CHAPTER I

FORMATION OF THE ANGEVIN EMPIRE. THE NEW MONARCHY: THE MEN AND THEIR IDEAS

I

THE HOUSE OF ANJOU. THE MARRIAGES OF THE PLANTAGENETS. THE REIGN OF STEPHEN AND THE ANARCHY IN ENGLAND

The dynasty established by William the Conqueror was less fortunate than its Capetian contemporaries. It died out within seventy years through lack of a male heir in the direct line. After a period of anarchy during the nominal reign of the French baron, Stephen of Blois, it was replaced by the seignorial family, equally French in its origins, of the counts of Anjou.

This Angevin dynasty rose in the ninth century in an area which the Carolingians had disputed with the Breton and Norman bands. Its founders, Enjeuger, chatelaine in Touraine, and his son, Fulk the Red, who became Count of Anjou, had won their offices by resisting the invaders. At a later date when William the Bastard and his ancestors were building the Norman power, the terrible Fulk the Black and Geoffrey Martel were establishing the Angevin. They built impregnable castles and fought bloody battles with their equally war-like neighbours—the counts of Brittany, the counts of Blois, the dukes of Aquitaine, and the dukes of Normandy themselves. The House of Anjou annexed Touraine and Maine, established an administration and gained control over the clergy of the area. In the time of Philip I it was suffering the same eclipse as the House of Capet. We have seen how Count Fulk the Red shared his wife with Philip I whom he rivalled as a voluptuary and gourmand while he allowed feudal anarchy to canker his demesnes. Then, at the time when

1 OOCXXXIX, 1 ff.; ODV, chap. iv–vii; OOCXII, 223 ff.
Louis the Fat was re-establishing order in the possessions of the Crown, Fulk the Young and Geoffrey Plantagenet were carrying out the same cleansing work in Anjou, reducing the baronage and razing dangerous castles. Geoffrey was an attractive prince—educated, witty, and energetic—and, after the death of Henry I Beauclerc (1185) and Louis the Fat (1187), he became a leading figure. His abilities marked him out for a brilliant political career at the expense of his mediocre neighbours. Neither Louis VII, although he happened by a singular stroke of luck to become Duke of Aquitaine, nor Stephen, the new king of England, were able to check the advance of Geoffrey Plantagenet and his son, Henry.

The house of Anjou in the twelfth century was able to take advantage simultaneously of a dynasty of brilliant fighting and administrative leaders and the good fortune of a series of profitable marriage alliances. Geoffrey had been married in adolescence to the Empress Matilda, the widow of the Emperor Henry V and daughter of Henry I Beauclerc of England. Henry I had lost his son in the wreck of the White Ship and had taken considerable trouble to obtain from the barons and prelates of his realm an oath to accept Matilda as heir to the throne.

Nevertheless, when he died, Geoffrey and Matilda could not gain the succession; the usurper, Stephen of Blois, son of a daughter of William the Conqueror, and a Norman baron as Count of Mortain, succeeded in his claim. He seized the royal treasury at Winchester, issued promises to prelates and barons and had himself crowned almost conspiratorially on the 22nd December, 1185, by the Archbishop of Canterbury in the presence of two bishops, a handful of barons, and the citizens of London. This inaugurated a crisis which has considerable interest as a constitutional study. It reminds us in some respects of the events of 1066 while others bear a strong resemblance to the coup of Henry I in 1100.

The Empress Matilda claimed the throne as the daughter of the dead king and the heir recognized by the baronage. She sent the Bishop of Angers to Rome to maintain her

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1 The nickname was doubtless due to the fact that, as a keen hunter, he loved gorse-covered country (OCCXII, 6). We should not say “Plantagenet”.
2 OCCXII, 4 ff.; DLXV, i, 12 ff.
3 Stephen’s first charter: OCCXIII, 142.
4 DCXVII, i, 389–391; DLXXVI, second part.
claims at the Papal Court but he refused to give a judgement for her.\(^1\) Stephen relied on the right of election, the agreements he had made with barons and clergy, and the support of the Church. It would be true to say that he was accepted as king “during good behaviour”,\(^2\) that is to say as long as he offered no opposition to feudal and ecclesiastical reaction. A few months after his accession, he granted a Charter which quietened all the discontent caused by the violence of William Rufus or the energetic administration of Henry I. He gave up the new “forests”, a source of considerable profit; he promised to suppress the abuse of authority by sheriffs and “others” and undertook to return to established custom in the execution of justice. He thus gave up any claim to continuing the work of Henry I and his officers and itinerant justices. Most important, however, he made extremely important promises to the Church. He not only yielded to the bishops the advowsons of benefices and returned to the Church all that it had been robbed of since the days of William the Conqueror, but he did not exercise the right of regale while bishoprics and abbeys were vacant and he yielded to the Church the responsibility for punishing criminosus clergy. His charter began: “I, Stephen, by the Grace of God and with the assent of the people, elected King of England, consecrated by William, Archbishop of Canterbury and Legate of the Holy Roman Church, confirmed by Innocent, Pontiff of the Holy Roman See, grant, in reverence and love of God, that Holy Church shall be free and I fully accord to it all the respect that is its due. . . .”\(^3\) It has been said that Stephen did nothing by this but abandon excessive privileges. In fact, however, the whole policy of the Anglo-Norman kings was reversed and, in practice, it was even a great deal worse.\(^4\) Partly because he allowed the imposition of particular conditions, equally because he closed his eyes, the incompetent Stephen allowed the baronage to encroach on the military and administrative prerogatives of the Crown, to administer the justice reserved to the Crown, to coin money, to raise taxes, and to build castles

\(^1\) DLXXXVI, 8 ff., 30, and app. B.
\(^2\) DLXXXVI, 27.
\(^3\) XVII, 8–10.
\(^4\) For what follows, see DCXXVII, i, 394 ff.; DLXXXVI, DLXVI, parts 3 and 4.
I. DESCENDANTS OF WILLIAM THE CONQUEROR (ORIGIN OF THE PLANTEGENETS)

William I the Conqueror = Matilda of Flanders

Robert Curthose
Duke of Normandy from 1087–1106

William Clito
ob. 1127.

WILLIAM II
(RUFUS)
King of England 1087–1100.

HENRY I
(BEAUCLERC)
King of England 1100–1135

Adela =
Stephen Count of Blois

Cécile =
Abbess of La Trinité de Caen.

Constance =
Alain Count of Brittany.

MATILDA =
(1) The Emperor Henry V; (2) Geoffrey Plantegenet, son of Fulk the Young Count of Anjou

HENRY II
Son of Geoffrey and Matilda
Duke of Normandy in 1149

STEPHEN
King of England 1154–1154.
II. DESCENDANTS OF HENRY II PLANTEGENET AND ELEANOR OF AQUITAINE

- William (1153–1156)
- HENRY THE YOUNGER = Henry the Lion
  - King-Associate 1170–1183
  - Duke of Saxony
  - MARGUERITE OF FRANCE daughter of Louis VII
- Matilda = Henry the Lion
- Richard Cœur de Lion 1189–1199
- Geoffrey = Constance of Brittany
- Eleanor = Alphonse VIII
- John Lackland King 1199–1216
- Joan =
  - (1) William King of Sicily
  - (2) Raymond VI Count of Toulouse
- Raymond VII Count of Toulouse
- Otto of Brunswick Emperor
- William died at birth
- Henry Count Palatine of the Rhine
- Eleanor, Arthur (1187–1203)
- Bérengère, Blanche, Urраque, Eleanor, Henry
- SAINT LOUIS

III. DESCENDANTS OF JOHN LACKLAND AND ISABEL OF ANGOULÉME

- Henry III King 1216–1272
- ELEANOR OF PROVENCE
  - Edward I King 1272–1307
  - Edmund
  - Margaret = ALEXANDER III King of Scotland
  - Beatrice = JOHN II Duke of Brittany
- Richard of Cornwall = ALEXANDER II King of Germany 1237–1272
- Joan
- Eleanor
- Isabel in 1235
- The Emperor Frederick II
without licence. In a few years eleven hundred and fifteen had been built. It was in vain for him to authorize everything, to dissipate the income and the lands of the Crown to create supporters, or to take Flemish mercenaries into his pay; he was able neither to satisfy anybody nor to stem the tide. In 1189 under the impression that he was doing something energetic and useful he committed an irreparable mistake; the powerful Bishop of Salisbury, Roger, who, through his family, controlled the Chancery and Treasury, had built several castles without permission and Stephen cast him into prison. This precipitated his downfall. All the clergy turned against him and the royal bureaucracy was almost completely disorganized. The supporters of the Empress Matilda won a big victory at Lincoln (2nd February, 1141) and Matilda, in turn, was received at Winchester by the bishop, at that time a papal legate. The Bishop of Winchester was the brother of Stephen but Matilda promised to entrust the direction of the ecclesiastical policy of the kingdom to him and he undertook to be faithful to her “as long as she did not break the agreement”. After a secret consultation with the bishops, abbots, and archdeacons present at Winchester he formally received Matilda and conferred the office of governor upon her in the following terms:—

God has exercised his judgement on my brother and allowed him to fall into the hands of powerful enemies without my knowledge. To prevent the collapse of the kingdom because of its lack of ruler, I, in virtue of my powers as legate, have invited you all to be present here. Yesterday the majority of the clergy of England who have the chief right in the election and ordination of the king discussed this matter in private. After invoking divine guidance, as we clearly must, we have chosen as Lady (domina) of England the daughter of a king who was peace loving, glorious, and prosperous, a king whose merits find no equal in our time and we promise her our loyalty and support.¹

Matilda was then proclaimed as “Lady of England and Normandy” until she could be crowned queen but she was sullen, bad tempered, and clumsy and her husband, Geoffrey Plantagenet, was more than occupied by the Conquest of Normandy. The eastern section of southern England remained faithful to Stephen while in the West Matilda found support²

¹ Text in DXXXIII, 139. On the meaning of domina see DLXXVI, 70 ff. Was Dominus the provisional title which the heir to the throne assumed before coronation? Rossier, DLXXVI, 424 ff., has denied this.
² See the boundaries (which, however, were constantly changing) indicated in CXXXIV, 681.
but in North and South alike anarchy was supreme. A very interesting history has been written of the concessions which Geoffrey de Mandeville, one of the barons, was able to extort first from Stephen, then from Matilda, thus succeeding in creating a powerful independent lordship.¹

Matilda retired in despair to live with her husband who had achieved his object and, on his death (1151), left his son, Henry, a principality consisting of Normandy, Maine, Anjou, and Touraine which, it seemed possible, might be destined to continue independent of England. But Henry Plantagenet was a vigorous fighter and he undertook to reconquer the kingdom of his grandfather (Henry I). He disembarked, in January 1153, and Stephen who was old and worn out was ready to make peace by November.² Henry was recognized as heir to the throne and asked to share in the work of government. On the death of Stephen, in December, 1154, he became King of England. He was determined to restore the monarchy of William the Conqueror and Henry I which for sixty years had been maintained on "pacts" and legalized and organized anarchy, but Church and baronage had not forgotten the times of King Stephen and they looked for their return.

Two years previously Henry Plantagenet had married Eleanor, Duchess of Aquitaine. Since her time and particularly in the thirteenth century, Eleanor has had a terrible reputation ³ and historians and publicists have exaggerated her misconduct to an absurd degree, but there is good reason to believe that Louis VII had divorced her because of infidelity rather than because he was assailed with doubts of the validity of their marriage on ground of consanguinity.⁴ The estimations made by William of Tyre and the author of the Historia Pontificalis of her conduct in the East during the Crusade agree with Suger's letter to the king asking him not to prolong his absence; concerning the queen, Suger urges the king to keep his bitterness in check until his return and

¹ DLXXXVI, 43 ff., 98 ff.
² Henry had been its duke since 1149; DXXXX, 569 ff.
³ UVI, n. 56, p. 61.
⁴ DCLXVI, 408 ff.; CCCCLXIII, 51 ff., 58 ff., 79 ff.; CLXVIII, 702 ff.
⁵ In fact they were not related within the prohibited degrees; their common ancestor was Thibaud Towhead, Duke of Aquitaine, father-in-law of Hugh Capet, DCLXVI, 417, and n. 2.
then to make his decision. In the autumn of 1149, husband and wife returned through Rome in a state of open antagonism and the Pope, Eugenius III, undertook to reconcile them. The extremely well informed author of the *Historia Pontificialis* tells us "The Pope forbade anyone henceforward to suggest that they were related; he confirmed their marriage, under pain of anathema, in speech and writing and forbade anyone to listen to those who attacked it or to dissolve it on any grounds whatever. This command seemed to please the king greatly as he was passionately, almost childishly, attached to the queen. The Pope decorated a bed at his own expense with the most costly materials for their joint occupation. He used every day of this short respite in personal conversations trying to renew their affection. He honoured them with gifts and when they took leave of him he could not restrain his tears though he was a stern man". This is a curious piece of evidence of the constant interference of Catholic priests in the married life and psychology of Louis VII whom jealousy and religious scruples brought into an antagonism with his wife which was quickly dispelled by the suggestion of a simple passion and an authority he respected.

Eleanor returned from Rome pregnant but again she failed to give Louis VII the male heir he wanted. The wife who was able to present Henry II with five sons now gave birth to a second daughter and it was undoubtedly one of the considerations which enemies urged to stimulate the ill humour of Louis VII. After the death of the statesmanlike Suger on 18th January, 1151, they resumed the offensive. Eleanor, for her part, had no desire to remain married to a husband whom she accused of having the morals of a monk. During the year, Henry Plantagenet visited the court; the athletic bearing of this young man who was ten years younger than herself made a deep impression on Eleanor. "Louis in a state of violent jealousy departed with her for Aquitaine, commanded the destruction of the fortifications he had put in hand, and withdrew his garrisons."

1 *CXXXIV*, 200.
2 *LX*, 537. The author of this fragment is the famous John of Salisbury, who lived on familiar terms with Eugene III.
3 *CCXIV*, 170 ff.
4 *LV*, i, 99; *LXXIX*, 237.
5 *XXIII*, 135.
mind to divorce her and at once began the evacuation of Aquitaine. Then, on the 21st March, 1152, a council met at Beaugency and announced the dissolution of the marriage on grounds of kinship. The Pope, possibly better informed of Eleanor’s intentions than Louis, kept silent.

The hand of Eleanor was in such demand that she had to return to Aquitaine in secret at night to avoid the suitors who sought to win her. Evidently she already had some agreement with Henry Plantagenet for scarcely two months after, on the 18th of May, 1152, or thereabouts, they were married.¹ In vain Louis VII, who realized too late the danger, opposed the marriage² which made Henry even before he became King of England a more powerful vassal than his suzerain.

II

HENRY II AND RICHARD CŒUR DE LION

When Henry II, Plantagenet, was crowned in London on the 19th December, 1154, he was not yet 22 years old. He granted his subjects the following charter:–

Henry, by the Grace of God, King of England, Duke of Normandy and Aquitaine, Count of Anjou, to all his counts, barons and loyal subjects, French and English, greeting. Know that for the honour of God and Holy Church and the general benefit of the whole kingdom, I have granted and given and by this present charter confirmed to God and the Holy Church and to all my counts, barons and subjects, all the concessions and grants, liberties and free customs which King Henry my grandfather gave and granted them. I likewise remit and abolish for me and my heirs all the evil customs which he abolished and remitted. For this reason, I desire and unhesitatingly prescribe that Holy Church and all my counts, barons, and subjects shall have and hold freely, fully and in peace, all the customs and grants, liberties and free customs of me and my heirs, for them and their heirs as freely, fully and peaceably in every respect as the King Henry my grandfather granted, conceded and confirmed to them by his charter. Witness Richard de Lucé at Westminster.³

This Charter of Liberties, evidently drawn up by the Norman Richard de Lucé, one of the most remarkable of the ministers of Henry II, shows clearly, under its exterior

¹ DLXV, ii, 108 ff.
² COOLVIII, 82.
³ Latin text; XVII, 13-14.
of redundancy and verbiage what was the programme of the new monarchy. There is no question of election by clergy and people, of confirmation by the Holy See, or of renunciation of the work of Henry I. He abolishes or grants just those things which Henry I had abolished or granted. A veil of silence is cast over twenty years of anarchy and the reign of Henry I is continued. But now, for the first time, the king addresses his “French” and “English” subjects alike. Henry II is head of an Empire and from the moment of his accession he announces his intention of governing it all according to the same principles.

The pacification and reorganization of the kingdom of England alone was a mighty task. It would involve Henry II in the consolidation of his frontiers, reducing the King of Scotland and the Welsh chiefs to vassaldom and undertaking the conquest of Ireland. But Henry was primarily a French prince and he passed the greater part of his reign in his Continental possessions.\(^1\) The possession of Aquitaine put the King of England in touch with the South for the first time. Henry II married two daughters to the kings of Castile and Sicily, made an alliance with the King of Aragon, tried to become master of the County of Toulouse, and to gain possession of Toulouse for one of his sons and possibly even thought of becoming emperor.

His son Richard was won over by the attractions of the Mediterranean and the East and for a considerable time acted as if he was master of Sicily, conquered Cyprus, and affected to regulate the succession in the kingdom of Jerusalem. After his unsuccessful Crusade, he dreamed of making a new start, delivering the Holy Land, and assuming the Imperial Crown in Constantinople.

The men who surveyed such wide prospects were made for vast enterprises. Henry II and his son Richard the Lion-heart, in spite of their very different characters, were both ambitious and restless men.

One of the best of contemporary writers, Pierre de Blois,\(^2\)

\(^1\) The Itinerary of Henry II has been established in detail in 109CCXXXIII; a summary description in C.M.H., vol. v, 554.

\(^2\) See 109CXXXIX, 371 ff. We are not ignorant of the doubts which have been cast on the letters of Pierre of Blois and a critical edition would be very valuable. See 109CXXXV, 43–60. Those which are transcribed are generally accepted as authentic and agree with what we know of Henry II.
has painted us an illuminating picture of Henry II whom he had studied at first hand.

He is, he tells us, a reddish headed man of medium height; he has a square, leonine face and goggle eyes which are soft and gentle when he is good humoured but flash lightning when he is annoyed. His horseman's legs, broad chest, and athletic arms reveal him as a man who is strong, active, and daring. He takes no care of his hands and only wears gloves when hawking. His clothes and head-dress are becoming but never extravagant. He fights the obesity which threatens by sobriety and exercise and, thanks to walking and horsemanship, he preserves his youthful vigour and tires out his strongest companions. From morning to night he is engaged unceasingly on affairs of state. He never sits down except when he mounts his horse or takes a meal and he frequently rides in one day a journey four or five times the length of a normal day's ride. It is very difficult to find out where he is or what he will do during the day for he frequently changes his plans. The fidelity of his followers is subjected to severe tests for they are frequently forced to wander through unknown forests for three or four miles after nightfall before they find lodging in sordid hovels. Nevertheless, in this way, while other kings are resting in their palaces, he is able to take his enemies by surprise and off their guard and he inspects everything, taking particular care to judge those whom he has made judges of others. When he is not occupied with a bow or a sword he is at a council or reading. There is nobody more quick witted or eloquent and, when he can find freedom from his anxieties, he loves an argument with scholars. He is a great builder and whether he is building fortifications or enclosing hunting forests or fishponds, no one can equal his keenness and magnificence. His temper is calm in danger and subdued in prosperity. He has a horror of bloodshed and regards peace as the greatest good a king can bestow on his people. He undertakes enormous tasks to maintain it and spends the large income he has built up for he would rather gain his end by financial than military pressure. This is his object in threatening the proud, humiliating the mighty, building castles, and making treaties and alliances. He is friendly and generous to his courtiers; the Church he enriches with gifts and keeps clear of simony. Once he has given his affection, it is only very great forces that will destroy it but once he takes a dislike to anyone he is equally loath to admit him to his confidence. To churchmen who urge him to show mercy to his enemies he replies that his heart is neither sufficiently patient nor humble but in spite of the armed revolts which deserved disinheriance he has had neither the will nor the power to deprive his sons of their rights; his heart cannot take such a step.

The other writers of the period (particularly the novelette writer Walter Map who was one of the chaplains of Henry II)

1 Letter lxvi in XC, i, 193 ff. I have abridged and rewritten the text, which is diffuse, and I have added certain traits borrowed from letter xiv, p. 50 ff., letter xii, p. 125, and the curious Dialogue with the Abbot of Bonneval (ibid., vol. iii, 289 ff.).

2 I have quoted here the answers attributed to Henry by Pierre de Blois in the dialogue cited above.
and the excellent chroniclers of the end of the twelfth century in general confirm this description of his appearance and character which Pierre de Blois has given us though there were undoubtedly other traits which Pierre failed to notice.

Henry was extremely libidinous and did not deny himself his niece, a Breton girl who had been entrusted to him as a hostage,1 or even his son Richard’s fiancée, Adelaide, the daughter of Philip Augustus, for whose education he had assumed responsibility. Everyone who came near him remarked on his agitation, his inability to keep still, even in church, and his outbursts of temper. He had obviously inherited a nervous weakness which was a legacy from the eleventh century counts of Anjou, his ancestors, and which showed its full effects in the physical and moral constitution of John Lackland, his youngest son. But Walter Map, even while commenting on the sufferings inflicted on the Court by the impatience of this eternal wanderer, this restless monarch who did not hesitate to disturb half Christendom, admires his simplicity, affability, and intellectual gifts and makes a justifiable comment on the juridical and political bias of his mentality.2 Henry II was one of the great kings of England and one of the founders of the monarchical system in Western Europe.

Richard the Lionheart is a less complex figure although he was quite capable, in general, of preserving his father’s work.3 Physically he resembled his father though somewhat slimmer; only at the end of his life, when worn out by excesses of every kind and an intermittent fever which he almost certainly contracted in the swamps of Poitou, he was less robust and began to put on weight but all his life he remained, like his father, active and restless. Henry II and Eleanor had bequeathed to him their passion and violence and though he could be generous and beneficial he was equally capable of vindictive cruelty. He developed an intense hatred for his father and did his best to kill him. He was subject to maniacal rage and the author of the History of William the Marshal portrays him heaping coarse insults on the papal legate and threatening him with physical violence.4 This passion found full play in hunting and war which were his

1 John of Salisbury, letter cestvi in LXXV, ii, 142.
2 LXXIX, 290 ff.
3 CXII, 181 ff.
4 Line 11506 ff.
favourite occupations. He despised peace for which his father made so many sacrifices and, on the battlefield, he rallied his men by the example of a bravery which has become proverbial; his nickname “Lionheart” appears in a contemporary account of his adventures in the Holy Land. Above all, this epic hero inherited southern tastes from his mother. He loved to show off in sumptuous apparel and to make a noise. He composed fluent poetry in French or Provençal. He was not deficient in a sense of order and administration, but he gave little attention to administration and judicial reforms. He was a mythical paladin and, in fact, his real life was quickly buried in a mass of legend.\(^1\)

III

THE MINISTERS

During the reign of Richard Cœur de Lion, it was the secretaries and officials who preserved monarchical prerogative while the king spent his time seeking adventure. It was they who, under the directions of Henry II, had restored some measure of order and established his power throughout his immense empire. It has been suggested that Henry wished to be served only by English advisers and officials.\(^2\) Such a mistake would invalidate our whole estimate of the character of these Angevin kings which was essentially cosmopolitan. Henry II read Latin and understood Provençal and Italian; he spoke French but knew no English.\(^3\) He passed very little of his time in England and when he realized that he was surrounded by enemies he did not think of seeking asylum there but retired to his native province, Anjou, to die. His son Richard was at heart an Aquitanian and passed almost all his time on the Continent even when he was king. Even in the thirteenth century, John Lackland and Henry III surrounded themselves with Poitevins and even Flemings. Certainly among the host of officials, which had become so great that Peter de Blois compared it to a swarm of locusts,\(^4\) there must have been many local officers who lived and died in their native country but Henry II meant to use each one.

\(^1\) DLIII, 130–155; DV, 362–8, 386–7.
\(^2\) CDLXXXVIII, i, 417.
\(^3\) LXXIX, 237.
\(^4\) Ep. xev in XC, i, 298.
as he thought best and send the most capable where he needed them. The inconsistent diplomatic of his Chancery marks simultaneously the diversity and the unity of his Empire. On occasions, he addressed letters to his loyal subjects or officers of a particular country but very frequently he addressed them “to his faithful subjects of France and England” or “to all his officers throughout England, Normandy, Anjou, Touraine, and Aquitaine” which means not only that all owe him obedience but that some of them were being continuously transferred to all parts of the Empire in his service. His ministers crossed and recrossed the sea just as the bullion of his treasury did. French and English are mingled in the lists of barons or officials who witnessed his acts or judged in the assizes which he established to reconcile Norman and English interests.¹ The Chancellors of Henry II were Thomas Becket, a Norman; Raoul de Wanneville, who had previously been sacristan of the church of Rouen and left the Chancery for the episcopal throne of Lisieux; finally Geoffrey, a natural son of the king: Henry II gave him with this office dignities and castles on both sides of the Channel. The Chancellor of Richard Cœur de Lion was a Norman clerk, William Longchamp; another Norman, Richard de Lucé, gained fame as Chief Justice and administrator and on several occasions he governed England during the absence of Henry II. On the other hand, the Exchequer and Treasury of Normandy were put in order by Richard d’Ilchester, an Englishman, who seems to have been the best financier of the era, with Richard Fitz Neal the author of the Dialogue of the Exchequer. However, it is frequently very difficult to decide whether a certain man is Norman rather than English. Walter, who is generally known as Walter of Coutances and who had studied at the University of Paris before becoming one of the principal officials of the English Chancery, was born in Cornwall. He was successively Bishop of Lincoln and Archbishop of Rouen. Ranulf Glanville, who was a sort of viceroy at the end of the reign of Henry II, was undoubtedly of Norman stock transplanted to England.²

¹ See the Recueil des Actes (CVI), and the Introduction of Delale, 208 ff.; CCCCL, 181.
² On all these people see the Introduction and notes to CVI, the articles of the N.B., and CCCLXXXIII.
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Henry II and Richard Cœur de Lion had good lay servants among their English sheriffs, the viscounts and seneschals in France, and their chief military officers, like the loyal and devoted William the Marshal, but the people who reformed the Chancery, Exchequer and Courts of Justice or maintained their good traditions were clerks; the king paid them with bishoprics and they did not look after their posts any the worse. In the reign of Richard, the "royal court" was often composed of a dozen people among whom were nine clerks or prelates in process of becoming bishops. This combination of spiritual and secular functions aroused many keen critics but they made the relations between Church and State much easier, and, in any case, it gave the monarchy an opportunity for progress and a new life. The lay world at this date was sunk in routine; it was in the Church that political intelligence arose and the spirit of administrative and judicial organization. It was through the Canon Law, thanks to its methods and system of expression, that Roman Law, developed at Bologna, exercised its influence in the kingdom of Henry II. It was the churchmen, Norman or English, who created judicial interpretations, introduced the habit of reasoned argument and the idea of system in the law; on this evidence, they can claim responsibility for the Common Law of England. The Assizes and Constitutions of Henry II, which remind us so much of the capitularies of the Carolingians, were possibly only like them as a result of family characteristics inherited through the ecclesiastical canons.¹

IV

DIFFERENT CONCEPTIONS OF THE MONARCHY. THE IDEAS OF LAWYERS, CHURCH, AND NOBILITY

If we are to show the innovations of Henry’s reign, we must record that around the king there gathered a group of canonists who stayed at Court for long periods and met there men of letters and polemists like Peter de Blois or Walter Map and chroniclers like Gervais of Canterbury or

¹ DXXXII, i, p. xxxii ff.; DXXXVII, i, 757.
Roger de Hoveden. These literary figures were brought into continual contact with the specialists of the Chancery, the Exchequer, and the Royal Courts, hammered out principles in argument with them, wrote treatises on law or administration, political theses and chronicles, and became as competent to discharge public offices as to hold ecclesiastical dignities. From the point of view of intellectual temper and profitable innovation, as in many other respects, the Court of Henry II was almost a century in advance of the Capetian court. Nevertheless, the enthusiasm of these men for the monarchy varied and they maintained the right of free criticism and if we were forced, on the basis of their writings and actions, to define the English monarchy of the period in two words—to say whether it was a feudal monarchy or not—we should be in danger of a clash between contradictory texts. We must always remember that not all of them had the same idea of the nature of the royal power.

We will try to illustrate how their ideas agreed and in what respects they differed. What was the theory of the Court lawyers? What were the theories of the Church? What did the barons, whom the king summoned to court, think on those occasions when they thought at all?

The permanent advisers who were perpetually working to extend the royal prerogative envisaged no limits to it whatever. At a later date Glanville quoted the Institutes "Quod principi placuit legis habet vigorem". Already Henry’s Treasurer in his Dialogue of the Exchequer, a technical work on the public finances, was formulating a similar doctrine but for purely personal reasons. Kings, he says, must be able to spend lavishly on the preservation of their kingdom and their ministers must keep a very careful check on the finances; it is by no means unconstitutional to find churchmen among these ministers even acting as Treasurer, for the service of a prince was service to a power established by God. All power comes from God; that is the doctrine of the Church but Fitz Neal emphasizes this in an explicit confession of faith:

It is possible that kings will not examine law but will be guided merely by local custom on the impulses of their own hearts or will even act on a purely arbitrary decision. Whatever they do is no matter for discussion or condemnation by their inferiors for their
hearts and their impulses are in the hand of God and the fate of those who have been made responsible for subjects depends on divine and not on human judgment.\textsuperscript{1}

Thus to destroy the arguments used against clerical functionaries, Fitz Neal reached a theory of royal absolutism and completely ignored the limits which the Church had set to the divine right of kings. He was not alone in perverting ecclesiastical doctrines in this way. John of Salisbury provides us with evidence that the worst flatterers of Henry II were among the bishops. It was one of the Court priests who, in the reign of Henry I, had advised the King of England to exercise the prestige of the Capetians.\textsuperscript{2} By the time of Henry II the tradition was so firmly established that Peter de Blois, who had little inclination to flatter, accepted it and saw in it a reason to justify the clerical functionaries. “I must admit that it is holy work to help the Lord King for he is a saint and the Christ of the Lord and the royal unction which he has received has not been in vain and, if anyone is unaware or doubtful of its power, it is made fully evident in the disappearance of the inguinal plague and the cure of scrofula.”\textsuperscript{3}

The Royal Chancery gave official expression to these pretensions. The formula “King by the Grace of God”, fortuitous during the century which followed the Conquest, became regular in the diplomatic of Henry II and his successors from the beginning of the year 1173 and it has been pointed out that the assumption of divine right coincides with the period when Henry was doing penance in the cathedral of Avranches (27th September, 1172) for the murder of Thomas Becket. From that time, the Chancery rigorously formulated this pretension of the crown in the subscription to its edicts.\textsuperscript{4}

Nevertheless, the Church, and, on its example, lay subjects maintained the doctrine of the elective monarchy. That was the real doctrine of the Church which does not exclude the idea that the royal power, like all power in general, comes from God. We have seen that Stephen humbly admitted that he owed the crown to his election by clergy and people, to consecration by the Archbishop of Canterbury, and even to

\textsuperscript{1} XXXII, 55. \textsuperscript{2} CLXXIX, 41 ff., 83–8. \textsuperscript{3} Ep. cl in XG, ii, 82–8. \textsuperscript{4} CVI, intro. by Delisle, 12 ff.
the confirmation of the Holy See. In 1141, his brother, the Bishop of Winchester and legate, abandoned his cause because he had been defeated and captured. The battle of Lincoln had been a sort of judicial duel and God had given the verdict in favour of Matilda. Yet Matilda, Lady of England, was not consecrated as queen and this is significant of the confusion and incoherence of ideas and theories which beset England.

At the accession of Henry II the opposite procedure triumphed. There was no consultation by clergy and barons, and Henry II who had already begun to re-establish order in England seized power with a firm hand. By virtue of the right of succession and the pact he had made with Stephen “he took his hereditary kingdom with the acclamation of all”,¹ and “was elected by all”² and, as we have seen, did not trouble to mention the election by acclamation in his charter; above all there was no delay before his consecration. It appeared as if the Church was going to renounce the right, which it had claimed, to consult and weigh the merits of the candidate for the throne either alone or with the barons.

Henry II would never have recognized the right either in regard to himself or his heirs. He adopted the means, used by the Capetians, to avoid succession crises and to establish the principle of primogeniture—the system of association in the crown. Henry II adopted it under circumstances which clearly revealed the conflict of ideas between monarchy and Church on the subject. In 1155, at a big gathering of barons, he secured the recognition of his eldest son as his successor and in 1170, when the king was at open war with the Archbishop of Canterbury and Thomas Becket was an exile in France, he held a formal Court in London and secured the coronation of Henry the Younger who was not yet sixteen years old and had not been dubbed a knight. The coronation was entrusted to the Archbishop of York and took place in the presence of eleven English or Norman bishops who did not dare to disobey the king. The Pope put up a vain opposition to a coronation for which the Archbishop of Canterbury was not responsible, in violation of his prerogatives. No alterations were made in the form of the oath although the Holy See had

¹ LV, 151. ² CXVI, 1, 289–90.
demanded that the prince should swear henceforward to preserve the rights and liberties of the Church and of the Church of Canterbury in particular. In short the coronation of Henry the Younger appeared to be a victory for the monarchy over the Church but it was a short-lived victory.

Events proved that Henry II had made a mistake and that association in the throne could put a dangerous weapon in the hands of a rebellious son. Henry the Younger considered himself, by virtue of his anointment, a king equal to his father and sought an ally in the Church and Papacy against the man who had had him crowned despite the opposition of the Holy See. After the premature death of Henry the Younger, the king abandoned the practice of association and to the end of his life refused to allow Richard Cœur de Lion to demand from the barons a recognition of his hereditary rights. The Church and baronage accepted Richard as king without opposition. He was very much feared and very popular at the same time but his consecration was celebrated with an extraordinary pomp and the Church multiplied the ceremonial and formalities so much that the ritual established at that date was henceforward a traditional rule. The Church, in form at least, was revenged. She achieved a very much more serious revenge when, in 1199, a wound received in battle carried Richard off without warning. Who would be king? It seemed that Richard's associates had sworn on his death bed to recognize his brother John, the youngest of Henry's sons but the treacherous and fickle character of this young man had rendered him suspect. A possible rival was his nephew Arthur, the son of Geoffrey of Brittany, the fourth son of Henry II, but Arthur had been brought up at the Court of Philip Augustus. The Archbishop of Canterbury, Hubert Walter, was in Normandy at the time and the author of the History of William the Marshal records the discussion

1 DLIV, 6, 114–120; CCCLX, 5 ff.
2 See the letter of Henry the Younger to the papal legates; CVI, intro., 250–1.
3 DCXV, i, 594.
4 DLXXXIX, chap. ix.
5 On the accession of John, Miss K. Norgate (CDLXXXIX, 56 ff.) has not said the last word. Cf. DCXXVII, i, 617 ff.; DCXVIII, 193–5.
between the Archbishop and the Marshal. 1 "We must arrange
the election quickly," said the latter, "who are we going to
make king, sir?" The archbishop replied "By right we
must crown Arthur." William opposed this idea; Arthur
was in the hands of the King of France and did not love the
English. Hubert Walter accepted his opinion, crossed the
Channel, and, not without difficulty, secured the support of
the English barons while those on the banks of the Loire
and in Brittany recognized Arthur. The Archbishop of
Canterbury took advantage of these favourable circumstances
to make a formal assertion of the doctrine of an elective
monarchy. On the arrival of John in London, "Archbishops,
bishops, counts, barons, and all who were to be present at
the coronation came together and the Archbishop stood up
in the midst of the meeting and expressed his opinions in
these terms:—

Listen everybody. Your political ability tells you that no one
can succeed a man as king before he has at least been unanimously
chosen by the community of the kingdom, after the invocation of
the grace of the Holy Spirit, for his excellent character which
clearly marks him out as a worthy successor of Saul, the first con-
crated king, whom the Lord proposed to his people although he
was not a king's son or even of royal stock; after him David, son
of Jesse, was king. The former was chosen on account of his strength
and ability as king, the latter on account of his holiness and humility.
... If some one of the stock of the dead king is more outstanding
than the others, it is possible to agree on his election more easily
and more promptly. All this can be said of the illustrious Count
John who is present here, the brother of our most illustrious king,
Richard, now dead without any heir to succeed him. John has
foresight, ability, and manifest nobility and, after invoking the
Grace of the Holy Spirit, we are unanimous in electing him as much
for his merits as for his royal blood.

"Those present had confidence in the wisdom of the arch-
bishop and understood that he had reasons for his action
and, choosing John as king, cried out "Long live King
John!" "

This story which is found only in Matthew Paris has
been considered suspect. It is certainly marked by the lack
of precision and confused impression of this loquacious

1 Line 11844 ff. The author has a natural tendency to exaggerate
the importance of William, but he expresses ideas which were evidently those
of his times, and that is their interest for us. The order of succession to the
throne was not fixed, and priests and barons interfered on every possible
occasion.

2 PXXIII, 265–6.
chronicler; it is impossible to see whether "the unanimous election" took place before or after the archbishop's speech; but there is reason to believe that the general substance of Hubert Walter's remarks is authentic. They are natural in his mouth and have a double advantage for the peace of the kingdom. They finally dispose of the claims of Arthur's supporters by basing John's rights on election and they reinforce the new king's coronation oath by a moral obligation.¹

Thus, at the end of the period we are studying, the Church had succeeded in gaining public acceptance for its theory of the monarchy which neither Henry II nor his advisers would have admitted. The doctrine had theological and moral foundations which it is easy to trace, for in the time of Henry II, a theological moralist, John of Salisbury, had given it full exposition.

In the Western Church of the twelfth century, a Church so rich in educated and intelligent clerks and brave and sincere men, John of Salisbury is particularly arresting.² Born in England, but really a cosmopolitan like King Henry II himself, John of Salisbury studied in the famous schools of Paris and Chartres and gained an intimate knowledge of Italy, the Roman Curia, and the public affairs of Western Europe. About 1148 he became secretary to the Archbishop of Canterbury, Theobald, and his independent spirit displeased Henry so much that he was deprived of his prebends. So when he wrote the Poliomaticus in 1159, a work which he dedicated to his friend Thomas Becket, he was personally a victim of "tyranny". When Becket became archbishop in 1161 he gave him a position close to his own person. Through good fortune and bad alike, John remained, on principle, faithful to his friend though openly condemning his pride and violent temper. He ended his life as Bishop of Chartres.

His Poliomaticus, sive de nugis curialium et vestigiis philosophorum³ is a doctrinal work which contains a very general description of the life of the Court and its dangers and above all political theories and moral considerations on how to assure happiness and salvation. It is the first book of the Middle Ages

¹ DSS, 42-3. ² DXXXV, 176 ff.; CCLVI, 808 ff.; CCCXXXI. ³ LXXI; important quotations in CXXIX, vol. iii, 187-145.
in which a political philosophy is systematically expounded in an orderly and coherent fashion. The author, among his ethical arguments and quotations from Scripture and the classical authors, makes rare allusions to contemporary monarchical and social institutions. But the *Policraticus* is an extremely precious exposition of the doctrine of the Church in its purest form on human governments and the relations of the two powers—even more precious because John of Salisbury has a judicial air and no fanaticism; he is an exceptionally well balanced moralist rather than a polemist.

In formulating his ideas, he has recourse to an analogy, which was already hackneyed in his day, between the body politic and a living body whose vigour depends on the good condition of all the organs and their harmony. The feet are the workers in the fields and the city; the hands are the army; the stomach, always inclined to fill to the point of indigestion and to cause trouble throughout the rest of the body, is the administration of the finances; the head is the prince and the heart is the “Senate,” that is to say the officials and advisers who surround him. But the soul is religion which must inspire the movements of the body politic; it is the clergy whose impulsions must be obeyed.

The theory of monarchy which forms the centre of John of Salisbury’s system is extremely interesting. A monarch does not seem to him to be indispensable.1 He would be useless if man could live without committing serious offences, but a strong king is essential to maintain respect for the divine law. This function gives him a sacred character: he is the image of God on earth and the crime of *lèse-majesté* deserves death. But John of Salisbury takes good care to make the civil power equal to the ecclesiastical. Between these two there is no common standard and the first is dominated by the second. If the prince possesses the temporal sword it is because he received it from the hand of the Church who gave it to him because it cannot wield a sword of blood.

"The prince, therefore, is a minister of the priesthood. He exercises that part of a saint’s duties which is not fitting for the hands of the saints." That is the origin of a theory of the succession to the throne which we know very well. The

1 This is, in general, the doctrine of the Church at this period; cf. DXXXV, 198 ff.
principle of hereditary rule should be respected when it is customary in the country concerned. Hereditary right does not provide an absolute title but if the prince whom it designates follows the ways of the Lord or does not stray from them in any important respect, he should be elected. Who will elect him? John of Salisbury is embarrassed by this question and makes only vague and contradictory suggestions which, nevertheless, accord with the shadowy ideas of his contemporaries on this subject. He speaks in a convincing manner of the “reasonable prayers of faithful subjects” and he does not consider that clerical mediation will be necessary in every case though he obviously inclines to the belief that the Church’s nominee will be the best.

Up to this point the ideas of John of Salisbury are in complete agreement with those current in France as expressed by Abbon in the tenth century, Yves de Chartres and Suger in the eleventh and twelfth, and, above all, the formulas of Capetian diplomata. The Capetian monarchy is a power established by God to preserve spiritual and temporal property and Louis the Fat assumed the “sword of the Church” when he undertook the punishment of the wicked. Yves de Chartres expressed it “A king is consecrated with a good title if the kingdom belongs to him by hereditary right and he has been elected with the common consent of bishops and barons.”

But in England this theory was to form part of a hypothesis of intolerant tyranny which never arose in France. Memories of the reign of William Rufus or even some of the acts of Henry II, which had no parallel in France, inevitably forced on the English cleric the consideration of the question of an abuse of power. The brutality of the emperors towards the Church and the Holy See probably affected John of Salisbury even more. Whatever its origin, a theory of tyrannicide found a place in his fully developed political doctrines. As long as a king did no more than oppress his subjects, John counselled patience and resignation but if he began to sin against God or to attempt the destruction of religion he must be deposed or even killed, for God must be put before man whoever the man. There is no doubt that the author had not considered the possible applications of this doctrine. There is no suggestion in his correspondence that

1 LXII, 144.
Henry II or even the tyrant Barbarossa, whom he fiercely hated, deserved to be killed. In writing the *Policraticus* he had been carried away by his logical spirit, dominated by his memory of the Bible, and the Classics.\(^1\) Nevertheless, the ecclesiastical doctrine of deposition and regicide, however reluctant its expression, was not to be forgotten and, at a later date, the English assumed the responsibility for its application.

We must understand quite clearly that John of Salisbury and his twelfth century contemporaries had no idea of a “community of the kingdom” which could get rid of a bad king through its representatives. He specified quite clearly that there is no representative of the community but the king himself and he is all powerful. Deposition can only be an act of the Church in defence of religion and tyrannicide the deed of an individual as Judith beheaded Holofernes.

John of Salisbury has no general idea of a contract between king and nation or of a body politic existing apart from the king; he does not conceive of public institutions which can limit the royal power and prevent its abuse. “Everything must be decided,” he says, “by the discretions of the prince alone.” This is equally the doctrine of the *Dialogue of the Exchequer*. In his theory of royal prerogative he makes no clear distinction between the lawyers and the bishops of the Court, whose servility, however, he reproaches, except in one respect: the king has no right to dominate the clergy, neither to intervene in canonical elections nor to take into his own hands the property or the jurisdiction of the Church. In a word, John of Salisbury understands liberty only as the liberties of the Church. In that alone is he interested. In his eyes, a king who respects the independency and privileges of the clergy can be allowed a free hand in everything else and his subjects must submit. It is an extremely narrow point of view but it must be understood before it is possible to appreciate the political ideas of the time and the basis of the great movements of the thirteenth century.

The ecclesiastical conception of the monarchy might have developed considerable practical importance from the time of Henry II onwards if it had been adopted by the

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\(^1\) Cf. CCCXXX, chap. vii. *Tyranicie de Jean Petit.*
baronage. I am not speaking of the bourgeoisie which in the twelfth century was even less important in England than in France but a nobility imbued with the "clerical" spirit and dominated, intellectually and morally, by the clergy could have provided an alliance of considerable danger to the monarchy. But only on rare occasions did nobility and clergy reach mutual agreement. They were often in conflict and always distrusted each other and had scarcely an idea in common. A noble might suffer an access of piety and make some sacrifice of pride or wealth to avoid Purgatory but he despised clerks as much as merchants and had no interest in theories of divine right. He considered the king nothing but a suzerain who should be a valiant fighter providing lavish spoils of war. The noble's ambition was to find adventure and the good prince was the one who gave him opportunity for it. Stephen, however, although he allowed the expansion of feudal independence, was despised as a "king who can neither take nor give, neither win nor lose, who is good for nothing".¹ Henry II, who forbade tournaments and preferred diplomacy to war, gained little popularity but the "young king" Henry, son of Henry II, and his brother Richard were brilliant knights errant beloved of the knights. There was a moral code which bound the nobility in their relations with the monarchy but it was the feudal code, respect for a sworn oath. The most significant document from this point of view is the History of William the Marshal. It was undoubtedly written by a herald and is saturated in the feudal spirit. William the Marshal had a reputation as the most loyal of the servants of Henry II, Richard, and John and his conduct was based on the principle of observance of homage. This explains why he first served the young King Henry against his father Henry II, then Henry II against Richard Cœur de Lion, then Richard against John Lackland, and finally John against the rebellious barons, not because kings represented God on earth but because he had sworn homage to them. He received from John Lackland permission to do homage to Philip Augustus to preserve his Norman possessions and subsequently, in spite of John's threats, he refused to go into battle against Philip Augustus. Such was the feudal spirit and the idea of his duties which a loyal noble could obtain.

¹ LVIII, iii, 12.
Many others less scrupulous were guided only by their interests and their passions. It is certainly true that when they banded together against Henry II they were stimulated by the threat to their independence but it was only at a much later date and in a very halting and hesitating fashion that the English nobility developed a real political spirit.

Meanwhile the monarchy was able to reap its harvest.
Chapter II

Administration and Legislation in England, 1154–1204

I

The Pacification of the Kingdom

When Stephen recognized Henry Plantagenet as his heir and signed the Treaty of Wallingford, England was in a sad state of disorder and exhaustion. Obedience was rendered only to the lord of the nearest castle. The sheriffs whom Stephen had retained only collected scanty revenues and did not always pay those into the Exchequer. Stephen agreed with his heir to resume the demesnes and revenues of the crown which he had alienated, to destroy the "adulterine castles" which had been built without licence, to send the Flemish mercenaries home, to appoint honest sheriffs capable of restoring order in each county, and to strike good coinage. He was also bound to restore to his subjects the possessions they had enjoyed in the time of Henry I and to give security to the clergy and the working class. He had scarcely the means and no time to fulfil this programme and it was Henry II who, after his accession, carried it out with remarkable energy and promptness. The resumption of the royal castles was achieved only at the cost of severe fighting but, within a year, England was nearly pacified. Obviously a civil war that had dragged on so long and been marked by such atrocities left its scars; on the one side, was the economic ruin which prompted Henry II to avoid large-scale wars; on the other, the strengthening of the dangerous elements in society and an aggravation of immoral and violent habits which were certainly the primary cause (although no one seems to have realized it) of the reforms in the system of police and justice.

1 See the text in DCLXXXVII, i, 406 ff. notes.
3 DCLXII, chap. ii; DCLXXXVIII, i, 427 ff.
Local and Central Administration

The kingdom needed peace; the monarchy needed to build up its resources, to revive its power in the corners of the realm and to use for that purpose the old local institutions, the hundred court and the shire court.

For these essential tasks, there was nobody more useful to the Plantagenets than the sheriff. In the time of Henry II, the sheriff had been transformed by the energy and will power of the king into an official almost of the modern type. There is, in fact, nothing more interesting than the study of the evolution of this office from the Anglo-Saxon period, made possible by modern research. Its history helps us to appreciate the transition of the monarchy from Feudalism to centralism.1

At the end of the Anglo-Saxon period, the sheriff (shirereeve, the bailiff of the county) is a big local landlord who administers the royal revenues; above all, however, he is the agent of the great magnate, the ealdorman, who governed one or more shires. After the Norman Conquest, the sheriff, called in official texts and chronicles “vicecomes”, but considerably more powerful than the Norman viscount, is essentially a royal officer almost invariably appointed by the king himself. Already he is the agent of the executive power. Nevertheless, the office tends to become hereditary in certain important families. The sheriff is a feudary who frequently abuses his position. Henry I, whose strong policy fore-shadowed that of Henry II in many respects, entrusted the office as far as possible to men on whom he could rely and the members of the Curia kept an eye on them.

At the beginning of his reign, Henry II was dependent on the support of certain big families and was forced to entrust many sheriffdoms to barons, lay or ecclesiastical. During his long absence in Normandy, 1166–1170, these magnates and their agents abused their powers enormously; they made arbitrary arrests and filled their pockets by every possible means. On his return, Henry II made his itinerant judges responsible for a comprehensive inquiry similar to that which Saint Louis had to set on foot. All those convicted of peculation, including the judges of the Church, but particularly

1 CDLXXXIV; DLXXXIV, 481 ff.
the sheriffs, were sued and the sheriffs were degraded in a body. After that, in spite of some fluctuations marking the rise and fall of the royal power, the sheriffs were obedient and responsible officials drawn from the middle classes. They, nevertheless, still exercised some considerable power.

In each county, the sheriff or sheriffs (for there were sometimes two or three) were the collectors of the royal revenues. They drew from the farm of the demesne a profit which must have been considerable for they frequently bought the office at a good price. They had many further functions. They maintained the public peace, arrested criminals, prepared the work of the travelling justices, and carried out their sentences. The sheriff himself judged cases of robbery, assault, and wounding in the ordinary sessions of the shire court. He furnished the royal castles and was frequently the chatelain: he was in charge of the big administrative inquiries: he published and carried out the king's orders and acted as his political agent, keeping the towns and clergy in check. In spite of the diminution in his power which the establishment of the itinerant justices occasioned, his authority increased with that of the Crown. After 1170 his office was, in fact, a delegation of the Royal Court; very frequently, indeed, he had held some office at Court, possibly, for example, in the Exchequer.

Beyond the sheriffs, who formed the bond between central government and the old local institutions of shire and hundred, the king's servants residing at the Court established the tradition of the monarchical bureaucracy and, after the disappearance of Henry II, carried on his work. From the Curia Regis in England there grew in an unevenly developing process an administration and a political parliament. At the time of Henry II and his sons, Parliament was only embryonic but the administration had been born and specialized functions were growing up much earlier than in France.

The character of the Court, however, was not changing. It remained feudal or, in some respects, prefeudal and recalled the Court of the Norman dukes, the Court and Witenagemot of the Anglo-Saxon kings, and the palace of the Carolingians simultaneously. Among the throng of lackeys, servants, mountebanks, quacks, and sharpers which Peter de Blois

1 OXXXIII, 175 ff.; DLXXXVIII, 125 ff.
has described for us, it was always possible to pick out the relatives and personal friends of the king, his household officials, the men who had special knowledge of the administrative departments and the Courts; they formed the smaller Curia. When the lay and ecclesiastical vassals, in varying numbers, came to fulfil their duty of help and advice they formed, with the permanent attendants of the king, the Curia in its wider character. All the functions of the Court could be exercised by either of these gatherings.

A General Court, on certain occasions, could count its attendance in thousands like the great assemblies held by Charlemagne before his military campaigns. This was the character of the assembly of "counts, barons, and knights of the kingdom" at Winchester in 1177 when Henry II was envisaging an expedition to France. Most common, however, is a "Concilium", a "colloquium" of the chief barons and prelates and members of the Court which the King of England, like the Capetians in France, summoned at need. Above all it was a feudal Court but, by virtue of his royal prerogative, the prince could invite whoever he wished. These gatherings attended to all sorts of business and no exact distinction can be drawn between their competence and that of the more restricted Curia. They judged the important indictments for treason, the cases which affected public order, but the king retained his prerogative of justice. They gave their consent to the great administrative reforms, their advice on questions of peace and war, on alliances and royal marriages but it was quite possible that they would not be consulted.

In 1191 the assembly of barons and prelates enjoyed, as a result of immediate circumstances, a political role which must be assessed without either exaggeration or depreciation. Its intervention was apparently of a revolutionary character for no regular convocation anticipated the meeting; it was obviously due to the intrigues of John Lackland, the young brother of King Richard, and not to the initiative of the baronage lay and clerical. Richard was, at the time, in the Holy Land and his faithful Chancellor, William Longchamp,

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1 Ep. XIV; XG, i, 50.
2 CXXXVII, chap. v-x; CLI, 8-4; DXXXII, i, 158.
3 XVIII, i, 178.
4 Constitutions of Clarendon, chap. xi, in CXXXIII, 166.
5 CXLIV, 57 ff. CDXX, 78 ff.
was exercising some sort of regency. His pride and greed were stimulating discontent among the nobility and the royal officials alike. John Lackland decided to overthrow him as an opportunity to fish in troubled waters and the barons met in London at his instigation where the citizens rose demanding the right to establish a commune. John counted on the men of London to advance his cause. The meeting of barons and prelates, reinforced by the citizens of the capital, gave John honorary title of regent "summus rector totius regni" but at the same time accepted the Archbishop of Rouen as Chief Justiciar according to letters of nomination received from Richard. It was the Archbishop of Rouen who, basing his power on the authority of Queen Eleanor, really took over the government. William Longchamp was forced to leave England and the baronial assembly had succeeded in transferring the power and thus preventing a Civil War. Evidently the baronage was led by people of intelligence and ability who knew how to safeguard the interests of the absent king and the peace of the kingdom even while turning to the magnates for support. In such hands, John Lackland could only keep quiet.\(^1\) From the part played by the prerogative in matters of taxation, the feudal character of the "colloquium" appears very clearly. Consent to taxation, in the modern sense of the word, did not exist. Medieval custom demanded that vassals should provide their suzerain with assistance, including pecuniary aid, as he needed it. The levy of the Danegeld which continued to be paid until 1168 had accustomed the English to the idea of a general contribution which had no equivalent in France. The king published, either in general assemblies or in the shire courts, the amount he needed and, according to our very indefinite texts, men then "gave" or he "took" or he "decided what each would give him". There are a few examples of refusals but they are individual refusals deprecated by churchmen: we know of no instance of collective refusal.

In 1168 Henry II claimed to include in his accounts, as income due to the king, an indemnity to be paid to the sheriff in each county as the price of his services. At the meeting at Woodstock, the Archbishop of Canterbury,

\(^1\) DuXXVII, i, 601-4.
Thomas Becket, declared that under those conditions he would not pay any longer.¹ (This is the first incident in a conflict which was only ended by the assassination of the archbishop, seven years later.) In 1198 at the Oxford meeting a more characteristic thing happened; Roger de Hoveden, itinerant justice and chronicler, tells the story as follows:—

King Richard made the demand through Hubert, Archbishop of Canterbury, Chief Justiciar at that time, that his subjects of the kingdom of England should provide three hundred knights to serve with him for a year or should give him enough money to maintain three hundred knights for a year at the rate of three English pennies per day for each knight. When all the others were ready to make the grant, not daring to resist the king’s will, Hugh, Bishop of Lincoln, a zealous servant of God who took no part in evil deeds, alone replied that so far as he was concerned he could not agree to the king’s request, for in course of time it would result in damage to his church and his successors would say: “Our fathers have eaten sour grapes and the teeth of the children are set on edge.”²

The bishop’s opposition was based on the fact that knights were wanted for service outside England and, acting on his example, the Bishop of Salisbury, in his turn, refused. The Chief Justiciar did not press the point but declared the meeting ended and wrote to the king that he had failed.³ As far as we can see, there was no vote and the refusals given were those of individuals.⁴

Henry II called together many General Courts precisely because he had no reason to fear organized opposition. It was his means of maintaining contact with his nobility, testing their feelings, and organizing support among them. They showed no political consciousness which was likely to cause him anxiety; very rarely the assembly took the initiative over some reform. We are lucky to be able to instance the Assize of Measures published by King Richard “on the demand and advice of his bishops and all the barons”.⁵

Henry II and Richard did not come into conflict with the traditions of a permanent and organized royal court for it did not yet exist but they had relatives and trusted friends

¹ DLXXVII, i, 561–2. In spite of the coincidence of dates it is doubtful whether he was dealing with a transformation of the Danelegi. See DLXXXV, 497 ff.
² CXIII, 248.
³ Text of the life of Saint Hugh in DLXXXV, 259 ff.
⁴ DLXXXV, 329 ff.
⁵ DLXXV VII 1 694–8.
near at hand. Before her violent quarrels with her husband, Eleanor had an important place at court and dispatched orders “by letter of the king from Overseas” and brought trials to an end; during the interregnum of 1189, during the captivity of Richard, and at the accession of John Lackland she played her part in the government. Henry the Younger, as king-associate, adequately fulfilled the office of regent during his father’s absences. John Lackland might have played the same part during the reign of his brother Richard but he only understood how to be a rebel. Beside the royal family, the most influential people were the Chancellor, the Treasurer, and, above all, the Chief Justiciar who became, in the twelfth century, a sort of Prime Minister. We shall have to speak of them again; their offices were usually purchased. As for the hereditary offices of Norman origin to which we find parallels at the Court of Louis VII, they were held by the chief barons though, owing to the King’s distrust, they were left no real power. Finally we often find mention in the chronicles or in the lists of witnesses to royal deeds of familiari, aulici, consiliarii of extremely diverse social conditions—bishops, barons, clerks, knights. In 1166, in a letter to the Pope, the clerks of the province of Canterbury talk of the “faithful and intimate subjects who are particularly engaged on the secret business of the king and whose hands direct the royal councils and the affairs of the kingdom”. In practice, then, there was a Council formed of people in whom Henry II had confidence and who, during the reign of the absentee Richard, knew how to maintain their position; they were either magnates fulfilling their feudal obligation to advise or Court officials. It would be a mistake, however, to see in it a rigid and permanent organization. This was but one aspect of the Curia. Only in the thirteenth century did the Royal Council begin to take institutional shape; at the same time the constitutional question of the choice of advisers came up for discussion; in the twelfth century it had not been raised.

There is no specialization of duties except for the Chancery, the administration of the finances, and of justice.

1 CVI, intro., 173–4; DCXVII, i, 673–4.
2 DCXXVII, i, 608, 673–4.
3 DCXXVII, i, 410 ff. Mrs. Doria M. Stenton has produced an excellent study of the office of Chief Justiciar in C.M.H., v, 574–9.
4 CLII, i ff.
The Chancellor, Keeper of the Great Seal, and, if we may use the term, "Editor in chief" of the royal deeds became a person of considerable importance; more and more he is the chief legal adviser of the sovereign. In origin, he was merely an officer of the Household. The Chancery, equally, is still a department of the Household and remains, like the Chancellor, migratory. Henry II was continually on the move and, apart from the permanent establishment of such administrative centres as Westminster in England and Caen, Rouen, or Angers on the Continent, where there was a regular staff, clerks travelled with the king and drew up, at need, letters and writs in the towns, villages, hunting boxes, or abbeys through which he was passing. In spite of this dispersion, Henry's Chancery obeys standard rules; the make up is remarkable for its accuracy, clarity, and precision at a period when the style of Capetian charters is still rambling and diffuse. The clerks of the Plantagenets had no time to engage in preambles or to embellish their work with rhetorical flourishes. Every day they had to draw up an enormous number of deeds and particularly of financial and judicial writs. We can be sure of that although to-day we have only an infinitesimal fraction extant of the deeds of Henry II. The preservation of archives was still open to many improvements but the officials of the Exchequer, since the reign of Henry I, had adopted the principle of enrolment, that is the system of transcribing the sheriff's accounts on to parchment rolls. We have an almost complete series of these Pipe Rolls for the reign of Henry II. In the reign of Richard and, in particular, at the beginning of John's reign important reforms were made in the Chancery. For charters, letters patent, letters close, the cases settled in Court, the affairs of Normandy, etc., they began to make a collection of copies which were preserved and which the passage of time has not destroyed. These Rolls constitute the richest and most continuous series of ancient archives to be found in Europe.

The royal Court considered as a financial tribune, "The

1 DCL, i, 15-16, 122-139.
2 Already notable in the time of Henry I; see the writs of that king edited in CCL, app. F, n. 4, 5, etc.