

King and Parliament in Medieval England

The English Parliament evolved over hundreds of years. The first medieval English Parliaments took important steps toward a more representative and democratic government.

The English monarchy had been around for a long time before William the Conqueror led the French Norman invasion and occupation of England in A.D. 1066. After the conquest, a new line of Norman kings continued the English monarchy.

The English people believed God had blessed the king's right to rule. They also accepted that his successor, usually his eldest son, inherited that right.

But the king of England also owed duties to the people. At his coronation, he promised to preserve the unwritten "common law" passed down through the generations. He also had a duty to act with "right justice" and defend the realm by leading his army in battle.

From ancient times in England, the king was the only lawmaker and often acted above the law. But things began to change in 1215 when King John lost a war against his powerful barons who forced him to sign the Magna Carta.

WORLD HISTORY This feudal document mainly guaranteed certain rights to the barons, who made up most of the landowning elite. But the Magna Carta also established that the king must obey the law and use only lawful means against his subjects.

Even at the height of their powers, English kings seldom acted without consulting important nobles and church leaders, the lords of the kingdom. After the Magna Carta, the king increasingly sought the advice and consent (agreement) of the lords in exchange for their supporting his government's policies and projects. This was the origin of Parliament.

The king created Parliament to serve his own purposes. But during its long evolution, the English Parliament changed dramatically and nibbled away at the king's powers until almost none remain today.

Advice and Consent of Parliament

King Henry III, the son of King John, began his reign in 1216. At first, he consulted with a small council of important lords, who were usually always around him. Later, Henry began the practice of summoning an expanded group of lords from the entire kingdom. Known as a Great



Relations between King Henry III and Parliament grew so heated that a civil war broke out. (Wikimedia Commons)

Council, it included the major land-owning barons, other nobles, and the archbishops and bishops of the Catholic Church, the state religion. The king's judges and top government officials also attended. Henry summoned about 50 lords to a Great Council when he needed their advice and consent for such things as going to war, changing the law, or levying a new tax.

The Great Council Lords looked upon their advice and consent as both a duty to the king and a right that he was bound to honor. By ancient custom, the king was not supposed to change the law or impose taxes without the advice and consent of those affected.

At the Great Councils, the lords could discuss, debate, request changes, or seek exemptions from what the king wanted. The lords could attempt to change the king's mind, but in the end, they had a duty to consent to his desires.

By 1236, royal clerks used the word "parliament" to refer to the king's meetings with his Great Council. This term comes from the French verb "to talk or discuss." French, not English, was the language spoken by the kings and ruling elite, who were the descendants of the Norman conquerors.

King Henry III summoned his lords to Parliament when he wanted to meet with them. He found this was an

effective way to secure the advice and consent of his lords and to discuss important matters with them.

From the beginning, Parliament also acted as the highest court in the land. The lords handled trials of their fellow nobles, sat as an appeals court, and judged cases that were too difficult or controversial for the regular king's courts.

Toward the end of Henry III's reign, the barons grew frustrated with their limited power in Parliament. In 1258, Henry summoned Parliament to approve new taxes to pay his extravagant royal household expenses, foreign war debts, and a scheme to obtain the crown of Sicily for one of his sons.

The barons at Parliament balked and demanded that Henry agree to government reforms before they consented to a new tax. Among other things, the reforms called for Parliament to meet three times a year and for a committee of barons to serve as the king's chief advisers. Desperate for money, Henry agreed.

In 1262, Henry III denounced the reforms, saying they violated his rights as king. The conflict escalated into a civil war between Henry and the rebel barons led by Simon de Montfort, the king's brother-in-law. Montfort defeated Henry and his son, Edward, in battle, but they escaped. For a year, Montfort ruled the kingdom and summoned his own Parliament. But Henry and Edward rallied royalist supporters and finally won the war by defeating Montfort in 1265. During the battle, Henry sent a special assassination squad to kill Montfort and mutilate his body.

Representation in Parliament

Another factor in the evolution of Parliament was representation. At first, only the great lords, king's judges, and chief government officials met with the king in Parliament.

During the reign of King Henry III, most assumed that the lords in Parliament gave their advice and consent on behalf of everyone in the kingdom. The barons and Catholic Church were well represented in King Henry's Parliament. But lower-ranking nobles like knights, free yeoman farmers, town merchants, and the vast numbers of poor people had no direct representation. Yet the laws and taxes approved by Parliament applied to most of them.

While King Henry was away fighting in France, those he left in charge of the kingdom agreed to call a Parliament in 1254 that included elected knights, two from each English shire (county). Henry III felt this change violated his rights as king and never summoned the knights again.

When Simon de Montfort briefly ruled, his Parliament included elected shire knights and town representatives, called burgesses, along with the lords. As taxes increasingly fell on knights and townspeople, many believed that they also needed to give advice and consent to the king.

King Edward I, son of Henry, called his first Parliament in 1275. In addition to summoning the lords, he ordered the election of two knights from each shire and two burgesses from each city and town. Edward wanted their consent for new taxes to fund his military campaigns.

The knights and burgesses together made up a new group in Parliament called the Commons. The Commons was a body of "commoners" (non-nobles) in Parliament.

In 1295, King Edward called what later was dubbed the "Model Parliament." It included knights and burgesses and began the practice of including the Commons on a fairly regular basis. Still, the knights and burgesses represented only well-off property owners.

English Kings (1199–1399)

John (1199–1216)

Henry III (1216–1272)

Edward I (1272–1307)

Edward II (1307–1327)

Edward III (1327–1377)

Richard II (1377–1399)

By 1325, at the end of the reign of King Edward II, the Commons had won the right of representation at every Parliament. But the Commons was timid and usually did little but give consent to agreements reached by the king and the Lords.

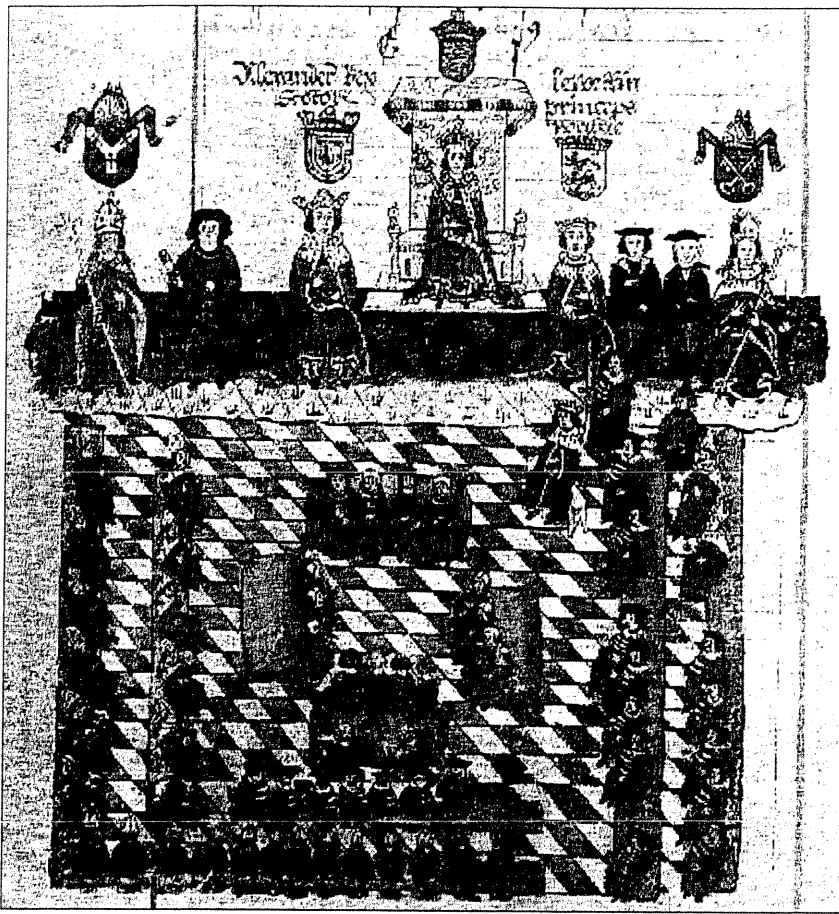
After Edward III became king in 1327, the Lords and Commons began to meet annually in two separate "houses" at Westminster Palace. This is the location of the current houses of Parliament in London.

About 50 barons, other nobles, archbishops, and bishops met in the House of Lords. They were a close-knit body that did not change membership until a lord died.

Owners of property worth a certain value elected about 200 knights and burgesses to Commons. These representatives often changed from one Parliament to another. Centuries would pass before all the English people would gain the right to vote and run for a seat in the House of Commons.

Parliament and Taxation

English kings summoned Parliament most often because they needed its consent for taxes. The king collected revenue through customs duties, taxes on people's possessions ("movable property" taxes), and even taxes on every adult over 14.



King Edward I was the first king to call commoners as well as lords to Parliament.
(Wikimedia Commons)

English medieval kings needed taxes to fund their almost continuous wars. For example, toward the end of his reign, King Edward I was frequently summoning Parliament for new taxes to pay his debts and finance his wars against France, Wales, and Scotland.

By 1297, Edward had grown desperate for money. Although Parliament was in session, he wanted a quick decision. Rather than asking Parliament, he simply got approval from his royal court to impose a new property tax. He also seized wool from merchants and food from the people.

Outraged, the barons in Parliament drew up a list of grievances against the king. A few months later, while Edward was on a military campaign, the officials he left in charge of the government agreed that new taxes and seizures would only take place “with the common consent of all the realm.”

Edward later agreed to this condition in exchange for a new property tax. But he resisted carrying out his promise. As a result, the Lords in Parliament withheld their consent for new taxes, and Edward ended his reign with a huge debt.

The threat of withholding their consent for taxes gave the Lords a weapon they could use to extract concessions from

the king. By the late 1300s, the House of Commons had acquired this power too. The king had to persuade a sometimes skeptical Parliament to consent to more taxes.

Lawmaking in Parliament

In 1236, King Henry III agreed to the first written law made by the lords in Parliament. Called the Statute of Merton, it set principles of land law. It also included a provision on children born out of wedlock, which reaffirmed the common law. Even if their parents later married, these children could not inherit their father’s property.

During the Parliament of 1278, King Edward I encouraged private individuals and groups, seeking a royal grant, pardon, or remedy for a grievance, to petition him. He and the lords in Parliament directly answered these written petitions or referred them to the appropriate government department.

Submitting petitions to King Edward when Parliament was in session became so popular that he and the Lords established special committees of royal clerks to receive, review, and answer most of them. Only the most important and controversial petitions went directly to the king. Sometimes the king would answer a petition by presenting a statute for the consent of the Lords.

During the reign of King Edward II, the Commons in Parliament took on the responsibility of receiving the petitions. But the members of the Commons had no role in making statutes.

Under King Edward III in the mid-1300s, “common petitions” that concerned a community or the entire kingdom gained importance. The House of Commons itself initiated most of these petitions, called “bills,” which were written in the form of proposed statutes. The Commons then submitted its bills to the House of Lords and king for their consent.

A bill or proposed statute soon became the necessary first step in making a written law, whether initiated by the king, House of Lords, or House of Commons. The elected Commons, however, still lacked the authority to give consent to bills presented by the king or House of Lords.

Under King Richard II in the late 1300s, taxes and statutes required the consent of both Lords and Commons in Parliament. There was also widespread agreement that statutes made in Parliament were the supreme law of the land, superior even to the unwritten common law and the will of the king.

King and Parliament Turned Upside Down

By the early 1400s, Parliament had begun its long slow growth toward democracy and representative government. Yet, even with the addition of the Commons, Parliament spoke for only a small fraction of the English people, mainly the nobles, church leaders, and property owners. Meanwhile, the king continued to get his way most of the time.

The medieval king created Parliament. He summoned it and set the agenda for its work. The House of Lords dominated Parliament with seats that had become hereditary by 1400. The Commons had gained representation in Parliament and the right to consent to taxes and statutes. But it had almost no role in governing the kingdom. Its members were merely “petitioners and demanders.”

Over the next 600 years, the House of Commons gradually gained control of the government at the expense of the king and House of Lords. This development turned the political situation that existed in medieval England upside down.

Today, voters elect the House of Commons members, who typically belong to political parties. The party that commands a majority of the seats in the Commons chooses the prime minister and cabinet to run the government. With rare exceptions, the prime minister and cabinet members also hold elected seats in the House of Commons.

Thus, the parliamentary system that operates today in the United Kingdom (England, Northern Ireland, Scotland, and Wales) unifies the executive and legislative functions of government. Prime ministers usually get their way because they have the votes in the House of Commons.

Elections take place every five years or sooner if the prime minister calls for them or loses a vote of confidence in the House of Commons. Losing a vote of confidence is rare since it means the majority party in the Commons disagrees with its own prime minister on an important issue.

Today, only the House of Commons chooses and operates the government. In addition, it originates all tax measures and can pass most bills into law without the consent of the Lords. The Lords cannot reject legislation passed by the Commons. But the House of Lords does debate bills and has some power to amend and delay them. Committees of Lords recommend reforms and investigate government misconduct.

In 1999, a law expelled all but about 90 hereditary lords from Parliament. The government appoints most of the remaining 600 or so lords for life terms. Recent proposals have called for the election of the House of Lords or abolishing it altogether.



Today, the House of Commons is the most powerful body in the British government. (UK Parliament)

The monarch, now Queen Elizabeth II, has no real role in running the government except as a symbolic figurehead for the nation. Queen Elizabeth still opens the sessions of Parliament as in medieval days, but she merely reads the proposed government program prepared by the prime minister. The Queen continues to consent to acts of Parliament, but she has no authority to veto them.

The parliamentary system of the United Kingdom continues to evolve. The Constitutional Reform Act of 2005 removed the role of the House of Lords as the final appeals court and established a new independent Supreme Court of the United Kingdom, which began operation in October 2009.

For Discussion and Writing

1. What democratic ideas took root in medieval England between the reigns of King John and King Richard II?
2. What role did taxation play in the development of Parliament? Give examples from the article.
3. In what ways does today's parliamentary system in the United Kingdom turn England's medieval government system upside down?

For Further Reading

“The Evolution of Parliament.” UK Parliament. 10 July 2009. URL: www.parliament.uk/about/livingheritage/evolutionofparliament.cfm

Prestwick, Michael. *Plantagenet England, 1225–1360*. Oxford: Clarendon Press, 2005.

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