

How Elite Infighting Made The Magna Carta



*Magna Carta Libertatum 1215 -
British Library*

04-06-2024 ~ *Although the Magna Carta typically is depicted as the birth of England's fight to create democracy, the 13th-century struggle was to establish what would become the House of Lords, not the House of Commons.*

The papacy's role as organizer of the Crusades empowered it to ask for—indeed, to demand—tithes from churches and royal tax assessments from realms ruled by the warlord dynasties it had installed and protected. England's nobility and clergy pressed for parliamentary reform to block King John and his son Edward III from submitting to Rome's demands to take on debts to finance its crusading and fights against Germany's kings. Popes responded by excommunicating reformers and nullifying the [Magna Carta](#) again and again during the 13th century.

The Burdensome Reign of King John

John I (1199-1216) was dubbed "Lackland" because, as Henry II's fourth and youngest son, he was not expected to inherit any land. On becoming his father's favorite, he was assigned land in Ireland and France, which led to ongoing warfare after his brother Richard I died in 1199. This conflict was financed by loans that John paid by raising taxes on England's barons, churches, and monasteries. John fought the French for land in 1202, but lost Normandy in 1204. He prepared for renewed war in France by imposing a tallage in 1207; as S.K. Mitchell details in his [book](#) on the subject, this was the first such tax for a

purpose other than a crusade.

By the 13th century, royal taxes to pay debts were becoming regular, while the papacy made regular demands on European churches for tithes to pay for the Crusades. These levies created rising opposition throughout Christendom, from churches as well as the baronage and the population at large. In 1210, when John imposed an even steeper tallage, many landholders were forced into debt.

John opened a political war on two fronts by insisting on his power of investiture to appoint bishops. When the Archbishop of Canterbury died in 1205, the king sought to appoint his successor. Innocent III consecrated Stephen Langdon as his own candidate, but John barred Stephen from landing in England and started confiscating papal estates. In 1211 the pope sent his envoy, Pandulf Verraccio, to threaten John with excommunication. John backed down and allowed Stephen to take his position, but then collected an estimated 14 percent of church income for his royal budget over the next two years—£100,000, including [Peter's Pence](#).

Innocent sent Pandulf back to England in May 1213 to insist that John reimburse Rome for the revenue that he had withheld. John capitulated at a ceremony at the Templar church at Dover and reaffirmed the royal tradition of fealty to the pope. As William Lunt details in [Financial Relations of the Papacy with England to 1327](#), John received England and Ireland back in his fiefdom by promising to render one thousand marks annually to Rome over and above the payment of Peter's Pence, and permitted the pope to deal directly with the principal local collectors without royal intervention.

John soon stopped payments, but Innocent didn't protest, satisfied with having reinforced the principle of papal rights over his vassal king. In 1220, however, the new pope "[Honorius III instructed Pandulf to send the proceeds of the \[tallage of a\] twentieth, the census \[penny poll tax\] and Peter's Pence to Paris for deposit with the Templars and Hospitallers.](#)"[1] Royal control of church revenue was lost for good. The contributions that earlier Norman kings had sent to Rome were treated as having set a precedent that the papacy refused to relinquish. The clergy itself balked at complying with papal demands, and churches paid no more in 1273 than they had in 1192.

The barons were less able to engage in such resistance. Historian [David Carpenter](#) calculates that their indebtedness to John for unpaid taxes, tallages,

and fines rose by 380 percent from 1199 to 1208. And John became notorious for imposing fines on barons who opposed him. That caused rising opposition from landholders—the fight that Richard had sought to avoid. The Exchequer’s records enabled John to find the individuals who owed money and to use royal fiscal claims as a political lever, by either calling in the debts or agreeing to “postpone or pardon them as a form of favor” for barons who did not oppose him.

John’s most unpopular imposition was the scutage fee for knights to buy exemption from military service. Even when there was no actual war, John levied scutage charges eleven times during his 17-year reign, forcing many knights into debt. Rising hostility to John’s campaign in 1214 to reconquer his former holdings in Normandy triggered the First Barons’ War (1215-1217) demanding the Magna Carta in 1215.

Opposition was strongest in the north of England, where barons owed heavy tax debts. As described in J.C. Holt’s [classic study](#) *The Northeners*, they led a march on London, assembling on the banks of the Thames at Runnymede on June 15, 1215. Although the Archbishop of Canterbury, Stephen Langdon, helped negotiate a truce based on a “charter of liberties,” a plan for reform between John and the barons that became the Magna Carta, the “rebellion of the king’s debtors” led to a decade-long fight, with the Magna Carta being given its final version under the teenaged Henry III in 1225.

Proto-Democratic Elements of the Magna Carta

There were proto-democratic elements in the Charter, most significantly the attempt to limit the king’s authority to levy taxes without the consent of a committee selected by the barons. The concept of “no taxation without representation” appears in the original Chapter 12: “No scutage or aid is to be levied in our kingdom, save by the common counsel of our kingdom,” and even then, only to ransom the king or for specified family occasions.

The linkage between debt, interest accruals, and land tenure was central to the Charter. Chapter 9 stated that debts should be paid out of movable property (chattels), not land. “Neither we [the king] nor our bailiffs are to seize any land or rent for any debt, for as long as the chattels of the debtor suffice to pay the debt.” Land would be forfeited only as a last resort, when sureties had their own lands threatened with foreclosure. And under the initial version of the Charter, debts were only to be paid after appropriate living expenses had been met, and no

interest would accrue until the debtor's heirs reached maturity.

Elite Interests in the Charter

The Magna Carta typically is depicted as the birth of England's fight to create democracy. It was indeed an attempt to establish parliamentary restraint on royal spending, but the barons were acting strictly in their own interest. The Charter dealt with breaches by the king, but "[no procedure was laid down for dealing with breaches by the barons.](#)" In Chapter 39 they designated themselves as Freemen, meaning anyone who owned land, but that excluded rural villeins and cottagers. Local administration remained corrupt, and the Charter had no provisions to prevent lords from exploiting their sub-tenants, who had no voice in consenting to royal demands for scutages or other aids.

The 13th-century fight was to establish what would become the House of Lords, not the House of Commons. Empowering the nobility against the state was the opposite of the 19th-century drive *against* the landlord class and its claims for hereditary land rent. What was deemed democratic in Britain's 1909/10 constitutional crisis was the ruling that the Lords never again could reject a House of Commons revenue act. The Commons had passed a land tax, which the House of Lords blocked. That fight against landlords was the opposite of the barons' fight against King John.

Note:

1. William Lunt, "Financial Relations of the Papacy with England to 1327. (Studies in Anglo-Papal Relations during the Middle Ages, I.)," (Cambridge, Massachusetts: The Mediaeval Academy of America, 1939) pp. 597-598 and pp. 58-59.

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