Lesson 4

MAIN IDEAS

1. **Government** New ideas in law developed in medieval England.

2. **Government** New political ideas changed the structure of England’s government.

3. **Government** The legal and political changes in medieval England influenced later democratic thought and representative institutions.

TAKING NOTES

**Reading Skill: Making Generalizations**

Making generalizations means to make broad judgments based on information. In Lesson 4, list the details for the different sections in a chart like the one below. Then write a general statement about the section.

![King John's Coat of Arms]

This is King John’s coat of arms before he took the throne. A coat of arms is a set of symbols used to identify a family or individual. They were developed in early Medieval Europe primarily to identify each other on the battlefield.

CALIFORNIA STANDARDS

7.6 Students analyze the geographic, political, economic, religious, and social structures of the civilizations of Medieval Europe.

7.6.5 Know the significance of developments in medieval English legal and constitutional practices and their importance in the rise of modern democratic thought and representative institutions (e.g., Magna Carta, parliament, development of habeas corpus, an independent judiciary in England).

HI 3 Students explain the sources of historical continuity and how the combination of ideas and events explains the emergence of new patterns.
Changes in Government and Economics

Build on What You Know In Lesson 3, you read about events that weakened European feudalism. In this lesson, you will study legal and constitutional practices of England from the 12th and 13th centuries that are still important today.

The English Government

ESSENTIAL QUESTION What were some of the new ideas about government in England?

The legal practices of medieval England are the foundations of many modern legal practices.

Common Law King Henry II (1154–1189) brought consistency to England’s legal system by sending royal judges to every part of the country. In the early 1100s, court decisions were based on local customs and previous rulings. This was called common law, and it meant the decisions in one part of England could be different from those in another part of England. The decisions of the new royal judges, however, were intended to apply to all of England. The royal laws made it more likely that people all over England would receive equal treatment.
Independent Courts  The royal judges were meant to be independent from local politics. However, they were not independent from the royal government. English medieval courts were very different from courts today. For example, U.S. courts are independent from the other parts of the government. This is called an independent judiciary, which you will read more about later in this chapter.

Magna Carta  In 1199, the youngest of Henry II’s sons, John, came to power. King John fought, and lost, many wars. The wars weakened England financially. Many barons, members of England’s nobility, grew tired of John’s policies. They told John that he must recognize their rights. They listed these rights in a document called the Magna Carta and forced John to sign it in 1215.

The Magna Carta guaranteed the protection of the law and trial by jury. It also guaranteed that the king could not collect money from the nobles without their approval. Ordinary English people did not immediately benefit from the Magna Carta. The Magna Carta did, however, set an example for later democratic developments in England and around the world. In Chapter 16, you will read more about how the Magna Carta influenced later democratic thought.

How did new legal practices develop in England?

Primary Source

Background: The Magna Carta (detail shown below) was first drafted in 1215. Some of the ideas it contains can be found in the U.S. Constitution—written nearly 575 years later.

from the Magna Carta (1215)
Translated by Claire Breay

For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood.

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled . . . in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

To no one will we sell, to no one deny or delay right or justice.

DOCUMENT–BASED QUESTION
The U.S. Constitution states that “No person shall . . . be deprived of life, liberty, or property, without due process of law.” How is this similar to the Magna Carta quotation above?
Representative Institutions

ESSENTIAL QUESTION How did new ideas in politics change the government of England?

Political practices of medieval England are seen by some historians as the foundation of modern representative governments.

A New Governing Body An important step toward representative government came in 1264. English nobles removed King Henry III from the throne after he broke an agreement with them. They replaced him with a group of representatives, which would later be called a parliament. The parliament included nobility, high-ranking church officials, and representatives from cities and towns.

Henry’s son Edward I took back the throne in 1265, but he did not get rid of Parliament because he needed its political support. In 1295, a parliament was assembled that is widely considered the first truly representative parliament. It is known as the Model Parliament. Representatives from every county, district, and city were assembled. Edward called for parliaments throughout his reign. By the time he died in 1307, Parliament was an important part of English politics. But Parliament’s powers were still not totally clear.

Parliament’s Powers Parliament formed two houses, or groups, to govern the country: the House of Commons and the House of Lords. Parliament would eventually control the collection of taxes. As a result, it could limit the power of the English monarchy. Parliament was also eventually able to introduce and pass laws. The king could not declare new laws without Parliament’s approval.

Parliament’s power grew slowly. The changes mentioned above took centuries to develop. Wars were even fought over the question of Parliament’s authority. But the legal and constitutional practices of medieval England would be a guide to later political thinkers.

REVIEW How did Parliament limit the power of the king?
Rise of Modern Democratic Thought

**ESSENTIAL QUESTION** What are some modern legal or political ideas that have their roots in medieval England?

Independent judiciaries, citizens’ rights, and democratic forms of government did not exist in medieval England as we know them today. Like Parliament, developing these ideas and institutions would take centuries. During their development, however, the legal and constitutional practices of medieval England often became a guide.

**Independent Judiciaries** Independent judiciaries have developed around the world. In many countries, the courts are independent from other branches of government and can make sure there is a balance of power. For example, the courts can prevent government from passing laws that violate the rights of citizens.

One legal right that probably started in medieval England is **habeas corpus**. This is the right people have to not be imprisoned unlawfully. In modern courts, habeas corpus requires authorities to provide legal proof for why a person is being imprisoned.

Rights listed in the Magna Carta mainly affected English nobles. Later politicians expanded the Magna Carta’s use. For example, the barons said that King John must consult them when he needed money. Centuries later, English parliaments argued that this meant the king could not ask for taxes without Parliament’s agreement.
Representative Government  A government elected by the people to represent their interests is a representative government. Representative governments that try to include all members of society are a relatively recent development. A majority of English men could not vote for members of Parliament until the 1800s. In the United States, women could not vote until 1920, and many African Americans were effectively prevented from voting through the 1960s. When reading history, it is important to remember that developments often occurred over tens, hundreds, or even thousands of years.

Why are independent courts important to some modern governments?

Lesson Summary
• In medieval England, new legal developments established a pattern for the rule of law.
• Political developments in medieval England laid the foundation for representative government.
• Later democratic ideas and institutions used the legal and political changes of medieval England as a guide.

Why It Matters Now . . .
Many of the legal and political ideas that exist today have their foundation in medieval England.

Terms & Names
1. Explain the importance of
   King John  parliament
   Magna Carta  habeus corpus

Using Your Notes
Making Generalizations  Use your completed chart to answer the following question:
2. What is one general statement you can make about government in medieval England? (7.6.5)

Main Ideas
3. How did the decisions of England’s royal judges help bring equality to English law? (7.6.5)
4. How did the English Parliament become the model for future representative institutions? (7.6.5)
5. Give an example of a modern legal or political idea that can be traced back to medieval England. (7.6)

Critical Thinking
6. Making Inferences  Why might the development of modern democratic thought have taken so long? (HI 3)
7. Drawing Conclusions  How did the changes in medieval England’s government affect ordinary people? (HI 3)

Activity  Giving an Oral Report  Research to learn more about common law in the United States. Then write a short description of its main features and read the description aloud to the class. (7.6.5)

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