



3

Democracy Develops in England

MAIN IDEA

POWER AND AUTHORITY
England began to develop democratic institutions that limited the power of the monarchy.

WHY IT MATTERS NOW

Democratic traditions developed in England have influenced many countries, including the United States.

TERMS & NAMES

- common law
- Magna Carta
- due process of law
- Parliament
- divine right
- Glorious Revolution
- constitutional monarchy
- bill of rights

CALIFORNIA STANDARDS

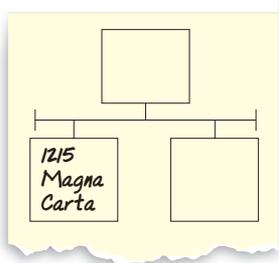
- 10.1.1** Analyze the similarities and differences in Judeo-Christian and Greco-Roman views of law, reason and faith, and duties of the individual.
- 10.2.2** List the principles of the Magna Carta, the English Bill of Rights (1689), the American Declaration of Independence (1776), the French Declaration of the Rights of Man and the Citizen (1789), and the U.S. Bill of Rights (1791).
- CST 1** Students compare the present with the past, evaluating the consequences of past events and decisions and determining the lessons that were learned.

SETTING THE STAGE The idea of democracy developed gradually over the centuries, as you read in previous sections. From its beginnings in the city-states of ancient Greece, democracy moved to Rome. There, the Romans adapted democratic ideas to establish a republican form of government. Judaism and Christianity spread the ideas of individual worth and responsibility to community. Democracy finally took root and found permanence in England in the late Middle Ages.

Reforms in Medieval England

In 1066, William, duke of Normandy in France, invaded England and defeated the Anglo-Saxons at the Battle of Hastings. William then claimed the English throne. This set in motion events that led to: (1) the end of feudalism—the political and economic system of the Middle Ages, (2) the beginnings of centralized government in England, and (3) the development of democracy there. 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. A man of great wisdom and vigor, Henry is considered one of the most gifted statesmen of the 12th century.

TAKING NOTES
Following Chronological Order Use a time line to show the main events in the development of democracy in England.



Juries and Common Law One of Henry’s greatest achievements was the development of the jury trial as a means of administering royal justice. Before then, 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.

With Henry’s innovation, 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.



King John of England ▶

Legal decisions made by royal justices were used as precedents in new cases. Gradually, England was unified under a single legal system. This was called “common law” because it was common to the whole kingdom. Unlike Roman law, which expressed the will of a ruler or a lawmaker, **common law** reflected customs and principles established over time. Common law became the basis of the legal systems in many English-speaking countries, including the United States.

The Magna Carta When Henry II died, his son Richard the Lion-Hearted assumed the throne. Richard’s brother John, an unpopular king, followed him. King John fought a costly and unsuccessful war with France. Not only did England lose many of its land holdings in France, but John also tried to raise taxes to pay for the war. This led to conflict between the English nobles and the king. In 1215 the angry nobles rebelled and 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).

Vocabulary

A *contract* is an agreement between two or more parties, especially one that is written and enforceable by law.

The Magna Carta is the major source of traditional English respect for individual rights and liberties. Basically, it was a contract between the king and nobles of England. However, the Magna Carta contained certain important principles that limited the power of the English monarch over all his English subjects. It implied the idea that monarchs had no right to rule in any way they pleased. They had to govern according to law.

> Analyzing Primary Sources

The Magna Carta

The Magna Carta is considered one of the cornerstones of democratic government. The underlying principle of the document is the idea that all must obey the law, even the king. Its guaranteed rights are an important part of modern liberties and justice.

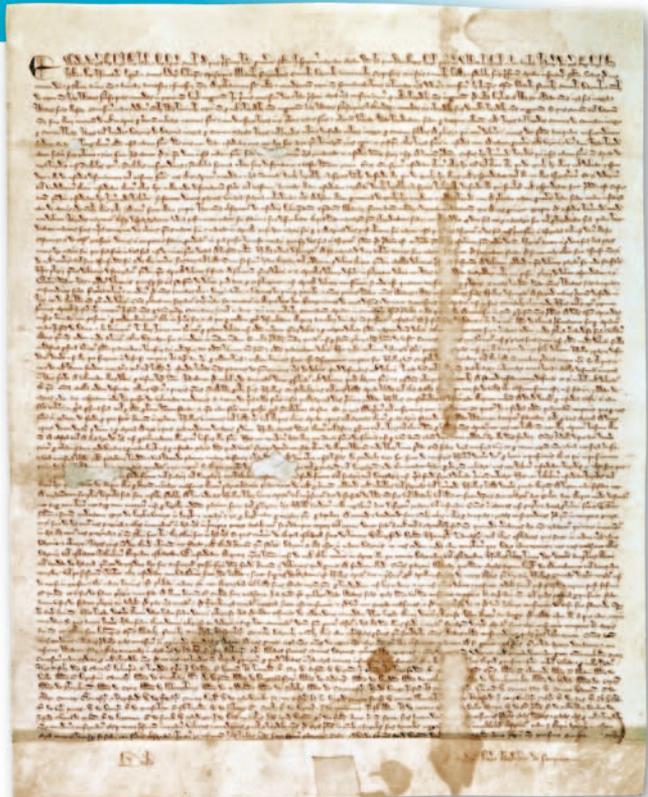
PRIMARY SOURCE

38. No bailiff [officer of the court] for the future shall, upon his own unsupported complaint, put anyone to his “law,” without credible witnesses brought for this purpose.

39. No freeman shall be taken or imprisoned . . . or exiled or in any way destroyed, nor will we [the king] go upon him nor send upon him, except by the lawful judgement of his peers or by the law of the land.

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

45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.



DOCUMENT-BASED QUESTIONS

- 1. Analyzing Motives** Why might the English nobles have insisted on the right listed in number 45?
- 2. Making Inferences** Which of the statements is a forerunner to the right to a speedy public trial guaranteed in the Sixth Amendment of the U.S. Constitution?

The Magna Carta had 63 clauses. Two 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.” This 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 and to the protection of the law. This right—to have the law work in known, orderly ways—is called **due process of law**. In other words, the king could not willfully, or arbitrarily, punish his subjects. **A**

Over the centuries, the principles of the Magna Carta were extended to protect the liberties of all the English people. Clause 12, for example, was later interpreted to mean that the king could not levy taxes without the consent of **Parliament**, England’s national legislature. The principle of “no taxation without representation” was a rallying cry, over five centuries later, of the American Revolution.

Model Parliament Even before the Norman Conquest, Anglo-Saxon kings had discussed important issues with members of the nobility who acted as a council of advisers. This practice continued through the centuries. In 1295, King John’s grandson, Edward I, needed money to pay for yet another war in France. He wanted wide support for the war. So he called together not only the lords but also lesser knights and some burgesses, or leading citizens of the towns. Edward explained his action by saying, “What affects all, by all should be approved.” Historians refer to this famous gathering as the Model Parliament, because it established a standard for later parliaments. The Model Parliament voted on taxes and helped Edward make reforms and consolidate laws.

By the mid-1300s, the knights and burgesses had gained an official role in the government. They had formed an assembly of their own—the House of Commons, which was the lower house of Parliament. Nobles and bishops met separately in the upper house, the House of Lords. Because the great majority of English people had no part in Parliament, it was not truly a democratic body. Even so, its existence limited the power of the monarch and established the principle of representation.

▼ The House of Commons meeting in its chamber



Parliament Grows Stronger

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, which controlled those purse strings, was gradually becoming the equal of the House of Lords. Parliament increasingly viewed itself as a partner with the monarch in governing. It voted on taxes, passed laws, and advised on royal policies.

Conflict With the Monarch The struggle to limit the power of the monarchy continued over the centuries. In the 1600s, monarchs on the European continent were asserting greater authority over lords than they had during the Middle Ages. These kings claimed not just the right to rule but the right to rule with absolute power. They claimed that a king’s power came from God. This assertion was known as the theory of the **divine right** of kings. Advocates of divine right said that monarchs were chosen by God and responsible only to God.

MAIN IDEA

Drawing Conclusions

A How did the principle of rule by law, as implied in the Magna Carta, limit the power of the king?

Elizabeth I, the last Tudor monarch of England, died in 1603, without a child. She was succeeded by a new line of monarchs, the Stuarts, who were relatives from Scotland. The Stuarts were strong believers in divine right. King James VI of Scotland became James I, the first Stuart king of England. Because he came from Scotland and knew little of English laws and institutions, he clashed with Parliament over the rights of the people.

Three issues caused conflict. First, religious reformers known as Puritans were trying to change the Church of England, or Anglican Church, through legislation. They wanted to simplify, or purify, Church doctrines and ceremonies. They felt the Church of England was still too much like the Roman Catholic Church, from which it had separated. The Puritans entered an ongoing battle with James, the official head of the Church.

Second, James used the Star Chamber, a royal court of law, to administer justice. He ignored parliamentary courts, which used common law. The people began to accuse the king of tyranny. Third, and most important, was the issue of money. Elizabeth had left James a large debt. In addition, he wanted more money in order to have an extravagant court and to wage war. Parliament declined to grant him any additional funds. James then ignored Parliament and tried to raise money by other means. **B**

Parliament Overthrows the King The troubles under James became explosions under his son, Charles I, who became king in 1625. Like James, Charles needed funds. He asked Parliament for money in 1628. In return for granting revenue from taxes, Parliament tried to limit royal power further. It sought to force Charles to accept the Petition of Right.

The Petition of Right went against theories of absolute monarchy. It is viewed as a landmark in constitutional history. It demanded an end to

- taxing without Parliament's consent
- imprisoning citizens illegally
- housing troops in citizens' homes
- maintaining military government in peacetime

Charles agreed to sign the petition in order to get the funds he wanted. Later, he ignored the commitments secured in the document.

Charles dismissed Parliament in 1629 and refused to convene it again. When the Scots invaded England in 1640, Charles was forced to call Parliament to get funds to defend the country. In a show of independence, Parliament refused to discuss money until Charles considered how he had wronged Parliament. Parliament passed laws to reduce the power of the monarchy, angering the king. Grievances continued to grow. Eventually, in 1642, the English Civil War broke out. Royalists, who upheld the monarchy, were opposed by antiroyalists, who supported Parliament.

After years of conflict, antiroyalist forces, commanded by Puritan leader Oliver Cromwell, won control of the government. Charles was condemned as a "tyrant, murderer, and public enemy" and, in 1649, was executed.

Vocabulary

Tyranny is absolute power, especially when exercised harshly or unjustly.

MAIN IDEA

Analyzing Issues

B Explain the controversy between James I and Parliament.

History Makers



James I
1566–1625

As king, James believed he had absolute authority to govern England as he saw fit. Royal authority came directly from God, and kings were answerable only to God, not to the people or Parliament.

In a speech to Parliament in 1609, James declared:

The state of monarchy is the supremest thing upon earth . . . Kings are justly called Gods, for that they exercise a manner or resemblance of divine power upon earth . . . [T]o dispute what God may do, is blasphemy . . . so is it sedition in subjects, to dispute what a king may do.

James had passed down these views to a son a decade earlier in *Basilicon Doron*, a book of instructions he wrote on the ways of kingship.

Establishment of Constitutional Monarchy

After Charles's execution, Cromwell established a republic called the Commonwealth of England. He spent several years crushing a series of uprisings against his rule. He was opposed both by supporters of monarchy and by more extreme Puritans. Cromwell became unhappy with Parliament's failure to enact his religious, social, and economic reforms. In 1653 he dissolved Parliament and created a government called the Protectorate. He named himself Lord Protector, in effect becoming a military dictator.

Cromwell's rule was increasingly authoritarian, and he became extremely unpopular. Most of the English were not unhappy at his death in 1658.

The Restoration Cromwell's son Richard succeeded him as Lord Protector. He was not a strong ruler, and the military dictatorship continued to be unpopular. Cromwell resigned in 1659. In 1660, a new Parliament restored the monarchy and invited Charles Stuart, the son of Charles I, to take the throne. This period was called the Restoration, because the monarchy was restored to the throne. Yet Parliament retained the powers it had gained during the struggles of the previous two decades. For example, the monarch could not tax without Parliament's consent. **C**

In addition, Parliament continued to try to limit the monarchy and to expand rights. In 1679 it passed the Habeas Corpus Amendment Act. *Habeas corpus* is a

Latin term meaning "you are ordered to have the body." When someone is arrested, the police must produce the person in court. That person must be informed of what he or she is accused of having done. The court then decides if there is reason to hold the accused. Habeas corpus prevents authorities from detaining a person wrongfully or unjustly. (This right is still important in democracies today. It is mentioned in the U.S. Constitution.)

Glorious Revolution When Charles II died in 1685, his younger brother became King James II. James was a Roman Catholic and a believer in the divine right of kings. English Protestants were afraid that he wanted to make Catholicism the official religion. They hoped that when James died, his Protestant daughter, Mary, would become queen. But James's wife gave birth to a son in 1688. Because a male heir to the throne took precedence, or came before, a female, it appeared that rule by Catholic monarchs would continue. This was unacceptable to most of the English people.

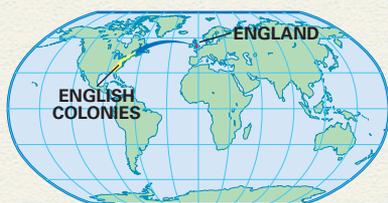
Parliament withdrew its support from James and offered the English throne to his daughter, Mary, and her husband, William of Orange, ruler of the Netherlands, both Protestants. William invaded England, and James fled to France. In 1689 William and Mary were crowned co-rulers of England. The **Glorious Revolution**, as it came to be called, was a turning point in English constitutional history. Parliament had established its right to limit the English monarch's power and to control succession to the throne. England was now a **constitutional monarchy**, in which the powers of the ruler are restricted by the constitution and the laws of the country.

MAIN IDEA

Analyzing Causes

C What caused Parliament to restore the monarchy?

Global Impact



Prelude to the American Revolution

James II's unpopularity extended across the Atlantic Ocean to England's American colonies.

In 1684, a royal court took away the charter of the Massachusetts Bay Colony. James had decided to create a union of all colonies from New Jersey to New Hampshire. He appointed Sir Edmund Andros as royal governor of the Dominion of New England. Andros abolished elective assemblies, declared town meetings illegal, and collected taxes the people had never voted on.

When word of the Glorious Revolution reached America, the colonists overthrew Andros in their own version of the revolt. This action may have contributed to the colonists' belief that it was their right to overthrow an unjust king.

English Bill of Rights In 1689, William and Mary accepted from Parliament a **bill of rights**, or formal summary of the rights and liberties believed essential to the people. The English Bill of Rights limited the monarchy's power and protected free speech in Parliament.

The Bill of Rights did not allow the monarch to suspend laws, to tax without Parliament's consent, or to raise an army in peacetime without approval from Parliament. It assured the people the right to petition the king to seek remedies for grievances against government. Excessive bail and cruel and unusual punishment were forbidden. And foremost, the Bill of Rights declared:

PRIMARY SOURCE

... that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently.

English Bill of Rights



▲ William and Mary became rulers of England in 1689.

England's Legacy England's Glorious Revolution and the bill of rights that it produced had a great impact. English citizens were guaranteed the rule of law, parliamentary government, individual liberties, and a constitutional monarchy. This completed a process begun with the Magna Carta. The Bill of Rights also set an example for England's American colonists when they considered grievances against Britain nearly 100 years later. These legal and political developments, along with the ideas of the Enlightenment, would give rise to democratic revolutions in America and France in the late 18th century. **D**

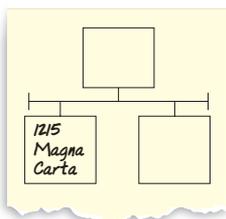
MAIN IDEA
Summarizing
D What was England's legacy to democracy?

SECTION 3 ASSESSMENT

TERMS & NAMES 1. For each term or name, write a sentence explaining its significance.
 • common law • Magna Carta • due process of law • Parliament • divine right • Glorious Revolution • constitutional monarchy • bill of rights

USING YOUR NOTES

2. Which of the events listed do you think was the most important? Explain. (10.2.2)



MAIN IDEAS

- 3. What were three eventual consequences of William the Conqueror's victory at Hastings? (10.2.2)
- 4. What important legal practice dates back to Henry II? (10.2.2)
- 5. Why did Parliament invite William and Mary to rule England in 1689? (10.1.1)

CRITICAL THINKING & WRITING

- 6. **RECOGNIZING EFFECTS** What impact did the English common law have on the United States? (CST 1)
- 7. **COMPARING** Why was Oliver Cromwell's rule like that of an absolute monarch? (10.1.1)
- 8. **SUMMARIZING** What were the main achievements of the Glorious Revolution? (10.2.2)
- 9. **WRITING ACTIVITY** **POWER AND AUTHORITY** Think of yourself as an adviser to King John. Write him a **letter** in which you argue for or against accepting the Magna Carta. Tell the king the advantages and disadvantages of agreeing to the demands of the nobles. (Writing 2.4.d)

CONNECT TO TODAY **COMPARING HISTORICAL DOCUMENTS**

Locate a copy of the Magna Carta and a copy of the Bill of Rights of the U.S. Constitution. Study both documents and create a **table** showing where the U.S. Bill of Rights reflects the ideas of the Magna Carta. (CST 1)