So to sum up the “English perception of royal power” concept could be defined as such – the king is an integral part of the state and should therefore care about the state and his subjects,



in case the king is unable or unwilling to do as he should, his subjects may rise against him to make him see, sometime through the use of deadly force, that his ways are unjust and should be amended for the good of the realm. Basically, the king was not just king because he was born as such or was appointed by some deity to do his job. A king was a king as long as his subjects sought of him as such. He was accountable to his subjects and this was new for Europe of that time.

Another concept important for that research would be the concept of “parliamentarism”. The idea of parliamentarism is not the idea of parliamentary democracy as we see it today. It should not be confused at all. The idea of parliamentarism is the idea of king’s rule being supervised by a governmental body coming from the subjects of the king. We could say that it is somewhat of constitutional monarchy, or parliamentary monarchy or a His/Her Majesty’s government, whatever suits better. It is a system where the king delegates a portion of his powers to the parliament and they both rule the land for a better cumulative effect. That’s how the English and then British government was functioning since the XVII century and it is how it functions even today.

The first indications towards that concept could be found in the text of Magna Carta. The Great Charter specifies that the king in the process of making his decisions should consult with a specific institution called the council of barons. In case the king would be able to enforce a decision that would be harmful to the realm of the interests of king’s subjects, the council of barons would be able to overturn it. Magna Carta never worked or was implemented into reality. England had a lot to deal with during the period after the document’s adoption. But the idea was there and was very popular during the rise of absolutist ideas in England during the early XVII century. The idea of Magna Carta was very popular among the supporters of English Parliament. The Parliament itself was formed much earlier, not long after the signing of Magna Carta, and on

the road to XVII was able to supplant the barons as the main resistant force to king's ambitions. There the parliamentarism would manifest itself many times. In the XVIIIth century, the Parliament would overpower the king completely. It was an interesting transformation in a country that was in Europe but at the same time very different from Europe. While on the continent the European monarchs were consolidating their holding into unitary absolutist states, the English were actually forming a monarchy whose strength was in its weakness.

English governmental system was a strange product for its time. But in the end it was this system that provided the long term competitive edge for the British. When there is someone standing between the king and the population the king cannot screw the economy with taxes, like he did in France, cannot over-abuse his power and therefore it is very helpful to the country's economic growth. And with that comes everything else. It could be stated that the English perception of royal power somehow led England to being the most developed and innovative country of the world. And this is what this paper would be about - discovering how the English were able to shape their view of the king into a political system that proved very effective over the coming ages. The main idea behind this research would be that the English perception of power lead to the formation of the English parliamentary system. The research would try to give an insight on what factors influenced the birth of parliamentary ideas in England, while also trying to see how the perception of royal power influenced the process. Thus to start making progress we need a historical background to understand deeper the matters at hand, then we need to look into the most important document of the epoch for clues and then analyze the processes that occurs in the kingdom that lead to the birth of the Parliament. In the end we would have the answer to the question – How the parliamentarism in England was born?

## II. Historical Background: from the Anglo-Saxons to John of England

Before jumping straight to Magna Carta and other matters, there should be an explanation how the document came to be. That is why the historical background is so important. Without knowing what exactly happened, no one can analyze or interpret specific events. Also no one can really understand the English perception of royal power without knowing the English history. Therefore this part of the research will focus on how the English understanding of king's functions came to be. Starting in Anglo-Saxon time and continuing towards the period of the Magna Carta, this chapter would try to retrace step-by-step the development of English perception royal power and give an explanation why it was possible only in England.

### 1. From Anglo-Saxons to William the Conqueror

When analyzing the state of post-1066 England, the legacy of Anglo-Saxon governmental system forms the core of new Norman administrative policy. "William the Conqueror, though a stern ruler, did not seek to alter materially English governmental and legal institutions and practices."<sup>2</sup> Thus to understand what royal power meant to the population of England in post-invasion times, one must analyze the period before that - the Anglo-Saxon England. The Anglo-Saxon England was not a unified state, but was a number of small kingdoms, who were constantly battling each other, or struggling to survive in the time of severe Viking attacks. The unification of these small states took place a century before the Norman Conquest somewhere in 950s. What the latter Norman England inherited from those times, was the concept of binding allegiance to the kings by all his subjects, even with no personal ties to king. One of the laws of king Edmund (939-946) states:

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<sup>2</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 60

In the first place [he commands] that all, in the name of God before whom this holy thing is holy, shall swear fealty to King Edmund, as a man should be faithful to his lord, without dissension or betrayal, both in public and in secret, loving what he loves and shunning what he shuns; and from the day on which this oath is sworn that no one shall conceal [the breach of] this [obligation] on the part of a brother or a relative any more than on the part of a stranger.<sup>3</sup>

This idea would exist in William the Conqueror's times, during the Oath of Salisbury, but that subject would be discussed later. This law issued by king Edmund was only the final step of the developing trend. Other influence of the Anglo-Saxon time that continued later would be the promise of the king to his subjects, "in which recognition was made that the king had obligations towards them."<sup>4</sup> (Sachse 18) This could be seen in the coronation oath made by king Edgar (959-975) in 973. The excerpt from this oath states: "In the name of the Holy Trinity I promise three things to the Cristian people my subjects: first, that God's Church and all Christian people of my realm shall enjoy true peace; ( . . . ) third, that I urge and command justice and mercy in all judgements".<sup>5</sup> In this oath we can see from where the ideas of a just king, such as expressed by John of Salisbury, grow. The last thing that the Normans inherited from their predecessors was the governmental system. The Anglo-Saxons had quite a sophisticated system of local level administration. "The English kingdom was divided into shires, shires into hudreds. ( . . . ) In each

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<sup>3</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 60

<sup>4</sup> Ibid

<sup>5</sup> Ibid

hundred there was an official [reeve] representing the king, and a court [moot] for the transaction of judicial and other businesses."<sup>6</sup>

This system was left practically unchanged after the Norman invasion. They just centralized the system further, and developed further the accounting system. Thus it can be seen that even though the Normans were able to establish a strong rule in their new conquered territories, their administration and ruling style was influenced by the developments made by their predecessors.

The Norman conquest of England started in 1066, when William the Conqueror, then Duke of Normandy, crossed the English Channel with his troops. The reason for that was some succession dispute. However, Keen in his book argues, that the reasons could also be the desire for expansion, which was fueled by the growing population of the Duchy of Normandy. (Keen 88-89) But nevertheless, the reasons for Norman invasion are not as important as the invasion itself. Due to the cultural, political and economic impact that the Normans brought with them, this event could be classified as a pivotal one in English history. It should be mentioned, though, that the establishment of the Norman rule was cruel and very harsh towards the native population of the island. William trying to crush opposition to his rule employed very unpopular methods. As Simon, a monk from the abbey of Durham notes: "The Normans have devastated Northumbria and certain other countries of England in the preceding years" or "Between York and Durham nowhere was there an inhabitable village, while the dens of wild beasts and robbers caused terror to the travellers."<sup>7</sup> Through devastation and quelling of a wide range of rebellions Normans were not only able to cement their rule in newly conquered English territories, but also successfully

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<sup>6</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 18-19

<sup>7</sup> Ibid. 50

replace the ruling Anglo-Saxon aristocracy with their own. Due to his campaign William had in his possession large land holdings, which he distributed among his vassals. To do so "William claimed ultimate possession of virtually all the land in England and asserted the right to dispose of it as he saw fit. Henceforth, all land was "held" from the King."<sup>8</sup> (Norman invasion of Britain) But the Normans did not destroy all Anglo-Saxon, they have destroyed the nobility and a number of England's population, but they retained their governmental system, which was quite sophisticated. And if we look at the local population, they were all natives; the Normans never brought with themselves any peasants to colonize the new lands. "No host of peasant immigrants came in their wake." as writes Keen.<sup>9</sup> But the Norman through invasion not only replaced the old regime, with their one, they further developed the governmental system of the Anglo-Saxons and centralized it. The Normans also opened the previously closed-in English society to the continental politics. Being the Duke of Normandy and then becoming King of England, William opened way for many future conflicts with France. And all these novelties brought by Normans without doubt would contribute to the English perception of royal power.

The reign of the Norman dynasty saw a number of events that defined the future English and British internal developments, such as rising parliamentarism and the subsequent formation of a constitutional monarchy system. These could include the reign of William I the Conqueror, who issued a number of acts that defined the royal power in England. Later on his son William II Rufus initiated some campaigns, that were able to successfully earned him the honor of being hated by a lot of his subjects. Later on, his brother Henry I would be forced to sign a charter known as "Coronation Charter" of 1100, in which he defined some of the king's powers. Not to

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<sup>8</sup> "Norman Conquest of England". *Wikipedia, the Free Encyclopedia*. Wikimedia Foundation, Inc. 11 December 2009. Web. April 2011.

<sup>9</sup> Keen, Maurice. *The Penguin History of Medieval Europe*. London: Penguin Books, 1991. Print. 89

mention that most monarchs of England of the Norman period were absent monarchs. Spending most time out in Normandy, they often used English money to finance their ventures abroad, which brought no benefit to their English peers. Some of these events not only show how the king was defining his own powers, but also that English barons took more and more actions to secure their standing, and forced the king to consult them when taking actions.

The first actions of William I as king was to preserve the existing Anglo-Saxon state system. He increased the function of the traditional English shires (autonomous administrative regions), which he brought under central control; he decreased the power of the earls by restricting them to one shire apiece.<sup>10</sup> With that he ensured that the system is still functioning. He left the office of sheriff operational, thus having his men in practically every shire. To further strengthen his monarchical authority William "insisted that, despite the chain of loyalties produced by the process of subinfeudation, men owned their principal loyalty to the King rather than to their immediate lord."<sup>11</sup> Such, in 1086 William received the Salisbury Oath. The Anglo-Saxon Chronicle describes this event:

"Then he traveled about so as to come to Salisbury at Lammas; and there his councilors came to him, and all people occupying land who were of any account all over England, no matter whose vassals they might be; and they all submitted to him and became his vassals, and swore oaths of allegiance to him, that they would be loyal to him against all other men."<sup>12</sup>

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<sup>10</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 12

<sup>11</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 55

<sup>12</sup> Ibid

Another action taken by William I was his census of all English property and productive capabilities. This account was called the Domesday Book. This record was "unparalleled among European countries of the Middle Ages."<sup>13</sup> Keen called it "the most complete survey ever made of the resources in men and wealth in medieval kingdom."<sup>14</sup> Through his actions William I was perceived as a strong, just and good king, who had interest in the welfare of his kingdom and the well-being of his subject. Through his actions of preservation of Anglo-Saxon governmental system and the principle of swearing oath to the King by all noblemen, he established himself as a strong king, who had a say about things happening in the country, which was uncommon for the feudal Europe of that time. By his gracious gifts of lands to his noblemen he established himself in their eyes as a good king, who looks after his subjects. And when he issued the instruction to his commissioners to gather information about England resources for the future Domesday Book, he showed himself as an able administrator. Thus when he was gone he left a positive image of his reign among his subject. As shown later during the reign of his son William II Rufus, the image of William I became some sort of an ideal of a good king, against whom all future kings should be compared.

## **2. Descendants of William**

The reign of the son of William the Conqueror, William II Rufus is what led to a proclamation known as Charter of Liberties of 1100. Rufus was not an especially bad king, but his reign started with an accident, that led him in severe confrontations with his barons. When William the Conqueror was dying he divided his lands - Normandy and England between his two sons. Normandy as the fief, that William owned first, went to his first son Robert, and England to

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<sup>13</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 58

<sup>14</sup> Keen, Maurice. *The Penguin History of Medieval Europe*. London: Penguin Books, 1991. Print. 107



his second son - William. "Nevertheless, many Norman barons in England wanted England and Normandy to remain under one ruler, and shortly after Rufus succeeded to the throne, they conspired to overthrow him in favour of Robert."<sup>15</sup> They started an insurrection that ended with failure. But as king was unable to keep the promises that he made to his allies, the new rebellion was soon to follow. "This time William punished the ringleaders with such brutality that no barons dared to challenge his authority thereafter."<sup>16</sup> These actions led to him being perceived as a brutal, corrupt tyrant. Later in his rule, he launched several campaigns against his brother in Normandy and was very successful, becoming de facto Duke of Normandy, and ensuring that Normandy remains with England. His rule ended abruptly in 1100, when he was killed in a hunting accident. His brother Henry took the throne after him.

The reign of king Henry I of England is marked by the adoption of one very significant document - the Charter of Liberties, also known as the Coronation Charter. His position was bad. The nobility, who had to be very loyal and submissive during the reign of William II, did not wish for that to repeat. Thus the barons were hostile toward the new king, as they had no guaranties that the reign of Henry would not turn bad for them. In addition, the consequences of death of the previous king were mysterious and some wondered if the demise was due to accident and not assassination. His younger brother Henry was the chief suspect. Even though we today know due to which circumstances the days of William II ended, Henry experienced some hostility due to the mysterious death of his brother. To counter these hostilities during his coronation he issued a document called the Charter of Liberties. In this document, he

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<sup>15</sup> "William II". *Encyclopædia Britannica Online*. Encyclopædia Britannica. 2009. Web. 12 Dec. 2009  
<<http://www.britannica.com/EBchecked/topic/644076/William-II>>.

<sup>16</sup> Ibid.

acknowledged limitations to his power. The Charter also clearly stated that king Henry condemns all the unjust practices committed by his brother, the previous king. He clearly stated: "And all the evil customs by which the realm of England was unjustly oppressed I will take away."<sup>17</sup> The rest of the Charter consisted mostly of a list of malpractices that were committed by his brother, with assurance to eradicate this practice. Also the charter have pardoned all crimes and forgiven debts. Another significant promise was "The law of king Edward I give to you again with those changes by which my father changed it by the council of his barons."<sup>18</sup> (Sachse 57) The law of king Edward was the Anglo-Saxon law system existed during the reign of Edward the Confessor (1003-1066). This system was very popular in times of William I and the return to it was seen as a good sign. The Charter of Liberties showed that the English king had to make promises and concessions to his vassals in order to gain their support and thus remain in power. The barons greeted this charter with approval, as it was seen as a message that Henry would return to the ways of his father instead of following the footsteps of his brother. This Charter is also seen as the precursor to the Magna Carta, another significant document that defined the actions and responsibilities of the King.

Another important novelty credited to Henry I was the office of the Exchequer. This office was transformed from the king's treasury and was a "rudimentary governmental accounting department".<sup>19</sup> But some other sources, for example Sachse, state that the office was founded during the reign of Henry's I grandson Henry II.<sup>20</sup> (58) To solve this misunderstanding we could turn to Keen again, he writes that the system was founded during the reign of Henry I, but was

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<sup>17</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 56

<sup>18</sup> Ibid. 57

<sup>19</sup> Keen, Maurice. *The Penguin History of Medieval Europe*. London: Penguin Books, 1991. Print. 107

<sup>20</sup> Sachse. 58

also restored during the reign of Henry II.<sup>21</sup> Encyclopaedia Britannica clearly states that the first founder of the Exchequer was Henry I.<sup>22</sup> But in perspective it is not important, what is important is the office itself. The Exchequer provided the king with "an annual account of all that was due to him and all he paid out, and a means of checking the activities of official he seldom meet."<sup>23</sup> The office of Exchequer got the king an ability to check and control some of the financial processes in his country. Thus through this the king gained more power. The steady growth of king's power started during the reign of William I and continued through the reign of his descendants.

The other major English king that had a share in the growth of king's power was Henry II. He was a king that started a new dynasty - the Plantagenet one. Henry came to power after a long civil war that erupted after the death of Henry I. The civil war left the state unstable and it was Henry II, who slowly returned it back to functioning. "He and his councilors really began the process of knitting together the governmental resources of England into a unitary force."<sup>24</sup> The main scope of Henry's activities concerned the judicial system. "Henry's reign saw not only a great drive to detect and control crime, but also a strenuous effort to provide injured parties with swift and efficient means to obtain redress."<sup>25</sup> And considering that "Henry's advisers were educated men"<sup>26</sup> the system started to function well, making the judiciary system available not only to higher nobles, but also to the lesser man. Thus royal power "began to be something

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<sup>21</sup> Keen, Maurice. *The Penguin History of Medieval Europe*. London: Penguin Books, 1991. Print. 107

<sup>22</sup> "Exchequer". *Encyclopædia Britannica Online*. Encyclopædia Britannica. 2009. Web. 12 Dec. 2009

<sup>23</sup> Keen. 107

<sup>24</sup> Ibid. 108

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

meaningful to a much wider range of people".<sup>27</sup> Henry II rule was seen by his subjects as a rule of a man, who had the country's interest ahead of his own, thus he was able to make significant progress. But as it would be proved later - the royal authority could only be strong when the king was a good ruler and administrator. Otherwise he would face the discontent of his subjects.

### **3. John of England and Magna Carta**

As Keen writes - "If Henry had been king of England only, there is no knowing where the steady growth of the royal power would have ended. But marriage and inheritance had made him master also of a great empire in France: Normandy came to him through his mother Matilda: Anjou, Maine and Touraine through his father Geoffrey: Aquitaine by the right of his wife, Eleanor."<sup>28</sup> Big French territories belonging to the English king would play a significant role in future shaping of king's functions in England. Being the vassal of a French king, but having a lot more power and influence than he had would undeniably lead to conflict. And that happened during the reign of king John. By 1205 French king Phillip II Augustus was able to successfully occupy such fiefs of the English king as Normandy, Anjou and Maine. Campaigns by John of England to reclaim the territories proved unsuccessful, and his new tax policy caused in 1215 an open rebellion by his barons. The barons were also able to force the king to sign a charter that would clearly state, that the king, when taking important decisions concerning the state he should consult his subjects. Why does this outburst happen? First of all, John proved to be a bad king. His reign saw a number of humiliations for England as a whole country. First of all, the England had to endure a "bitter conflict between John and the Pope, lasting from 1205 to 1213" which

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<sup>27</sup> Keen, Maurice. *The Penguin History of Medieval Europe*. London: Penguin Books, 1991. Print. 108-109

<sup>28</sup> Ibid. 109

“grew out of a disputed election to the Archbishopric of Canterbury?”<sup>29</sup> For his cruel treatment of papal envoys John was excommunicated along with his kingdom. This was the first drop. Later on, John understood that his situation is bad, that he is probably facing the possibility of a French invasion in the proces, so he made homage to the Pope offering his country in vassalage.<sup>30</sup> That happened in 1213, and this event obviously made the subjects of John quite unhappy. The last straw was his wars in France. They were a disaster, and moreover with them came great expenses. And those expenses would grant no benefits. The territories, that king of England owned in France had absolutely no connection to the realm of England, apart from the fact, that they shared the ruler. Thus the situation when the king of England levies money to fight for his own territories could be regarded, as if today one man was president of one country and governor of a rebel province in another country. And he would use tax money, from the country, where he was president, to finance his military campaign against the government of the country where he was the governor. Some people in the first country would surely ask for what is their money spent for, as they gain no benefit from this distant war, that is not even in their interests. The same situation happened in England during the reign of John. The barons, who were the main taxpayers, didn't see any profit for them or for the country from the actions of the king. They decided that they should make the king change his policies and to limit his power in case the same situation arose again. Under such circumstances the Magna Carta was born. The first version of the document was signed by king John of England in 1215. It was made under heavy pressure by the barons. "Thus the very growth of royal power ended by forcing the king to

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<sup>29</sup> Sachse, William L. *English History in the Making Volume I Reading from the Sources, to 1689*. Waltham, Massachusetts: Blaisdell Publishing Company, 1967. Print. 72

<sup>30</sup> Ibid. 74

acknowledge the boundaries beyond which he could not go without some sort of agreement from his subjects."<sup>31</sup>

The long history from the old Anglo-Saxon kings to the final signing of Magna Carta shows us how the English perception of royal power came to be, and what consequences it brought. The idea of a just king that has the interests of the country in front of his own interests was not an English invention, but the history of that country showed that this idea had a great importance in this realm. From this idea also came the understanding that if you want the king to be just, you don't have to wait for him to be so, sometimes you have to make him so. This period also contributed to the formation of the English and later British understanding of tyranny. After the Magna Carta and later the Civil War, the king who put his interest before the interest of his country could no longer exist. We could not call this process democracy yet, but some democratic elements that later contributed to the formation of British constitutional monarchy. Also this attitude towards state and country without doubts influenced the British technical, economic and political superiority in future centuries.

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<sup>31</sup> Keen, Maurice. *The Penguin History of Medieval Europe*. London: Penguin Books, 1991. Print. 109

### **III. Magna Carta and the Parliament**

This part of the research would deal with the Magna Carta and the formation of the first Parliament. Those two events are very important for this paper. The first one – Magna Carta saw the attempt of the barons to limit king's power, so he cannot abuse it. The second one – the formation of the First Parliament was important as it was the first step toward parliamentary ideas. We can describe this period as a period when two ideas connected – the “English perception of royal power” shifted towards “parliamentarism”. Both of these events were mentioned before, but here they would be covered extensively. The most important kings of this period for this paper are Henry III and his son Edward I, as their decisions were able to finalize the Magna Carta, and both kings were fundamental in the formations of English Parliament.

#### **1. Many Incarnations of the Magna Carta**

Before starting with the Magna Carta, we should know that there wasn't just one version of the Great Charter. There were many of them. The paper will discuss the most important of them. The first Magna Carta of year 1215 was a document forced on the king of England by his barons. The king was bad, the barons were not happy; therefore England got the Magna Carta. Magna Carta was a very unique document for its time, but sadly it was soon forgotten. This document was a direct descendant of the Charter of Liberties adopted in 1100 by the Henry I. But this time the Magna Carta was not born of king's desire to appease his barons. This time the baron forced the king to sign the document. All this happened in 1215, after several humiliating tears for England – the humiliation being caused by the decisions of English king. For John of England the charter of 1215 proved to be a very harsh one. The charter clearly limited the king's ability to enact important decisions. He has to be supervised by a council of 25 barons that had the ability to revoke his decisions and to take his property if necessity would rise. Somewhat the

Charter of 1215 would be a sort of a proto-constitution – a document that defined the powers of English governing structures and created some sort of balance of power. The main goal of this document, however, was not to limit the king, but to prevent a war between him and his unhappy subjects. And as a mediator the Magna Carta of 1215 failed miserably. The war could not be avoided. When the barons left London, John of England immediately rejected the document. It could be understood, as the document severely diminished his abilities as the king. And later on he was backed by the pope, as the ruler of Vatican sought that the document endangered his interest in England. The Pope previously vassalised England, and was not very interested in his new fief. Not to mention that John of England had made himself and his kingdom vassals of the pope to escape excommunication, a fact that led to barons' rebellion in the first place. The war that followed was called the First Baron war, and was one of the many English civil wars in that period. It was nevertheless very short, as John of England died in 1216 and with him all the reasons for the conflict. Was therefore the Magna Carta of 1215 a failure? As a means to stop the brewing conflict between the King and his subjects – it was. But this was not the failure of the document; rather it was the fault of the involved parties. As a legal document it was way ahead of the time, and would be a basis and inspiration for the future version of the Magna Carta, and subsequently to the Magna Carta of 1297, which is still a part of English and Welsh legislature.

After 1215 there were many more versions of Magna Carta, all of them instituted by the kings to get some concessions from their subjects. The content of the documents varied. The first Magna Carta, forced on the king in 1215 contained 61 clauses, including the one about the council of barons overruling the decisions of the king. The subsequent Charters, that followed had less clauses, and the clause about the baron council was not present. It is also interesting to note the development of the Greater Charter. There were many versions – 1215 (the first one), 1216 (by Henry III, son of John of England), 1217 (a revision of the first one), 1225 (again by



Henry III) and 1297 (the last and final one, signed by Edward I). The Charter of 1216 was made with the goal to unify the loyalist around Henry, the nine-year old son of John of England. The England of that time was still in First Baron War, and the barons allied themselves with the French Prince Louis. To battle them the loyalist needed something and the Magna Carta of 1216 was such a thing. This charter had 42 clauses, 19 less than the first version. The First Baron War ended with English king Henry's victory. But nevertheless even if the barons lost, there were not docile, to mediate the tension another version of Magna Carta was issued, the version of 1217. The version of 1217 was also the first one to actually use the name of Magna Carta, later on this name would be attached to all similar charters before and after that one particular document. The next version that came after the 1217 one was the version of 1225. When Henry III has finally reached age and became a fully-fledged king his subjects needed some guarantee that he won't follow the footsteps of his father John. This version of Magna Carta has only 37 clauses, but nevertheless is a very important one. First of all, it stated that the Charter was adopted by the king willingly and was in no way forced on him. Second and most important aspect of 1225 Magna Carta is that it was the first document to enter the English law. Therefore this version of Magna Carta became not only a pact between the king and his barons, but became the law of the land. And as we know the English king had to respect the law of the land. Therefore with the adoption of 1225 Magna Carta the king's subjects have finally won one of their struggles. They have managed to limit somehow the king's powers and gain more benefits for themselves. There was another, the last version of Magna Carta – the 1297 one.<sup>32</sup> This one was adopted by King Edward I, son of Henry III, with the goal to raise another tax. He could not do it on his own and therefore he made some additional concessions to be able to pull that through. The Magna Carta of king

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<sup>32</sup> "Magna Carta" *Wikipedia, the Free Encyclopedia*. Wikimedia Foundation, Inc. 25 April 2011. Web. 12 December 2009.

Edward I is by far the most important one as it still remains as a part of modern English Law system.

If we look through the history of Magna Carta from 1215 to 1297 we can see, that this document could be called the ultimate manifestation of the English perception of royal power - the king should be a just and care about his land, if not we will make him do it. And that what happened, when the king failed his country by making bad decisions, the country decided to establish some protective measures to safeguard itself from king's incompetence. And while the first version of the Magna Carta failed, it nevertheless found its way into the English governmental system. The Great Charter also continued the tradition of English kings to make concessions to their subjects. As with the Charter of Liberties of 1100, the English kings assured their subjects that their rule would be unlike their predecessor and would be focus on betterment of the realm of England and its inhabitants. And that is also one of the aspects of the English perception of royal power – a king that is accountable.

## **2. The Struggles of Simon de Montfort**

The struggle for Magna Carta ended with the king finally accepting this document. But there was another important struggle that would bear similar results and would be equally important. That would be the struggle to establish the Parliament. Why would England need one, would the reader ask? Because even though Henry III finally pushed the Magna Carta into the legislation of the realm, he nevertheless was not a stranger to ruling methods employed by his father John of England. The trust of barons was vanishing, as the king preferred to deal with affairs of his foreign relatives rather than with the matters of the land. Also he was also trying to model his English monarchy according to the autocratic French one, which didn't agree with the

ideas of his subjects about what the kings should do.<sup>33</sup> The king was also surrounding himself with foreign advisers, who knew nothing of English ways.<sup>34</sup> The last drop was the decision of Henry III to support the papal war against Sicily. This ended pretty much the same as for Henry's father. The barons came to him with a proposition to sign a treaty. Of course this was one of those propositions that the king could not say "no" to, as it would then involve his death or something equally gruesome, or even forced abdication in favor of someone, with whom the barons would find more common ground for negotiations. This happened in 1258, and the document that was forced on Henry was called the Provisions of Oxford. This document is often called the first English constitution, as it limited the king's power in favor of a gathering of his subjects and defined their specific functions. This was similar to the omitted clause 61 from the first version of the Magna Carta. This new gathering would be called Parliament, and would play a significant role in future English politics. There were parliaments before this one, but the former were gathered by the king to discuss the taxation policies, but now the Parliament had a variety of functions. But the very first Parliament didn't last long. History has a nasty habit to repeat itself and that what happened in England. The king Henry III felt humiliated and in 1263 with the help of a papal bull started a war against his unruly barons. The war would be called the Second Baron War. Henry III learned nothing from the experiences of his father. But we did. The Provisions of Oxford were the final level of manifestation of English perception of royal power – to make the king accountable his subject had to supervise him and monitor his decisions.

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<sup>33</sup> Wilkinson, B. *The Constitutional History of England 1216-1399: Volume I - Politics and the Constitution*. London: Longmans, Green and Company, 1948. *Digital Library@University of Dehli*. DSpace Software. Web. March 2011. 16

<sup>34</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 275

The Second Baron War was fought for a long time and saw many changes happen to England. But first we must speak about the sides of the conflict. On one side was the king of England Henry III and his son Edward (he would later become king Edward I) and his supporters, on the other side were the barons under the leadership of Simon de Montfort. The later one is a very interesting figure. By his name we can guess he was not English, he was in fact French. At first he was even perceived with hostility by the English barons.<sup>35</sup> But at the same time he was the leader of a very English rebellion. The rebellion was very successful in the beginning. In the battle of Lewes Simon de Montfort managed to capture the king and his son. From this moment de Montfort became the de facto ruler of the realm, as the king and prince were safely locked in secured places and could not meddle in politics. Guizot even called this regime a tyranny that replaced the tyranny of the king.<sup>36</sup> But because of the radicalism and harshness of the new regime many supporters turned against it. To gain popular support de Montfort decided to form an assembly of all representative of English realm, apart from the clergy and higher level aristocracy such as barons, de Montfort also summoned knights and representatives of the smaller administrative units - the boroughs. The involvement of the burgesses, or the representatives of boroughs, was an unprecedented move, as before that the parliament was restricted to only those of noble birth. The summoning of the parliament was an attempt of de Montfort to legitimize his rule over England, while the king and the prince were locked away. Due to the vanishing popular support and the escape of Edward from prison the regime of de Montfort collapsed in 1265.

Simon de Montfort was killed in the Battle of Evesham and after that the king won the Second Baron War. Nevertheless the legacy of de Montfort policies was strong in post-war England. He

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<sup>35</sup> Wilkinson, B. *The Constitutional History of England 1216-1399: Volume I - Politics and the Constitution*. London: Longmans, Green and Company, 1948. *Digital Library@University of Dehli*. DSpace Software. Web. March 2011. 23-24

<sup>36</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 304

paved the way for the Commons, or low level aristocracy and landholding freemen, to politics, and they would remain in politics till our times. Even though Henry III won the war against his barons and executed a lot of them for treason, he nevertheless summoned the Commons several times after the end of the war. Later on in 1295 after the death of Henry III his son Edward (now king Edward I) would institutionalize the de Montfort's version of the parliament. It would be called the "Model Parliament" and would from this time on remain one of the important institutions of the English land. Why would Edward I do such a thing? Because he was the king that learned something from the experiences of his father and grandfather. To unite his land under his rule he would have to listen to his subjects and with the Parliament it would be easier to do.

The emergence of the Parliament would be the penultimate achievement of long English struggle to make their king accountable to his realm. From this time on the Parliament would become an important faction in English politics, effectively replacing the baron alliances. This is where the English perception of royal power would finally give birth to the ideas of parliamentarism. The king delegated some of his powers to the institution of the Parliament and now had to pass his agenda through it. It does not mean that England has become and constitutional monarchy, it would become such only after the Civil War. The king retained a lot of his powers. At this time the relationship between the king of England and his Parliament would depend on the influence the king could exert, with stronger kings having less difficulty passing their agenda through the Parliament. But when the king tried to ignore the Parliament or mess with the institution this would turn into a massive struggle of ideologies, in which the king would lose.

## IV. The Documents

In the previous chapter this research dealt with the historical development of the perception of royal power in England. From the Anglo-Saxon time and till the finalization of the formation of the Parliament England went through several significant shifts in its understanding of how the government should work. First the Anglo-Saxon country was conquered by the Normans, then the Anglo-Saxon traditions slowly seeped into the Norman politics finally culminating in the establishing a strange political order, where the king had to listen to his subjects.

While the historical part is very interesting in showing how the processes of baron resistance have developed it would be also interesting and no less important to look into the results of these processes. This chapter will deal with treaties and historical documents. The main goal would be to find out how exactly the unique English perception of royal power manifested itself into the English law and English political philosophy. The main works that are important here are the works of Norman Anonymous, which were written in the beginning of the XII century, the very first Magna Carta and the Provisions of Oxford. Those specific works were chosen for a number of reasons. The tractates of the Norman Anonymous provide a very early view on how the institution of the king should work, bearing a number of ideas uncommon of that specific times. The Magna Carta is the corner stone of English constitutional law and should not be excluded. We could say that this document and the provisions of Oxford proved to be the ultimate victories of subjects against their own king. Those two important documents showed how the subjects forced their sovereign to relinquish a number of his powers for the common good of the realm. Those documents would be analyzed through the prism of perception of royal

power in Medieval England. And that would be an important step to find out how this specific perception influenced the development of parliamentary institutions.

### **1. Norman Anonymous**

We'll start with the works of Norman Anonymous. As one can guess from this person's definition, the current history is not exactly sure who this man was. What can be determined, that he lived somewhere around 1100, that means right after the Invasion took place. His writing is very important as it gives us a glimpse on how England saw their king. The Norman Anonymous was the first person in England to actually discuss the idea of king's two bodies. This idea was popular in England during the reign of Stuarts and Queen Elizabeth. The idea was that the king, or queen, has two bodies. One is the mortal body of a person. The other is a personification of King's office. The first body was mortal and subject to all human weaknesses, like being incompetent or dying. The second body on the other hand was eternal and was a representative of virtue. The phrase mentioned earlier "We fight the king, to defend the King" actually represents this concept. When the "king" or the first body does no justice to the second or "the King" then the subject defy the "king" that he could not tarnish the image of "King". This idea is a perfect example of the English perception of royal power. We have the idea of a perfect king and the constant pressure on the ruler to be like that image. But sadly the idea developed long after the period discussed in the research. What we have on the other hand is the ideas of Norman Anonymous, who developed a very similar concept in the beginning of the XII century.

The ideas of Norman Anonymous were built around a Christocentric perception of kingship. The main focus of such perception is that the king has some divine significance. This work is very important as it gives a very early insight on perception of royal power in England. While Ernst Kantorowicz writes that the concept of royal kingship proposed by Norman

Anonymous did not play a significant role in the development of English monarchy<sup>37</sup>, nevertheless it is hard to believe that this idea had no impact at all. First of all it bears great resemblance to the ideas of later Stuart monarchs. Second it gives insight on how the king was perceived in England at that time. Of course this one opinion could not be the ultimate one, but it gives some interesting points.

The main focus of the idea is the divinity of the king's person. But as we can see from the following fragment, the existence of the king was separated into two bodies:

We thus have to recognize [in the king] a *twin person*, one descending from nature, the other from grace... One through which, by the conditions of nature, he conformed with the other men: another through which, by the eminence of [his] deification and by the power of the sacrament [of consecration], he excelled all others. Concerning one personality, he was, by nature, an individual man: concerning his other personality, he was by grace, a *Christus*, that is, a God-man.<sup>38</sup>

This extract actually sums up the whole ideological concept behind the tractates of Norman Anonymous. It can be clearly seen, that the second body of the king is defined by the author as a divine one. The divine body is then promoted to a God-like existence. But on the other hand the author acknowledges another existence of the king – the mortal one. This one could be as any other person, but he is immediately elevated by his other body. Anonymous argued that the spirit of the higher body, the spiritual King, leapt into the earthen king, thus bringing them together.<sup>39</sup>

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<sup>37</sup> Kantorowicz, Ernst H. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton, New Jersey: Princeton University Press, 1997. Print. 61

<sup>38</sup> Kantorowicz, Ernst H. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton, New Jersey: Princeton University Press, 1997. Print. 46

<sup>39</sup> *Ibid.* 47



This ideology is very similar to ideas circulating in England in the XVIth century. While Kantorowicz argues, that the idea of Christocentric kingship did not affect England much, nevertheless we cannot clearly that it had no impact at all. After all, pretty much the same idea resurfaced centuries later with little alterations. Also, according to Kantorowicz, the first time the tractates of Norman Anonymous were found in the library of English Archbishop Matthew Parker. That happened in 1575. The Archbishop was a prominent supporter of the idea of king's two bodies.<sup>40</sup> It does not take a genius to guess where the Archbishop got this idea. And we don't really know what happened to the writings during the big period that passed. If the Archbishop found and read them, then some other person could have done it. Also we don't really know the extent of the popularity of the idea of Anonymous during his time. While it held the christocentric idea of the king that was not very popular, his ideas could be interpreted in another way. The idea of a strong just king was present in England at that moment, and we know that the barons demanded the kings to comply with this idea. And if nor the popular idea at the moment, the Norman Anonymous did have followers in the future, and still provided with another view on perception of royal power in medieval England.

## **2. Magna Carta**

From the tractates of Norman Anonymous we switch to Magna Carta. The Magna Carta bears a great importance for the idea of the King in Medieval England. It is probably the most important document of that time. The document was forced on the king by his barons, when they grew tired of his ineffective handling of state's affairs. The whole document is full of clauses stating how the king should handle different aspects of his state. Due to the radical nature of some of these clauses the Magna Carta had faced some significant difficulties before becoming

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<sup>40</sup> Kantorowicz, Ernst H. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton, New Jersey: Princeton University Press, 1997. Print. 42

part of English legislature. It took two kings, one war and several revisions for this to finally happen. Of course by the end the document changed radically. Some clauses were withdrawn, others were added. Nevertheless the document is very important as a testament of how the English saw the role of their king. The document was born in troubled times, when the king was perceived as ineffective by his subjects. The following part of the chapter would explore the first version of Magna Carta in order to demonstrate the unique English perception of royal power.

When the English king John had to submit to the will of his barons he signed a very important document that could be called revolutionary. The Magna Carta was a very example of proto-constitution. The document addressed a number of issues, from trade to royal rights. It had a sort of policy of division of power between the king, his lieutenants and a council of barons created by Magna Carta. The carta also defined some of the functions and responsibility of the English judiciary. Due to the specification of this research, we would not look into the clauses that have nothing to do with the perception of royal power. The version of Magna Carta used in this research is provided by William Sharp McKechnie. It is part of his book *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. The book not only provides us with the original Latin Great Charter, but also includes an English translation, a brief historical background and commentaries by the author.

Due to the circumstances of the appearance of the Magna Carta, the document had made sure that the power of the king should be left in check. The clause that defined such a check mechanism was clause 61. It is a big clause, so it would not be cited in full here, but for an interested reader it was provided as an appendix. This part of the Charter was very harsh towards the king:

Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance for ever, we give and grant to them the under-written security, namely, that barons choose five-and-twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this ou present Charter...<sup>41</sup>

As we can see, the Charter created a specific council of 25 barons to specifically monitor the king. The king shall abide the Charter that he was just forced to sign, and the barons were there to make sure that he abided. This excerpt from Magna Carta is very demonstrative of the English perception of royal power. The subjects, tired of what they perceived as bad leadership, forced the bad leader, to try to become a good one. In this case the instrument was the Magna Carta. But the barons did not stop just after their victory. As history shows the charters issued by king, were rarely more than just empty promises. In fact the anti-John rebellion started with demands of recognizing the Charter of Liberties of 1100, which was forgotten as soon as it was adopted.<sup>42</sup> To make sure that the king does not forget the Magna Carta, the barons took precautions. Those precautions weren't just the council of 25 whose function was to watch the king 24/7. In the clause 61 there are some precautions in case the king did break the Magna Carta. At first if the king or one of his men have broken the charter, they would be notified by the council of the barons and have to the correct this mistake. And here commences the fun part – if the king or his

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<sup>41</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 303-304

<sup>42</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 265-266

men did not correct their misgiving they would face the consequences. And as we can see from the following passage, the consequences would be hard:

And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five-and-twenty barons, and those five-and-twenty barons shall, together with the community of the whole land, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us.<sup>43</sup>

What the Magna Carta, and especially clause 61, did was to legalize open rebellion against the king. Also it provided with reasons for the rebellions. Now the subjects had a framework of defined reasons. Those allowed them to legally oppose the king. As we can see also direct violence to king's property, while protecting the Magna Carta, was not only allowed, but even encouraged, and king himself recognized it, even though he had little choice. The rebellion of subjects was an important catalyst of change in many countries. In England the rebellion of subjects against the king had an even greater importance. This part of the clause 61 legalized resistance towards what could be perceived as unjust rule. Also the alliance of barons did not try to replace the king, as no such option is given in the Magna Carta. We can see that even though violence towards king's property is permitted, nevertheless the king and his family should not be

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<sup>43</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 304

harmed. This legalized violence is rather of motivating sort than a punitive one. Motivating here means, that the violence is in no way used to punish the king, but rather to make him take right decision and listen to the will of his subjects. This is an important part of the English perception of royal power idea, as the subjects should make sure, that the king is just, good and cares about the land. If the king is not as described above, then the subjects can make him so. Now this idea was legalized. The subjects took a position of a supervisory board. This council could overrule king's decisions if deemed necessary. But is one thinks that the 61<sup>st</sup> clause of Magna Carta deals with legalizing violence towards the king, then he is mistaken. The chapter 61 also deals with the issues of the council of 25 barons, giving us insight on how it would be chosen, and defining its functions. Here is a description of the process of decision-making:

Further, in all matters, the execution of which is intrusted to these twenty-five barons, if perchance these twenty-five are present and disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty-five had concurred in this; and the said twenty-five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might.<sup>44</sup>

As we can see, this is the manifestation of an assembly that takes decisions according to the principle of majority. The council of 25 barons can therefore be regarded as a predecessor of the Chamber of Lords of the Parliament. The council was not elected but rather appointed from the number of prominent barons, but in the event of the “one of the five-and-twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would

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<sup>44</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 304

prevent the foresaid provisions being carried out”<sup>45</sup> the assembly can elect a replacement. The council of the barons also carried some of the functions of the later Parliament. For example it existed as a counterbalance to the power of the king. In other words it made the abuse of royal power impossible. This is one of those points where the beginning of the parliamentarism and the perception of royal power intersect. The power that forced the king of England to acknowledge the will of his subjects also gave power to a council of barons, which could limit significantly the power of the king. Of course the king was not happy at all with such a predicament. And this is understandable – before the charter the king held the monopoly of the state, now he was giving his subject a free ability to “molest us to the utmost of his power”<sup>46</sup> and to trash his property if the subjects sought that he didn’t behave according to the charter. The king found the ability to resist the Magna Carta and in the end the barons nearly lost the war. But that doesn’t matter. In the end the charter successfully entered into the English jurisdiction, though a number of clauses were omitted. Clause 61 was one of them. Nevertheless it was the first time that England tried to substitute royal power with other institutions, and that would be the first step on the road to parliamentarism.

### 3. Provisions of Oxford

By the time of the rule of Henry III, he started to face a similar pressure which his father faced. Henry was spending money on his military campaign abroad and therefore had to raise taxes to finance his ventures. The barons of course were not happy at all with such a development. They just finished a costly war with a previous king, and now the new one was

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<sup>45</sup> Ibid.

<sup>46</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 304

making decisions that were not benefiting the country. But this time the barons and the king tried to find a compromise and thus the Provisions of Oxford were born. They were best summed up by Guizot. The Provisions decreed (the “they” mentioned in the text is the council of barons) :

1. That the charters should be confirmed;
2. That they themselves should annually nominate the judges, the chancellor, the treasurer, and other officers of the king;
3. That they should have the keeping of the royal castles;
4. That three Parliaments should be convoked every year, in the months of February, June, and October;
5. That a permanent commission of twelve barons should be appointed, who should be present at these Parliaments, and assist the royal council in the transaction of all business;
6. That four knights should be appointed in each county, to receive all complaints against the sheriffs or other officers of the king, and to give an account of these to the next Parliament;
7. That, for the future, the sheriffs should be nominated by the county courts;
8. Lastly, that the king, his son Edward, his brothers, the archbishops, bishops, &c., should be obliged on oath to promise fidelity to the Acts of Oxford.<sup>47</sup>

The Provisions are another example of king sharing his power with his subjects. This time as with the case of Magna Carta the king did so under the pressure of circumstances. The barons gained

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<sup>47</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 303-304

experience at extorting rights, and now passed a document rather easily. This time it also put them in full control of the country, as they served as proxies of king's power. They formed some sort of a government, whose functions actually greatly corresponds to the functions of a government in a This document is also important as it introduced in the law summoning of the parliament as well as decreed, that people of lesser upbringing such as knights would be brought to it. The Provision of Oxford mark the first advents of the House of Commons, as the knight were never brought into politics before that. It was the domain of the king and his barons. These Provisions also are a continuation of the Magna Carta struggle, as the principles laid here are similar to the clause 61. Both document limit king's ability to rule independently, instead making him accountable to a specific council made from his subjects.

The fate that both documents suffered is strikingly similar. Both proved to be too radical towards the king, so he cannot accept them and the situation would deteriorate into open warfare. Nevertheless the legacy of both documents lived to see that the changes they proclaimed be brought into the reality. Of course the Magna Carta had to get rid of the most radical clauses and the Provisions were had to be abandoned because of the Second Baron War. In the end, nevertheless, England adopted the system of government that was first mentioned in those two documents. The English perception of royal power that gave birth to this political system formed a set of beliefs. And those beliefs could not be easily abandoned.



## IV. Political Processes in England

The English perception of royal power after a number of specific events, treaties and aggressive negotiations gave rise to the creation of first parliamentary institutions. The first parliament was formed only in 1265, when a coalition of barons decided to straighten up the king once more for the good of the land. This was the culmination of centuries-long struggle of the subjects against their own king. This chapter demonstrates political processes that happened during the medieval English history. Most of them were the centralization efforts made by the king; others were the resistance to the centralization by the barons. In the end the Parliament was created. English population was always leaning towards the less tyrannical, more open and representative government. This is seen throughout history – first with the kingdoms of Anglo-Saxons, then with the same Anglo-Saxons that the Normans could not totally subdue, and with the gradual mounting of baron resistance. While the Anglo-Saxon kingdoms were somewhat freer in their life, due to the strength of the local governance and the weakness of the king's power and the undeveloped feudal system, the coming of Normans resulted in the consolidation and centralization of power. The Anglo-Saxon governance traditions on the other hand were suppressed, but never destroyed. This was due to fact that the Normans had to survive in the vast and hostile country. They could not simply oppress their new people on whim. William I adopted a policy of coexistence, while trying to install a Norman-type feudal system, with a more centralized government. Over the years the Normans had sustained a line of strong kings vying for more power for the state. But we could argue, that the Anglo-Saxon traditions and the fact that the king was always living comfortably somewhere in France, the subjects began to question the existing order. While stronger kings managed to keep these feelings bottled up, the weaker kings, or those that visited their country very rarely had to face the rising feeling of discontent. This discontent was mostly due to the fact, that the king living somewhere in France or

somewhere else was using the country of England as his source of income. The barons of England on the other hand didn't have the possibility to live in a nice mansion in France, and had to deal with cold and foggy England. And they were not happy to give their money so the king could live happily in a warmer climate. The dissatisfaction sometimes grew to open rebellion, when the king not only wasted the funds provided by his subject, but also managed to embarrass the whole kingdom of England. That was the case of John I of England, who managed to bring a lot of humiliation to his land. The following outburst of discontent resulted into the signing of Magna Carta, a document which severely hampered king ability to make decisions and featured a certain proto-representative government. Later on the tension around this would rise to the level of the civil war that would be called the First Baron War. Later on the tensions would not disappear and would exist till the formation of the first Parliament. So why the same things are written once again even though a whole chapter was dedicated to them? Just to remind the reader how the process of developing of English perception of royal power came to be. This concept is very important in this chapter. The English came to understand the king as an institution that should care about the country first and himself later. And if he is not able to do it, his subject would gladly help him. This came through Anglo-Saxon heritage, historical development and a line of bad kings, that needed further "encouragement" to stop making bad decisions. This concept led to the formation of first instances of representative government in the post Anglo-Saxon England. And what is even more interesting is that such institutions were not of only advisory role, but had some exclusive rights. This chapter would explore how the shift from perception to parliamentarism happened.

## **1. Centralization**

The earliest representative institutions in England were present during the Anglo-Saxon times, before the arrival of Norman Conquerors. They had representative institutions, like the

Witenagemot, and a weaker king's position. Late on when the Norman arrived, they dismantled parts of the system and substituted it with their own. Some could get the impression that before the arrival of Anglo-Saxons were free, and servitude and tyranny was brought by Normans. But this is a wrong thought. For example, Guizot, a French thinker, argues that associate the freedom with Saxons and tyranny with Norman invaders is wrong. His idea is that the mix of those two cultures, their respective ways of life made possible the exact political developments that transpired in Norman England during the medieval times.<sup>48</sup> And that is a valid opinion. The further development of English parliamentary system has its foundation in the Anglo-Saxon heritage, and the subsequent Norman additions. One of the important additions was the introduction of Continental-type feudalism to the English land. According to the same Francois Guizot, this infusion of feudalism into a disintegrating Anglo-Saxon system brought the reinvigoration of the English state and set it on a course toward representative government.<sup>49</sup> That is an interesting theory indeed. Guizot argues that the Anglo-Saxon society was suffering from decentralization tendencies, due to their lack of centralized control. They had a strange mix of the tribal and feudal systems. They had a council called Witenagemot. Translated as "council of wise men", it at first was composed of most prominent warriors of the king. Then as the English state developed and these warriors were given titles the council grew into the council of higher nobility. Those councilmen were having a constant bitter rivalry going on between them. This was tearing the country apart, and was according to Guizot a process very similar to the processes happening on the continent. There too the higher lords of states were gaining more and more autonomy, while the king could do nothing to stop the process of decentralization.<sup>50</sup> On the

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<sup>48</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 240-241

<sup>49</sup> Ibid. 244-245

<sup>50</sup> Ibid. 242

other hand that state was very well organized administratively; England was divided into specific number of territories with significant autonomic powers. We can say that Anglo-Saxon England had somehow a contradictory system. On one hand they had a feudal system in place, but the lord had no complete ownership of everything on his land.

The Norman arrival according to Guizot preserved this system but injected it with an important centralization impulse.<sup>51</sup> The Normans reinvigorated the English state by making the state strong again, and at the same time not destroying the English already existing administrative structure. The Normans destroyed the aristocracy but made a number of concessions to the people. Why did they do it? It remains a debatable question. One version is that they made it out of fear of an all-nation uprising. In the end they were foreign invaders, and with radically different customs at that. Other opinion is that the system was simply effective, so the Normans kept it. Also what is interesting about Normans is that after coming from continental France, had a very centralized government despite having a feudal system. A feudal system of governance implied that it would lead to decentralization and fragmentation of the state into smaller entities. This was due to a number of privileges that the feudal lords had – the ability to wage war, make their own money, and tax their subjects as they pleased and many others. Why Normans were so centralized then? Guizot offers an explanation that is quite good. It was due to the size of their holdings.<sup>52</sup> Normandy is a small region in the north of France and the duke of that region had fewer vassals than a king of a big country like France. Thus due to these reasons it is easier to control them and don't let them conduct their own policy. Then again the duke of Normandy, and the new king of England, took further measures to limit his subjects' ability to drift apart from

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<sup>51</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 244

<sup>52</sup> Ibid. 243

him. “Ingenious devices were used for checking the feudal excesses so prevalent on the Continent. Rights of private war, coinage, and castle–building, were jealously circumscribed; while private jurisdictions, although tolerated as a necessary evil, were kept within bounds.”<sup>53</sup> Both Guizot and McKechnie also remark, that the fiefs of barons were generally kept small. Combined with the restrictions mentioned above, the crown had almost unrivaled power in English lands. One of the reasons why England ended with the Parliament might be because the barons had to form coalitions to resist the king; otherwise they would not be successful. The English state with the coming of Normans became more and more centralized. Centralization was also helped by the fact, that Normans and Saxons lived in the same country. Anglo-Saxon had to band together to keep their rights safe, while the Normans had to stand united so that the native population could not chase them out of the country. Nevertheless, the centralization helped the king to attain the level of power that nobody held on the continent. And as was told by Uncle Ben, a character from Spider Man franchise – “With great power comes great responsibility.”<sup>54</sup> The kings could abuse their unlimited power for a certain period, but sooner or later their subjects would rise against this unlimited power. Mostly it was due to the bad governance and frequent absence. As mentioned in the beginning – the rise of royal power led to its own containment. The main forces behind this process were the barons.

## 2. Containment

During the first Norman kings barons were slowly pushed out of the government. Therefore they were usually occupied with the affairs of their fiefs, and preferred to stay out of

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<sup>53</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 12

<sup>54</sup> “Uncle Ben”. *Wikipedia, the Free Encyclopedia*. Wikimedia Foundation, Inc. 18 April 2011. Web. 27 April 2011.

king's way. This was a process typical of the feudal era. The subjects by staying out of the way of the king usually stayed in their land, that would later turned into mini-states themselves, thus contributing to the fragmentation of the state. But what made the English barons enter into the politics? While the king was the ultimate ruler, he constantly had to take decisions that would affect the kingdom in some or another way, and we could guess that some of the barons were made unhappy because of these decisions. The king also took some measures, that all of his subjects were, in one way or another, tied to the state. It has been already mentioned, that Norman kings took from their barons a number of privileges that were essential to the development of decentralization processes on the Continent. Then why did the barons started to demand rights from the king? And sometimes they did not only demand but extort them? Once again Guizot will help us. He argues that the barons started entering politics due to some kings, seeking legitimization, started to issue charters that would guarantee certain rights to their subjects.<sup>55</sup> While those kings wanted to gain popular support, they were not intending to give away their own powers. Those charters, like the Charter of Liberties of 1101, were forgotten as soon as the new king established a firmer hold over England. The barons on the other hand now had a precedent. Basically the king gave the barons some rights and guarantees, and that made his subjects realize that they have them. And after that the barons started to be more and more active in English political life. More over as the kings were frequently absent the barons ruled the state. They were as well primary taxpayers.

Once again we return to the person of John of England. The poor king served us many times to demonstrate how a bad ruler in England behaved, and he will do it one more time. John had 3 major problems during his rule – the barons, Catholic Church and France. John quarreled

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<sup>55</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 259-260.

and oppressed his barons, insulted the Pope and waged a lot of wars in France. In the end all of them spelled his doom in one way or another. But he was also the first king to sign a charter that would not remain solely on paper. The barons actually forced him. And this document was called Magna Carta. It was too already mentioned many times. This time the event would be analyzed in the light of the development of political institutions in England. The Magna Carta was just another document that guaranteed the rights of the subjects of the king and defines some of the responsibilities of the ruler. At first the barons demanded just the recognition of Charter of Liberties, proclaimed by Henry I. When the king refused and became openly hostile the barons, the latter party decided to force the king to make further concessions. Thus the text of the first document imposed heavy restriction on king's power, going as far as creating a council that would overrule king's decision if they deemed it necessary. The reaction of the king was approximately the following - "And why do they not demand my crown also?" exclaimed John in his fury; "by God's teeth, I will not grant them liberties which will make me a slave."<sup>56</sup> And it is understandable. Never once was the power of the English king questioned. The barons successfully overcame restrictions imposed on them by simply banding together. The king was literally fighting against his whole country and that was a fight he could not win. Thus even though he was not happy with Magna Carta, he had to adopt it. Later on, he would refute his claims. But what happened was the first step towards representative monarchy. As the document was not only a piece of paper that established further privileges of the nobility. The Magna Carta also featured articles concerning practically every strata of English society. It was really a sort of proto-constitution, rather a charter. The council of barons that the document created would be the predecessor of the Chamber of Lords. The first version was of course rejected as soon as it was adopted, but nevertheless the Magna Carta remained in English politics for a long time. The

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<sup>56</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 266

barons after tasting victory never abandoned the struggle for their rights, and the ruler of England could not be as despotic as he could be before.

### 3. The Parliament

The next stage of the struggle was the formation of the Parliament. That would be the institution of utmost importance to this research. The king at that time was Henry III. The times of John of England have passed. The hatred towards him died with him. But new difficulties soon rose. The problem once again came with the king's desire to wage wars on the expenses of his subjects. The conflict would end in another civil war and the convocation of the Parliament of Oxford, the only Parliament at that time to be supported by some legislation. The Provisions of Oxford which not only created this specific Parliament, but also completely cut out the king's power. The barons, that forced this treaty on the king, wanted at the very beginning, to substitute the king's power with their own. The king during the functioning of the Parliament of Oxford was in fact the prisoner of the barons. The Parliament in itself was according to Guizot, a tyranny of 24 barons imposed on England.<sup>57</sup> Later on the king would free himself from the barons and the Parliament of Oxford would be no longer functional. Nevertheless the tradition of assembling the Parliament remained.

This was a short history of the development of parliamentary institutions in medieval England. As we can see, the process started with the increasing centralization of the government and the populace. Then the gradual shift from the near absolute king's power to the first representative institutions occurs. Guizot explains this shift as the fight for promised rights between the barons and the king, as well as the centralization processes that preceded this

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<sup>57</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 304



struggles. He argues that the Norman Invasion gave England a centralization impulse, which was further aided by existing Anglo-Saxon customs. Then centralization was gradually being replaced by the birth of institutions that would take some of the powers of the king for the good of the land.<sup>58</sup> A similar theory is given by McKechnie. He argues that the English history was a struggle of two forces – order and anarchy. The first was represented by strong Norman monarchy, while the latter by Anglo-Saxons and baronial forces that wished for more freedom from the strong crown.<sup>59</sup> Thus from the constant clashes of these forces the Magna Carta was born. As McKechnie only deals with Magna Carta, he does not mention the Parliament, but we could continue his theory, and see that in fact the Parliament is also a product of the mentioned struggle.

Now let's return to the concept of English perception of royal power, as it is a central concept of this whole research. As it was already mentioned, the English has an idea, that the king should be just or else. But as this chapter goes this idea was not mentioned at all. This would be the job of the last part of this chapter. So far the chapter mentioned a lot of historical data and two ideas concerning this data. Now we would look on the processes leading to the creation of first Parliament in England through the prism of English perception of royal power. Because of Norman Conquest England went on a pass to centralization of power and society. The Normans banded together, as well as the Anglo-Saxons did. This united the English monarchy and aristocracy and English society. The English king then, following his policy in Normandy, took several privileges of his nobility that would hamper the central system. He also kept the Anglo-

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<sup>58</sup> Guizot, Francois. *The History of the Origins of Representative Government in Europe*. Trans. Andrew R. Scoble. Indianapolis : Liberty Fund, 2002. *Online Library of Liberty*. Liberty Fund, Inc. Web. January 2011. 258

<sup>59</sup> McKechnie, William Sharp. *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*. 2nd ed. Glasgow: James Maclehose and Sons, 1914. *Online Library of Liberty*. Liberty Fund, Inc. Web. March 2011. 9-10

Saxon administrative system. These processes made the king incredibly powerful. None in his realm could oppose his will. And none would for a long period of time. Thus we see the growth of the royal power. The rule of the first English kings were generally ruthless, but with some benefits to the realm. Thus we have the image of a strong king, who cares about his lands. In early medieval times nobody was bothered by human rights, therefore the ruler could be as strong as ruthless as he wanted, but if he got results and it was just the subjects were happy. We could say that the king ruled through fear and example, thus creating some sort of a positive image of a good king. This king was good to his subjects and brought many good to the land they lived, as long as they obeyed him. And he was ruthless in dealing punishment to those that went against his will. Latter on this concept would be the guiding light in several English rebellions against the king. The rebellion happened when kings over abused their subjects without any good reason and in the case when the money provided to the king was wasted. The barons acknowledged that there are limits to king power, and then started to shrink those limits. The process started with kings trying to gain popular support through giving away rights. That way the recipient of those rights – the barons – were brought into the government, and as soon as the royal power began to weaken or do things that should not be done, the barons started to intervene into the state affairs. This was further aided by the English idea of king's two bodies. This idea was first expressed through the writings of Norman Anonymous, as mysterious figure that first spoke of king's another body, the embodiment of true king's virtues. This body would be referred as King, as it is not corporeal and serves to represent the highest maximum a king could be. Basically it just the idea that king should be just, good to his subjects and care about his realm. Nevertheless this idea could give the subjects an excuse, to rise against the king that does not embody this virtue.

Another interesting aspect of English baronial rebellions in general is that they did not try to replace the bad king with another one that best suited them. Instead they tried to establish a

council, that would if needs arise help or force the king to make better decisions. We could say this is another side effect of the English state system and ideology. Somewhere in the first chapters the idea of “We fight the king to defend the King” was mentioned. The English saw it not through the replacement of the king by another one, but by entering the government themselves. We can see that both through the Magna Carta and Provisions of Oxford crises barons always wanted to impose a representative institution that would supplement the existing king’s rule. In the end the kings had to recognize this institution and the Parliament of England was born. One of the first true representative institutions in Europe, as it featured not only representatives of the barons, but also the representatives of knight and lower classes.

The English Parliament was a very English institution. It was born from a number of circumstances that occurred only in England. The Anglo-Saxon administrative system would later help English centralization. The Anglo-Saxon customs of representative government would be transferred to the Normans. The Norman invasion would give the impulse to centralization of the English state and society. The relative weakness of individual noblemen would let them band together. The number of English kings through their search for support would give the spark to the baron movements in the future. And of course the English perception of royal power would give ideological basis to those movements and would influence their demands and actions.

## V. Conclusion

At the beginning of the research there was a question. How the ideas of parliamentarism were born and how the royal perception of royal power influenced those developments. In the course of the research it was found that the role of the perception was enormous. But it was not the only thing. Ideas could not be born into something more without proper force that drives them forward. The ideas of “Liberté, égalité, fraternité” would not win in France, if it was not for the revolutionaries that pushed them and for the monarchy that ruined the country. That was the same for England. The perception of royal power would not be born without specific historical processes. Without the Anglo-Saxon heritage or William the Conqueror’s rule the perception of royal power would not be formed, or would become something completely different. The same happened with the development of parliamentary ideas. At first there was only the English soil invaded and conquered by the Normans. Almost as soon as he got power, king William I began a process of centralization and rise of royal power. He also decided that the success of his kingdom would be in weaker aristocracy. Who knows, what could happen to England if William did not initiate those reforms. The historical development of England was set to become a parliamentary monarchy after the rule of William I. The consolidation of royal power turned into its future weakness as weakened nobility would now form coalitions to resist in what they perceived as the ineffective king. A very strong institution of the king could function only if the king was a good one. If the king over abused his powers, then he faced a nation-wide rebellion. In such a situation the kings inevitably lost.

The English parliamentary system was not yet fully born in the times discussed in this paper. But the first important steps were undertaken. The Magna Carta and the Provisions of Oxford both bore the seed of representative government, as both installed councils of subjects

that supervised the king. Those were the precursors of the Parliament, and their idea was very close to a one. The councils of barons featured in those documents were institutions that rendered the king powerless, replacing him in major decision-making. This was due to a role of several kingships perceived as bad by English subjects. This was the manifestation of the perception of royal power – English idea that the king should be just or accountable, or his subjects would help him to be so. Thus the parliamentary development was influenced by this idea. But also it was born from the processes developing in the kingdom. The centralization impulse that was born out of the Norman invasion of England also started the tensions between the king and the barons. While a strong king was good, the barons stayed in their territories, but as soon as this king started to give away rights to further his interests then the barons decided to enter politics. After that nothing would be able to dislodge them from country's affairs. The barons would remain there forever. Fighting to remain if needs arise.

In the end the English political development led to the formation of a true constitutional monarchy. This occurred only in XVII century, before that the strength of the king determined his standing with the Parliament. After the Civil War that brought many political and social upheavals, England was able to finalize this chapter of the political development. And the English perception of royal power played a significant part in that process. It shaped the main directions that the English history went – from the times of William I the Conqueror till much-much later.

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## Appendix I

### CHAPTER SIXTY–ONE.

Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance for ever, we give and grant to them the under–written security, namely, that the barons choose five–and–twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this ou present Charter, so that if we, or our justiciar, or our bailiffs or any one of our officers, shall in anything be at fault toward anyone, or shall have broken any one of the articles of the peace or of this security, and the offence be notified to four barons of the foresaid five–and–twenty, the said four barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, petition to have that transgression redressed without delay. And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five–and–twenty barons, and those five–and–twenty barons shall, together with the community of the whole land, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us. And let whoever in the country desires it, swear to obey the orders of the said five–and–twenty barons for the execution of all the aforesaid matters, and along with them, to molest us to the utmost of his power; and we publicly and freely grant leave to every one who wishes to swear, and we shall never forbid anyone to swear. All those, moreover, in the land who of themselves and of their own accord are unwilling to swear to the twenty–five to help them in constraining and molesting us, we shall by our command compel the same to swear to the effect foresaid. And if any one of the five–and–twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would prevent the foresaid provisions being carried out, those of the said twenty–five barons who are left shall choose another in his place according to their own judgment, and he shall be sworn in the same way as the others. Further, in



all matters, the execution of which is intrusted to these twenty–five barons, if perchance these twenty–five are present and disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty–five had concurred in this; and the said twenty–five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might. And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such thing has been procured, let it be void and null, and we shall never use it personally or by another.

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