Part 3 Origins of Representative Practice: Power, Obligation, and Taxation

# Taxation and Representative Practice: Bargaining vs. Compellence

## Introduction

The preceding account has suggested that understanding why representation was prevalent in France (and throughout Europe, as I show below) but only shaped the polity-wide regime in England, requires us to rethink some fundamental assumptions about the nature of representation in the historical past. Representative practice today would be defined as the right to have local preferences systematically articulated at the center.[[1]](#footnote-1) We have seen, however, that a strong element of compellence by royal authority was necessary for representative institutions to materialize. Historically, in fact, representation was an obligation, not a right. It drew on a legal form of action intended to facilitate compliance with decisions at the center. Accordingly, it was *originally* imposed by the state, not demanded by the people. Only eventually did representation become a coveted right; historians have long established this point, even as they have disagreed about its implications and extent.[[2]](#footnote-2)

Two key distinctions need to be made. First, representative *practice* involves the non-noble social orders and must be distinguished from the emergence of representative *institutions*, which involve the nobility.[[3]](#footnote-3) The question, moreover, is how the obligation of representation interacted with taxation in order to generate representative practice.[[4]](#footnote-4) Many approaches assume instead that representation emerged from a bargaining game, where rights were exchanged with resources between actors of broadly balanced powers—what I call the Bargaining Model of Representation (BMR).

Fiscal bargaining is a premise of neoclassical theorists of the state, fiscal sociologists, and neo-institutionalists among others.[[5]](#footnote-5) It introduces consent in interaction previously based on coercion. As commercial wealth grew, in such accounts, social actors improved their bargaining position and conditioned the granting of taxes on the supply of greater political rights. Disparate approaches assume that this implied a balance between either these commercial groups or even the nobility and the crown.[[6]](#footnote-6) The account is compelling and the historical record is full of instances that involve bargaining, especially with newly empowered actors.

I argue however that, although bargaining was ubiquitous not only in Western Europe but throughout the premodern world, it was not a balance of power between actors that led to the emergence either of the institution or the practice of representation. The more the bargaining approached the theoretical model of actors with balanced power, the more institutional outcomes suffered—as we will see in the French and Castilian cases. Further, I’ve shown, in chapter 2, that taxation was too irregular to enable the establishment of a regular institution and that judicial functions were key. In chapter 3, I showed how those judicial functions were binding on all subjects, especially the nobility, and how the two crowns differed in their capacity to enforce them.

To extend these points, I next show that when lower social groups appeared in Parliament it was not as equal actors with a right to bargain or the freedom to abstain, but because of their duty to respond to a royal summons *and* royal capacity to enforce it. I call this the compellence model of representation and explain its historical origins in Roman law principles and Church practice. Bargaining did of course take place, but what ensured that it produced institutional outcomes over the long run (as opposed to the limited disbursement of funds observed in France and Castile) was that it occurred in a frame of asymmetric power, with the balance favoring the ruler, not society.

I then demonstrate the implications of these points by process-tracing two key episodes in the narratives of constitutional emergence: the demand for rights in Magna Carta and the incorporation of the Commons in the English Parliament in the formative thirteenth century, especially under the pressures of war facing Edward I. I show how the demand for rights followed an unprecedented capacity for extraction and this capacity elicited collective action by the nobility on the taxation front. But the confrontation placed limits on royal authority only by comparison to the prior unprecedented excess in royal extraction; compared with French extraction, the English crown was not only not limited, it went from strength to strength, as will be seen in greater detail in chapter 6.

First, however, I begin by analyzing the Bargaining Model of Representation (BMR), suggesting some key ways in which the logic is either at odds with the empirical record or unsatisfactory in itself.

## Two Models of the Origins of Representative Practice: Bargaining vs. Compellence

### The Bargaining Model of Representation

The notion that rulers will bargain with subjects and concede limits to their own power to secure resources is necessarily predicated on relative state weakness.[[7]](#footnote-7) Weakness is a condition for the emergence of Parliament in bargaining theories. “Kings of England did not *want* a Parliament to form and assume ever-greater power; they conceded to barons, and then to clergy, gentry, and bourgeois, in the course of persuading them to raise the money for warfare,” Tilly wrote.[[8]](#footnote-8) Taxation demands from weak rulers are also seen to generate new rights.[[9]](#footnote-9) According to Levi, “the relatively weaker bargaining position of English monarchs vis-à-vis their constituents led to concessions that French monarchs did not have to make.”[[10]](#footnote-10) Levi notes, however, that the original weakness she posits led to Parliament, which enhanced capacity to tax; she calls this a “paradox.”[[11]](#footnote-11)

A bargaining model also underlies the influential capital mobility thesis. When taxable resources are mobile, their holders have greater bargaining powers through the threat of exit.[[12]](#footnote-12) These bargaining powers either secure a voice in policy selection or force the ruler to follow policies benefiting capital-holders. The notion is an old one,[[13]](#footnote-13) but it has permeated scholarship on democracy, redistribution, regime and policy variation among others.[[14]](#footnote-14)

The BMR appears plausible because, historically, taxation demands by rulers often accompanied societal demands for representation, usually under war pressures. The growth of trade and money was a major feature of these dynamics. Medieval Europe is replete with assemblies and negotiations over taxes to finance wars.[[15]](#footnote-15) And the classic American Revolutionary precedent, which coined the phrase, remains paradigmatic.

However, existing accounts do not demonstrate causal effect. In the American case, no causal connection exists: when the British demanded taxes and the Americans demanded representation, the outcome was not a bargain; it was a revolution. American representative practices grew out of pre-existing colonial institutions, not bargaining. In the European cases, paradoxically, where social groups had enough autonomy to bargain hard on taxation (which they did in France, as we will see), ruler demands were resisted, revenue was *min*imized, and representation never became the organizing principle of governance throughout the territory. Conversely, where national representation was most robust (as in England), taxation demands were overall accepted and tax revenue *max*imized. These patterns remain unnoted in large part because the mechanisms and dependent variable of the model have not been systematically defined.

*Clarifying Mechanisms and Outcomes in the BMR.* Although fiscal bargaining is assumed to generate political outcomes in the BMR, these outcomes are not well specified in scholarship either on historical precedents,[[16]](#footnote-16) or on the resource curse[[17]](#footnote-17) or on the political economy of regime and policy variation.[[18]](#footnote-18) As a result, causal mechanisms remain underspecified. Four main problems afflict this analysis.

First, studies do not adequately distinguish between the initial stage, when representative institutions or rights *emerge or consolidate,* from subsequent stages. The later stages may involve explaining how institutions survive over time under differing conditions or why they expanded in scope to include broader social groups or how they extended more rights to included groups. But these later stages often display a different logic; bargaining may, indeed, be key in those later stages. This historical analysis, however, suggests that extending the bargaining logic onto the *emergence* of institutions and rights is misguided—and emergence is crucial for most contemporary questions, especially regarding developing countries, where institutional capacity cannot be taken for granted.[[19]](#footnote-19)

The second confusion involves assuming that localized bargaining between rulers and ruled over taxation amounts to a *system* of representation, understood as the organizing principle of governance. Localized bargaining was historically common and widespread; by contrast, a representative system was rare and hard to secure—but it is representation as a polity-wide system that shapes regime type. All too frequently, observing such bargaining in the historical record is automatically assumed to translate into institutional or policy change. Erudite historical accounts are replete with instances of bargaining, taxes refused, rebellion, charters granted and so on in polities as diverse as Bohemia, Brandenburg and Prussia, Brabant, Utrecht, Pomerania, Cracow, Castile, Bavaria, Württemberg, to name a few,[[20]](#footnote-20) already from the 1100s and into the early modern period. But this is not where representative systems of governance at a polity level emerged. The European cases instead suggest that bargaining intensity is inversely related to political gains, whether in representative institutions or other rights.

Third, representation is often conflated with democracy, despite admonitions to the contrary.[[21]](#footnote-21) That may be less problematic for the post-war modern period, when they are fused.[[22]](#footnote-22) But representative institutions preceded the universal franchise by centuries.[[23]](#footnote-23) Universal suffrage is also analytically distinct from whether a central organ of government exists which local actors have incentives to attend. Further, incentives *and costs* of acting as a representative are different *and higher* from those of casting the vote. In the modern period, expected return from representative office had to be high to justify the high cost. For instance, incentives to seek representation at the federal level were very weak in Antebellum America, seen in the few (re)elections to Congress at that time. Only when the Federal government began to distribute rents, through financing economic development, did Congressional office—representation—become a coveted right.[[24]](#footnote-24) Accordingly, the logic I analyze here explains how effective representation, not democracy, emerges as a practice.

Finally, accounting for the origins of representative systems as they interact with taxation, as is done here, is different from determining tax-and-spend equilibria in advanced democracies[[25]](#footnote-25)—the logic differs sharply, even though both seem plausibly related to the same bargaining dynamic. Nonetheless, the account of origins can inform the recent breakdown of these equilibria, by shedding light on the role of pre-existing infrastructural capacity, especially the capacity to tax.

### The Compellence Model of Representation and its Historical Foundations: Obligation before Right

Instead, the origins of popular representation are better explained historically through a “compellence” model: the state *compelled* social actors to attend Parliament and the institution thrived only where this was possible. Representation today is considered a political concept. However, originally it was a legal one, shaped by the Roman laws of agency and the proctor, the agent who is granted full powers to act as a representative in court and whose actions are binding on the principal.[[26]](#footnote-26) When representatives assented to a royal decision, their assent had to be accepted in the locality; enforcement was compulsory. Their role was not confined to transmitting agreements of course; they were also expected to discuss matters, “to offer counsel as well as consent.”[[27]](#footnote-27)

The legal device was not exclusive to England; in fact, it appeared even earlier in Italy and Spain, and quickly spread elsewhere, France included.[[28]](#footnote-28) The practice was first popularized within the Church, allowing high-ranking clerics to avoid attending papal or local synods, which were costly and risky. “By the middle of the thirteenth century…proctorial representation had become the law and custom of the western church.”[[29]](#footnote-29) It was then adopted in England first by the crown and then the barons avoiding personal attendance at court by the 1250s.[[30]](#footnote-30) It became a political tool for increased participation when the legal mechanism was extended to county residents and townsmen who were summoned to Parliament. As representatives, they were empowered to commit to decisions binding the whole community and restricting individual capacity to dissent.[[31]](#footnote-31) After 1295, proctorial powers were a stereotypical request of parliamentary summons.[[32]](#footnote-32)

The kind of obligation representation imposed was also very similar to the obligation to serve as juror in court, which was binding on all who held land from a lord or the king directly.[[33]](#footnote-33) As discussed, relation to courts of law is not just theoretical: parliamentary representatives were chosen through the same process and administrative machinery as jurors.[[34]](#footnote-34) When elections of representatives were held in 1264, it was in the county courts and borough assemblies. The election of both county and borough representatives was initiated by a single writ directed to the sheriff, which is why they were grouped together by historians long before they sat together in Parliament.[[35]](#footnote-35)

As discussed in chapter 3, plenipotentiary powers were royal commands aiming to insure “that the aforesaid business [tax collection] shall not remain unfinished in any way for defect of this power.”[[36]](#footnote-36) Similar language was used in French summonses, where the king stated “we require, order and command you…to delegate three or four good men…[with] sufficient authority from you to agree, do and undertake all that shall be decided….”[[37]](#footnote-37) The main beneficiary was thus the summoning party, the king, who secured the agreement of distant principals. The principle was clear in contemporary legal treatises: Philippe de Beaumanoir stated that “no power of attorney is worth anything, unless he who grants this power does pledge himself to uphold firmly and stably whatever shall be decided or said by his attorney.”[[38]](#footnote-38) Indeed, non-compliance plagued the French king, who faced recalcitrant social groups.[[39]](#footnote-39) When Philip the Fair was collecting taxes for the war in Flanders in 1309, the representatives claimed they were unauthorized to choose between the options presented by the crown, so they needed to consult with their communities; this was a frequent pattern, also in cities in Spain.[[40]](#footnote-40)

Although the key political problem is usually posited as one of setting limits to political authority, this assumes that authority is established and effective. The real problem in the early stages of state-building, however, as in the developing world today, was free-riding. Rulers had business to complete, but not everyone wished to contribute, so rulers had to compel dispersed subjects to tend to national affairs—especially wars that were not “national” but defending royal patrimony. This problem was especially acute when communal consciousness and collective action were weak—again, typical features of the modern developing world as well.

Representation addressed the problem of free-riding through the binding and compelling character of consent. To understand consent in the medieval period, however, we need to forego the prism of rights through which the literature conceives it, both in social science and political theory. The dynamic can be seen through an analogy to a case with multiple co-owners of a property (even though medieval subjects were not on an equal footing). Even co-owners needing to meet a mandatory expense (let alone subjects of a lord) often prefer to avoid it.

The reason the consent of all would be sought in this situation is not because consent can be legitimately refused; the expense is part of the property obligations. It is because any co-owner who did not affirm their consent would be assumed to withhold payment. This is typically enough for the expense to be stalled, as the other owners would fear being burdened disproportionately. Even where obligation is clear, the cost of enforcing it can be prohibitive. Once consent is given, however, it is assumed that meeting the expense without coercion is far more certain. Everyone thus would be equally incentivized to secure the consent of all.[[41]](#footnote-41) Those withholding consent would, by contrast, be deemed recalcitrant.

We can thus understand why the failure to appear at the king’s court was the mark of a rebel, already from the eleventh century.[[42]](#footnote-42) Or why it was considered “something of a triumph” for the weaker French king to have persuaded the urban deputies “to come with full powers” to the Estates in the fifteenth century.[[43]](#footnote-43) There are few “rights” involved in this situation, at least originally. Even presence in the meeting stems from obligations accruing from land. Rights only are formulated once individuals have complied with the request. It is the compliance, the acceptance of the burden, that creates some entitlement.[[44]](#footnote-44) This diverts the focus to the differential capacity of leaders to enforce such compliance, as argued here.

This scenario gives a very different meaning to the classic maxim that has informed debates about consent, the *quod omnes tangit:* what touches all must be approved by all.[[45]](#footnote-45) This has been taken as a mainstay of medieval constitutionalism, but it seems little emphasized that the invocations of this “right” are in commands or statements of higher-ups, kings or higher prelates, not subordinates standing their ground.[[46]](#footnote-46) Under such terms, what such consent achieves, given the legal obligation flowing from plenipotentiary powers, was the commitment of the community to honor the requests of the king. It is not as if the Commons were able, at least initially, to actually *refuse* taxation to the crown—although “weapons of the weak” were always employed.[[47]](#footnote-47) Only barons could do this and they did so rarely and in extreme circumstances, when the king’s demands were unreasonable.[[48]](#footnote-48) Further, those who were not present to give consent were not exempt from it.[[49]](#footnote-49)

So, although the term “consent” is widely used in both historical and social scientific works, it differs critically from its modern understanding.[[50]](#footnote-50) The Commons did not even acquire the right to agree to taxation until the statute of 1340, by which time Parliament was well-entrenched, and they still deferred to the Lords and the crown on questions of war after that: in 1348 they declared themselves “too ignorant and stupid” to offer views on the French war.[[51]](#footnote-51) Only after 1450 were the Commons able not simply to propose legislation, but to also dictate an answer. Further, actual “redress *before* supply” does not occur even in England before the seventeenth century practice at least; that is why medieval historians talk about “redress *against* supply” and why the same redress of grievances kept being asked decade after decade.[[52]](#footnote-52) In the 1290s, Edward I was still being asked to re-confirm Magna Carta, as were his successors a century later.

This aspect of consent also underlies the nature of the elective principle that underlies representation. We consider it a paragon of democratic practice, but as Bernard Manin has argued, it is an aristocratic and delegatory principle, not a democratic and participatory or egalitarian one.[[53]](#footnote-53) Yet outside city-republics, lot disappeared entirely in modern democracies. Conventional responses fail to address the paradox. [[54]](#footnote-54) Manin emphasizes a point scholars (outside of political theory) are usually prone to ignore:[[55]](#footnote-55) unlike lot, election of representatives implied conscious consent to representatives’ decisions and therefore carried with it the *obligation* to honor those decisions, *even when private or short-term interest might go against them*.

Even some historians, however, questioned the obligatory character of representation, viewing it instead as the product of bargaining around taxation.[[56]](#footnote-56) The more voluntarist, bargaining view is the residue of a Whig, somewhat anachronistic perspective on English constitutional development.[[57]](#footnote-57) If representation was voluntary and coveted, enforcement devices such as penalties and the need of royal pardon would have been unnecessary. Nor can we conclude preferences from trends in attendance and re-election to Parliament, as seen. Under a frame of obligatory attendance and remuneration, some individuals would gain power and status through this position and seek its rewards; the burden was on the community after all. In any case, in the early period, few representatives were re-elected, with numbers increasing from the 1310s, after parliamentary activity had grown.[[58]](#footnote-58)

By the early 1400s, representation was the coveted right we now assume it to be, so much so that laws were passed to prevent non-residents acting as county or borough representatives.[[59]](#footnote-59) Magnates also increasingly placed their followers on parliamentary seats to protect their interests.[[60]](#footnote-60) The basis of representation also changed: originally, knights were summoned, like the barons, because they held lands directly of the crown.[[61]](#footnote-61) Eventually, however, both knights and burgesses came as elected representatives, slowly extending the basis of political participation. The seeds for this were planted in the 1260s, when they were summoned “for the community of the country.”[[62]](#footnote-62)

## Obligation, Taxation, and Representation: The English Historical Record

Neo-institutional analyses[[63]](#footnote-63) and other foundational studies[[64]](#footnote-64) assume a connection between taxation and political progress already in the remote European past. England offers the classic instances, according to two prevalent narratives, drawing on either Magna Carta in 1215 or the seventeenth century Civil War and Glorious Revolution. In 1215, according to standard narratives, rebels gained the right to be consulted over taxation from a king weakened by war. In the 1600s, exorbitant demands by the absolutist, but cash-strapped, Stuarts led to social and political upheaval and bargaining that established Parliament as a sovereign body of government.

But these historical cases do not support a causal mechanism tying taxation demands to the emergence of representation. The seventeenth-century narrative fails on timing, as the English Parliament was already meeting for four hundred years. However important the Stuart dynamics, they did not generate the *institution* or the *practice* of representation—they only spearheaded their expansion. Focusing exclusively on the early modern period is thus misguided.[[65]](#footnote-65) 1688 *was* a revolution, as rights were extended to broader social groups, especially under the impact of the increasingly important Whig merchant classes[[66]](#footnote-66) and sovereignty shifted. Representation, however, did not originate then.

Magna Carta however offers a well-placed starting point to examine the interaction of taxation and political rights. Although representation was not a demand in the charter (only consent of the barons), nor was the institution of Parliament per se (only the norm of consultation), the narrative captures well-entrenched intuitions about how these interrelate. Since Magna Carta precedes even the emergence of Parliament in rudimentary form in the 1220s,[[67]](#footnote-67) it also allows us to address the problem of endogeneity raised by the argument about royal power: it shows that royal capacity precedes Parliament; though, indeed, once formed, Parliament increased such capacity exponentially.

England was the most centralized state in Europe already by the 1180s, following the reforms of Henry II.[[68]](#footnote-68) Next I show how its formidable extractive capacity enabled the spectacular extraction by King John that finally led to Magna Carta in 1215. Moreover, that prior capacity itself was not the result of a bargain, even a non-institutional one: it was predicated on the status of the king as landlord. As such, the king could demand payment for various obligations pursuant on their tenurial status; it is these obligations that Magna Carta sought to regulate, not broad-based popular taxation and not taxation of the mercantile classes, even though they were both already growing.[[69]](#footnote-69)

### Magna Carta as a Product of State Strength

The standard narrative on Magna Carta is that in 1215, English barons rebelled against King John, after he suffered a devastating defeat and lost his lands in France. Desperate for funds, the king granted a charter listing liberties—some of which provided the foundation for rights that became fully fledged in the seventeenth century and are valid today, such as Habeas Corpus.[[70]](#footnote-70) Magna Carta thus appears to suggest a bargain exchanging taxes with consent at a very early stage, before Parliament emerged. It seems to encapsulate the dynamic of a central power, weak in the face of war, bargaining with resource-holders, the barons, who use their bargaining advantage to extract rights. It thus figures as a classic reference in many modern social scientific accounts.[[71]](#footnote-71)

No taxation was exchanged with Magna Carta, however. This incident, moreover, only resulted in a long-lasting equilibrium—in which Magna Carta served as a coordinating device—because of conditions before and after the baronial rebellion. Bargaining was as common and often more radical on the Continent, but it was in England that representation took root on a systematic and inclusive basis. Why? First, barons were more incentivized and able to act collectively because they had been subject in common to unprecedented extraction for years: they united to demand consent to grant resources because they had been subject to probably “the greatest level of exploitation seen in England since the Conquest;”[[72]](#footnote-72)—i.e. because of pre-existing state capacity.[[73]](#footnote-73) Second, to the degree that the Charter instigated *real* changes over the following decades, these were predicated on royal strength—even if the Charter itself came at a moment of defeat and royal weakness.

In seventeen years, John (1199-1216) raised more than three times the amounts, adjusted for inflation, than his predecessor, Henry II (Figure 1).[[74]](#footnote-74) These levels of extraction were not reached again until the Hundred Years' War (1337-1453). The increase resulted from taxation of the whole population, towns, church and countryside.[[75]](#footnote-75) It is in the aftermath of this remarkable show of strength that institutional growth can be determined.[[76]](#footnote-76) These claims about power do not imply royal omnipotence; the crown was involved in constant struggle and suffered repeated defeats. But even when it was forced to reduce knight quotas between 1190 and 1240,[[77]](#footnote-77) there was still no reduction in the tax burden.[[78]](#footnote-78)

Figure 1: Total English Revenues, 1130-1350



Source: (Barratt 1999a). See appendix\* B.

However, taxation was far from the most important topic in Magna Carta. Only two out of its sixty-three articles were on fiscal extraction (12 and 14) and both were omitted from subsequent re-issues of the charter (Table 1).[[79]](#footnote-79) Both of these articles, moreover, referred not to the exorbitant state-wide taxation that applied on all; instead they applied specifically to feudal obligations burdening the barons: *scutage* and *aid*. The barons had obligations to the crown because of their tenurial status. These exactions had also skyrocketed, in real terms compared to the previous reigns, as had taxation.[[80]](#footnote-80) Scutage, for instance, was money paid in lieu of military service attached to land; John raised twice the amount per year than before.[[81]](#footnote-81) The feudal rights of the king also included wardship over infant heirs of feudal land and fines for consent of marriage for daughters or widows of feudal tenants. John collected sums from these rights that again reached unprecedented, even crippling, heights compared to his predecessor (Figure 2). Magna Carta requested limits on these, not on national taxation.

Table 1: Distribution of Claims in Magna Carta

|  |  |  |  |
| --- | --- | --- | --- |
| **type of claim** | **articles** | **Total** | **Percentage (Rounded)** |
| Church Liberties | 1, 63 | 2 | 3.1 |
| Succession of title and land | 2, 3, 4, 5, 27, 37, 43, 46, 52, 56, 57 | 11 | 17.4 |
| Marriage | 6, 7, 8 | 3 | 4.8 |
| Debt collection | 9, 10, 11, 26, 32 | 5 | 8 |
| Scutage or aids (feudal dues) | 12, 14, 15, 16, 29 | 5 | 8 |
| Town liberties (London) | 13 | 1 | 1.6 |
| Court hearings | 17, 18, 19, 20, 21, 22, 24, 34, 36, 38, 39, 40, 44, 45, 54 | 15 | 23.8 |
| Public works | 23 33 | 2 | 3.2 |
| Rents | 25 | 1 | 1.6 |
| Rights of royal officials | 28, 30, 31, 50, 51, 53, 60, | 7 | 11.1 |
| Regalian rights | 47, 48 | 2 | 3.1 |
| Homogenization of realm (weights and measures etc)-freedom of movement | 35, 41, 42, | 3 | 4.8 |
| Right of redress | 61 | 1 | 1.6 |
| Policy | 49, 50, 51, 53, 58, 59 | 6 | 9.5 |

*Source*: Stubbs (1913).

Figure 2: Fines for Wardships and Consents to Marry, from 1154 to 1216, adjusted for inflation, in Pounds

Sources: Waugh (1988, 157-9) for amounts and Barratt (1999a, 85) for inflation, which increased prices by 75% in the intervening period.

Baronial reaction was, therefore, primarily to exorbitant demands on *traditional land obligations*. The most important point here is not the historically specific character of the obligation; it is the fact that it applied on the most powerful social groups of the realm, as well as that it emanated from a relation of dependence on the center.

This is even more apparent when we realize that what the barons were requesting was to obtain the same security in their property rights that Henry II’s reforms had provided to all freemen lower down the social scale.[[82]](#footnote-82) Tenants-in-chief, holding directly from the crown, had no protection from the arbitrary will of their lord. This they sought through the writ *præcipe in capite*. But, as has been shown, this was not achieved fully; “the problem remained of what to do in cases of default of justice when the person defaulting was the king, the still lordless-lord,”[[83]](#footnote-83) since Magna Carta’s request for 25 barons overseeing the king was subsequently rejected. In fact, most charter articles demanded such reform of the judicial system, property rights and administration—reform which *increased* the scope of royal action, it did not limit it.[[84]](#footnote-84)

Magna Carta retained an important role in Parliament’s later history, as it remained a central point of contention between the king, the nobility, and the Commons throughout the 1200s. Reconfirmation of its articles was a persistent demand, with taxation grants promised in exchange. This recurrent pattern has encouraged the narrative, even among the best historical scholarship, of a bargaining game that played out throughout the century and slowly built up the constitutional structure of Parliament and its rules.[[85]](#footnote-85) Indeed, by 1400, Parliament had asked the king 40 times to reconfirm Magna Carta in response to demands for taxation. This was especially prevalent in the critical, formative period of the 1200s, where almost every tax grant requested was tied to a reconfirmation of the articles of the Charter.

However, this exchange was not a bargain of *rights* per se for taxation, nor can it provide an account of how parliament emerged or consolidated. Precisely the need to reconfirm, over and over again for a century, the articles of the Charter (which now omitted the ones on taxation) meant that the gains of society vis-à-vis the crown were slow and that social groups were not exchanging taxes for rights obtained, but taxes for promises that were repeatedly broken, year after year. Bargaining there was, but it did not create parliament or new rights. The chronicler Matthew Paris gives a long list of such instances, when the king had “relentlessly made similar extortions from his faithful subjects.” But on how Henry III would “fulfill his promises and agreements, in return for [the taxes he received], he alone knows who is not ignorant of anything.”[[86]](#footnote-86) Yet the taxes kept getting granted, usually at per capita levels unsurpassed on the continent.

Subjects instead demanded the regularization of royal power.[[87]](#footnote-87) The original demand for rights, in 1215, as argued, was the outcome of a long process of excessive use of royal power, at a passing moment of weakness, not bargaining between equal actors. Although limits to royal power are focused on by historians and contemporaries, only a comparison with other rulers can properly place the English dynamic. As we will see in chapter 6, its advantages were striking and English tax payers came out much worse in their bargains than their French counterparts.

Crucially, moreover, Magna Carta nowhere requested the creation of a parliament nor that the “counsel” it stipulated should be provided within such an institution. When this request was made in the Provisions of Oxford in 1258, the request for three parliaments per year came in the context of an actual practice that exceeded that number—it was a *limit* (see **Error! Reference source not found.** in chapter 1). It was only a full century later, in 1311, that parliament was defined as the place where consent would be granted, through an ordinance that simply affirmed the by then status quo.[[88]](#footnote-88) The institution itself was not the simple result of a bargain—other processes were necessary for it.

The following section will trace this transition of Parliament from an “occasion” to an “institution” to assess the role of bargaining, especially under pressures of war, in the process.[[89]](#footnote-89) It will distinguish between two separate processes, one defining the institution and the other defining the practice of representation. While, as the argument has suggested, exchanges between crown and nobility define the institution, the practice of representation involves the participation of broader social groups. The analysis will show how, in both processes, the critical factor in retaining an institutional equilibrium over time was the relative power advantage of the crown.

## Representative Practice Explained, 1227-1307: Taxes and the Commons

If “bargaining over taxation” was not the key mechanism behind Magna Carta, what about its role in explaining the inclusion of broader social groups in parliament? The point here is that such bargaining did occur, but it is not what distinguished England from all other continental cases which never consolidated a robust central parliament that allowed the regime to be classified as constitutional; bargaining was abundant on the continent too. What matters is the institutional structure in which this exchange is set and the balance of power within it: only in England was it centralized and inclusive. To see this, we must examine the process from its earliest stages.

The English Parliament has no founding moment, but its institutional coagulation is placed after the 1220s, after the accession of Henry III.[[90]](#footnote-90) Institutional activity followed the loss of the French territories and the consolidation of Westminster as the seat of government. The term gets applied to meetings between the crown and magnates only in the 1230s. By 1295, the so-called “Model Parliament” had acquired the core institutional and procedural form retained until 1918.[[91]](#footnote-91) The role of taxation should thus be assessed in this period.

Four phases can be discerned, two involving confrontation and tests of the power balance between the crown and the nobility that consolidate the institution, and two involving the incorporation of broader sections of the population that generated representative practice. Phases one (1237-1258) and four (1290-1307) saw confrontation through exchanges conventionally labeled as bargaining.[[92]](#footnote-92) Examined closely, they confirm the crown’s power advantage. The two intervening periods (1258-1265 and 1265-1289) witnessed baronial dominance first and then a period of collaboration. At these times, again, bargaining was not the key; the constitutional effects of the interaction were pre-existing court structures and the later capacity of the crown to institutionalize exchange.

### “Bargaining” Under Ruler Advantage

Narratives seeking to show why consent mattered for the emergence of Parliament often focus on the period between 1237 and 1258, during which the barons agitated against Henry III and his increasing military campaigns.[[93]](#footnote-93) The barons refused ten grants he requested, which is taken to exemplify the emergence of consent as a prerequisite for taxation, following the logic of the standard bargaining model. When taxes were later granted, the change is ascribed to baronial interest and thus consent: the nobility deemed these later wars more “profitable”.[[94]](#footnote-94)

But refusal of taxation was hardly what set England apart from the continent; if anything, it was more frequent there. Moreover, here they occurred because the barons had been already forced to grant “countless sums of money”, according to the chronicler Matthew Paris (and the data).[[95]](#footnote-95) The king also collected large amounts from the sheriffs’ farms, the profits of the eyre, and taxes on Jews, while the punitive prises of 1248 (requisitions on foods and services) were referred to in parliament as “a scandal to the king and the kingdom.”[[96]](#footnote-96) So when the barons denied Henry additional grants, they claimed the king had “money untouched”[[97]](#footnote-97) and the money spent had brought “the least increase or advantage to the kingdom,”[[98]](#footnote-98) since he was claiming his patrimonial lands in southern France.

Nor had these tax grants resulted in greater rights: the king continued to flout parts of the 1215 Charter; this was a recurrent complaint, which saw no redress.[[99]](#footnote-99) They also did not result in a regular institution. On closer inspection, the first period was not so much one of “bargaining,” but rather of constrained concessions after prior excess. Compared to French denials and resistance, as we see below, this was fairly feeble resistance.

The second phase of claimed bargaining is between 1290 to 1307. Apart from the Charter, the major issue then was Jewish lending, a major concern for borrowers. In 1290, Parliament demanded the expulsion of the Jews in response to Edward I’s demand for the greatest tax of his reign (£110,000)—although this was meant to cover expenses and debts, no war was yet waged at that point. Edward’s order is typically presented as a major instance of the rising bargaining power of the Commons even among historians.[[100]](#footnote-100) Yet looked at closely, a qualified image emerges.

In the 1240s, Jewish economic power was at its peak: their total wealth amounted to one-third of the circulating coinage in the kingdom, making them the wealthiest per capita Jewish community in Europe. By 1290, however, their power had withered. Over half of total Jewish capital had been transferred to the crown through taxation by 1258 and by 1270 Jewish lending “had slid massively down the social scale” and was “now overwhelmingly small scale, rural, and short term.”[[101]](#footnote-101) In other words, by 1290, the community was “only an impoverished shadow of its former self.”

Accordingly, Jews were of little financial interest to the Crown; the Queen and courtiers had already purchased most Jewish debts (at such an alarming rate as to raise both public and religious condemnation).[[102]](#footnote-102) The expulsion resulted instead from a mix of anti-Semitic and social causes that also led other European rulers, unconstrained by parliaments, in the same direction—it was no costly concession by the Crown.[[103]](#footnote-103) That it was executed within a few months contrasts sharply with the century-long, but flouted, promises to uphold Magna Carta and other requests: unlike the articles, it did not cost the king much at all. The expulsion of the Jews in 1290, therefore, was not a bargain among equal actors or even an “overly” strong society, but a concession from a dominant crown.

Bargaining again appears important in 1297, when the king was asked to reconfirm Magna Carta, after a loss against Scotland, a rebellion in Wales, and a four-year campaign in France. He had requested unprecedented service abroad without his presence, besides many heavy and arbitrary taxes, like a fifth, an eighth and the maltolt (a tax on wool). Barons and especially the highest nobility, earls, were again the major protagonists.[[104]](#footnote-104) All the king granted, however, was “the promise of ‘common assent’ to all future ‘aids, mises and prises’,” a promise that later conflicts in 1300 and 1301 showed to be void.[[105]](#footnote-105) Though some measures were granted—the abolition of the maltolt—they were again temporary, as the maltolt was reinstated in 1303 and fought over for forty years. Parliamentary bargaining to abolish the tax shifted to mere “consent” over it, as the king rejected abolition: bargaining there was and concessions there were, but the king held the balance and no major breakthroughs occurred.[[106]](#footnote-106) The king only had to promise, yet again, to observe the Charter—but the institution grew in strength. Where powers were more evenly balanced—as bargaining theory in general assumes—bargaining broke down: in France, the nobles gained tax exemption and broader tax collection lagged, but institutions atrophied.

Conflict at the beginning and the end of the thirteenth century was therefore remarkably similar: baronial opposition articulated around the principles of Magna Carta, showing limited consolidated gains in rights for the community and, despite temporary setbacks and relentless conflict, an overall relative advantage of the king. Although these conflicts loom large in accounts of historians,[[107]](#footnote-107) their micro-structure is not much different from the endless acts of contestation and resistance scattered throughout Europe, which produced charters and strident assertions of right, as seen in later chapters, yet produced no central parliament.

There was a critical difference with Europe, however: over the same period, a background condition unfolded in England that catalyzed the consolidation of parliament as the central organ of governance: systematic representation of the non-noble classes, the Commons. Ths condition changed glacially and was clearly grafted on parliament’s baronial backbone throughout the century. The relevance of the Commons in the early stages was not their social power, as much of the literature assumes—that was minimal.[[108]](#footnote-108) They were present in only about a third of the meetings until 1307 (Figure 3). With only one known exception (1283), these were tax-granting meetings—showing again the weak frequency and low representative impact of tax demands in the early period. Only in 1322 was assent of the Commons stipulated as a prerequisite, in the Statute of York, although it did not become established practice until decades later.[[109]](#footnote-109) By 1327 when they are invariably present, taxation ceases to be the cause for summons, as only a third of parliaments under Edward II dealt with taxes, reflecting the need for greater political legitimacy.[[110]](#footnote-110)

Instead, the relevance of the Commons stemmed from the introduction of the principle of representation that bound them to their communities and integrated the local system of government to the central institutions of power. This is traced next.

Figure 3: Number of Parliaments at which Knights and Burgesses were present

Source: (Fryde 1996). I include both parliaments and consilia, as the latter could also include knights.

### Institutional Advances under Baronial Advantage

Community representation was propelled in two successive periods that witnessed first baronial dominance (1258-1265) and then a period of collaboration (1265-1289). The baronial revolt of 1258-61 led to a series of parliaments that established a platform of reform (articulated in the Provisions of Oxford of 1258 and Westminster a year later). The Provisions presented grievances against local and central government as well as against justice in the barons’ own estates. Critically, in 1264, while Henry III was slowly reasserting power, Simon of Montfort, now leading the rebellion, summoned knights to parliament not as tenants but as representatives of the counties, elected in county courts, a practice only known to have occurred once in the past, in 1258. This was repeated into 1265, the year in which Simon died in battle. As mentioned above, it was not until many decades later that elected representatives became integral elements of parliament; nonetheless, this was an important precedent. The nobility introduced broader social groups to counter the strength of the crown, which was only temporarily in remission.[[111]](#footnote-111)

The episodes involving Simon of Montfort—during which royal power was, very briefly, effectively usurped— can easily be seen as a classic instance of English precocity; however, England was well within the European norm. Elected county representatives entered parliament in England from the 1250s, whereas city representatives were active in Léon, for instance, since the late 1180s, in Catalonia and Aragon since 1214, in Portugal since 1253; in 1295, the *Cortes* of Castile-Léon comprised 130 towns sending about two representatives each on average, to England’s 110 over similar territory.[[112]](#footnote-112)

There was nothing unique, therefore, in the English developments of the 1250s—if anything, they were belated. But this timing had *beneficial* institutional effects. Paradoxically, the early strength of the English crown made the early incorporation of towns less important, as the social actor with the greatest social power, the nobility, could be compelled instead. Towns were incorporated early on the Continent because rulers were weak and unable to tax the nobility directly. When the most powerful social actor was not obliged to attend, urban groups alone could not effectively resist the crown; but central representative institutions also failed to consolidate.[[113]](#footnote-113)

Focusing only on the period of the baronial revolt, moreover, truncates the causal flow and distorts our understanding of the processes involved. The Montfortian moment shaped the English political trajectory because of two factors: first, the remarkable network of royal institutions, especially judicial ones, that had been built over the preceding decades and, second, the period of royal reconsolidation after the 1260s, during which the crown effectively imposed the representative system across the polity *and* raised taxes to the unmatched levels mentioned, by 1290. Without already strong courts, Montfort would not have even been able to summon representatives from the entire polityto counter the king;[[114]](#footnote-114) nor could he have ensured representatives had binding powers. Without later royal capacity to build on these initiatives, the Montfortian experiment would have been an abortive effort at premature constitutional reform, like many on the European continent.

Tracing the stages in the interaction between the king, the nobility, and the Commons thus suggests that bargaining—observed everywhere in Europe—cannot explain the institution of parliament itself and that representative practice itself was predicated on prior state capacity. Once grouped under a single institution and a common burden of taxation, opportunities for concerted action increased, especially between the magnates and the county knights, thus strengthening their capacity to resist royal demands.[[115]](#footnote-115) This happened in the fourteenth-century, but only because the inverse conditions were originally in place.

## Conclusion

This chapter has suggested we rethink the preconditions for the emergence of representative institutions and practices. In particular, it has questioned the widely accepted connection between the need for taxation and representative institutions. Although representatives were frequently called at times of royal weakness, a representative system would not have formed if the summoning center did not treat representation as a legal obligation binding communities, instead of a right gained by the latter in exchange for taxation. Historians objected to this point (less so today) because of a Whig perspective that denied that social gains were endogenous to royal power. Such a perspective assumed a representative voluntarism that is empirically unfounded in the modern period, given widespread failures in voter turnout, let alone in the 1200s.

State strength—institutional capacity to ensure compliance and to tax—preceded the emergence and consolidation of representative institutions as a central part of governance. Social actors develop incentives to demand government accountability *after* they have been compelled to contribute to public revenue—the higher and more unavoidable the burden, the greater the incentives to demand some control in return; the more uniform the burden, the fewer the obstacles to collective action. In the next chapter, I examine how the variation in representative practices we observe across Europe reflected factors identified so far, chiefly state capacity. I show that France and Castile were “absolutist” because kings could not enforce conditional rights to land or proctorial representation across social groups. Even when constitutional practices emerged either locally or on a sectoral basis, they were never able to shape the nature of the regime as a whole.

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1. Pitkin (1967). [↑](#footnote-ref-1)
2. Post (1943b), Post (1964a), Edwards (1934), Brown (1970). [↑](#footnote-ref-2)
3. Magnates represented the realm originally (Maddicott 2010, 378), but this was superseded. [↑](#footnote-ref-3)
4. The nobility were summoned on a personal basis and were not “representative,” except, either in a symbolic sense of the community, as in the early period in England, or when they were selected, as in later French assemblies. [↑](#footnote-ref-4)
5. Schumpeter ([1918] 1991), Campbell (1993), North (1990). [↑](#footnote-ref-5)
6. Downing (1992, 19), North and Weingast (1989, 818), Acemoglu*, et al.* (2005, 437), Boix (2015, 14), Barzel and Kiser (2002, 480). [↑](#footnote-ref-6)
7. Moore (2008, 35, 44-9), Levi (1988, 97). [↑](#footnote-ref-7)
8. Tilly (1990, 64). Tilly has little to say on representation, as his focus is on state formation and democracy; but he assumes the logic analyzed here. It is explicit in North (1990, 49), Brennan and Buchanan (2006). [↑](#footnote-ref-8)
9. Bates and Lien (1985). [↑](#footnote-ref-9)
10. Levi (1988, 97, 112), North and Thomas (1973, 83), Barzel and Kiser (2002). [↑](#footnote-ref-10)
11. Levi (1988, 97). [↑](#footnote-ref-11)
12. Hirschman (1978). [↑](#footnote-ref-12)
13. Montesquieu ([1748] 1989, ch. XX, XXI), Hirschman (1977). [↑](#footnote-ref-13)
14. Bates and Lien (1985), Boix (2003), Brennan and Buchanan (2006), Weingast (1995). [↑](#footnote-ref-14)
15. Marongiu (1968), Hébert (2014). [↑](#footnote-ref-15)
16. Bates and Lien (1985). Levi (1988, 4) proposes the clearest articulation of bargaining mechanisms between rulers and citizens; however, it explains variation in “revenue production systems,” not political outcomes per se. [↑](#footnote-ref-16)
17. Ross (2004), Haber and Menaldo (2011). [↑](#footnote-ref-17)
18. Boix (2003), Acemoglu and Robinson (2005). [↑](#footnote-ref-18)
19. Bräutigam*, et al.* (2008). [↑](#footnote-ref-19)
20. Blockmans (1998)\*. [↑](#footnote-ref-20)
21. Dahl (1971), Pitkin (2004). [↑](#footnote-ref-21)
22. Timmons (2010). [↑](#footnote-ref-22)
23. Hence, classic studies of democratization in the modern era refer to taxation only incidentally; Huntington (1991), O'Donnell (1986), O'Donnell*, et al.* (1986), Collier (1999). Theories of democratization based on the median voter theorem see taxation increases as potential *outcomes* of changes originally due to structural factors, such as economic inequality and asset specificity, Boix (2003), or the fear of revolution, Acemoglu and Robinson (2005). Even the second stage mechanism, suffrage increases, has only rarely been linked to taxation increases—most strikingly via the women’s vote; Lott and Kenny (1999), Teele (2014). Rather, tax increases are linked to mass phenomena like mobilization and war; Skocpol (1992), Stasavage (2012). See however Yashar (1997), Huber and Stephens (2012). [↑](#footnote-ref-23)
24. Carson and Jenkins (2011, 7), Wallis and Weingast (2005). The association remains unexplored. [↑](#footnote-ref-24)
25. Timmons (2005, 532) draws that distinction clearly. [↑](#footnote-ref-25)
26. Edwards (1934), Post (1943a), Sayles (1988, 55). [↑](#footnote-ref-26)
27. Maddicott (2010, 290). [↑](#footnote-ref-27)
28. Post (1943b), Brown (1970), Maddicott (2010, 289-90), Rigaudière (1994, 165). [↑](#footnote-ref-28)
29. Snow (1963, 327). Derivation from the Dominican order, as in Barker (1913), was dismissed by Marongiu (1968, 33-41). But antecedence of Church practice is clear; Moulin (1965). [↑](#footnote-ref-29)
30. Snow (1963, 329-31). [↑](#footnote-ref-30)
31. Edwards (1934). [↑](#footnote-ref-31)
32. Anglo-Saxon precedents may have been important; Cam (1935, 198-9). But the formula summoning county and town representatives was Latin and remained unchanged until the nineteenth century. [↑](#footnote-ref-32)
33. Suit of court was “irksome” duty, immunities frequently requested; Pollock and Maitland (1899, 537, 541), Morris (1926, 100-105). [↑](#footnote-ref-33)
34. Cam (1963), Cam (1935, 193, 196), Morris (1926, 139-142). [↑](#footnote-ref-34)
35. Palmer (1982, 293-4), Holt (1981, 3). [↑](#footnote-ref-35)
36. English Constitutional Documents (1897, 33-5), Stubbs (1913, 477-82). The word “command” appears in all such summonses. [↑](#footnote-ref-36)
37. From a summons of 1318; Strayer and Taylor (1939, 113). [↑](#footnote-ref-37)
38. Marongiu (1979, 230). [↑](#footnote-ref-38)
39. Harriss (1975, 47). [↑](#footnote-ref-39)
40. Brown (1970, 13-26), Henneman (1970), Taylor (1954, 443, 444), Lovett (1987, 18). [↑](#footnote-ref-40)
41. Another way of conceiving this conception of obligation is through the analogy with judicial consent (procedural consent); Post (1964a). When we submit our case to a court of justice, we commit to accepting its decision, whether favorable or adverse (just as in democratic politics): “judgment is imposed on everyone, present or absent;” Vallerani and Blanshei (2012, 19). See also Oakley (1983, 314), McIlwain (1932, 685). [↑](#footnote-ref-41)
42. Maddicott (2010, 77, 88). [↑](#footnote-ref-42)
43. In 1421-39; Lewis (1962, 14). [↑](#footnote-ref-43)
44. Sending representatives was “at first [a] misfortune and later [a] right;” Pennington (1981, 191). [↑](#footnote-ref-44)
45. Post (1946). [↑](#footnote-ref-45)
46. Some scholars even jump to the conclusion that the latter is the case: Monihan for instance affirms “the right of the archdeacons to be consulted before the higher prelates of England could grant a subsidy to the king,” whilst referencing Gaines Post, but Post clearly states it was the bishops who invoked the principle in refusing the subsidy before the archdeacons were involved. If not, they would be burdened with the responsibility without assurance the archdeacons would comply; Monahan (1987, 100), Post (1964b, 249). QOT is identified as a royal imposition in Decoster (2002, 23). [↑](#footnote-ref-46)
47. Scott (1985). [↑](#footnote-ref-47)
48. Maddicott (2010, 288-90,305-6, 422). [↑](#footnote-ref-48)
49. Maddicott (2010, 425), Mitchell (1914, 360), (1951, 201). This was not fixed early on, but it was by the fifteenth century; Roskell (1956, 156). [↑](#footnote-ref-49)
50. Harriss (1975), Harriss (1978, 722). [↑](#footnote-ref-50)
51. Wilkinson (1977, 379, 380), Miller (1970, 20-21 ). [↑](#footnote-ref-51)
52. Ormrod (1995, 37), Brady*, et al.* (1994, 564), Maddicott (2010, 138, 173, 305), Fawtier (1953, 282). [↑](#footnote-ref-52)
53. Manin (1997, 79-93). [↑](#footnote-ref-53)
54. Lot could be assumed as impracticable in larger polities. But the English electorate was not much larger than that of city-republics and lot could be applied in local elections; Manin (1997, 81-3). [↑](#footnote-ref-54)
55. Levi’s notion of “quasi-voluntary compliance” is again the exception, but it assumes that English kings had weaker bargaining powers compared to their French counterparts; Levi (1988, 96). [↑](#footnote-ref-55)
56. Mitchell (1951), Edwards (1934), Prestwich (1990, 109). For the contrary view, see Post (1943a), Post (1946), Harriss (1975). [↑](#footnote-ref-56)
57. Blaas (1978). [↑](#footnote-ref-57)
58. Edwards ([1925] 1970), Maddicott (2010, 338, 370). [↑](#footnote-ref-58)
59. Myers (1981, 163). [↑](#footnote-ref-59)
60. Myers (1981, 164-5). [↑](#footnote-ref-60)
61. Magna Carta ([1215] 1913), clause 14. [↑](#footnote-ref-61)
62. Maddicott (2010, 412). [↑](#footnote-ref-62)
63. North and Thomas (1973, 83), North (1990, 113). [↑](#footnote-ref-63)
64. Levi (1988, 112), Tilly (1990, 154-55), Mann (1986, 433), Acemoglu*, et al.* (2005, 452), Acemoglu and Robinson (2012, 185-209). [↑](#footnote-ref-64)
65. This emphasis is common; see Ross (2001, 332-3). [↑](#footnote-ref-65)
66. Brenner (1993), Pincus (2009). [↑](#footnote-ref-66)
67. Maddicott (2010, 157ff). [↑](#footnote-ref-67)
68. van Caenegem (1988, 4-13), Mann (1988, 86), Strayer (1970, 36-9), Sacks (1994), Bartlett (2000, 156), Hudson (1994, 15). [↑](#footnote-ref-68)
69. Bates and Lien (1985). [↑](#footnote-ref-69)
70. Turner (2003), Halliday (2010). [↑](#footnote-ref-70)
71. Acemoglu and Robinson (2012, 185-209), Mann (1986, 433), Acemoglu*, et al.* (2005, 452), van Zanden (2008, 354), Glaeser and Shleifer (2002, 1201, 1208). [↑](#footnote-ref-71)
72. Barratt (1999b, 87). [↑](#footnote-ref-72)
73. Barratt (1996), Harriss (1975, 8). [↑](#footnote-ref-73)
74. Ramsay’s figures have well known issues that are discussed in appendix \*, although none suggest that they are generally misleading. Detailed studies suggest that John collected £290,000 only between 1210 and 1214, though this included more sources than taxation; Barratt (1999b). [↑](#footnote-ref-74)
75. The peak of 1206-7 included an immense direct tax of £57,422 Barratt (1999a, 63), Bartlett (2000, 159). The other peak, of 1210-11, came mostly from the royal demesne and the church. [↑](#footnote-ref-75)
76. Fryde (1996, 533), Maddicott (2010), Maddicott (2010). [↑](#footnote-ref-76)
77. Prestwich (1996, 69-71). [↑](#footnote-ref-77)
78. Maddicott (2010, 423). [↑](#footnote-ref-78)
79. Maddicott (2010, 198), Hudson (2012, 844-64), Harriss (1975, 27), Riess ([1885] 1973, 12). Many of the crucial clauses were rescinded and omitted from later editions; Holt (1992, 378-405), Turner (2003). [↑](#footnote-ref-79)
80. Bean (1968, 12). [↑](#footnote-ref-80)
81. Bartlett (2000, 164). [↑](#footnote-ref-81)
82. Holt (1992, 123). [↑](#footnote-ref-82)
83. Carpenter (1996), Garnett and Hudson (2015, 6). [↑](#footnote-ref-83)
84. Magna Carta ([1215] 1913), Holt (1992), Maddicott (1984). [↑](#footnote-ref-84)
85. Maddicott (2010). [↑](#footnote-ref-85)
86. Matthew Paris (1853, 17-18). [↑](#footnote-ref-86)
87. (Coss 1989, 42). [↑](#footnote-ref-87)
88. Prestwich (1990, 129). [↑](#footnote-ref-88)
89. Myers (1981, 141). [↑](#footnote-ref-89)
90. Maddicott (2010, 157-166) talks about the “emergence of an institution” from 1227. [↑](#footnote-ref-90)
91. Maddicott (2010, 210). [↑](#footnote-ref-91)
92. Henry III was a minor between 1216 and the 1230s, so activity was limited. [↑](#footnote-ref-92)
93. Barzel and Kiser (2002, 489), Maddicott (2010, 175-\*), Ertman (1997, 167). [↑](#footnote-ref-93)
94. Barzel and Kiser (2002). [↑](#footnote-ref-94)
95. Matthew Paris (1852, 400-403). [↑](#footnote-ref-95)
96. Maddicott (2010, 175, 222, 229). [↑](#footnote-ref-96)
97. Matthew Paris (1852, 401). [↑](#footnote-ref-97)
98. Matthew Paris (1852, 399). [↑](#footnote-ref-98)
99. Stacey (1987). [↑](#footnote-ref-99)
100. Maddicott (2010, 293), Stacey (1997), Carpenter (1995, 356). [↑](#footnote-ref-100)
101. Stacey (1997, 93), Stacey (1995, 100). [↑](#footnote-ref-101)
102. Stokes (1915, 167-8), Parsons (1994, 78-9). [↑](#footnote-ref-102)
103. Barkey and Katznelson (2011). [↑](#footnote-ref-103)
104. Maddicott (2010, 302-11). [↑](#footnote-ref-104)
105. Maddicott (2010, 303, 324, 331) calls these “major concessions.” [↑](#footnote-ref-105)
106. Harriss (1975, 422, 420-449) [↑](#footnote-ref-106)
107. Prestwich (2005), Maddicott (2010). [↑](#footnote-ref-107)
108. The figures given by Sayles (1950, 456) are cursory and indicate higher rates of participation. However, I could not replicate them, even when I counted only sessions designated as parliaments, which were even lower. See also Ormrod (1995, 32). [↑](#footnote-ref-108)
109. Maddicott (2010, 353), Lapsley (1951). [↑](#footnote-ref-109)
110. Maddicott (2010, 336). [↑](#footnote-ref-110)
111. Maddicott (2010, 255-6). [↑](#footnote-ref-111)
112. O'Callaghan (1989, 16ff), Maddicott (2010, 210-8, 379). [↑](#footnote-ref-112)
113. The following chapters support these points. [↑](#footnote-ref-113)
114. “Discreet men” of the counties were summoned by John as well, when weak, but not within any representative system that integrated center and locality; Stubbs (1905, 286-7). [↑](#footnote-ref-114)
115. Maddicott (2010, 311-25). Urban representatives tended to have more local interests; Maddicott (2010, 317-20), Dodd (2007, 267, cf. 268). [↑](#footnote-ref-115)