

satisfied with the many lordships which Henry I had granted to his father. Great trouble-makers like the Earl of Chester trembled for their Norman lands, and joined the Archbishop in negotiating peace. Stephen was to be king until his death, and Henry was then to succeed. Stephen died in the next year, and on 19th December 1154 Archbishop Theobald had the satisfaction of crowning Henry king.

### C. ANGEVIN ENGLAND, 1154–1216

*in* C. BROOKE, FROM ALFRED TO HENRY III, 871–1272  
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#### 10. HENRY II, 1154–89

##### (1) *Henry II and Thomas Becket*

HENRY II was one of the most remarkable characters in English history. We know a great deal about him. He lived in an age when it was fashionable to comment on the activities of kings, when history and especially contemporary history was popular; and Henry impressed his contemporaries so strongly that they could not refrain from saying what they thought of him. Most of them disliked him. His enemies found him too brilliant and mercurial, too overwhelming to be forgiven; those close to him feared both his charm and his occasional outbursts of wild anger, and were exasperated by his unpredictable activity. But they all admired him. He was a great figure in European society, comparable in prestige to the Emperor Frederick Barbarossa. He married his daughters to kings of Sicily and Castile and to Henry the Lion, Duke of Saxony; the Duke was father to the Emperor Otto IV, the King of Sicily cousin to Otto's famous rival and supplanter, the Emperor Frederick II. Henry's wife was Eleanor of Aquitaine, 'divorced' wife of the King of France—Eleanor's children and grandchildren became kings or queens of most countries between England and the Holy Land.

Henry had been named after his grandfather, and in many ways resembled him. Both were ruthless and cunning, yet both were fundamentally trusted as well as feared by their followers. Both had an exceptional capacity for choosing men to serve them; both had a ferocious eagerness to see justice done. Few men have done more for the peace and security of the English kingdom. The resemblance is in part increased by the younger Henry's admiration for his grandfather, whose reign provided a model for his own. Henry II had many friends, and some intimates. But he was not an easy man to live with. Like Henry I, he was unfaithful to his wife; nevertheless, he had seven children by her before they finally quarrelled. Eleanor was probably as difficult as Henry, but when the breach came the sons, on the whole, followed Eleanor. For ordinary courtiers Henry's behaviour could be a nightmare. Peter of Blois has left a vivid account of the horrors of living in a court always on the move—the constant uncertainty, the stale food, difficulties with the billeting officers, 'and if the king promises to spend the day anywhere, especially if a herald has published the royal will, you may be sure that the king will leave the place bright and early, and upset everyone's calculations in his haste. It frequently happens, that those who are having bloodletting, or receiving treatment, leave their cure and follow the prince, and chance their life, as it were, on the throw of a dice, risking to lose themselves rather than lose what they haven't got and are not going to get. You may see men rushing madly about, urging on the pack-horses, fitting the teams to their wagons; everyone in utter confusion—a perfect portrait of hell. But if the prince has announced that he is setting off early to reach a particular place, beyond doubt he will change his mind and sleep till noon. You will see the pack-horses waiting loaded, the wagons silent, the runners asleep, the court merchants in a pother, everyone grumbling.' He goes on to describe the throng of camp followers waiting for news of the king's movements. Then word came<sup>1</sup> that the next night would be spent in such a place, and hopes rose, because shelter and food were to be found there. But as the day drew in, the King changed his mind, and 'turned aside to another place, where there was maybe a single house, and no food for anyone else. And I believe our plight added to the king's pleasure.' Peter had seen enough of court life: 'I shall dedicate the remainder of my days to study and peace.' But the King's perversity and sudden changes of plan were not the only qualities which had impressed Peter of Blois. Elsewhere he fills out the picture. The physical description is famous: the hair once reddish, now turning to grey, of middle height, round-headed, his eyes brilliant as lightning when roused, his face lion-like, surmounted by a fine mane, his deep chest, strong arms and bow legs. The legs were constantly sore because he was so often in the saddle, yet he never sat down, not even at mass or in council—he was tirelessly

<sup>1</sup> The change of tense is Peter's; he switches from a generalised picture to a particular memory.

active. Peter attributes this partly to his many interests, partly to his desire not to grow fat—which also explained his comparatively simple and frugal manner of life. Peter then goes on to give a conventional, though doubtlessly sincere account of Henry's remarkable qualities as a leader and ruler, and of his special interests. 'He is an ardent lover of the woods: when he is not at war, he amuses himself with hawks and hounds.... As often as he has free time he occupies himself in private reading or expounds some knotty problem to his clerks.'

Henry I had been called 'Beauclerc', because he could almost sign his name. Henry II was the first English king after the Conquest to be fully literate. He had been well tutored as a young man, and showed something of Alfred's mixture of kingliness and culture: he liked to have learned men about him, was passionately curious about history and literature as well as about war and hunting. There is a certain integration in his intellectual apparatus. His idea of history was a French epic on his forefathers and their great deeds—the *Roman de Rou*, which he commissioned; his idea of science was a treatise on falconry. Many other treatises were dedicated to him; a sign that his patronage was generously given. Thus he emerges a brilliant figure, fascinating, dangerous and yet somehow intensely human.

The King's energy, the size of his dominions, and the complexity of his tasks make it very difficult for us to get a comprehensive view of his reign. We must limit our vision drastically. Wales, Scotland, and Ireland belong to the next chapter; leaving them aside, we may crudely divide Henry's reign into three segments—his attempt to reconstruct the England of his grandfather, which culminated in his quarrel with Thomas Becket; his attempt to develop the legal machinery of his grandfather and lay new foundations for English government; and his attempt to resolve the problem of governing an unwieldy empire and an unruly family by setting the family to rule the empire. Between each of the three there is a rough logical and chronological division, but they often overlap.

Henry had won the throne because many Englishmen wished to see a return to more settled government, and a few great ones saw specific advantage in supporting him. His first task was to convince the former that good government was to be restored, and to prevent the latter from repenting their choice. The great barons presented him with many tricky problems, but good fortune aided him to solve them. The Earl of Chester died late in 1153; the Earl of Hereford retired to a monastery to die in 1155. Henry did not try to abolish the earldoms granted under Stephen, but it was still necessary for him to destroy the new castles which were the most formidable weapon in twelfth-century warfare. In 1155 he seized the Bishop of Winchester's castles, his first overt attack on Stephen's family; in 1157 he treated the castles of Stephen's son, Earl William, in the same fashion—and relations between Henry and William stayed uneasy until William's death in 1159. Castles fell; faithful subjects found the new King prepared within limits to respect the status quo, would-be rebels found him a terrible enemy. The financial machinery of the Exchequer, the old mechanism of local government and the royal courts very rapidly returned to the efficiency of Henry I's day. Henry II was fortunate to succeed before the memory of the exercise of crown rights by his grandfather had died away. It was a number of years before Henry tried any striking innovations: what his grandfather had done was at first sufficient.

The most powerful man in England after the king was the old Archbishop of Canterbury, to whom Henry owed much. Relations between them were outwardly cordial, and Henry rarely refused an urgent request from Theobald. Most striking evidence of Theobald's influence was the presence of his favourite clerk and archdeacon, Thomas Becket, in the office of royal Chancellor and in the most intimate counsels of the king. But it is clear that Henry felt that the Church had acquired the habit of acting more independently than was fitting: and that he found the old man too assiduous a counsellor. Under these conditions was born the most disastrous of all Henry's schemes. When Theobald died he was to be replaced by a man who would fall in with Henry's plans, who would assist him to rule the Church as his grandfather had done, and would be a constant and welcome ornament of his court. In Thomas Becket Henry pictured a right-hand man after the pattern of Rainald of Dassel, Archbishop of Cologne, Arch-chancellor of Italy and confidant of the Emperor Frederick Barbarossa.

Becket as chancellor had revealed just that mixture of efficiency and glamour which made him a perfect servant for Henry; someone who could maintain the pageantry, organise the detail of a great court, and yet be wholly subservient and wholly congenial to the King. His life was moral, but extremely worldly. There was nothing to indicate that he would not play the same role when he became archbishop in 1162. But in fact from that date he changed his way of life and tried to find an entirely new relation to the King. He

became the ascetic monk; the prophetic spiritual leader; the King's father in God. Henry was bewildered and irritated. He had looked for secure co-operation from Becket; the more Becket acted out of his character (as Henry knew it) the more insecure Henry felt. A series of minor disputes, which would normally have been settled by compromise, swiftly developed into a major quarrel. At last, in 1164, Henry determined to break him. In January, at Clarendon, he tried to secure the consent of the Archbishop and bishops to a catalogue of essential customs governing the relations of Church and state. The Constitutions of Clarendon describe themselves as 'this record or recognition of a certain part of the customs, privileges and dignities of the king's predecessors—to wit of his grandfather King Henry—and other things which ought to be observed in the kingdom'. They were no statement of new law, but a solemn affirmation of ancient practice, and Henry browbeat Thomas and his colleagues into assenting to them.

The constitutions covered many disputed points where the jurisdiction of Church and state overlapped. To take two crucial examples, they laid down the procedure by which clergy convicted of crime ('criminous clerks') should be punished, and they affirmed that no appeal should go to Rome without royal assent—clearly implying that this was to be something exceptional. The constitutions were for the most part a fair statement of practice under Henry I; many clauses indeed were not controversial. But the essential clauses, including these two, were far from being fair statements of practice in Stephen's later years, and were inconsistent with the Church's law. By publishing the constitutions, Henry made it certain that the area of conflict should become known to the pope, and so invited condemnation. Had the customs never been forced on the pope's attention in so lucid a form, the King might have been able to continue quietly to enforce them.

At Clarendon Becket submitted; then repented of his submission, and put himself at the mercy of the Pope. In October the Archbishop went to Northampton, where he had been summoned to face trial before the king on several of the points at issue between them. But whatever the ostensible grounds of the Archbishop's trial, everyone knew that the real question was whether the Constitutions of Clarendon were binding and whether Becket was to continue in office. At Northampton Becket refused to submit to trial. He claimed as clerk and bishop total exemption from the jurisdiction of lay courts; and his final answer to the King's persistent threats was to fly the country and appeal to the pope. By this act Becket symbolically breached two of the most critical of the Constitutions.

The rights and wrongs of this quarrel will be disputed to the end of time. In the point of law each side was right on its own assumptions. Henry was upholding royal custom; Becket the law of the Church. Beyond question the two were incompatible, though it was no easy matter to decide how far. Clerks accused of anything, say the Constitutions, shall go to the royal court to answer what pertains to its jurisdiction, to the Church court for what belongs there. So far Lanfranc at least would have agreed. Nor need the rider that a royal justice should go to the Church court to keep an eye on proceedings be taken too seriously. More dangerous was the vague final sentence: 'If a clerk has confessed or been convicted, the Church shall protect him no further.' In practice this meant that a clerk would be unfrocked by a Church court for some crime, then punished in the lay courts as a layman for the same crime; nor was it clear that this was contrary to canon law. But Becket maintained—and in the end the Pope settled the matter (for the time being) by accepting his interpretation—that no man could be punished twice for the same offence. On this issue there was no question of right or wrong: the law of the Church was obscure.

Behind the law lay a whole world of ideas and assumptions in which the lay and the clerical view diverged. It affected most critically the office of a bishop or archbishop. He was a leading figure in the Church's hierarchy, a lord spiritual; but he was also a leading figure in the hierarchy of the kingdom of which he was a member, a leading subject, and counsellor of his king. The dichotomy and the dilemma it created were neatly summarised by Becket himself when writing to King Henry: 'You are my lord, you are my king, you are my spiritual son.' Good order in the Church depended on good appointments to bishoprics, on the spirituality, strength of character, and independence of the bishops; good order in the state depended only to a slightly lesser extent on the king's controlling his bishops, on their being sound, reliable statesmen, with a strong sense of loyalty to him. At every point the issues between Church and state touched deep convictions of the medieval mind: the theology of the Church, the sacred nature of kingship, the sacredness of the feudal bond tying bishops to their king, the inherited tradition of social prejudice which accompanied the deep cleavage between clergy and laity.

Beyond all this lay the personal clash between Thomas and Henry, and the tragedy of an intimate friendship translated into a bitter quarrel. Henry's view of the matter was comparatively straightforward. He had trusted Becket implicitly, and Becket had let him down; the Archbishop had sworn fealty to the King, and broken his oath. He was 'the traitor'. But why had Becket changed? What strange compulsion accounts for the new mode of life of 1162–3, for the alternating submission and resistance of 1164? How was the man who had dedicated his life to the service of the King from 1154 to 1162 able to spend his remaining years in resisting him—able to face exile from 1164 to 1170, and death in 1170? It is unlikely that these questions will ever be answered satisfactorily, because their answers must depend on reconstructing the logic of a world which is irrecoverable, and on fathoming the mysteries of a deep and complex character, one who puzzled his contemporaries as much as he puzzles us. Becket was only too well aware that, at the time when the King forced the monks of Canterbury to elect him archbishop, he was widely regarded as a time-serving royal minister, who would continue his old way of life even as Archbishop of Canterbury. Above all, he knew that the older bishops, led by Gilbert Foliot of London, one-time monk of Cluny, and Roger of York, a colleague of Becket in the circle of Archbishop Theobald, regarded him as a caricature of an archbishop, a royal toy. Circumstances counselled him to make some effort to convince the world that he was going to try to be a real archbishop, not too unworthy a successor of Lanfranc or Anselm, or his old master Theobald; above all, he needed to dispel the illusions of the King. But it was not only circumstances, powerful as they were, which compelled Becket to act as he did; in some way he was compelled by his own nature. Can we go further, and say that he felt the necessity to convince not only king, bishops and old associates, but also himself? No set of events in the twelfth century is better recorded than the dispute of Henry II and Thomas Becket; we have twelve or so Lives and some 800 letters from which to reconstruct the story. But the central character remains an enigma.

At the end of 1164 the Archbishop laid his case before the Pope, Alexander III (1159–81), then in exile at Sens. Alexander was a fine theologian and canon lawyer and a diplomat of great distinction. Becket was a fearful embarrassment to him, since he already had an anti-pope and a war with the emperor on his hands. The Pope never let Becket down, yet managed to restrain the Archbishop's occasional outbursts of violence until 1170, when a much more favourable international situation enabled Alexander to take sterner measures. Behind the scenes the old rivalry of York and Canterbury played a significant part in embittering the struggle. By custom Canterbury alone might anoint and crown a new king; and custom was supported by a papal mandate to protect Canterbury's rights while Thomas was in exile. But Henry II was impatient to have his eldest surviving son, another Henry, crowned king in his own lifetime—he wished to prevent his own path to the throne setting any precedents detrimental to royal authority or hereditary succession. Impatiently he ordered York and his colleagues to crown the young Henry; and York complacently agreed. In June the son was crowned; Archbishop Thomas (supported by the Pope) instantly threatened an interdict—an order closing all the churches in the kingdom. The grave effects of an interdict on a medieval kingdom made this a threat too strong even for Henry II, who immediately patched up a reconciliation. Shortly afterwards Becket received authority from the Pope to excommunicate the bishops who had assisted at the coronation. At first Becket hesitated; then he decided to publish the anathemas, and the next day (1st December) he returned to England in an atmosphere no less charged than at the time of his departure six years before. The King was violently angry; and a host of difficulties awaited Thomas, made worse by the King's renewed hostility. But his troubles were soon over. On the evening of Tuesday, 29th December, four knights, incited by the furious anger of the King, broke into Canterbury Cathedral, and deliberately and brutally murdered the Archbishop before a crowd of witnesses.

Few events in medieval history shocked the conscience of Europe so profoundly or so immediately. Becket's death was followed by a whisper that miracles had been performed at his tomb; soon the reports became insistent and widespread, and in a very short time the Pope was moved to canonise the murdered Archbishop. Then even his enemies had to submit, and King Henry was compelled as an act of penance to walk barefoot through the streets of Canterbury and submit to a thorough flogging from a number of bishops and from the monks of Canterbury Cathedral. In due course churches were dedicated to Thomas's name in many remote corners of Europe.

The practical effects of the murder in the cathedral were less dramatic. The Constitutions of Clarendon were abrogated; but most of their clauses remained quietly in effect.<sup>2</sup> On all crucial issues new compromises

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<sup>2</sup> [As we shall see, the story is somewhat more complicated than that. Ed.]

were found. The King could not stop appeals to Rome; but that had been a forlorn hope in 1164. Criminous clerks were saved from the gallows, but not long guaranteed from secular penalties. 'The Church holds the felonious clerk,' writes Professor Cheney, 'but the sheriff holds on to his chattels.' It was a long time before another English bishop came so near to secular condemnation as Becket in 1164. But the character of the episcopate was not altered. The long quarrel had left many sees vacant; when they were filled in 1173-4, one, Canterbury itself, went to a monk, most of the remainder went to royal servants—including one or two of Becket's particular enemies. As a young man Henry II had seen the affairs of the Church too exclusively in terms of his grandfather's customs. In his later years he learned to accept so much of the new canon law as had won general acceptance, while retaining in substance much of the influence held by his predecessors.

## (2) *Legal Reform*

Violent though this quarrel with Thomas Becket was, it did not hinder the steady reconstruction of royal government in England. Frequent outbreaks of crime and, in particular, the frequent usurpation of property by force or guile, remained as the heritage of the anarchy. It was against these two evils that royal justice was most powerfully mobilised under Henry II; and in the process of mobilising it he developed the structure of royal jurisdiction and laid the foundations for that co-operation between royal and local officials which was to be the hall-mark of English government.

The detection of crime was a rough and ready process; all that Henry could hope to do was to make life difficult for the notorious criminal. In the Assize<sup>3</sup> of Clarendon of 1166, elaborated by the Assize of Northampton ten years later, a procedure was laid down by which a committee, or jury, of twelve men from each hundred and four men from each township, should periodically denounce to sheriff or royal justice any notorious criminals of the neighbourhood, or harbourers of criminals—who should then be put to the ordeal. The procedure was crude, but at least it was a procedure; and it was supported by the strongest power in the land. 'Liberties' and 'franchises'—areas normally exempt from royal jurisdiction—were ignored; the sudden rounding-up of criminals became a regular event in the countryside.

This procedure was probably not new: like so many of Henry's expedients, it had been tried out by his grandfather. But it was enforced with a new energy, and from being a very occasional instrument to deal with a crime-wave it became a normal police measure. Similarly Henry's even more important measures for improving land-law were based on earlier precedents, but made effective in a new way.

Cases dealing with land-tenure had hitherto been dealt with in feudal courts—that is, in the courts of barons, not the royal courts; land-tenure provided the most important business of the barons' courts. But disputes between tenants in-chief, or disputes of unusual complexity between lesser men might come to the King's court. The power of the royal courts had been greatly enhanced by the Norman Conquest and the great prestige of the Domesday Inquest. Henry II began a process whereby more and more quite trivial disputes on tenure came to the King's court—once again, he was developing and making regular what his grandfather had done as an occasional act of power.

The procedure even of the royal court, however, was inclined to be slow. A case was started by the purchase of a writ from the royal Chancery. The plaintiff might have to pursue the King to a distant corner of his empire for writs and judgment; procedural difficulties could delay a case for months. All this was an invitation to a strong man to seize his neighbour's land, and enjoy the fruits of it for many a long day until his neighbour could prove and enforce his right. Such acts had been common under Stephen, and were difficult to prevent even under Henry. What was needed was a swift and effective procedure for restoring possession to someone dispossessed without due process of law. To provide this, a number of 'possessory' actions or 'assizes', as they were called, were established. The most important of these actions was that of 'Novel Disseisin', established at the same time as the criminal jury in 1166. A holder of free land who had been dispossessed could buy a writ of Novel Disseisin, which instructed the sheriff to summon a jury and ask the members whether in fact the plaintiff had been recently put out of possession. If they said yes, the

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<sup>3</sup> The word 'assize', *assisa*, was used in a variety of senses in the Middle Ages. Its basic meaning was the sitting or session of a court, in which the members of the court joined with the judge to settle a case or a point of law, or to make an assessment for taxation. From these usages stem the words 'assize' and 'assessment' as we use them today. The most solemn *assisae* in the Middle Ages were the sessions of the king's court, and the word 'assize' came to be applied to a law or an edict promulgated in the king's court—hence the 'Assizes' of Clarendon and Northampton: and so, by deduction, to the legal procedure laid down in an 'assize'—hence the 'possessory assizes' and the 'Grand Assize', described below.

sheriff had to restore him. Once again, a rough and ready measure; but it was of unique importance in strengthening the idea that the royal court was the fount of justice par excellence, and a normal place in which to settle even quite minor disputes.

‘Novel Disseisin’ had two sister writs. ‘Mort d’Ancestor’ bade the sheriff ask the question whether the plaintiff’s father was in possession when last a tenant died and an heir succeeded. If so, and if the plaintiff was the true heir, he was to be put in possession. ‘Darrein Presentment’ dealt with a different kind of property—the right to present to a rectory or vicarage—and was intended to support the ‘possession’ of the man who had presented on the last occasion. Some perquisites still attached to the right to present; but its value lay mainly in the opportunity it gave a man to find employ meant for a relation, friend, or dependant.

Behind the question of possession or ‘seisin’ lay the deeper question of right—not merely who did possess the land, but who ought to hold it; who had the sounder title to it. Nor did Henry II leave this question undisturbed. Towards the end of his reign he introduced the ‘Grand Assize’. A baron or knight in possession, if sued for his right to a piece of land, had hitherto usually had to defend it in the ordeal by battle—that is by fighting for it. Under the Grand Assize he had the option of laying his case before a jury of twelve local knights. These ‘assizes’ for cases in land-tenure were of even greater importance than Henry’s criminal assizes. They were popular and widely used; they accustomed men to pleading in the King’s court as a normal event; they brought in much revenue and enhanced the court’s importance.

The issuing of writs added to the work of the royal Chancery. In every sphere of administration and justice the second half of the twelfth century saw rapid growth. The over-powerful sheriff found himself more and more subject to checks and controls. In 1170 a swift investigation of all the sheriffs was undertaken, and the majority were relieved of their posts. Furthermore, the audit at the Exchequer became more effective; more and more jurisdiction was taken over by specially appointed royal justices, who toured the country. The justices were not as yet trained lawyers, nor did they work to a system. Henry was for ever trying new expedients—now a larger number of itinerant justices who could travel farther or more swiftly; now a small bench of more expert men who could work in Westminster for a longer period. Some of his judges were clerics, to whom no doubt he owed some ideas imported from canon law; some were laymen, including the Chief Justice or Justiciar of his later years, Ranulph Glanville. It was under the aegis of Glanville that the first systematic treatise on English law was compiled. It is no very elaborate treatise—essentially it is a commentary on the writs which can be bought in the royal Chancery and the way they can be used; a practical manual of procedure and of the law administered in the royal court. But its appearance was a portent. In a wholly new sense, the royal court was the centre of English litigation and justice; and there was shortly going to be a new profession for educated men—the profession of trained lawyers—who would need a manual and a textbook for their guidance.

Justices had posted into the counties and met juries long before the accession of Henry II. But from now on such meetings were regular events; and it was in the meetings of juries of local knights with royal justices that the idea of local responsibility—of the crucial link between royal government and the natural representatives of local society—was born.

### (3) *The Angevin Empire*

Henry II opened the last act of his quarrel with Thomas Becket by having his son Henry crowned king in Westminster Abbey on 14th June 1170. His family were growing up; he had already quarrelled with his wife, and for the rest of his life he was seldom free for long from quarrels with one or other of his children. These quarrels neutralised the great potential strength of his empire. Under a harmonious family, the Angevin power would have been irresistible.<sup>4</sup> But Henry and his sons, heirs of two of the most violent dynasties in western Europe—Anjou and Normandy—were not made for peace or co-operation.

Of Henry’s family it could be said that war was their pleasure, but marriage their business. It is true that Henry owed England, *de facto*, to the Norman Conquest; but he was also one of the few known descendants of the Anglo-Saxon royal line, through his grandmother, Matilda. His father had been hereditary Count of

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<sup>4</sup> Henry II and his successors are commonly known as the Angevin kings, because they were descended from Geoffrey, Count of Anjou, Henry’s father. Count Geoffrey used as his emblem a broom flower, in French, *plante genêt*; and on this account a fifteenth-century claimant of the English throne styled himself ‘Plantagenet’. This surname, often attached by modern historians to earlier members of the family, was never so used, as far as we know, by their contemporaries.

Anjou, and his mother heiress of England and Normandy and of claims in Maine and Brittany. It is doubtful if Geoffrey had envisaged the permanent union of the traditional rivals, Normandy and Anjou; but Henry was too ambitious to share his heritage with anyone else. His own marriage brought Aquitaine, and he constantly schemed and plotted for equally good matches for his children. At one moment it even seemed that he might marry his son, Henry, to the heiress of the kingdom of France. But in the end Louis had a son, and when Henry II died in 1189, he was already being outmatched by the most successful political intriguer of the day, the young King Philip II of France. Philip's speciality was to breed dissension among the Angevins; and in the end he destroyed the Angevin Empire by guile and by force.

Henry based his rule in the various parts of his empire on different claims and titles, and only slowly gave the various sections anything resembling a unified administration. In fact he was never equally secure in every part of the domains. In England, Normandy, and Anjou he was heir to a long tradition of strong government in which Stephen's reign was just an interlude; in Aquitaine he was heir to a tradition of anarchy. In a measure he and his wife and his son Richard overcame the separatism of parts of Aquitaine, but their government there was never wholly secure outside Poitou, the old centre of power of Eleanor's forbears. In the south-east of the duchy their control was utterly precarious. Henry tried unsuccessfully to subdue Toulouse in 1159) and only in 1173 acquired suzerainty over its count.

The events of the tenth and eleventh centuries had decided that England was to be henceforth a united kingdom; but they had set no firm boundaries to an English king's claims and ambitions. One of the great questions in English politics in the twelfth and thirteenth centuries was where the frontiers of England would be laid: in the Welsh marches, at the Irish Channel, or in Ireland; in Cumberland, on the Forth, or at John o' Groats; at the Channel, at the Channel Islands, in France, at the Pyrenees? None of these questions was finally settled by 1272.

The ambitions and the interests of the monarchs were only one group of factors in settling these questions. So great was the play of personality and circumstance in medieval politics that it is often most misleading to talk of 'deep underlying forces'. It is for the most part true to say that no medieval empire which could not be comfortably ruled by one man could be lasting. This means that a monarch had to visit every corner of his empire and be personally known to all his leading subjects if his rule was to be effective. The empire of Henry II was made possible by the restless energy of the King; even Henry did not quite know how one man could rule it all, and he tried to take his family into partnership.

As soon as his sons were old enough to help or hinder his government, Henry began to distribute the titles of his possessions among them. Richard was enthroned Duke of Aquitaine in 1167; Henry King of England in 1170 (he was also made Duke of Normandy and Count of Anjou); Geoffrey became Duke of Brittany in 1181 by marrying the heiress; John was made Lord of Ireland in 1185. But these were not meant to be independent commands: Henry was to be kept firmly under his father's control, and the other sons were ultimately to do homage to Henry. Under this constraint they chafed, and no strong bond of family affection kept them at peace with their father: sooner or later each of them plotted rebellion. The most serious outbreak was in 1173-4, when Henry, Richard, and Geoffrey, encouraged by their mother, raised rebellions on both sides of the Channel, and were strongly supported by Louis VII and the leading powers of northern France. In the end the rebellion collapsed. Henry tried to improve his sons' humour by giving them more responsibility; but there was little trust among them. The young Henry ended his troubled career in 1183; Geoffrey died, plotting, in 1186; and only Richard and John were left to conspire with the young French King, Philip II. The final rebellion bade fair to destroy the empire; but Henry's death (1189) and Richard's rapid succession left it once more united in strong and capable hands.

## 12. RICHARD I AND JOHN

### (1) *Richard I, 1189-99*

FEW English kings have played so small a part in the affairs of England and so large a part in the affairs of Europe as Richard I. It may seem paradoxical to speak in this way of a man who has entered so deeply into legend as Richard 'Coeur de Lion'. But he visited England only twice as king, once for three months, later for two; and his reign was spent wandering restlessly about Europe and the Near East, disposing in grandiose fashion of gold, marriages, fiefs, kingdoms, and empires which had not the remotest connection with the English throne. His viewpoint was cosmopolitan and dynastic, and in this he resembled his brilliant enemy, the emperor Henry VI. Richard disposed of England and half of France—his own inheritance; he

went on Crusade and fought and arranged marriage alliances with Saladin; on the way he settled the affairs of Sicily, Cyprus, and Syria. Henry (king by inheritance of Germany and Lombardy) revised the settlement of Sicily, and won it for himself; imprisoned Richard and made England a fief of the Empire; schemed to become lord of France as well. The reigns of the two powerful kings formed a fitting close to the glories of the twelfth century; but their dreams were short-lived. Both died young, Henry in 1197, Richard in 1199, and their empires rapidly disintegrated. Henry's fame soon came to be overshadowed by his even more brilliant son, Frederick II, the 'wonder of the world'; but Richard's place in English legend is undisputed. He is remembered as the great soldier, the crusader, and troubadour; and the legend is substantially true.

Had he given his mind to it, Richard might have been a very able and successful monarch: he combined his father's shrewdness and strength with his mother's panache and sense of grandeur. But he made little effort to apply himself to ruling England. Immediately after his coronation, he pillaged the country for money for the third Crusade, and left behind him a regency so complex as to be unworkable. Two brothers had to be provided for. John was loaded with secular honours, Geoffrey (an illegitimate son of Henry II) was made Archbishop of York; both were then sent into exile. The chief man in the kingdom was the Chancellor and papal legate, William Longchamp, Bishop of Ely, who found that royal favour in the absence of the King was insufficient to compensate for the unpopularity which attached to a conceited parvenu; nor were Richard's arrangements sufficiently straightforward to give his deputy a free hand. But Longchamp and Walter of Coutances, Archbishop of Rouen, whom Richard sent to support or replace Longchamp according to circumstance, were both devoted and capable royal servants, and it is possible that Richard's scheme might have worked if his brother, John, had not had friends in England and France, and made skilful use of his opportunities for intrigue. In the event Longchamp was removed from office, and John prepared to follow up his victory by intriguing with Philip II of France for the throne itself.

In 1189 Richard left England; in 1190 he set off for Sicily, whose government he reorganised. His brother-in-law, King William II of Sicily, had recently died; and Richard's interest in the kingdom was among the most striking of many links between the two islands which the Normans had won in the ten-sixties. In the mid-twelfth century an Englishman had been Chancellor to King Roger II; and one of the leading Exchequer officials of Henry II, Master Thomas Brown, had served his apprenticeship in Sicily. Exchange of men and ideas was frequent.

While in Sicily Richard married Berengaria, a princess from Navarre. It was not until 1191 that he arrived in the East—at the siege of Acre, in time to join in the capture of the city. Richard's arrival and the capture of Acre led to the departure of the King of France, Philip II, who was always a reluctant crusader, and who had urgent business at home. One piece of business, as the opportunity offered by Richard's absence to intrigue in Angevin affairs. Once Acre was captured and Philip gone, Richard became the effective leader of the Crusade. The purpose of the third Crusade was to restore the shattered kingdom of Jerusalem and to recover the Holy City itself, which after being for nearly ninety years in Christian hands (since its capture in the first Crusade in 1099) had fallen again to the Turks in 1187. Richard set about these tasks energetically. In September 1191 he defeated Saladin at the battle of Arsuf. At Christmas he was within twelve miles of Jerusalem itself, but could not risk the dangers of a siege. In the spring of 1192 he took a leading part in the negotiations which gave the kingdom of Jerusalem to his nephew, the Count of Champagne, and himself compensated the disappointed candidate with Cyprus. Finally, after a last, ineffectual effort to reach the Holy City, he made peace for three years with Saladin—after an unsuccessful attempt to marry a sister or a niece into Saladin's family—and in October 1192 set sail for home.

News of his exploits travelled ahead of him, and Richard was regarded as a hero in many parts of Europe, in spite of the failure of the essential purpose of the Crusade. But in the courts of Europe he had many enemies. His brother, John, was plotting with Philip II to prevent his return. Learning of this, Richard made his way up the Adriatic, presumably aiming to by-pass France to the north-east. It was too late in the year to cross the Alps in comfort, so he skirted round them and came to Vienna. In Vienna he was captured and imprisoned by an old enemy, the Duke of Austria, who was shortly afterwards constrained to hand him over to the Emperor Henry VI. The conscience of Europe was disturbed by such treatment of an honoured crusader, and the Pope was outraged. But Henry had captured a rich prize, and needed the ransom; he also wanted to use Richard to forward grandiose schemes against Philip of France; and he badly needed a hostage for dealing with Welf enemies in Germany (Richard's nephews) and the King of Sicily (Richard's protegee). The price was colossal. Richard was to further schemes for reconciling the Emperor and the Welfs and to pay £100,000 in ransom. The Welfs were reconciled; the money was paid and went to finance



Henry's conquest of Sicily; Richard surrendered his kingdom and received it back as a fief of the Empire, and he and Henry concerted plans for humbling the King of France. At last, early in 1194, Richard was released. A month later he was back in England. In spite of all the confusion caused by his absence, he stayed for only two months. Then he returned to France to pursue his feud with Philip II; and in France he lived for the remaining years of his life.

The most significant event of Richard's brief visit to England in 1194 was his re-coronation by the new Archbishop of Canterbury in Winchester Cathedral. It symbolised the establishment of a new regime. The stigma of imprisonment was washed off; all men could see that Richard was king again in fact as well as in name; and the event sealed an alliance between king and archbishop under which England was governed until the accession of John. When Richard had lain in captivity, John and Philip of France had entered into a plot for the capture of Richard's kingdom. In 1193 John had rebelled. But the English leaders remained loyal. Aided by the dowager Eleanor of Aquitaine, now long accustomed to dealing with family difficulties, they rapidly disposed of John's supporters and prepared to subdue his castles. On Richard's release, John made a desperate bid to let Philip into Richard's French possessions before his brother was back in the saddle. It failed of its object—though it left Philip in possession of much Angevin territory—and John was compelled to throw himself on his brother's mercy. Meanwhile Richard's chief agent in England was now the former Bishop of Salisbury, Hubert Walter, an old royal servant, whom Richard had made Archbishop of Canterbury while he was still in prison (1193). Hubert was rapidly advanced to fill the place of William Longchamp. In Richard's last years he was Justiciar and papal legate. He was a distinguished lawyer—perhaps the author of the treatise on law which passes under the name of his old master, Ranulph Glanville; he was an administrator of unusual ability; he was evidently more tactful than Longchamp, and his own family was more distinguished. Hubert was a great man of the world; pious in his way, but his way was that of a business man, a lay patron, not of a churchman. He has left a mixed memory behind him; but for Richard he was ideal. Henry II's dream had come true; the chief offices in Church and state were combined in the hands of a single, devoted, royal servant.

From 1194 to 1199 Richard was repairing the damaged structure of his French empire and preparing doom for Philip of France. He reconquered lost territory, built up alliances, constructed castles—especially the famous Chateau Gaillard, which guarded the Seine as it twisted into Normandy. As always, he planned grandiosely and spent beyond his means. Early in 1199 he learned that treasure had been found in the Limousin; and it was treasure that he needed above all for his schemes. He rode south in great haste; but while he was attacking the Viscount of Limoges, he was wounded in the shoulder by an arrow, and after a few days was dead.

## *(2) John, 1199–1216*

Richard had made no firm settlement for the succession; and the customs of his various dominions allowed a claim both to his brother, John, and his nephew (son of John's elder brother, Geoffrey), Arthur of Brittany. The doyen of the Anglo-Norman baronage, William the Marshal, quoted Norman custom and declared for John; so did the Archbishop of Canterbury; both were echoing the dying voice of the late king. Thus John came to the throne with little difficulty, and after a tussle was able to make terms with Philip of France under which he received the whole inheritance; in return he recognised that his French dominions were fiefs subject to feudal law in the court of the French king, accepted a number of other restrictions and made a small concession of land. For the time John appeared to have won his ambition at last, and to hold virtually all that his father had held.

One might have thought that the constant absence of Richard I would have made his reign a comparatively insignificant episode. But the absence of the King had given the larger departments of government—the Chancery and Exchequer—an opportunity to live a life of their own; compelled them, indeed, to organise themselves more bureaucratically, more independently of royal control. This development was most conspicuous under the administrative genius of Hubert Walter, and so fully did John trust the Archbishop that Hubert's career suffered no check in 1199. 1199 was in fact a crucial year in the history of English administration. The first series of rolls on which copies were made of documents issued from the Chancery began in that year. These rolls—the equivalent of modern files—marked an epoch in record keeping; the Chancery was beginning to take on the shape of a modern office. Nor was it solely a matter of book-keeping: the critical part which the Chancery played in thirteenth century politics reflected

in part the success of Hubert Walter's regime. The Chancery clerks had had a taste of semi independence; the king was to become jealous of their independence; the magnates—having regard to the great diversity of legal and financial writs, which could affect their properties, rights, and finances, and which were to be bought in the Chancery—were increasingly anxious to keep a check on its activities.

No medieval English king save Richard I has been so much discussed in recent years as John, and many attempts have been made to salvage his reputation. They can hardly be said to have succeeded, but they have shown that the traditional picture of him as a monster of cruelty, alternating between fits of lethargy and outbreaks of wild activity, was overdrawn. This portrait was based almost entirely on the picture given in a single unreliable chronicle, that of the St. Albans monk, Roger of Wendover, and repeated, with additions, by Matthew Paris. In recent years we have inclined to take a less favourable view of the personal characters of the rest of his line, and some have wondered whether John was really any worse than his father or brothers. To this it can only be answered that contemporaries clearly thought that he was. All the early Angevins were ruthless, despotic, and capable; none of them was particularly moral. But Henry and Richard were trusted by their followers; they respected the basic feudal code; they were true leaders in the field, trustworthy in success and adversity, and they repaid loyalty by loyalty. Precisely what was wrong with John is very hard to say. But men did not trust him; they refused to fight in his company; they sought to exact unusual promises from him. It may have been a freak in his nature, allied to his ghoulish sense of fun. But it may have lain deeper. The trouble was not merely that he had plotted against Richard and intrigued with Philip of France—many men had done that; to plot was a younger brother's birthright, and John had done little that Henry I had not done before acquiring the throne. John showed some deeper ground for distrust.

It would be unfair to blame John's flaws of character for all his failures. He was left a difficult legacy. Richard had spent far more than he could readily afford, and John was compelled to levy unpopular taxes to pay for his own wars. Nevertheless John's exactions were excessively arbitrary. His uncertain title to his lands enabled Philip to use Arthur as Philip had once used John; and the clauses of the treaty between John and Philip gave the latter an easy handle to revoke it. John had subjected his French lands to the feudal jurisdiction of the French King's court; and he soon gave that court a chance to act. The county of La Marche was disputed by a man and a lady; they arranged their differences by betrothal. In 1200 John put away his wife—their marriage had been technically illegal—and married the lady claimant to La Marche, who was also heiress of Angoulême. His rival rebelled, was suppressed, and given scant justice; he appealed to the French King. Philip was in no hurry to hear the appeal. He waited until his preparations were properly made, then heard the case; and his court gave judgment that John was to forfeit all his French fiefs. For half a century Capetian and Angevin had competed for power in north and central France, without either side gaining a decisive advantage. Suddenly, in 1202, the Angevins were condemned to lose all their lands; and, even more sensational, Philip was able to enforce a great part of the judgment. From the south of France neither he nor his successors could dislodge the English, though they could confine them to smaller territory than that of Eleanor's inheritance. The core of John's inheritance, Normandy and Anjou, was conquered by the French. The Angevin Empire had collapsed.

John never reconciled himself to the loss of Normandy and Anjou, and plotted and intrigued incessantly for their return. The debacle continued. Anjou had gone in 1203; nor had the elimination of Arthur, who had plotted with Philip and been captured by John, helped John's cause. It is not certain how Arthur died, but it is generally thought now, and was generally thought at the time, that John was responsible for his death, and this belief led to the revolt of Brittany. In 1204 Normandy was lost, in 1205 the last castles in Anjou, in 1206 Brittany finally came into Philip's hands. John tried hard to raise an army in England for the recovery of his lost territories, and to raise enemies against Philip on the Continent. His difficulties were great. Once Normandy was lost, his English barons were unwilling to fight on the Continent. Most of them in any case no longer had Norman lands; a few, including William Marshal himself, had acknowledged Philip as their Norman overlord, and were pledged not to fight against him. For these and other reasons John's various campaigns were abortive, and it was not until 1214 that he was able to mount a serious offensive.

Meanwhile the two other disputes which dominated the reign of John had come to a head. From 1206 to 1213 John was embroiled with the Pope. The occasion of this violent disagreement was the election of a new archbishop to succeed Hubert Walter. Hubert had quarrelled with the monks, and they were determined to avoid another King Stork; the King was equally determined to replace him with a faithful royal officer;

the English bishops, wishing to assert their right to a voice in the election beside the monastic chapter, sided with the King. The monks made a secret election of one of their number, and sent him to the pope to be confirmed; then under royal pressure they made a public election of the nominee of king and bishops, and sent again to Rome. By now a significant proportion of the monks was gathered in Rome. Pope Innocent declared both elections illegal and invalid, and set the monks to work again to elect a third candidate in his presence. Their choice was directed towards Stephen Langton, an English cardinal of great learning and prestige, but without recent experience of English affairs. In the end Langton proved himself a very effective primate. But for the time the King was outraged: his wishes had been totally disregarded. He refused the archbishop entry into England. The pope laid the kingdom under interdict, and subsequently excommunicated the King. This interdict meant that all the churches were closed: no masses sung, no marriages or funerals conducted. Only baptism and confession for the dying were permitted. For seven years the churches were silent, while pope and king and archbishop wrangled. In 1213 peace was arranged: the King surrendered. He was preparing for a final passage of arms with Philip Augustus, and needed all the support he could get. Furthermore, the pope was threatening him with deposition, and it was far from clear that the sentence might not prove effective. In 1213 John was absolved, in 1214 the interdict was lifted. From being the Church's enemy, John suddenly found himself in the unwonted role of its most faithful son. He even surrendered his kingdom to the pope and received it back as a papal fief: a gesture which did Innocent III little good, but strangely convinced him of John's sincerity. Stephen Langton was not so easily convinced, and no sooner was he established in England than he found himself falling out of favour with the pope.

In 1214 John made his last, supreme effort to recover his lost lands in France. He formed an alliance with his nephew, the 'Welf' Emperor Otto IV, who was still struggling to assert the Welf position in Germany against the rising star of the young Hohenstaufen, Frederick II.<sup>5</sup> Otto and his allies, with English reinforcements, were to invade France from the north-east, while John attacked through Poitou. But the great plan miscarried. John's campaign failed to achieve any serious penetration. He revived his power in Poitou and marched to Angers, but soon found that his Poitevin vassals would not fight against the French king. In July, at Bouvines, the Emperor's army was heavily defeated. Bouvines was that rare event in medieval warfare, a decisive battle. Philip was rid of his enemies. The Welf Emperor suffered fearfully in prestige, and the success of Frederick II was soon assured. John's hopes of recovering Normandy were gone, and he returned to England to face discontent with an empty treasury and shattered prestige. An arbitrary king could not afford such a record of failure.

Already in 1213 the discontented barons had discussed the possibility of extracting from the King some guarantee that he would govern more moderately and predictably. In fact John was not much more despotic than his father and brother, but his manners and his misfortunes made him appear to be so, and the disasters of his reign encouraged men to resist him to his face. As yet they had little idea what they wanted. Some thing was wrong; the King, they argued, must have broken the customs of the kingdom. They looked into the past, and they found that Henry I had issued a charter at his coronation listing the abuses that he specifically wished to renounce. So the malcontents began to gloss Henry's charter and plan a new one of their own. The debacle of 1214 gave them their chance, and early in 1215 rebellion broke out. In May the King knew he was beaten, and in June, in the meadow called Runnymede, John agreed that his seal should be set to Magna Carta.

The Charter was drawn up in the royal Chancery, and is a masterpiece of chancery drafting. It was drawn up after very elaborate consultations between the king, the rebel barons, and a few neutral figures of great prestige, such as the Earl Marshal and the Archbishop of Canterbury. Probably the swift solution of differences and some of the clauses in the Charter owed more to Stephen Langton than to the rebels. But the main choice of topics included in it must have been suggested by the barons themselves. It is a fascinating revelation of the views and horizons of the leading English barons of the day.

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<sup>5</sup> The Welfs (or Guelphs) and the Hohenstaufen were the two families who competed for mastery in Germany in the twelfth and early thirteenth centuries. They were the descendants, respectively, of Welf IV, Duke of Bavaria (died 1101), and of Frederick of Hohenstaufen, Duke of Swabia (died 1105); and their rivalry had its climax in the conflicts between Henry the Lion, Duke of Bavaria and Saxony (whose wife, Matilda, was daughter of Henry II of England) and the Emperor Frederick Barbarossa, and between Henry the Lion's son, Otto IV, and two Hohenstaufen—Frederick Barbarossa's younger son, Philip of Swabia, and Philip's nephew, the Emperor Frederick II.

In form Magna Carta was a grant, in sixty-three clauses, of numerous rights and privileges and legal arrangements which the King guaranteed to observe. The Angevin monarchy at its height had been immensely powerful and arbitrary. John promised that it would accept the shackles of responsible custom. The assumption of the Charter was that there is or ought to be a recognisable body of law covering all essential operations of royal government and the relations of king and subjects; and that royal government was tolerable only if this body of law was known.

These laws were extracted by the barons, and they stood to profit most from them; but other sections benefited too. As we read the Charter we are reminded how strongly the barons needed allies. In the years leading up to 1215 both sides had been looking for support; and the King had tried to make a name for himself for fair dealing and justice among lesser folk. Some members of all classes had suffered from his tyranny; but it is clear that the barons had to compete with the King for support outside their own class. The Archbishop and the Earl Marshal may have given them wise counsel, and seen to it that the Charter was not too narrow a document; but it is clear that self-interest also inclined the barons to be generous to other groups and interests. The English Church was to be free to obey the pope and canon law; the privileges of London and other boroughs were confirmed; merchants and all other travellers were to come and go freely; justice was to be done to Welshmen who had been dispossessed, and John's Welsh hostages were to be surrendered. The vaguest of all the clauses promised some measure of justice to the King of the Scots. Some clauses specifically, and many in practice, benefited all freemen. Many of Henry II's legal innovations were confirmed and (from the subject's point of view) improved; many unpopular taxes were abolished and arbitrary exactions by royal servants restrained. Substantial reductions were promised in the area of the royal hunting grounds, the much-hated 'forests', which had been governed by special restrictions against anything liable to damage the game or reduce their breeding grounds, enforced by savage penalties.

One clause must be quoted in full. 'No free man may be arrested or imprisoned or disseised or outlawed or exiled, or in any way brought to ruin, nor shall we go against him nor send others in pursuit of him, save by the legal judgment of his peers or by the law of the land.' The Charter did not specify what the law of the land was; but it none the less succeeded in doing very much more than protest against John's arbitrary condemnations. It stated very firmly that there was a law—which meant that there were recognised procedures, and that these must be followed. 'The king should be under God and the law', wrote the great judge of the next generation, Henry Bracton. Magna Carta does not quite say that—after all, in form these clauses are grants from the king, of his own free will. But the assumption is there. The great achieve meant of Bracton's age was to settle the main framework of an English legal system. In Bracton's day there were professional judges and something like a code, in marked contrast to the England of Henry II. The professional judge first appeared at the turn of the twelfth and thirteenth centuries; the code was Bracton's own work, *On the Laws and Customs of England*, 'the crown and flower of English medieval jurisprudence' in Maitland's phrase, compiled in the twelve-fifties. Magna Carta helped to spread the idea that English law was reason ably fixed and knowable, and so to lay foundations on which men like Bracton could build.

It has often been discussed whether Magna Carta was the foundation of English liberties or a reactionary document extracted by a class or clique in its own interest. There is no simple answer. The majority of the clauses benefited the barons in some degree, and a number specifically detailed ways in which relations between king and tenants-in-chief were to be subjected to fixed custom. When a tenant-in-chief died, the king could exact a 'relief'—a substantial sum of money—from his heir before the heir could succeed; this was to be limited to £100 for earl or baron. If the heir was under age, his lands were in 'wardship', that is to say the king, or whoever was granted the wardship by the king, became the guardian of the heir and had possession of his property; the king furthermore had the right to dispose of heirs and heiresses in marriage. These rights were limited and defined by the Charter, to ensure that the heir was not cheated by his guardian, nor married beneath him. In these and other ways the barons saw to their own interests; but many other interests and privileges were also protected.

By a long-standing tradition a new king swore at his coronation to keep Church and people at peace, to put down iniquity, and to show justice and mercy in his judgments. From time to time the coronation oath was developed into a charter, such as that issued by Henry I, which was known to the barons of Magna Carta; and from time to time kings repeated or developed their oaths on solemn occasions. In 1213 John himself had sworn a slightly altered version of the oath, which laid emphasis on the revival of good laws and the abolition of bad. The novelty of Magna Carta lay not in the fact that the king bound himself to maintain good law, nor that he issued a charter of liberties; but that the Charter should contain so elaborate

and detailed a statement of important custom. We must not expect too much of it: it is a collection of clauses, not a rounded whole. But it was felt to serve a purpose; to limit the monarchy by defining the law. The Charter included an elaborate clause providing machinery for its enforcement by a committee of twenty-five barons, to be called into existence if the king broke the Charter. But there was no suggestion yet that such a committee might be a normal thing; that the duty of the king to consult his barons on important issues should or could be defined. Any such idea still lay in the future. The barons of Magna Carta felt they were dealing with an exceptional crisis; and when John himself was dead, the Charter was re-issued without any reference to the committee of twenty-five. From then on the Charter was often re-issued as a reminder to king and people that the king was not free to break these fundamental customs. A few changes were made; the forest clauses, for instance, were carried off into a separate charter. But what could make sense was preserved; and after 1225 subsequent re-issues showed virtually no further change.

By 1225 the Charter was accepted by all parties; but it had not been so in 1215. The Charter gave King John a breathing-space, which he used to obtain from the Pope a bull condemning it as contrary to moral law and reprimanding the Archbishop, and to gather forces to crush his enemies. There is little doubt that he would have succeeded, had not a fresh outbreak of rebellion attracted the support of the King of France. In an elaborate, if somewhat absurd manifesto, the French court announced that John was deposed; and the French Dauphin was sent to replace him. John made rapid attempts to deal with his enemies, but after a summer and autumn of marching and counter-marching, and after losing his baggage-train (including all his jewels and valuable relics) in a quicksand at the head of the Wash, he succumbed to sickness and died at Newark in October 1216.

## D. ENGLISH FEUDALISM AND ITS ORIGINS

Stephen D. White, in *AMERICAN JOURNAL OF LEGAL HISTORY*, 19 (1975) 138–55

R. Allen Brown, *Origins of English Feudalism*, New York, Barnes and Noble Books, 1973. xiii, 164 pp. \$8.50.

Medieval historians have been discussing the “origins” of English feudalism and the “impact” of the Norman conquest on English society for over a century; but they have been unable to agree about whether feudalism, or any of its elements, existed in pre-conquest England, or whether the conquest fundamentally transformed English society.<sup>1</sup> What has become the “orthodox” position in this controversy was first formulated in 1891 by J. H. Round, who claimed that William the Conqueror introduced “the feudal system” into England, where it had not previously existed. and that the conquest resulted in a cataclysmic break with the Anglo-Saxon past.<sup>2</sup> Although F. W. Maitland believed that a form of feudalism existed in pre-conquest England and therefore questioned Round’s thesis,<sup>3</sup> most historians accepted it, particularly after F. M. Stenton restated it in 1929;<sup>4</sup> and during the 1930’s and 1940’s, it attained the full status of “orthodoxy”.<sup>5</sup>

In recent decades, however, a number of historians have challenged the so-called orthodox interpretation in a variety of ways. They have claimed that post-conquest feudalism had at least some pre-conquest roots

<sup>1</sup> Only a very brief and schematic summary of this controversy will be given here. For fuller discussions of it with extensive bibliographical references, see C. Warren Hollister, ed., *The Impact of the Norman Conquest* (New York, 1969) and two articles by Hollister: “The Norman Conquest and the Genesis of English Feudalism”, *American Historical Review*, LXVI (1961), 641–663; and “1066 The Feudal Revolution”, *American Historical Review*, LXXIII (1968), 708–723.

<sup>2</sup> J. H. Round, “The Introduction of Knight-Service into England”, *English Historical Review*, VI (1891), 417–443, 625–645, VII (1892), II 11–24; rpt. with additions in J. H. Round, *Feudal England* (London, 1895), 225–314. As Hollister notes (“The Norman Conquest”, p. 643), Round was attacking the views of earlier writers, particularly E. A. Freeman.

<sup>3</sup> F. W. Maitland, *Domesday Book and Beyond. Three Essays in the Early History of England* (1897; rpt. with an introduction by Edward Miller, London, 1961). Sir Paul Vinogradoff sided with Maitland against Round (see *English Society the Eleventh Century* (Oxford, 1908), 39–89).

<sup>4</sup> Sir Frank Stenton, *The First Century of English Feudalism 1066–1166*, Second Edition (Oxford, 1961). First published in 1932, this work is based upon Stenton’s Ford Lectures at the University of Oxford for the year 1929.

<sup>5</sup> Hollister writes that Round’s “notion of a Norman feudal revolution, asserted so boldly in the 1890’s, quickly rose to the Olympian heights of received opinion, and virtually all the research done by scholars in the 1920’s, 1930’s, and 1940’s served only to strengthen it.” (“1066: The ‘Feudal Revolution’”, 710). He points out that Round’s views were accepted by G. B. Adams, H. M. Chew, R. R. Darlington, Sidney Painter, Ferdinand Lot, Carl Stephenson, J. E. A. Jolliffe, and D. C. Douglas—as well as Stenton (see “The Norman Conquest”, 647–648 and nn. 32–39).