

Democratic Developments in England

- England began developing democratic institutions that limited the power of the monarchy/king.
- Democratic traditions developed in England have influenced many countries, including the U.S.

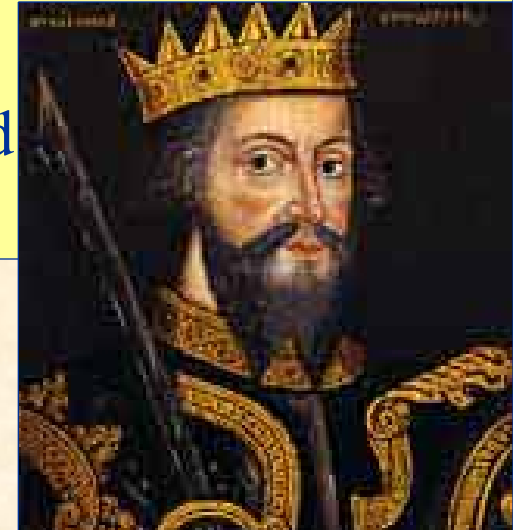
In 1066, William, the Duke of Normandy in France, invaded England & defeated the Anglo-Saxons at the Battle of Hastings. William then claimed the English throne. This set in motion events that led to:

- The end of feudalism – the political & economic system of the middle ages
- The beginnings of centralized government in England
- The development of democracy in England.

One of William's descendants was Henry II, who ruled from 1154 to 1189. He controlled most of the western half of France, as well as all of England. Henry is considered one of the most gifted statesmen of the 12th century.



Henry II



William, the Duke of Normandy

One of Henry's greatest achievements was the development of the jury trial as a means of administering royal justice. Before then in France & England people were tried in courts of feudal lords. In such courts, the accused would usually have to survive a duel or some physically painful or dangerous ordeal to be set free.

Trial by ordeal is a judicial practice by which the guilt or innocence of the accused is determined by subjecting them to a painful task. If either the task is completed without injury, or the injuries sustained are healed quickly, the accused is considered innocent.



In this trial by ordeal, a person's innocence is tested by his ability to withstand poison

Trial by fire - the suspect had to carry a bar of red-hot iron in his hands while he walked nine marked paces. In the unlikely event of no burns appearing on his hand, he was judged innocent. Otherwise, he was promptly hanged. A variation was licking red-hot iron with the tongue or, sometimes, the suspect had to run barefoot over nine red-hot ploughshares



Ordeal by water

the guilty would be cast into a river with a millstone tied to his neck, if he sank, he was guilty. If he floated, he was supported on the surface by a divine miracle, & he was considered innocent.

With King Henry, a royal judge would visit each shire, or county, at least once a year. First, the judge would review the crime that had been committed. Then he would ask 12 men, often neighbors of the accused, to answer questions about the facts of the case. These people were known as a jury. Unlike modern juries, they did not decide guilt or innocence. People came to prefer the jury trial to the feudal-court trial because they found it more just.

Gradually, England was unified under a single legal system. This was called “Common Law” because it was common to the whole kingdom.

Common law reflected customs & principles established over time. Common law became the basis of the legal systems in many English-speaking countries, including the U.S.

When Henry II died, his son Richard the Lion Hearted assumed the throne. After him, Richard's brother John, who was very unpopular, became king.



Richard

John fought a costly war with France where England lost many of their land holdings in France. John also tried to raise taxes to help pay for the war.



John

This led to conflict between the English nobles & the King. In 1215 the angry nobles rebelled & forced John to grant guarantees of certain traditional political rights. They presented their demands to him in written form as the MAGNA CARTA (Great Charter).

The Magna Carta was a contract between the king & nobles of England. It contained certain important principles that limited the power of the king over all his subjects. It implied the idea that kings had no right to rule in any way they pleased. They had to govern according to the law.



The Magna Carta had 63 clauses. 2 Established basic legal rights for individuals. Clause 12 declared that taxes “shall be levied in our kingdom only by the common consent of our kingdom”, which meant that the king had to ask for popular consent before he could tax. Clause 39 declared, “No man shall be arrested or imprisoned...except by the lawful judgment of his peers or by the law of the land.” This meant that a person had the right to a jury trial & to the protection of the law.

The right to have the law work in known, orderly ways – is called “Due Process of The Law”. In other words, the king could not willfully, or arbitrarily, punish his subjects.

In 1295, King John's grandson, Edward I, needed money to pay for another war in France. He wanted wide support for the war, so he called together not only lords but also lesser knights & some burgesses, or leading citizens of the towns. Historians refer to this famous gathering as the Model Parliament, because it established a standard for later parliaments. They voted on taxes & helped Edward make reforms & consolidate laws.

PARLIAMENT – England's national legislature

Over the next few centuries, Parliament's "power of the purse", or its right to approve certain expenses gave it strong influence in governing. The House of Commons (an assembly formed by knights & burgesses, which was the lower house of Parliament) was gradually becoming the equal of the House of Lords. Parliament increasingly viewed itself as a partner with the king in governing. It voted on taxes, passed laws & advised on royal policies.