From Magna Carta to the Provisions of Oxford and Westminster: English Identity and Political Dissent

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Contents

Introduction

Across Europe, citizens are wrestling with the question of how their national identities should interact with super-national bodies such as the European Union, which supplant national sovereignty in issues that affect people's everyday lives. The onward progression of communication has made the world smaller than ever, allowing cross-border identities to develop around shared interests. At the same time the globalisation of manufacturing has homogenised large areas of culture, serving to accentuate the common experiences of all Europeans. And yet the continued presence of nationalist politicians such as Marine le Pen or Geert Wilders is symptomatic of the resilience that national identities have enjoyed through the centuries. After all, it was the use of national identities in the 19th century that fundamentally altered the way we view society, emphasising the need for democracy in Europe to balance the power of private individuals against the wider needs of the community. With the implementation of a shared currency and the push for greater democratic legitimacy it is clear that many EU leaders are keen for a collective European identity to supplant the primacy of the national. In England these changes have played out against the backdrop of a loosening British political union, intact after the Scottish referendum but still challenged. Given the impending referendum on British membership of the EU it seems pertinent to analyse the history of political changes in British history and their relation to national identities. For the English there is no more important document in this regard than Magna Carta. In the year of its 800th anniversary it still holds legendary qualities that allow historians to proclaim it the origins of modern Anglo-Saxon conceptions of freedom, while in the next sentence acknowledging its nature as a mere peace treaty designed to protect the barons.

Given the importance attributed to Magna Carta in defining the English — then subsequently British — state, it seems remarkable how little the role of English identity in the 13th century has been examined. Nor was Magna Carta the only important political proposition from the 13th century. The Provisions of Oxford and Westminster proposed a

much more dramatic change to the governance of England sparking a challenge to royal power that continued for nine years, during which the King was temporarily supplanted in favour of conciliar government. In the wording of the documents themselves, as well as the propaganda produced in support of them, it was reiterated that this was done for the good of England. Every historian knows that this was not their only, or even their primary, motivation. Yet it was necessary because of the growing perception among those of lesser status that England should be ruled for the English. This perception had grown in the period between Magna Carta and the Provisions due to the continued abuse of royal authority coupled with an influx of migrants from the continent, resulting in an association between outsiders and tyranny. From protecting England from the French in 1216, the monarchy became an ally to French immigrants in the 1220s. The monarchy lost control of English identity, allowing political rebels to adopt it as a justification for their actions. By 1258, to oppose royal power was to intrinsically support the English, something that ensured the continuing impact of political dissent. It was only with the crowning of Edward I that it was possible to change this narrative. With his personal experience of the baronial rebellion he had learnt the importance of English identity. By making his wars of conquest more than just an expansion of his personal domain he went a long way to shifting the balance back in favour of the monarchy.

This paper will highlight the interaction between English identity and political dissent in the 13th century, examining both the impact of this interaction as well as its development; asking if an English identity had any real relevance to the political disputes of the period. The primary contention is that English identity began to play a significant role in political discourse in the events surrounding Magna Carta, but did not become integral until 1258. This transition occurred because the weakness of King Henry III allowed the nobles to claim they fought for the English against a tyrannical king in thrall to foreign advisors. In the tumult of 1258 the nobles were pushed to countenance radical measures that necessitated an appeal beyond their own number. Previously national identity had been a useful propaganda tool, not an integral part of rebellions. This contrasts with the views historians such as Huw Ridgeway who believe that English identity was not important in 1258.

It is beyond doubt that political dissent was important in the 13th century. Between 1215 and 1258 the power of the King was repeatedly challenged by the nobility who resented

royal policy which intruded on their perceived rights. The term 'political dissent' encapsulates moments wherein the way in which England was governed came under attack by those looking to change it. In the late medieval period this dissent was almost exclusively instigated by the noble classes whom the king needed the support of. However it could be expressed by those of lesser status, particularly amongst the educated clergy who compiled the chronicles that provide some of our most important primary sources. Contemporaneously it was occasionally necessary for the leaders of such dissent to produce propaganda which could convince the wider population of the righteousness of their actions. It is in this capacity that the link with English identity is most evident to historians in the present day through the claims of chronicles and contemporary documents.

   On the surface, the strength of English identity in 1215 seems somewhat weak. The majority of the nobility were of Norman origin and still spoke French. The lower classes were largely Anglo-Saxon, but would have usually lived and died in one region, promoting localised identities, while the King had complete control over national policy, his subjects holding their land at his bequest and accepting his judgements as law. If there was any national identity it would seem to have resided in the figure of the King for whom all owed fealty. Yet below the surface, reality was more complex. As numerous Anglo-Saxon historians have shown there was a sense of English identity before the Norman invasion. This identity was an ethnic construct based on shared culture, experiences and race. This identity It was not centred solely upon the King, as the Anglo-Saxon Chronicle relates with the story of how Edward the Confessor was pressured to compromise with Godwinson as 'they did not want to leave the eard open to the foreigners', or in the words of Wulfstan of Winchester, that St Swithun gave miracles to 'his English'.[1] This identity was threatened by the Norman invasion which placed a patently alien people in control of England over the Anglo-Saxon majority. In this situation the land of England could have become a mere outpost of the Norman Empire, Norman in culture and identity. However, by 1200 it is clear that the opposite had happened. The Norman elite influenced English culture whilst simultaneously being absorbed by it, to such an extent that they began to see themselves as English. There were many reasons for this, from intermarriage to the continued importance

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[1] Hugh M. Thomas, *The English and the Normans: Ethnic Hostility, Assimilation, and Identity 1066-C. 1220*, (Oxford: Oxford University Press, 2005) pp24-26.

of natives in the middling ranks of society. Within the middle ranks a number of native clergy began to produce English histories in the 12th century; these were important because they 'could preserve, maintain, and propagate English culture and identity without posing the sort of military and political threat 'possessed by the native nobility .[2] Henry III provided the ultimate vindication of these histories; with his obsessive attitude towards Edward the Confessor, and the use of Anglo-Saxon names for his children, he was, ironically, the most English King since the conquest.

Another reason for the survival of English identity was the relative ease with which it could be geographically identified. The King of England was the lord of a number of territories, but the borders of England itself were peculiarly consistent when compared to states like France. The shifting attitude to domination of the British Isles created some ambiguity after the colonisation of territory outside of England by Norman settlers. These settlers often identified themselves with an English civility based around English law and custom that contrasted with the Celtic ''barbarism'' of the native populations.[3] They began to consider themselves English without actually residing in England. To kings such as Henry II, the reality of power over all the British Isles mattered more than the title adopted to reflect that.[4] As a consequence, Henry had no interest in changing the boundaries of England, and the people of England had no real interest in what happened outside the political heartlands. That settlers outside England still called themselves English reveals the early demarcation of English cultural identity, but it does not show damage to the territorial integrity of England, something Matthew Paris acknowledged in his maps.

One of the indicators that the new settlers were different from the Celtic peoples was language. By encouraging a sense of unity through shared experience, a homogenous language is widely viewed as vital to national identities. In England the language of the court was French until the 14th century, while Latin was widely used in by clerics for textual purposes and a form of English was spoken by the commons. By the middle of the 12th century, however, mono-linguicism in French had almost disappeared, with most of the

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[2] Thomas, *The English and the Normans*, p234.

[3] R. R. Davies, *The First English Empire: Power and Identities in the British Isles 1093-1343*, (Oxford: Oxford University Press, 2000) p191.

[4] Ibid, p15.

nobility able to speak some form of English.[5] The sudden increase in French language guides in the 13th century is indicative of its declining everyday usage; even the royal household spoke English in private after the reign of Henry III.[6] The English spoken in the period varied in dialect from region to region; significantly enough to be noticeable, but not so much as to be incomprehensible to other English speakers.[7] Correspondingly, the hurdle of a language division was not as great as it may seem; it was certainly not enough to prevent the first conflations of politics and national identity. In 1173-1174 a revolt against Henry II included a rebel invasion that primarily consisted of French and Flemish mercenaries. English writers such as Gervase of Canterbury revelled in the defeat of these foreign forces.[8] More notably, William Longchamp's appointment as regent by Richard I towards the end of the 12th century sparked an anti-alien movement intent upon his dismissal. Longchamp was accused of favouring foreigners; both Roger of Howden and Gerald of Wales claimed he was an outsider who brought in foreign knights to suppress the realm.[9] The movement against Longchamp was a warning to the Kings of England — should the position of the barons be challenged by newer arrivals, the influence of English identity could be subverted to undermine the authority of the monarch.

This is a common theme throughout primary sources from the 13th century. In order to understand how English identity was used in political dissent during the period the documents proposing reform of government are vital. For the period in question the issues of Magna Carta in 1215, 1216, and 1217 provide insight into how perceived traditions of English liberty could manifest in a program of protection for the English barons that elucidates their primary concerns. As a peace treaty, it should be remembered that it represents the areas the King was also willing to compromise upon. Magna Carta was the starting point for reform in the 13th century, yet in practice it was limited in ambition. The Provisions of Oxford and Westminster went much further in 1258, proposing that the

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[5] R. A. Lodge, 'Language Attitudes and Linguistic Norms in France and England in the Thirteenth Century', in *Thirteenth Century England Volume IV*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell Press, 1992) p79.
[6] Ibid, p80.
[7] Thorlac Turville-Petre, *England the Nation: Language, Literature, and National Identity, 1290-1340,* (Oxford: Clarendon Press, 1996), p20.
[8] Thomas, *The English and the Normans*, p326.
[9] Ibid, p329.

execution of executive government should be drastically changed. As the result of meetings between the rebel leaders before being placed before parliament, they involved much less input from the King. Analysis of political proposals between the civil wars should elucidate how the connection between English identity and political reform changed the aims of the barons. To do this the re-issue of Magna Carta in 1225 and the Paper constitution of 1244 (the date is disputed by some) are required.[10] Of the documents used, only the Paper Constitution was not enacted or distributed around the country. As a result, despite the limited number of nobles who decided the content, they would have been seen or heard by a wider, provincial audience.

A variety of chronicles supply context in support of these documents. The most important of these is the Chronica Majora of Matthew Paris. Writing at the well-connected monastery of St Albans, Matthew Paris was able to draw upon a wide library of resources;[11] he also knew King Henry III personally and attended parliament on more than one occasion,[12] which makes his withering attacks upon both the King and his lord the Pope all the more remarkable. In addition to the chronicles the surviving political songs from the period compiled by Thomas Wright offer an informal impression of opinions. With a variety of origins, they present contemporary propaganda and its effects. Though most literature was designed to reinforce the status quo through the use of stock characters and situations, the songs preserved often give a glimpse into social and political subversion.[13] Further to these sources, some of the surviving letters from the baronial rebellion of 1258 illustrate both the personal concerns of those involved and the way they presented their opinions to the realm. For some of these letters were published throughout the realm in English for the first time since 1066.[14]

This was an exception to the rest of the documents, which were originally written in Latin or French. The combination of English translations and the amount of time that has passed since means we have to exercise caution when analysing the exact intentions of each word;

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[10] N. Denholm-Young, 'The 'Paper Constitution' Attributed to 1244', *The English Historical Review*, Vol 58, No 232, (Oxford: Oxford University Press, 1943)

[11] *The Illustrated Chronicle of Matthew Paris: Observations of Thirteenth-Century Life*, ed Richard Vaughan, (Sutton: Phoenix Mill, 1993) pX.

[12] Ibid, pxii.

[13] S. H. Rigby, 'England: Literature and Society', in *A Companion to Britain in the Later Middle Ages*, ed S. H. Rigby (Oxford: Blackwell, 2003)

[14] Turville-Petre, *England the Nation*, p9.

terms such as 'communitas' and 'universitas' cannot be taken at face value. For example, the term 'community of the land' is used with no definition of its precise meaning . In this case it probably refers to the leading barons in the realm who believed they represented the wider community.[15] By 1258, however, 'communitas' was rendered into middle-English as 'loandes folk'; a much wider interpretation that potentially included all the people of England, or at least the notion that their interests should be considered.[16] Clanchy has put forward the view that the term 'communitas' was referring to a commune. He asserts that 'a commune was an association bound together by a common oath of loyalty' which started to appear in the 12th century, with a revolutionary edge described by the contemporary Richard of Devizes as 'a tumult of the people, a terror of the realm, a torpor of the clergy'.[17] These could be organised at a national level with a commune formed in 1205 to protect England from the potential alien invasion of the French, and may well have inspired the barons in 1215.[18] It should also be noted that the use of the term 'alien' in this period refers, as within this paper, to a stranger or outsider.

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[15] Michael Prestwich, *English Politics in the Thirteenth Century*, (London: Macmillan Education, 1990) p130.
[16] M. T. Clanchy, *England and its Rulers 1066-1272*, (Oxford: Blackwell Publishers, 1998) p195.
[17] Ibid, p194.
[18] Ibid, p195.

Historiography

The conundrum of English national identity has rapidly become a fierce debate in the academic world despite previously being a matter of little concern to scholars of national identity and nationalism. While many European countries (such as Germany and France) have a long tradition of such studies since the 19th century, the English question was for a long time ignored. With the decline of the British Empire and its centralising influence, academics have begun to ponder not only what constitutes English identity, but also when it began to form. These questions inevitably relate to the wider discussion around the formation of modern nation states as political and social units. A large part of the justification for the modern overarching state is a single identity amongst its members, giving them both shared rights and a government that makes decisions in the interest of all its citizens. Conventionally, these are seen as modern developments, made possible by technological advances that coincided with radical ideas. An example of this can be seen in the work of Hobsbawm, which still offers a template for historians in terms of both chronology and theory. However, this narrative is being increasingly challenged by historians of earlier periods who have outlined aspects of these ideas in their own research. The potential impact of national identity on politics appears highly relevant to a 13th century England which witnessed a series of rebellions linked to governmental reform. Most prominently, the sealing of Magna Carta and the compilation of the Provisions of Oxford and Westminster reflected a growing tension between the nobility and the monarch which made previously unthinkable reforms viable. Passages proclaiming reform to be 'the oath of

the community of England...(we) will help each other and our people, against all men' show a clear connection between English identity and political change.[19]

This link has been loosely identified by a number of historians such as Powicke and Prestwich, but is perhaps most explicitly analysed in Thomas's *The English and the Normans,* which outlines the process of assimilation between Norman and English identity.[20] Even in this case, the focus is almost exclusively upon the development of English identity and not political reform; moreover, his analysis after 1215 is only fleeting. Clanchy has remedied this somewhat by acknowledging the existence of English identity in the mid-thirteenth century as a means of furthering political unity. Furthermore, in general terms J.R. Strayer has posited the role of a centralising English identity in the medieval period with reference to political change in respect to state formation, claiming that by the end of the 13th century 'it was only because England was a state with a strong sense of identity that it was possible for a few hundred men in Parliament to presume to give assent for the whole community'.[21] Thus Strayer has identified the potential importance of this symbiotic relationship between politics and national identity in the 13th century in the development of ideas that define the modern nation state without a detailed analysis of the rebellions themselves. It has

Some of the central concepts under debate have a degree of ambiguity that necessitates clarification. In proposing that England was the first nation-state Hastings suggests that nationhood, ethnicity and nationalism are inseparable yet different. The definitions used by Hastings suggest that there is an increase in degree from ethnicity to nationalism that allows a nation state to develop. Thus, an ethnicity is a group with a shared cultural identity and spoken language that can exist within a nation; the central factor is a similar way of living.[22] An ethnicity develops into a nation with the development of a greater degree of self-consciousness often linked to literature as well as a desire for political autonomy.[23] From this point nationalism develops as the belief that all nations should have their own state;

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[19] 'June-July 1258: The Provisions of Oxford', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).
[20] Thomas, *The English and the Normans*, p324.
[21] J.R. Strayer, On the Medieval Origins of the Modern State, (Princeton: Princeton University Press, 2005) p45.
[22] Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion and Nationalism*, (Cambridge: Cambridge University Press, 1997) p3.
[23] Ibid, p3.

however, as Hastings remarks, in reality this is often the prioritisation of one's own nation.[24] These definitions are widely accepted and provide a useful starting point for studies of national identity. More contentious is Hastings' definition of a 'nation-state' as a 'horizontally bonded society' forged by a historic identity and reasonably continuous geographic boundaries.[25] This definition allows him to categorise late Anglo-Saxon England as a nation state, because he believes that not only was there a clear correlation between the state and nation, but people throughout society were conscious of their participation in both. The evidence for this assertion may or may not be sufficient, but in the view of most modernist historians the definition is seen as lacking. In his prominent study of English identity Krishnan Kumar claims, 'it was by common acceptance the French who during the course of their revolution first fully enunciated the principles of the political nation', and 'nationalism is by virtually universal consent, a nineteenth-century invention-a creation of the French Revolution'.[26] These statements reflect a definition of the nation-state that requires the majority of the population to not only be conscious of a shared identity, but to have an active role in the conceptualisation of the state's political objectives. Indeed, the implication is that without a shared political culture there can be no meaningful collective identity. This is reinforced by Hobsbawm, who in multiple works suggests that a sophisticated and expansive state that could standardise areas such as education and tax is necessary to create that unity. Certainly there is a gulf between the modern nation-state and pre-modern societies, yet this does not mean that the entire concept was alien to them. In theory there could have been states that were directly aligned with a self-conscious national identity. These states would not have had the same structure or level of cohesion evident in modern nation states, but it seems difficult to define them as something entirely different. In order to understand why the modern nation state developed we have to be able to trace the developments that made it possible, and the study of how national identity functioned in pre-modern periods is an integral part of this.

One of the interesting aspects of this debate is the interaction between American scholars with sociological backgrounds and European historians. The American sociologist Liah

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[24] Ibid, p4.
[25] Ibid, p3.
[26] Krishnan Kumar, *The Making of English National Identity*, (Cambridge: Cambridge University Press, 2003), p23.

Greenfeld was one of the first to truly challenge the accepted position that nation states developed in the modern period. In her 1992 book *Nationalism: Five Roads to Modernity* Greenfeld postulates that the nation-state was formed in 16th century England with the growth of Protestantism and an independent parliament that diluted the influence of the monarch.[27] This allowed for a greater sense of identity amongst the people of England, with the Catholic powers of Europe presented as the classic 'other' generally perceived as a requirement for national identity. Unsurprisingly, this view has been savaged by modernist historians such as Kumar, who, after highlighting how this argument conveniently allows her to portray America as a pure successor to the nation-state, goes on to claim that this position must be false because the majority of the population were not a part of the 'political nation'.[28] Instead he sees the English state as an extension of the monarch, in effect their 'household', and thereby any attempt to promote an English identity was really a means of increasing the power of the monarch.[29] These accusations reflect the perception that the 'state' element of the 'nation-state' is only legitimate if it has input from all of the 'citizens' of a nation. A similar trend can be seen in the position of Benedict Anderson whose influential *Imagined Communities* suggests that nations are imagined constructs, of which America was the first nation-state.[30] Although the criticism of Greenfeld is largely valid, the inability to countenance any collective identity in the pre-modern period appears to be the result of a lack of imagination. How can Kumar describe the medieval world as 'at once too international and too local' and the English Civil War as 'at once too international and too individual' for national identity to have relevance?[31] Surely if it was possible for there to be international communication, it was possible for there to be communication within smaller geographic boundaries. This does not mean that it is sensible to describe pre-modern geographic entities as nation-states, yet we should be aware of the possibility that national identities played a role in pre-modern states.

Within the context of England Greenfeld's sentiments have helped to galvanise a number of studies that examine the coalescence of British identities in such a manner as to give

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[27] Liah Greenfeld, *Nationalism*: *Five Roads to Modernity*, (Cambridge: Harvard University Press, 1992)
[28] Kumar, *The English*, p102.
[29] Ibid, p109.
[30] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (London: Verso, 1983).
[31] Kumar, *The English*, p90 and p130.

voice to propositions about the formation of English identity. In chronological terms the ideas of Patrick Wormald have provided the earliest starting point Highlighting Bede's history of the English people, Wormald suggested that the expansion of Wessex in the late Anglo-Saxon period was linked to a historic English consciousness that resulted in the English nation.[32] This has been built upon by Adrian Hastings in *The Construction of Nationhood,* within which he asserts the primacy of England as a nation-state that began with the first kings of England. The statement 'England presents the prototype of a nation and a nation-state in the fullest sense' is unequivocally definitive.[33] One of the cornerstones of Hastings' narrative is the importance of Christianity as a nationalising force in contrast to the view of most modernists who, like Anderson, believe that religion is both an internationalising force and a strong competitor with the idea of the nation as a primary identity.[34] For Hastings the Old Testament provided the template for pre-modern nationalities; given that it consistently referred to nations and was repeatedly referenced within society, it created a cognitive framework.[35] The construction of this framework was galvanised by the use of vernacular language spearheaded by the clergy, who were using the vernacular liturgies before the first English bibles in the 14th century.[36] He also places a high degree of emphasis on the abundance of English historical works produced in the 12th century. Writers such as Geoffrey of Monmouth, Henry of Huntingdon and Orderic Vitalis produced works that reflected upon both the identity and history of the English people. In the opinion of Hugh Thomas these works were often written to preserve English culture while protecting English 'honour' from Norman attacks.[37] This helped to facilitate the assimilation of the Normans into a stronger English identity.

English literature went through another period of resurgence in the 14th century when works began to be produced in the vernacular language more widely. Unsurprisingly, this has inspired a number of historians to believe that this was the period when we should first talk of an English nation with the development of a self-conscious literature. For Hastings,

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[32] Patrick Wormald, 'Bede, the Bretwaldes and the Origins of the Gens Anglorum', in Patrick Wormald, Donald Bullough and Roger Collins eds, *Ideal and Reality in Frankish and Anglo-Saxon Society*, (Oxford: Basil Blackwell 1983)
[33] Hastings, *The Construction of Nationhood*, p5.
[34] Ibid, p11.
[35] Ibid, p18.
[36] Ibid, p193.
[37] Thomas, *The English and the Normans*, p241.

the frequency with which the term 'nation' was used suggests that 'Englishmen felt themselves to be a nation', especially with the first translations of the bible.[38] Turville-Petre's study of early English literature and national identity supports this concept of a better defined English nation. He also rejects the accusation that the Catholic Church was intrinsically inimical to the growth of nationalism; by showing that biblical history was regularly used to frame national history (eg. In the works of Matthew Paris), it was not an exclusive identity.[39] On a more general point he is clear that although there were regional language variations they were all defined as part of the English language that provided a sense of unity, in contrast to the assertions of modernist historians that there was no national language.[40] This language was used to spread common stories that reflected upon the English identity with heroes such as Guy of Warwick fighting against England's historic enemies.[41] Certainly it seems obstinate to ignore the potential of these works to act as a transponder for a common identity that saw itself as English. French and Latin were still used, but the growth of the vernacular mirrored a growing need for a defined identity. Yet even this is challenged by Kumar who claims, rather oddly, that the use of English by 14th century writers 'was a distinctly European project whose aim was the creation of vernacular literatures as the common property of all the educated classes of Europe'. It is difficult to know where to start in criticising this assertion, so we will simply wonder how many individuals outside of England would have been able to read English. Needless to say, it is clear that a piece of medieval literature does not have to have been produced with the explicit aim of expressing an identity in order to inform us about that identity.   It is, however, pertinent to consider how many people would have had access to that literature, particularly outside of the educated classes. This is of course impossible to judge, but it seems certain that the 14th century saw the increasing expression of English identity.

  The attention paid to the literature of the 12th and 14th century has left somewhat of a vacuum in studies of the 13th century. On one side, Thomas has explicitly linked the political dispute surrounding Magna Carta to an increase in English national identity. Thomas

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[38] Hastings, The Construction of Nationhood, p15.
[39] Turville-Petre, *England and the National Language,* p42.
[40] Turville-Petre, *England and the National Language*, p20.
[41] Ibid, p119.

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believes that the first political movement with anti-foreign elements was the opposition to the appointment of William Longchamp as regent in the reign of Richard I.[42] This sentiment grew until it found its ultimate expression in Magna Carta, 'though the events and interpretations I have discussed earlier in this chapter began to bring Englishness and xenophobia into English politics, the wars surrounding Magna Carta made them central'.[43] In addition, R.R. Davis's *The First English Empire* outlines the spread of an 'English' culture in the British Isles, primarily after 1066. Conversely, Turville-Petre has talked of how both parties in the Barons War from 1258 used nationalist rhetoric to gather support.[44] Furthermore, the fact that the first official document in English to be produced after the conquest was propaganda in support of the Provisions of Oxford suggests that a larger proportion of the population was becoming involved in political discussion.[45] However neither of these narratives takes into account the manner in which the rebellions of the 13th century were linked to each other and how English identity was a part of this development over the whole period. In addition, it is important to remember that historians of a wider English identity may be missing vital detail that is unearthed through specialist study.

  Traditional accounts of the period have tended to focus on the growth of political idealism in the period, with historians such as Stubbs and Treharne outlining the vital importance of Magna Carta and its successors as the beginning of constitutional government in England. As Treharne has said, 'what was new in these years was the growing conviction that that a bad or unsatisfactory king should and could be made to rule satisfactorily by having his actions circumscribed by solemn agreements under specific sanctions; and if theses failed, by taking the exercise of his power from him and putting it into the hands of elected men'.[46] These conclusions are drawn from both the prominent political documents of the period and a perceived formalisation of legal processes led by Bracton, and then a series of powerful jurists in the reign of Edward I.[47] More recently the reforms of the 13th century have been viewed in a more cynical fashion that downplays the idealism of the barons, while

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[42] Thomas, *The English and the Normans*, p327.
[43] Ibid, p337.
[44] Turville-Petre, *The English and the Normans*, p5.
[45] Ibid, p9.
[46] R.F.Treharne, *Essays on Thirteenth Century England*, (London: The Historical Association, 1971), p11.
[47] Marc Morris, *A Great and Terrible King: Edward I and the Forging of Modern Britain,* (London: Windmill 2009) pxiii.

emphasising their own personal interests in monopolising royal favour. In the example of 1258-1267 there was a complex web of interconnected relationships that caused individuals to switch allegiance between the royalists and the rebels rather than any political ideals. Hugh Ridgeway has placed particular emphasis on the personal interests of the barons involved, going so far as to suggest they were conservatives opposed to reform. Even if this is the case it would seem as if the nobility were conscious of how the rhetoric of national identity could be used to support their aims, thereby reinforcing the importance of that identity for contemporaries and continuing a tradition of looking back to perceived Anglo-Saxon freedoms.

English Identity and Magna Carta

In the 800th anniversary of the sealing of Magna Carta it is tempting to think that the allure of this famous document is terminally on the wane. With fewer people aware of its history and newer charters such as the Declaration of Human Rights providing a more relevant protection of individual liberties, the place of Magna Carta in English Identity is marginal at best. Perhaps this should not be surprising given the amount of time that has passed since the negotiations in Runnymede; a fact that is reinforced by the recent revelation that the remaining clauses from the Statute of Marlborough are to be removed from English law due to irrelevance. Nor was Magna Carta entirely unique in Europe as other monarchs were also forced to acknowledge the rights of the nobility through agreements like the famous Golden Bull. Yet for centuries the Charter was an integral part of English political discussion, perceived as defining England against its enemies. In the 17th century the printing press allowed for a much greater dissemination of the document which became a totem for the radical reformers in Parliament and amongst the soldiers at Putney. When the first popular campaign movement in modern history pushed for the abolition of slavery the perceived ideas of Magna Carta were once more central. In rallying the British people, Winston Churchill — a keen student of history — was partly inspired by this tradition; even the sociologist Max Weber has written of 'indigenous' English rights encapsulated in Magna Carta.[48] All these examples illustrate how the importance of Magna Carta was projected through a prism of English identity into the past with little or no attempt to contextualise the document. Consequently we may have a misleading impression of how important Magna Carta was in the 13th century alongside a collective English identity. In fact, the document was a peace treaty designed to heal the rifts between King John and his barons, prescribing a long term solution to disputes within their relationship.

It would be a mistake to assume that it had no relevance to the wider population, but it is clear that it was not the popular pronouncement of liberty some have presumed. Because of the limited section of society that influenced the document, the concept of English identity was used by both sides to broaden their legitimacy. In particular, the supporters of

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[48] Geoffrey Hindley, *The Magna Carta: The Origins of Liberty from Runnymede to Washington*, (London: Robinson, 2015) p299.

both sides were able to interpret their position as the one supporting English interests; chroniclers such as Matthew Paris felt free to savage the anti-English nature of their opponents. With the invasion of England by King Louis the supporters of the monarchy were given the perfect excuse to portray the rebel barons as the supporters of a foreign invasion. This line of attack would have had some credibility given that the major motivation of the barons was their own disputes with the rule of King John, who died in 1216. Before his death the rebels could argue that they were curbing the 'tyranny' of King John in the interests of the realm, with particular reference to the un-English influence of his alien advisors, epitomised by Peter des Roches. Intriguingly, the clergy was deeply divided, with the largely native bishops at first inclined support the barons against the wishes of the Pope, who used his influence to support the monarchy, most famously by issuing a Papal Bull declaring the King exempt from his oath to observe Magna Carta. This kaleidoscope of motivations resulted in a complex portrayal of English identity that often appears illogical to the modern world, with French-speaking nobles descended from Norman invaders who could decry the King as acting in a manner inconsistent with the history and traditions of England.

   When the barons met King John in the water-meadows of Runnymede in 1215 they wished to force King John into acknowledging the ways in which he had, in their view, overstepped his power as king and infringed upon their freedoms. The loss of Normandy had a significant long-term effect on the psyche of the English nobility, but it also played an integral part in the deterioration of relations between the King and the nobles. The damage to the prestige and power of the English Monarchy provoked John into a response that proved incredibly costly to both the royal finances and the people of England. The campaign involved bribery and military interventions in both South and Central France with very few tangible gains. In order to raise these funds John was forced to appeal for scutage from his subjects. For the barons this was an unjustified exploitation of feudal rights that impoverished them. The proposed scutage of 1214 fatally undermined support in King John, propelling them towards open rebellion.[49] This came upon the foundations of discontent caused by John's seemingly

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[49] Nicholas Vincent, *Peter des Roches: An Alien in English Politics 1205-1238*, (Cambridge: Cambridge University Press, 1996) p28.

arbitrary dispensation of justice. From the very start of his reign rumours spread that he had ordered the murder of Arthur, who was a potential claimant to the throne; some even believed he had strangled him personally.[50] The barons were further alienated by his unsavoury personality, with the Earl of Salisbury furious that John had proceeded to seduce his wife; John was seemingly incapable of understanding the need to maintain a positive relationship with the primary magnates of the realm.[51] The vast majority of the barons now resided in England after Normandy's fall, and subsequently viewed their King as the King of England and their rights as those of the English when trying to curb such abuse. This combination therefore heavily influenced the contents of Magna Carta and, as we shall see, contributed to the development of English identity.

   Given the primary aims of Magna Carta it would be easy to shift into an opposite extreme that highlights only the interests of the barons and ignores the elements of the Charter that impacted upon those lower down the social hierarchy. In order to retain legitimacy and support both sides sought to define the realms interests. From the very start of the document — when the King dictates that he is communicating to all his 'faithful subjects…for the reform of our realm' — he has conceded that reform had been demanded for the good of the realm rather than merely personal gain, while attempting to maintain a degree of distance from his 'subjects' who he assumes will remain 'faithful'.[52] This attempt at balance continues in clause one, in which John claims that 'we have also granted to all free men of our kingdom, for ourselves and our heirs for ever, all the liberties written below, to be held by them and their heirs of us and our heirs'.[53] This section also commits John to observing the Charter beyond the end of the war, although the fact that the insurance section of clause forty-nine has been removed between the surviving draft and the finished articles suggests that the King was keen to give himself the freedom to ignore the Charter should the balance of power reverse. This insurance would have required the King to 'give them charters of archbishops and bishops and master Pandulf that he will procure nothing from the Lord Pope whereby any of the things here agreed might be revoked or diminished,

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[50] Vincent, *Roches*, p46.
[51] David Carpenter, *The Minority of Henry III*, (London: Methuen, 1990) p30.
[52] 'Magna Carta', EHD.
[53] Ibid.

and if he does procure any such thing, let it be reckoned void and null and let him never use it'.[54] Clearly the barons could not trust John's commitment to the Charter, as was proven by the Pope's annulment, but they were in this instance outmanoeuvred.

This distrust stemmed from the decline in royal justice that affected not only the upper tier of the nobility but all levels of society who were affected by corruption. As a result the demands that no bailiff 'be able to put anyone to trial upon his own bare word without reliable witnesses' and that bailiffs take only what they pay for resonated with a much wider audience around England.[55] Similarly, clauses eighteen and nineteen sought to improve the working of county courts so that they could reach more effective judgements.[56] Clause forty is even more explicit in its commitment to impartial justice for all in England, saying 'to no one will we sell, to no one will we refuse or delay right or justice'.[57] In practice this was probably only intended for the upper classes but it is easy to see how supporters of the Charter could portray it as a commitment to all in England. The same could be said of the most famous clause in the Charter.

Clause thirty-nine has been repeatedly invoked in the modern world due to its commitment that 'no free man shall be arrested or imprisoned or disseised or outlawed or exiled or in any way victimised, neither will we attack him or send anyone to attack him, except by the lawful judgement of his peers or by the law of the land', seen as assurance that all citizens will be protected from unlawful imprisonment.[58] With the later publications of Magna Carta it is possible that much of the commons would have been aware of this clause, but it seems unlikely that it offered them any real protection in practice. The reality was that the clause was intended to prevent John from abusing his influence to extract money from the nobility, particularly given the cost of his continental ambitions. It also sought to curb his volatile temper which had not just threatened Arthur but had resulted in the imprisonment and death by starvation of the wife and eldest son of William de Briouze, a former favourite of King John.[59] This set a chilling precedent for the barons, illustrating that any of them could face not just a fall in influence but complete destruction if they

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[54] 'The Articles of the Barons, 15 June 1215', EHD.
[55] Ibid.
[56] 'Magna Carta', EHD.
[57] Ibid.
[58] 'Magna Carta', EHD.
[59] Vincent, *Roches*, p60.

annoyed the king. Clause thirty-nine was devised as a form of self-preservation, whereby the barons could insure a degree of moderation in how the political opponents of the king were treated. This helped to forge a closer bond between nobles throughout the kingdom who had a shared interest in ensuring the laws of England protected them from excessive harm. It also gave them an interest in promoting the idea that England had a tradition of placing restrictions upon the power of the king so that the freedoms of the English nobility were protected. This investment in an English identity continued through the 13th century in political dissent.

Concurrent to this desire was concern about excessive taxation which put pressure upon the great landholders, who in turn extracted more from their tenants, creating discontent throughout society. Within the Charter itself their concern is obvious, clause fourteen details how the king must summon the magnates to a specific place and time if he desires to receive aid, and then act 'according to the counsel of those present'.[60] In effect the barons were attempting to establish the principal that in order to be granted taxation the King of England had to consult with the representatives of the community first. This would of course become an integral part of the later development of parliament, forcing the king to call the body when his finances were stretched or he needed the funds for war. Although they certainly did not envisage a representative body of the like Parliament became, it does represent an acknowledgement that the interests of the Kingdom of England could not be adequately represented by just the king and his closest advisors. The king had a responsibility to rule effectively for all in the realm, not just for his own family.

To further drive this home the Charter assures the King's subjects that all will benefit as 'these aforesaid customs and liberties which we have granted to be observed in our kingdom as far as it pertains to us towards our men, all our kingdom, clerks as well as laymen, shall observe as far as it pertains to them towards their men'.[61] From the top down all land owners were to be forced to observe the Charter, serving as a common point of reference for all. Even the barons themselves were reminded of their responsibilities towards their tenants with the regulation of knight's fees alongside a reminder that tenants

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[60] 'Magna Carta', EHD.
[61] 'Magna Carta', EHD.

only owed relief on very specific occasions (something that affected the king as well).[62] Radically, clause sixty-one repeated elements from the draft which, as well as acting as insurance, instigated a form of oversight that formalised the limits of the king's power. This clause detailed the appointment of twenty-five barons to oversee the implementation of the Charter in the interests of the community, with anyone free to swear an oath to of commitment to the twenty-five which if broken would result in severe penalties.[63] Though it would be removed from later reissues, it also legitimised military action by the barons against the king, with John saying that the twenty-five 'together with the community of the whole land shall distrain and distress us in every way they can' by confiscating his lands, including castles.[64] In this case it seems clear that the 'communitas' referred to is that of the barons and their retainers in particular, justifying not only the rebellion of 1215 but future rebellions against the injustices of the King, whether they be arbitrary confiscations or unjustified taxes. This level of constraint upon the monarch was virtually unprecedented in medieval history, creating an alternative focus for English identity around justice and away from the king. In particular the nobility were given a document that could be used as a lodestone for future rebellions, suggesting that there was a way to unify magnates from all over the land without an external war.

An external enemy is commonly perceived as a key requirement in the formation of national identities. In this instance 'the other' consisted of a number of 'aliens' brought to England by the rewards offered by King John in his pursuit of domestic and European allies. In the disputes from 1215-1217 this group was often referred to as 'Poitevins' after the Poitou region in France which the English Kings claimed from the King of France. This can be seen in the works of both Matthew Paris and Roger of Wendover who assumed aliens were 'pagans'.[65] However this depiction is disputed by Nicholas Vincent who believes that the majority of the immigrants were actually from Touraine, Normandy and Brittany, not Poitou, which suggests they had more of an interest in a prospective revival of the Angevin Empire.[66] If so it supports his argument that John's patronising of 'aliens' was part of his strategy to reclaim the Angevin lands. This strategy certainly caused consternation among

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[62] 'Magna Carta', EHD.
[63] Ibid.
[64] Ibid.
[65] Vincent, *Roches,* p7.
[66] Ibid, p27.

the magnates, who explicitly censored aliens in the Charter. In the draft the barons attacked the King's propensity for importing foreign mercenaries in clause forty-one, demanding 'the King remove foreign knights, mercenaries, cross-bowmen, routiers, and serjeants, who come with horses and arms to the detriment of the kingdom'.[67] This was repeated in the final document along with warnings that officials should be native appointments to improve the functioning of justice, as such the King promised to 'not make justices, constables, sheriffs or bailiffs save such as know the law of the kingdom and mean to observe it well'.[68] The suggestion here is that those native to other European states were incapable of understanding the traditions and practices of England. Not only this, but the clause implies that alien officials were focused on self-interest rather than the good governance of the kingdom. In theory this represents a narrow interpretation of English identity that suggests those born in England will naturally know better how to administer in a manner satisfactory to other Englishmen. Furthermore, natives were seen as having a sense of identification with other English natives to the extent that they placed the interests of the wider community alongside their own. This was almost certainly an idealised representation rather than an accurate one, but there can be no doubt that the barons were using English identity to attack their alien enemies.

In less general terms the Charter banished from office a number of the King's closest advisors, ostensibly because of their status as aliens, including Gerard d'Athee, Engelard, Andrew and Guy de Chanceux, Guy de Cigogne, Matthew de Martigny (and his brothers and nephew), Geoffrey and Philip Marc (as well as their relatives), and the followers of all those mentioned.[69] This measure gives some idea of the extent to which those who could be portrayed as outsiders were blamed for the conflict. They were used to promote unity among the loosely speaking native barons, while re-opening potential areas of patronage that they believed had been supplanted by the aliens. This patronage had included rights to titles, heirs, and highly profitable marriages, which partly explains the need for clauses two to eight which regulate the proceedings of inheritance, widows, and wardships to prevent powerful nobles abusing their position.[70] These clauses would have limited the extent to

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[67] 'The Articles of the Barons', EHD.
[68] 'Magna Carta', EHD.
[69] Ibid.
[70] Ibid.

which the king could subvert feudal conventions to provide patronage for his alien supporters. For example, a wealthy widow could choose to pay a fee rather than be forced to remarry a French immigrant. These examples perfectly illustrate how the clauses in Magna Carta were designed to deal primarily with the personal concerns of the barons, yet recognised the need to receive wider support by addressing issues that affected the lower orders. By doing so they attempted to create some sense of English unity while demonising aliens in a manner that not only complemented this aim but also rid them of political rivals.

The wider conflict from 1215-1217 gives a murkier impression of how English identity was used by not only the rebels, but also the royalists. After the invasion of King Louis it became a lot more difficult for the rebels to present themselves as the native defenders of England, especially given their own stance on the importation of foreign mercenaries. Yet it would be wrong to assume that the rebel barons had forgotten the potential for anti-alien rhetoric. In the build-up to Magna Carta the political dispute around how the King should act in Europe became a matter of some dispute. For some of the barons there was a strong interest in reclaiming Normandy and the lands they had held there, but for many others the European campaigns of John were a futile waste of money. Even among the supporters of European engagement the defeat of an English expeditionary force in Flanders during 1214 was a bitter pill to take given the massive sums John had raised to finance it.[71] Angevin supporters in France were not afraid to express their displeasure at John's failures, with Bertrand de Born saying 'well he ought be ashamed, if he remember his ancestors, how he has left here Poitou and Touraine', which has caused distress as he 'loses his people, because he succours them not near or far off'.[72] Nor do the barons escape criticism 'who have let your credit fall into the mud' by failing to adequately support the King.[73] For those from areas threatened by the King of France it was an incredibly emotive topic which threatened their identity.

This identity could be clearly anti-alien as evidenced by the treatment of an English monk who was consistently ridiculed in Poitou for being English.[74] Perhaps it was the language used by the monk that made him stand out in his new community; if so, it would have chimed with the tone of a song written in France after the peace treaty of 1217 which

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[71] J. C. Holt, *Magna Carta*, (Cambridge: Cambridge University Press, 1965) p20.
[72] 'A Sirvente on King John-Bertrand de Born', PSE.
[73] Ibid.
[74] Vincent, *Roches*, p29.

proceeded to mock the English nobility for their seemingly unsophisticated, bastardised French.[75] Some historians have claimed that English identity in this period was entirely along these lines, that is to say xenophobic, something that this paper disputes. However it is important to recognise that the rejection of 'the other' was important in providing a contrast to unify those who were 'native', something for which there is ample evidence. In 1215 the rebel barons had used this against the royalists by attacking the patronage of aliens, but the military weakness of the rebels forced them to ask for aid from King Louis of France, giving supporters of King John an easy propaganda tool. Supporters of the rebels claimed Louis was invited to save the people of England from the aliens, seemingly without irony, and restore the ancient customs of England. Thus Gerald of Wales claimed that Louis had come to free the 'gens Anglorum' from Angevin tyranny.[76] But after the death of King John, the new regent William Marshall (along with the papal legate Pandulf) decided to have Magna Carta reissued in both 1216 and 1217. In both these instances it was widely disseminated around England to be read out in towns so that people of all stations had knew the new government supported reform, and the sheriffs themselves were pressured to do this.[77] As Carpenter has said 'men accepted the recovery of royal power, indeed supported central government in turning the tables on the great local governors, because they believed that they were getting a moderate form of kingship which they could limit and control'.[78]

By accepting reform the royalists were able to also utilise the politics of identity by claiming their enemies were French. The famous history of William Marshall was able to claim that Louis 'called in some Flemings, knights and serjants, who thought only of plunder and were less concerned with helping him in his war than with laying waste the land'.[79] The author was keen to present William Marshal in the best possible light and so had a keen interest in legitimising his actions in the war. It may also be that the History was reflecting the propaganda that was being propagated at the time such as the scuatge of 1217 which was officially justified to 'deliver England from the French'.[80] It certainly emphasised the fact that

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[75] 'Song of the Peace with England', PSE.
[76] Carpenter, *The Minority*, p29.
[77] Ibid, p403.
[78] Ibid, p3.
[79] 'The History of William the Marshal for the years 1216-19', EHD.
[80] Carpenter, *The Minority*, p29.

the rebels were reliant upon the French, implying that the English rebels had betrayed the kingdom so that when the royalists counter-attacked 'the English (rebels) having no right to the land, could only evacuate it'.[81] This narrative played a role in dividing the English nobles from Louis, with the Dunstable Annalist claiming they left Louis as 'the French became arrogant, repulsed the nobles of England from their counsels, began to call them traitors, and retained the castles which they took for themselves, and did not restore their rights to the English'.[82] Differences in custom and allegiance exacerbated the tangible conflict between nobles who believed they were owed land by the King of France who had been forced to incentivise his barons by promising those rewards in England that the native magnates believed were theirs by right. This can be seen in the defection of William Marshal the younger to the royalist cause after he was denied custody of the royal castle of Marlborough which he felt was owed to him.[83] This was far from the only instance of such tension, with the defection of other barons such as the Earl of Surrey fatally undermining the cause of the rebels. Amongst the nobility these political interests were more important than national identity; it was more effective in mobilising the lower classes. The Waverly Annalist suggested that both nobles and plebeians took the cross in fighting Louis 'preferring to have a king from their own land than a foreign'.[84] Further evidence comes from Matthew Paris, hardly a sycophant to the king, who fearing the French proclaimed 'if these people enter England unopposed…she will be lost without doubt' about the attempts to rally support before the battle of Sandwich.[85] Likewise a song on the Battle of Lincoln attacked the rebels for supporting 'belligeras Francorum' and 'nigras Scottorum' who sought to damage the land.[86] By contrast, the death of John had rallied the English in sorrow; 'Invocat Angligenas Anglorum lacrima vires'.[87] Amongst the commoners anti-alien rhetoric such as this was capable inspiring fear, to such an extent that they would fight for the King. Yet there was little or no attempt to bring them within the process pushing for reform; English identity was being used in a negative manner to aid in the reconstruction of royal power, not to create a newly unified nation.

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[81] Carpenter, *The Minority*, p29.
[82] Ibid, p29.
[83] Richard Eales, 'Castles and Politics in England, 1215-1224', in *Thirteenth Century England Volume II*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1987) p29.
[84] Carpenter, *The Minority*, p29.
[85] Turville-Petre, *England the Nation*, p3.
[86] 'The Taking of Lincoln', PSE.
[87] Ibid.

In countering arguments for medieval national identities critics such as Kumar often cite the influence of the Catholic Church across Europe, claiming that the power the Pope exercised across borders was only possible because national identities were weaker than a Catholic religious identity with which it was incompatible.[88] The nuanced role of the Church from 1215-1217 gives a strong repudiation to this argument, clarifying the fact that humans are contradictory beings well capable of holding multiple identities that may at times seem mutually exclusive. It also reinforces the importance of never forgetting the power of self-interest in motivating powerful men. In analysing the events surrounding Magna Carta it is impossible to ignore the role of the Pope in supporting King John through his legates Pandulf and Guala. This interest developed after John decided to formally submit his kingdom to the Pope in 1213, with a radical change in policy intended to give him political leverage against King Louis. For those who doubt national identities this document is on the surface a powerful attack on national sovereignty with the primacy of God's conduit the Pope, established by the words 'all secular kings for the sake of God so venerate this vicar, that unless they seek to serve him devotedly they doubt if they are reigning properly'.[89] This may seem like a pointed statement, yet it commits the King to nothing, simply promoting his own piety. More important the document gave the Pope formal ownership over England with John receiving it back in tenure in return for a significant financial payment. This meant the Pope could claim it 'to be our right and our property' as the feudal lord of England.[90] Again these words reflect the importance that people placed upon the concept of feudal ownership, that did restrict the potential for England to be viewed as a united nation, because this language was spread through the public charter which followed, but they tell us nothing of how local people reacted. Within England the vast majority would have seen the King as their lord not a long distant Pope. The public charter proclaimed 'we wish it to be known to you all that…we offer and freely yield to God', it is more careful to protect the authority of the King by focusing on his submission to God through the Pope.[91]

In practice the submission meant that the Pope was able to intervene in John's dispute with King Louis by excommunicating John's enemies and lending John's cause greater

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[88] Kumar, *The English*, p42.
[89] ' John's Surrender of his Kingdoms of England and Ireland to the Pope, May and October 1213', EHD.
[90] 'John's Surrender', EHD.
[91] Ibid.

legitimacy among the commoners as the song the Taking of Lincoln illustrates, 'England hath grasped her conquering swords by impulse of God'.[92] It also allowed him to do what the barons had feared in the draft Charter and exempt King John from his oath to observe the changes, effectively invalidating the 1215 issue of Magna Carta. A course of action wisely reversed by the regency government in their pursuit of support after the Pope had already sent letters excommunicating the rebels.[93] His representatives worked closely with the new government to reach a settlement with King Louis before they could rebuild the kingdom. Pandulf played an important role in these negotiations, reassuring the returning barons that as an outsider he could protect them from repercussions and convincing them to accept William Marshall as regent.[94]

Pandulf's primary concern however, was to bring the rebellious English clergy back to obedience to both the King and the Pope. All Pandulf's surviving letters are focused upon cajoling rebellious clergy to support the King whom they had previously been in conflict with, mainly over the independent right to appoint their leaders.[95] This dispute was typified by the conflict over Simon Langton being appointed Archbishop of Canterbury. Langton was a prominent intellectual in Paris where he had developed some reforming political ideals including the principle that rebellion was justified when there was 'an absence of judicial process' which damaged the realm.[96] He was appointed Archbishop of Canterbury by the Pope in 1207 after the monks of Canterbury had refused to accept King John's appointment of John de Gray.[97] In reply John decided to exile the monks escalating his dispute with the papacy and the English clergy. John's submission to the Pope reversed this trend, but did not stop the local bishops from supporting the barons in their rebellion. The role of Langton in the drafting of Magna Carta is somewhat contentious, his influence on the contents unclear, as the leader of the English bishops though he ensured their support for the Charter. Interestingly the Charter not only guaranteed the freedom of the Church, but specifically referenced 'the freedom of elections which is reckoned most important and very

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[92] 'The Taking of Lincoln', PSE.

[93] Vincent, *Roches*, p123

[94] Fred Cazel, 'The Legates Guala and Pandulf', in *Thirteenth Century England Volume II*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1987) p16.

[95] Ibid, p17.

[96] David Carpenter, 'Archbishop Langton and Magna Carta: His Contribution, His Doubts and His Hypocrisy', in *The English Historical Review*, Vol 126, No 522, (Oxford: Oxford University Press).

[97] Robert Bartlett, *England Under the Norman and Angevin Kings, 1075-1225*, (London: Clarendon Press, 2002) p404

essential to the English Church' in relation to the controversy over appointments.[98] By referencing the English Church it identified the particular traditions of the English Church which gave the native clergy an identity within the universal Church, this identity could be used to justify disobedience towards the papacy if they deemed it in the interests of England and it's Church. This was not a consistent pattern of thought among the English clergy but a matter for individual personalities and situations. For Langton the English Church was the congregation of both laity and clergy from whom temporal authority was derived as well as beholden.[99] If necessary he could be resistant to those who threatened it, as his brother did by siding with Louis after his election to the diocese of York was quashed by the Pope. Having noted this, the influence of the Pope in England was still considerable, to the extent that after the regent had decided to support Magna Carta and the Pope had excommunicated the rebels only four important clerks supported Louis, none of them bishops.[100] If the royalists had been adamantly opposed to Magna Carta this may have been different, but the conjunction of political reform and papal interest allowed the clergy to claim they were acting in the interests of both the English Church and the European Catholic Church.

   The ideas encapsulated in Magna Carta were not unique in Europe but they definitely seemed radical. The recently discovered Chronicle of Melrose helps us to understand how the Charter could be misinterpreted, 'A new state of things begun in England; such a strange affair as had never been heard; for the body wishes to rule the head, and the people desired to be masters over the king'.[101] Of course this was not the case; Magna Carta bargained restrictions upon the King's power in return for formally recognising his right to interfere in other areas such as local justice. It certainly was not a challenge to the King's right to rule England so long as he listened to council and did not abuse his position. The chronicle was more accurate in its explanation of why the barons rebelled,

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[98] 'Magna Carta', EHD.
[99] Carpenter, 'Langton'.
[100] Ibid.
[101] Mark Brown, 'Magna Carta Story Illuminated by Discovery of Medieval Poem', in *The Guardian*, 27 November, 2014.

'The king, it is true, had perverted the excellent institutions of the realm, and had mismanaged its laws and customs, and misgoverned his subjects. His inclination became his law; he oppressed his own subjects; he placed over them foreign mercenary soldiers, and he put to death the lawful heirs, of whom he had obtained possession as his hostages, while an alien seized their lands'.[102]

Apart from acknowledging the discontent caused by John's abuse of the law it reiterates the rebel accusations that John had allowed the land to be overrun by aliens, hated by the native population. This is surely conclusive evidence that the propaganda propagated by the barons was highly effective in convincing people that the rebellion was about the whole realm, rejecting aliens despite the fact that many of the barons themselves had strong family connections in France and even spoke French. In reality they had reached the point that they feared the misrule of John more than the risks of rebellion. In order to minimise this risk they attempted to mobilise some form of popular support (particularly amongst the knightly classes) by using English identity as an emotive rallying cry. That there was an English identity is difficult to deny, as the plausibility the chronicle of Melrose attributed to its importance attests. Its link to political reform was not intrinsic but became necessary to solidify the baron's position. They tapped into a perceived English tradition of justice that appealed to all classes who had disputes with the both royal and local justice. The power of this narrative was such that the royalist faction chose to adopt it after John's death plausibly allowed them to affiliate with Magna Carta, and to a degree of moderate reform. When combined with the nationalist rhetoric that came easily after the French invasion and the friction in the rebel camp it completely changed the course of the war. Before John's death the situation for the royalists was dire, afterwards the native barons were rapidly changing sides and the royalist cause was reignited. It did not matter that it was the alien Peter des Roches who made the vital intervention in the battle of Lincoln or that William Marshal had significant holdings in France, for the mid ranking land holder a foreign King was threatening the society they thrived in and an appeal to their common experience across England was a powerful standard.

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[102] Brown, 'Magna Carta'.

English Identity in the Baronial Rebellion of 1258-1267

If Magna Carta is the most famous product of medieval political rebellions the Provisions of Oxford and Westminster must be considered amongst the most radical. The clauses written within Magna Carta primarily intended to protect the largely united barons from the abuse of power that John had instigated due to both his personality and desire to regain the Angevin Empire. English identity was useful as a propaganda tool but it was far from essential to the success of the original rebellion, actually it became more important to the royalist cause after they had accepted the need for reform. By contrast the alliance that pushed King Henry III to accept the Provisions was very clearly unstable, requiring the support of a noticeably wider section of society to have any hope of enduring. The language in Magna Carta had some relevance to those outside the nobility but little practical worth; after the Provisions of Westminster had been agreed the new justicar Hugh Bigod began hearing oral testimony from the poorest individuals in proceedings of querela.[103] Unlike in 1216 the royalists were incapable of adopting the mantle of reform until after the war was won and Lord Edward deemed it sensible to consolidate their position with the Statute of Marlborough. While the support of the Pope and the King of France behind Henry III made it easier for the rebels to present themselves as fighting for the interests of England against the outsiders. Even the clergy was plainly divided with many in support Simon de Montfort against his enemies.

The way the rebellion of 1258 developed led it to become conspicuously different from 1215, yet it started remarkably similarly. Just as in 1215 the King was forced to raise exceptional taxation to fund a war on the continent with dubious benefit to the realm, in this case in Sicily, while patronage was distributed to aliens and justice was seen to be corrupted by self-interest. The need for a degree of acceptance around taxation once again gave the barons a useful lever in political negotiations with the King that they were then able to exploit to gain concessions. It was the scale of these demands that made the position of the rebels so tenuous in 1258, if the proposed reforms had been focused purely on improving the justice system for the protection of the barons it seems likely the King

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[103] Adrian Jobson, *The First English Revolution: Simon de Montfort, Henry III, and the Barons' War*, (London: Bloomsbury, 2012) p29.

would have little choice but to acquiesce to the demands of the united barons. Instead by proposing that the 'community of the realm' should play an active role in the governance of the kingdom they sought to change it beyond a perceived tradition of English freedoms. Nobody could believe that the laws of Henry I included a council of barons overseeing executive decisions.

  The fundamental reasons for rebellion were the same but the focus was different. In 1215 the barons had personal grievances with King John that were intrinsically linked to his personality, in 1285 it was possible to present the problem as the King's poor advisors. This was catalysed by the greater level of patronage given to alien groups who the rebels presented as a malignant force in English politics to a greater extent than in 1215, although once more many of those involved in the rebellion were not easily defined as English. This naturally resulted in a confluence betwixt English identity and political reform that implied the King was not the only embodiment of the English state, rather he was the leader of that state who if overly negligent could be sidestepped by those with the interests of the whole community in mind. Recently Huw Ridgeway has taken a highly cynical approach to the rebellion by claiming that term 'baronial movement of reform' is a misnomer when in reality the driving force was a desire to restrict the influence of the Lusignans for their own benefit.[104] Though some such as Peter of Savoy and Richard of Gloucester who were originally involved in the rebellion probably had no interest in meaningful reform the commitment of Simon de Montfort's allies to these radical documents suggests they were motivated more than short term political advantage. Those amongst the knightly classes who risked everything certainly had little to fear from Lusignan competition for patronage, but everything to lose. They were united by the recurring theme of locally mismanaged justice and poorly executed foreign campaigns. Invariably the scale of their endeavour required a sense of Englishness to make sense, something their propaganda willingly expressed. Unlike in 1215 English identity was not just important; it was a vital battleground with the future of the realm on the line.

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[104] Huw Ridgeway, 'The Lord Edward and the Provisions of Oxford (1258): A Study in Faction', *in Thirteenth Century England Volume I*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1985) p90.

 Throughout English history excessive taxation has been the foundation for political rebellion. From the highest noble to the lowest peasant there was an objection to paying taxes that only appeared to impoverish them and enrich the king. With this in mind the demand for taxation that the king delivered after the failed Sicily affair in 1256 was bound to face resistance.[105] What must have made it particularly galling was the fact that it appeared to be a personal enterprise rather than a tactical move to improve the position of the realm. Numerous documents written during the rebellion indicate that excessive taxation was a motivation; for example a proclamation from January 1264 written in support of Leicester which places complaints about tax at the beginning of its list.[106] This is not surprising given that it was the demand for funds supporting the Sicily proposal that forced the King to negotiate to begin with and something the barons promised to consider in return for the King's concessions.[107] The Pope was also attacked for his role in the demand, as we shall see later, which complicated his relationship with the both laity and clergy. Yet the Pope was not the King of England, in order to stop this taxation for the good of England the barons would need greater controls over the King.

 The solution was to continue the process of reform which had ebbed and flowed throughout the 13th century from Magna Carta. As Treharne has identified 'what was new in these years was the growing conviction that a bad or an unsatisfactory king should and could be made to rule satisfactorily by having his actions circumscribed by solemn agreements under specific sanctions; and if these failed, by taking the exercise of his power from him and putting it in the hands of elected men who would govern in his name according to the desired standards.'[108] The chronicle of Bury St Edmunds tells us that the barons acted 'to preserve the dignity of the church and crown and the well-being of the whole kingdom', reinforcing the perception that the most important concern was that the

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[105] Maurice Powicke, *King Henry III and The Lord Edward: The Community of the Realm in the Thirteenth Century*, (Oxford: Clarendon Press, 1966) p374.

[106] 'January 1264: Grievances which Oppressed the Land of England', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

[107] 'The Petition of the Barons at Oxford', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

[108] R. F. Treharne, *Essays on Thirteenth Century England,* (London: Historical Association, 1971) p11.

king rule for everyone in England.[109] This included changing how decisions were made to reduce the burden of taxation which had pushed the barons over the edge.

The importance of English identity was not just in demands to reduce taxation, by claiming to represent the 'community of the realm' the barons could justify taking control of executive decision making. The Provisions of Oxford and Westminster sought to change how executive decisions were made in a number of ways. The most prominent was the establishment of a twenty-four man council of which half were appointed by the barons, this council would then meet at each parliament and appoint the members of the King's council. The Provision of Oxford ordered that 'twelve who are chosen by the barons to negotiate, at the three parliaments each year, with the King's council' will have considerable powers.[110] These include forcing the councillors of the King to face review three times a year as 'to these three parliaments shall come the elected councillors of the king, even if they be not summoned, to review the state of the realm and to deal with the common business of the realm and of the King together'.[111] Such oversight gave the barons a much more active role in the governance of the realm, marginalising the king who they believed had ignored the advice of the nobility and thereby made executive decisions that damaged the kingdom. One passage about the role of the chancellor makes clear the extent to which they will act, for

'he will seal no writ, except routine writs, without orders from the King and those of his council who shall be in attendance; nor will he seal any grant of a greater wardship, or of a large sum of money or of escheats, without the consent of the great council or of the majority thereof; nor will he seal anything that is contrary to the ordinances to be made and to be made by the twenty-four or by the majority thereof. And that he will take no payment beyond what is arranged by the others'.[112]

It hints at the earlier concerns that the King's foreign advisors had become too powerful. As it had previously been discovered that some such as Peter de Rivillas had attached the King's seal to acts Henry had not been shown, thereby using his authority to ignore the

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[109] *The Chronicle of Bury St Edmunds 1212-1301*, ed Antonia Gransden, (London: Nelson, 1964) p23.
[110] 'June-July 1258: The Provisions of Oxford', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).
[111] Ibid.
[112] Ibid.

law.[113] By forcing the chancellor to get the approval of the council they could make sure the King was not circumnavigated again. The mention of preventing the distribution of large sums of money and wardships was a means of controlling the use of royal patronage as well as the potential for the royal finances to go into debt that required taxation to pay. Furthermore the insistence that the chancellor be paid by just the council ensured his obedience. This was important because article twenty, 'be it noted to reform the household of the King and Queen', was very vague about how exactly the royal finances should be reformed.[114] By controlling the chancellor they had the ability to decide how far to go with reforming these finances, in a sense allowing them to decide the role the King should play in an English state conscious of its responsibility towards the wider community.

Another way for the barons to force the king to take the advice of his native nobles was by reinforcing the importance of parliament. The role of parliament before 1258 was somewhat vague: its influence largely dependent on how unpopular the monarch was, and more pertinently how much they needed money. This underpinned the affirmation 'that there shall be three parliaments every year in the Provisions of Oxford, allowing the barons to maintain their influence over the whole year while giving lower ranking power brokers a voice at a national level.. It also gave them increased legitimacy through the recognition of a larger older body and allowed them to review the work of government with the political representatives of local regions who then had some investment in the council system. This would help to prevent the breakdown in relations between the members of the nobility; maintaining their unity. The importance of this measure can be seen in the personal letters of the King, who found himself in France when parliament was set to be held in 1259. He complained in letters to both the Archbishop of Canterbury and Hugh Bigod that they should 'make no arrangement for a parliament and permit none to be held before our return to England'.[115] [116] Henry was concerned that if parliament could be called without his presence, nor consent, than it would increase its legitimacy as the representatives of the people independent from the monarch and begin to make decisions that the King had no

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[113] Powicke, *King Henry III and The Lord Edward*, p137.

[114] 'June-July 1258: The Provisions of Oxford'.

[115] '19 February 1260: The King to the Archbishop of Canterbury and others', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

[116] '26 January 1260: The King to Hugh Bigod', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

control over. Indeed the King later complained to the Earl of Norfolk that he was receiving no information from England 'whereat the King is really disgusted' at his lack of input.[117] Parliament was still a long way from a democratic body, but the importance of the institution was on the rise as was latter seen in Edward's reign. It had begun to gain a sense of representing the whole of England.

The barons not only sought to compensate for the lack of consultation, they wished to improve the justice system that the King had neglected. The actions of the Lusignan's were at the forefront of the King's neglect, but he was also responsible for the failure of the lower courts. The barons sought to end the corruption that created these problems. Remarkably they were convinced by Simon de Montfort to restrict their own power as a part of the solution.[118] At the heart of these reforms was the insistence that royal officials reject corruption. This can be seen in article 16 of the Provisions of Oxford, 'let no official, by reason of a plea, or of his official duties, take any reward…for it is right that the king should pay his justices, and all those who serve him, sufficiently that they shall have no need to accept anything from anyone else' and 17, 'let him take no bribes neither himself nor his officials' in reference to the sheriffs.[119] Such intent was reiterated by the King in 1258 with the public statement that 'henceforth full and swift justice shall always be done to all, without any kind of reward'.[120] This document also confirms that all royal officials were forced to swear an oath to confirm this. In addition to these statements of intent the Provisions suggest solutions to more specific legal problems such as the royal tax on murdrum which they decreed 'shall be incurred only in felonious slayings, and not otherwise' when previously officials had been collecting it upon any death.[121]

In order to ensure that such reforms were observed the appointment of a new chief justicar with expanded powers was ordained. A letter by a member of the royal court about the Oxford Parliament heralds the appointment of Hugh Bigod as 'Justicar of England' with

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[117] '6 March 1260: The King to Roger, Earl of Norfolk', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973)

[118] J.R.Madicott, *Simon De Montfort*, (Cambridge: University Press, 1995), pxiv.

[119] 'June-July 1258: The Provisions of Oxford'.

[120] '20 October 1258: The Ordinance of the Sheriffs', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

[121] 'October 1259: The Provisions of Westminster (legal resolutions)', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

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an oath to never be corrupt and examine all men equally including the King.[122] This is confirmed by the Provision of Oxford which says 'the chief justicar shall have the power to put right the wrongs done by all other justices, and by officials, by earls, barons and all other persons, according to the law and justice of the land'.[123] The appointment of an individual with such wide ranging power by the great council gave them significant control over how justice was enforced in the land, allowing them to reform what they saw as broken. With the support of a number of lower justices, the chief justicar could influence all levels. A separate document produced by the council proscribed the justices, including members of the council, to tour the country unearthing corruption with those who 'have given anything to any of the King's offices or to any person for obtaining, doing, or deferring justice, shall immediately declare this to the justices' or face greater punishment.[124] To ensure that the chief justicar remained neutral he and other officials such as the treasurer not only had to face review by the committee but also had limited terms of a year before being replaced.[125] This was a practical measure to ensure that the council, in partnership with the King, could effectively oversee justice.

Intriguingly the chief justicar had the power to investigate the finances and actions of the barons themselves as suggested by the statement on his role. The Provision of Westminster is even more explicit about this aspect of the justicar's role. It proclaims 'let them also inquire about the bailiffs of the great men in the land, and about the great men themselves' to root out corruption and injustice related to the barons.[126] This was necessary because the King had not been able to prevent corruption among the nobility, whether they were seen as 'aliens' or not. Consequently the barons had to investigate themselves in order to appear improve the realm, reinforcing their credentials as English amongst tenants who would potentially support the King in a civil war. The legal Provisions of Westminster prohibited

[122] 'Circa 18 July 1258: A Letter from a member of the King's Court about the Parliament at Oxford', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).
[123] 'June-July 1258: The Provisions of Oxford'.
[124] 'November 1259: Provisions made concerning those of the council who will go on circuit, in diverse places with the judges, before Easter in the forty-fourth year (of the reign of Henry III, 1260) to hold inquisitions, correct and amend transgressions', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).
[125] Ibid.
[126] 'October 1259 The Provisions of Westminster (administrative and political resolutions)', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

lords from preventing legitimate inheritance, unfairly requisitioning the 'beasts' of their tenants, and no landowner 'may force his free tenants to take oath against their wills'.[127] These were amongst a number of new laws that were intended to prevent the abuse of the nobility. That the nobility themselves saw this as necessary gives some indication of the problems caused by unchecked corruption. Moreover it was a commitment from the barons to the people of England, recognising that they shared the same land.

The measures that were taken to aid the lower classes were part of a narrative that fed into the growing perception of the realm as a unified body that should be ruled with the interests of all elements of the population in mind. The author of the chronicle of Bury St Edmunds was certain that the Provisions were for 'the well-being of the whole kingdom' and the rhetoric in the provisions matches this statement.[128] The Provisions of Oxford begin by saying 'this is the oath of the community of England at Oxford…we will help each other and our people, against all men…and if anyone opposes this, we will treat him as a mortal foe', with a commitment to excommunicate any who turned from the principles of the provisions.[129] When you consider that these documents would have been read out in English to the population before being kept in local archives they mark a powerful statement of intent. This intent included protecting the realm from foreign enemies, in the petition of the barons at Oxford they argued that 'the royal castles shall be committed to the custody of the King's faithful subjects born in the Kingdom of England, on account of many dangers which might befall or arise in the realm of England'.[130] This measure was intended to give the barons greater power in England while ensuring England would be protected from the invasions feared by men like Matthew Paris. In the transcript of Simon de Montfort's trial it was written 'that the Earl told the justicar to tell the King not to bring foreigners with him into England; that he should tell the King that he would not allow him to bring foreigners into England'.[131] This was a response to Henry's attempts at importing foreign mercenaries to fight in England, though another means of protecting the barons own position it shows how identity rhetoric was used to gather support.

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[127] 'October 1259 The Provisions of Westminster (legal resolutions)'.
[128] *Bury St Edmunds*, p23.
[129] 'June-July The Provisions of Oxford'.
[130] 'The Petition of the barons at Oxford'.
[131] 'July 1260: The Trial of Simon de Montfort', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).

Such rhetoric was also used by the barons to introduce measures which would prevent the King being overly swayed by his foreign relatives. According to Matthew Paris, Henry was forced to accept 'he had too often been beguiled by evil council...and he would fully and properly amend his old errors, and show favour and kindness to his native born subjects' by providing more opportunities for the established nobility.[132] The letter from the royal court enthuses that the Lusignans were presented as 'traitors to the Lord King and realm' at Oxford and that it 'is not thought likely to happen' that the confiscated lands of the Lusignans will be returned.[133] The confiscation of their lands was a way of reducing their influence and provided rivals with titles they believed were rightfully theirs. Additionally they desired that 'women shall not be married in such a way as to disparage them, that is to men who are not true born Englishmen' thereby giving their inheritance to foreign nobles.[134] These measures were a means to redress the neglect the barons believed they had received under Henry III.

This sense of injustice was not just a literal perception that the laws of the land were being flouted; it was also the feeling that the nobility were being replaced by rival foreign families. After his marriage the Queen had brought a number of relatives with her to England, including Peter of Savoy and Boniface who was promoted to Archbishop of Canterbury. Until the 1250s the Savoyards had integrated without excessive upheaval, but as the number of available wardships decreased conflict became more common.[135] This had already caused consternation amongst the barons, yet worse was to follow with the arrival of the Lusignan's.[136] The amount of land given to William Valence was bad enough, but the appointment of Aymer to Archbishop of Canterbury was exceedingly vexing given his lack of education and non-existent experience.[137] Their arrival foreshadowed a factional conflict with the Queen's family which drove some such as Peter of Savoy towards the barons. Matthew Paris tells us the King invited them to 'enrich themselves as plentifully as possible

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[132] David Carpenter, 'What happened in 1258?', in *The Reign of Henry III*, ed David Carpenter, (London: Hambledon Press, 1996) p187.

[133] 'Circa 18 July 1258: A letter from a member of the King's Court about the Parliament at Oxford'.

[134] 'The Petition of the Barons at Oxford'.

[135] Adrian Jobson, *The First English Revolution*, p9.

[136] Marc Morris, *A Great and Terrible King: Edward I and the Forging of Britain*, (London: Windmill Books, 2009) p23.

[137] Ibid, p24.

with the delights and wealth of England' at the expense of the local nobility.[138] Ridgeway
argues that it was this factional conflict that drove an alliance of established Savoyard
figures to try and prevent Lord Edward from being controlled by a newer group of men his
own age such as John de Warenne and Henry of Almain who could convince him to
centralise power to a much greater extent.[139] In strong language he has asserted that 'the
political achievement of the Provisions of Oxford was a victory for reactionary forces, for the
provisions were the work of conservative minded courtiers, naitve and 'alien', who were
afraid of the directions that Henry III and The Lord Edward's policies would take'.[140] There is
some degree of truth in this as the barons were keen to protect their independence at the
same time as competing for royal rewards potentially taken by newcomers. But to claim
that they were primarily conservative minded ignores the radical nature of their proposed
solutions and the lengths they were willing to go to enforce them.

These problems with the King's relatives became intertwined with a narrative that
emphasised the King's responsibility to protect the interests of the people of England
against alien enemies. In previous examples we have already seen the use of terms such as
'commonwealth' and 'community' in appealing to the wider population of England. In many
of his proclamations to the people after 1257 Henry showed some degree of comprehension
that this was important. A royal letter about the Provisions read to the people in 1258 opens
with the greeting 'the king to all men' and promises to act in the interests of the 'community
of the realm'.[141] Intriguingly the same document describes a potential tax as 'common aid'
rather than an indisputable right of the king. Given his own obsession with the cult of
Edward the Confessor and his use of Anglo-Saxon names for his children we can surmise
that Henry was a part of this move away from Norman heritage to an English identity that
could unite the elite with the wider population.[142] The language used in the chronicles also
indicates a growing English identity. In describing a reissue of Magna Carta in 1253 the
chronicle of Bury St Edmunds said 'the King granted to the English the liberties that had

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[138] *Chronicle of Matthew Paris*, p28.
[139] Ridgeway, 'The Lord Edward', p97.
[140] Ibid, p99.
[141] 'Royal Letter of 2nd May 1258-From the King and the Barons of England', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).
[142] Marc Morris, *A Great and Terrible King*, p3.

previously been conceded to them', by which it means everybody considered 'English'.[143] Paris was more specific in claiming Henry swore to 'show favour and kindness to his native born subjects'.[144]

This was contrasted against a growing antipathy towards those seen as aliens. This concept was certainly flexible, as evidenced by Frenchmen Simon de Montfort leading the rebellion; however it was more than simply a means of attacking the violent Lusignans. The Tewsbury chronicle quotes the King as saying 'let the wretched and intolerable Poitevins and all aliens flee your face and ours as from the face of a lion'.[145] His decision to reference the Poitevins was probably a deliberate attempt to avoid just blaming his half-brothers; on the other hand it gives broad scope to attack any one seen as an 'alien'. This term was used on more than one occasion by the chronicle of Bury St Edmunds. In 1263 it blames 'the Queen and others, principally aliens' for convincing the King to resist the Provisions, such that the barons 'treated aliens the same way' as their enemies.[146] The Queen's actions further increased tensions when she 'collected an enormous army and decided to invade England. As, however, the sea and coasts were strongly guarded by an English army by order of the King and barons, the enemy was afraid to sail', emphasising how terrible this was the chronicle reminds the reader 'it should be remembered that England would have been captured by foreigners if the seas had not been protected'.[147] Such threats of external invasion were a common theme both before and during the conflict with both sides accused of importing foreign mercenaries. Paris outlines how the barons feared the 'King and his Poitevin brothers would call in aliens to aid him against his native born subjects'.[148]

The previously alluded to fight for royal privilege also heightened a more general animosity to foreigners. Paris conveys that Peter of Savoy brought 'women from his distant homeland in order to marry them to the English nobles who were royal wards. To many native and indigenous Englishmen this seemed unpleasant and absurd for they felt they were being despised.'[149] Again when Peter of Savoy used royal wards to marry Edmund Earl of Lincoln

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[143] *Bury St Edmunds*, p19.
[144] Carpenter, 'What happened in 1258?', p187.
[145] Ibid, p188.
[146] *Bury St Edmunds*, p27.
[147] Ibid, p29.
[148] Carpenter, 'What happened in 1258?', p196.
[149] *Chronicle of Matthew Paris*, p8.

and Richard de Burgo to Provencal girls 'the marriages caused considerable murmur and indignation to travel round the kingdom for it was said that the women were ignoble, unknown to the nobles, and married to them against their will'.[150] He also complains that 'the Pope has arbitrarily and to the intolerable damage of the Kingdom of England everywhere and indiscriminately made provisions of ecclesiastical benefices in England for the benefit of the Italians'.[151] This implies that such awards not only deprived the established classes in England of advance but also damaged the governance of the realm by putting foreigners who were only concerned about wealth in positions of power.

   That this issue had developed beyond attacks on the King's relatives can be seen in his record of the visit by the Emperor of Constantinople, 'at this time some hungry foreign nobles arrived in England with empty stomachs and open mouths gaping for the King's money'.[152] For both the chroniclers and the barons it was important that the King stood up to these 'aliens' and not just militarily protected England from outsiders but also protected the 'native born' population from exploitation. This created a degree of ambiguity, for the barons themselves often had foreign heritage and they expressed a desire to protect foreign merchants as well as the English merchants in their complaints to the king, 'many English merchants are impoverished beyond measure, while alien merchants for this reason refuse to come with their goods into the kingdom, wherefore the land suffers grievous loss'.[153] Despite this more balanced accounting there was a growing sense of English identity which both sides sought to exploit in propaganda.

   The propaganda has been reflected not just in surviving chronicles but in less formal sources such as those contained in Thomas Wright's Political songs of England. The link between political reform and English identity is explicit in the famous Song of Lewes which begins by proclaiming 'jam respirat Anglia, sperans libertatem'.[154] As the English had been trodden under, deprived of their liberties by rapacious aliens before the resistance of Simon de Montfort and 'qui pugnant pro Anglia'.[155] Having sworn an oath to revive the fallen state

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[150] *Chronicle of Matthew Paris*, p29.
[151] Ibid, p6.
[152] Ibid, p27.
[153] 'The Petition of the Barons', in *Documents of the Baronial Movement of Reform and Rebellion*, ed I.J.Sanders and R.F.Treharne, (Oxford: Clarendon Press, 1973).
[154] 'The Battle of Lewes', PSE.
[155] Ibid.

of the 'Anglicanae gentis' which people should trust Simon because his piety brings security and peace; 'Fides et fidelitas Symonis solius, fit pacis integritas Anglicae totius'.[156]

'If his own interests had moved the earl, he would neither have had any other zeal, nor would he have sought with all his power for the reformation of the kingdom, but he would have aimed at power…and would have neglected the weal of the community'.[157]

De Montfort was willing to take bold action for all of the community, necessitated by the aggressive actions of the aliens who even wanted to erase the name of the English.[158] They were portrayed as undermining the native nobles by monopolising positions of power as 'such men when they begin to grow, always go on climbing till they have supplanted the natives', overly controlling the King as they 'study to avert the prince's heart from his own people'.[159] Despite the protestations of the King's supporters that he has been reduced to a 'slave' compared to his fathers, if a king 'should call in strangers and trample upon the natives; and if they should subdue the kingdom to foreigners' he should be forced to accept native advisors who understand the traditions of the realm.[160] Again and again the political reform was conflated with national identity. In recognising the 'governance of the kingdom is either the safety or the perdition of all' so that 'if anyone be not moved by the ruin of the many…he is not fitted to rule over the many,…a man who feels for others is agreeable to the community', the Song encapsulates why a sense of collective identity was vital to the governance of the realm.[161] If those in positions of power did not identify with those whom they governed how could they be expected to make decisions that were good for the majority, not just themselves? For many of the barons this would not have been particularly concerning so long as they were protected, but lower down the hierarchy it must have been a captivating concept that could move them to risk their lives in open rebellion against the King. If the King could not see that 'it was the glory of the prince to save very many' they

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[156] 'The Battle of Lewes'.
[157] Ibid..
[158] Ibid.
[159] Ibid.
[160] Ibid.
[161] Ibid.

would be 'fools' to obey him.[162] Most pertinently 'Reges esse noveris nomen relativum', he is only king because there is an England of common men and women who obey the law.[163]

An intriguing example of the effects of this propaganda can be found in the Chronicles of London. The people of London were adamant that the King should respect their freedoms so they would be tried by the King's court not those of Northampton whom they had a rivalry with, evidence that local identities were still important.[164] Furthermore they agreed to the Provisions for the 'advantage of the kingdom' insisting that 'no knights or serjants, aliens by birth, should be allowed to sojourn in the city; for that it was through them that all the dissensions had arisen between the King and his barons' thus 'all aliens, both knights and serjants, were dismissed from the city', reflecting their acceptance of the anti-alien narrative, as well as their political allegiance.[165] It should be noted that the mention of armed soldiers being removed would noticeably weaken the King's position by exiling foreign mercenaries.

Having professed their support for the Provisions the mayor of London became affiliated with a group 'styling themselves the "commons of the city" and ignoring the chief citizens'.[166] This account gives the impression that the mayor began to pay more attention to the opinions of the commoners over those of the traditional power base. If the chronicle is to be believed the commoners then 'formed themselves into covins, and leagued themselves together by oath, by the hundred and by the thousand, under a sort of colour of keeping the peace'.[167] These numbers seem remarkably high and if true constitute some form of popular uprising among the people of London. The chronicle is very critical saying they acted like thugs, breaking into the houses of alien money lenders.[168] Undoubtedly some of them were criminals interested only in what they could loot, but the hostile chronicle also informs us that they wanted to reverse enclosures that severely damaged the commons by limiting the land they could use for grazing amongst other activities.[169] When the commons re-elected the mayor Thomas Fitz-Thomas the King, clearly fearful of these

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[162] 'The Battle of Lewes'.
[163] Ibid.
[164] 'The "Chronicles of the Mayors and Sheriffs of London"', EHD.
[165] Ibid.
[166] Ibid.
[167] Ibid.
[168] Ibid.
[169] Ibid.

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revolutionary activities, forbade his investiture.[170] Much like the brief period of conciliar government in England, the power of the commons was soon quashed in London. The way in which this group 'the commons of the city' used an elected position to push for popular reforms after the publishing of the Provisions can't be purely coincidental, they must have been inspired by the propaganda produced by the rebels. That this was implemented on a local level is a reflection of the less centralised government of the time mimicking changes at a state level. This included a marked intolerance of aliens from outside England as well as measures to aid the commons.

The role of the Pope in the rebellion of 1258-1267 was much less pronounced then in 1215, but also more controversial. The Chronicle of Bury St Edmunds overtly criticised the Pope for his part in the Sicily affair. Showing the power of English identity given that it was written by monks, it starts by claiming the Pope colluded with the king to make the English Church liable for the debt, 'Peter, Bishop of Hereford, at the instance of King Henry…falsely and traitorously claimed to be the procurator of the English clergy at the Roman court. He made nearly all the religious houses of England…liable to certain debts to Sienese and Florentine merchants.'[171] Then in outlining the pressure the Pope placed upon the King to raise the money it is clear about their collusion 'the Holy Father himself confirmed everything by his authority-would that one could say he had been misled.'[172] Matthew Paris suggests that this was far from the first instance of such collusion as the two had raised taxes together 'because of the mutual permission and connivance between himself and the Lord Pope' which gave them more authority united than divided.[173] As a result Simon's cause became well known for its clerical support, it was probably a cleric working for the Bishop of Chichester who wrote the Song of Lewes.[174] This fed into a tradition of English ecclesiastical restrictions upon the monarchy most famously enacted by Thomas Beckett. The inspiration English clerics drew from these figures felicitated discontent at royal rule enough that 'in 1266, five English bishops – a third of the episcopate – were suspended from

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[170] 'The Chronicles of London'.
[171] *Bury St Edmunds*, p20.
[172] Ibid, p20.
[173] *Chronicle of Matthew Paris*, p25.
[174] Sophie Ambler, 'The Montfortian Bishops and the Justification of Conciliar Government in 1264', in *Historical Research,* Vol 85, No 228, 2012.

office for supporting Simon de Montfort, earl of Leicester, in rebellion against King Henry III'.[175] In 1215 the bishops were generally favorable to the baron's cause yet returned to the royalist side after they had adopted Magna Carta and the Pope had made clear his support for the King. The consistent use of English identity in rebel propaganda was central to convincing the bishops that for the good of the whole realm they could and should ignore the commands of the pope to support the King.

   The language in the Provisions was intended to assure the people of England that the rebels intended to reform the kingdom for the good of all, even more so than in 1215 the knights were essential to the success of their endeavor, forcing the barons to think beyond themselves when concocting their plan. The effectiveness of this approach is can be seen in the statement of a contemporary that the Mise of Amiens was rejected by 'almost the whole commune of the middling people of England'.[176] By continuing the trend of political dissent without foreign aid they were able to claim the mantle of Englishness that was shed by the rebels in 1216. When the Statute of Marlborough was agreed to bring an end to the war in 1267 it sought to finally heal the divisions in the English political classes that had festered ever since 1215. There was little for the average English subject to feel positive about, they were once more invisible in the scheme of national politics. Yet the power of the emotions unleashed after 1258 had made a mark on the future King. Lord Edward had personally assembled the small force of elite knights who hunted and killed Simon on the battlefield of Evesham. He ended all hope for the extreme reforms of the rebels, but knew, like William Marshal, that if he wanted control in the long term the apparent assimilation of his opponent's ideals was paramount. Consequently his reign witnessed major legal reforms, an increased role for parliament and wiser use of patronage. He also knew how to use the English identity that had been linked to political reform. By focusing it outwards against his enemies he sought to unify England in his wars of conquest, for example suggesting that the French desired to eradicate the English language.[177] When internal strife threatened he adapted Magna Carta in 1297 to placate the nobles who once more asserted the ancient liberties of England as they saw them. In all this he was influenced by the

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[175] Ambler, 'The Bishops'
[176] Prestwich, *English Politics*, p132.
[177] D. W. Burton, 'Requests for Prayers and Royal Propaganda Under Edward I', in Thirteenth Century England Volume III, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1989) p25.

success Simon de Montfort had achieved by merging English Identity with political reform in a way that was not possible in 1215, but had become necessary in 1285.

English Identity between the Civil Wars

   The tension of 1258 was not an isolated phenomenon (even if the solutions were radical) it was derived from a chain of political grievances expressed in the forty-one years after the end of the civil war of Magna Carta in 1217. It built upon the re-issue of 1225 and the Paper Constitution of 1244 in terms of political reform of the governance of the realm. Aggravated by factional conflicts which had divided the nobility after the death of King John; more attempts were made to ensure the King was only advised by those seen as acceptable. As in 1215 the personal interests of the barons mixed with the growing English identity to promote reform. This made anti-alien rhetoric relevant throughout the period for opponents of the King who openly associated tyrannical government with the influx of foreign advisors whom the king relied upon. These advisors were a mixture of the King's relatives and allies who could aid in the recovery of the Plantaganet lands. As in 1215 the most prominent was Peter des Roches and his circle of aliens such as the maligned Peter des Rivalles. Yet by the end he had been supplanted and the Queen's Savoyard relatives had become the dominant force at court. The role of the papacy declined after the departure of the legate Guala who had played an active role in courtly politics, but the English clergy continued to be important often criticising the King's alien allies. Overall it was a period of relatively little physical conflict, either at home or abroad. Aside from the brief rebellion of Richard Marshall, the King himself was rarely threatened. Instead the legacy of the loss of Normandy continued to distance the English psychologically from the rest of Europe, emphasising the sense of a separate political tradition that often referred to the distant past, but found a new lodestone in a Magna Carta that was transformed from temporary peace treaty into the foundations of political rebellion.

   The importance of the advisors who surround a monarch in determining the direction and reception of royal policy has always been obvious, but in the years of a minority king the impact is magnified. A series of powerful figures such as Hugh Bigod, Guala, Ralph fitz Neville, and Peter des Roches came to define government policy by promoting their supporters to secure their power base. The concerns that men had with the government

rarely changed though, as taxation continued to be a major point of dispute. In 1225 the barons insisted that Magna Carta be issued once more to protect their liberties along with those of the rest of the realm as 'all of our kingdom, clerks as well as laymen, shall observe as far as it pertains them towards their men'.[178] Once again the barons' tenants had to be offered concessions in order to support a settlement with the King. On the other hand 'in return for this grant and gift of these liberties...the archbishops, bishops, abbots, priors, earls, barons, knights, freeholders and all our realm have given us fifteenth part of all their movables'.[179] The 1225 issue shows us that however much the King wanted to tax his realm freely in reality taxation was a matter of negotiation that had to be justified then negotiated with the barons representing all of the people of the realm not just themselves. Such juxtaposition was possible because the King was not the exclusive focus of English identity, he had to recognise that his subjects were unified by their nationality not his person. Negotiations were not always successful as a transcript by Matthew Paris from 1242 shows. In a letter detailing why they had agreed to refuse aid to the King the barons claimed that the King already had funds from a previous aid which he had not accounted for.[180] Therefor he should already have the funds to 'obtain possession of his inheritance and his rights overseas which belong to his kingdom of England' which was his stated aim.[181] By claiming the Angevin Empire as a part of the kingdom of England the King had hoped to convince the barons that his action was not a private enterprise but a matter for the whole kingdom. The barons were adamant that 'all in the Kingdom are so oppressed and impoverished by these amercements and by other aids that they have little or no goods left' in reply.[182] For the barons the aid was only necessary due to the mismanagement of the royal finances. It was their responsibility to protect the people of England from the effects of this failing. After the controversial 'Poitevin' government of Peter des Rivalles was ended the barons contemplated a more active response to the problem in the Paper Constitution of 1244. This document probably influenced the rebels in 1258 with its demand that 'four men of rank and power shall be chosen by common consent...to be of the King's council and sworn to handle faithfully the affairs of the King and of the Kingdom', 'and as they are elected by

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[178] 'Magna Carta 1225', EHD.
[179] Ibid.
[180] 'The King is Refused an Aid, 1242', EHD.
[181] Ibid.
[182] Ibid.

assent of all so none of them shall be removed without general consent'.[183] These councillors would have been able to prevent the King from intervening in costly wars while regulating royal spending as 'the Lord King's treasure shall be managed under their supervision and authority'.[184] The exact definition of 'common consent' is unclear, but may have meant some form of parliament that would have included representatives outside of the nobility. Even if this was not the case it represents a continuation of the theme of baronial rebellion being presented as resistance on behalf of the people of England who resented royal taxation.

King John became infamous for his abuse of royal justice, to the extent that he is even now remembered as 'Bad King John'. For the people of England the crowning of Henry III offered hope for change, particularly after his regents agreed to Magna Carta. Unfortunately the new monarch came under the influence of a number of John's former advisors, while corruption at a local level was never adequately prevented. This was part of the justification for forcing the King to re-issue Magna Carta in 1225, reminding him of his duty to uphold justice. The enduring influence of the idea of English liberties was officially recognised in a clarification of Magna Carta in 1234. The document explains 'everyone has his liberties which he had and was wont to have in the time of King Henry our grandfather or which he afterwards acquired', in placing Magna Carta within this tradition of royal justice.[185] The clarification also referenced the holding of hundred courts fortnightly to enforce justice in an example of good practice. In the refusal of 1242 the barons forcibly remonstrated with the King for failing this tradition 'because the King had never, after the granting of the thirtieth, abided by his charter of liberties, nay had since then oppressed them more than usual, and by the other charter had promised to them that such exactions should not be made a precedent of, they told the King flatly that for the present they would not give him an aid'.[186] For the King this refusal was a resounding warning of the tangible affects that the narrative of political resistance could form. If he wanted to fund ambitious overseas projects he had to remember the wellbeing of the people of England.

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[183] 'The King is Refused an Aid', EHD.
[184] Ibid.
[185] 'Hundred Courts: Magna Carta Clarified, 1234', EHD.
[186] 'The King is Refused an Aid', EHD.

In a similar vein the Paper Constitution claimed radical action was necessary because previously the King had broken both oaths and charters intended to protect the realm.[187] On top of regulating royal spending the four men of the King's council would also 'do justice to all without respect of persons', 'and they shall be conservators of liberties'.[188] Their role would have been complemented by the chancellor, 'also the eyre of the justices, justicar and chancellor shall be chosen by all'.[189] These officials were capable of enforcing equitable justice on a daily basis, making them accountable to the barons would constrain the potential for corruption. Even then it was possible for renegade officials to persist with oppression, so 'writs sued out that are contrary to the law and custom of the realm shall be utterly revoked'.[190] More worryingly the King could, as he had done previously, remove the chancellor entirely. Thus 'if for whatever reason the King takes the seal away from the chancellor, whatever is sealed in the interval be treated as null and void'.[191] Though never enacted the Paper Constitution provides indelible clarity to the consistent pursuit of fair justice for all in the realm during the thirteenth-century. We can never know exactly why the individuals involved were motivated to include phrases that included the majority of the realm. It may have been purely for the sake of appearances or to rally cynical support as a matter of self-interest. However the number of times rebels advocating political reform appealed beyond a very narrow base fortified its place in the consciousness of the barons. At least some began to take this responsibility seriously, and it was to England that they were responsible. They were not protecting those in Wales or Gascony, but those in England. This is why the Provisions were so radical; once those who sought influence had decided to curb the power of the King they had to accept the demands of local magnates especially that the many predilections suffered by the English be addressed.

English identity was used positively to gather backing for dissent; nevertheless it was also used negatively to outline the failures of the opposition by painting them as outsiders. In the most prominent documents of the period anti-alien sentiment is generally less

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[187] 'The "Paper Constitution" preserved by Matthew Paris', EHD.
[188] Ibid.
[189] Ibid.
[190] Ibid.
[191] Ibid.

prominent than in either Magna Carta or the Provisions. The re-issue of 1225 removed the clause exiling the allies of Peter des Roches, yet still sought to the limit the scope of the central government which had been co-opted by alien advisors. The various means mooted by the Paper Constitution for improving justice had the same priorities. They were reactions to perceived continental tyranny that the barons believed was being propagated by men like Peter des Rivellas. As in 1215 one of the ways to stop this was by restricting the ability of the King to dictate widows and wards, thereby truncating alien patronage. This was not only enacted in 1225 but also in 1236 with the Statute of Merton. This statute written at the coronation of Henry III and Eleanor was intended to protect widows from being married against their will and regulated the execution of wardships to stop them being exploited.

  The most prominent alien faction in the period was that of Peter des Roches who through his close friendship with King John had accumulated vast resources as the Bishop of Winchester.[192] His desire to recover the former Angevin Empire resulted in a commitment to absolute royal government which opposed Magna Carta and would, he believed, provide the strong leadership necessary for major military expeditions.[193] His dream of recovering Touraine always superseded the interests of domestic politics, bringing him into conflict with a number of powerful English nobles. While a follower of King John, Roches had attempted to reinforce the power of the King by centralising royal finances and inviting aliens to settle in England in return for their loyalty, a policy which led some to accuse him of accelerating the tension in 1214.[194] His close access to the Henry III undoubtedly gave him a great deal of influence upon the Prince's development, which he hoped to sustain after being appointed Henry's guardian. This influence was somewhat curtailed by the appointment of William Marshall as regent, who along with Guala tried to balance Peter's power. This power was further checked by the minority of the King which meant that 'the authority of those who governed in his name was limited and largely dependent on the backing of great councils'.[195] With William Marshall heading the government it had the veneer of legitimacy that only an English noble could provide. Despite his foreign status and controversial reputation, the role Peter had played a vital role in defeating the French which

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[192] Vincent, *Roches*, p9.
[193] Ibid, p9.
[194] Ibid, p14.
[195] Carpenter, *The Minority*, p397.

gave him some respect. His enemies disliked him, but could not deny his abilities as an administrator and leader. As the Song on the Bishops attested he was 'diligent in computing, sluggish at the gospel'.[196] He was well capable of extracting money for the crown, not so great at soothing the grievances of the nobility. Something clearly illustrated by his actions after the war when along with other aliens such as Peter de Maulay he had extracted vast sums from the defeated rebels causing further resentment from the native barons.[197]

Consequently when William Marshall lay dying he appointed the new legate Pandulf as regent rather than Peter.[198] This was unacceptable to the justicar Hubert de Burgh who with the backing of the barons reinstated the triumvirate along with Peter.[199] Unsurprisingly a fierce rivalry developed between Peter and Hubert who had led the royalists at the Battle of Sandwich. Even Pandulf was critical of the excessive number of foreigners in Peter's household who were uninterested in the wellbeing of England.[200] As the 1220's progressed Peter brought in more aliens to aid him aggravating the former charges of undue nepotism. In 1221 he was supplanted by Hubert as Henry III's guardian as he had infuriated the barons with his profiteering and support for a 'volatile and mistrusted group of fellow aliens'.[201] A further setback occurred while he was on pilgrimage as two of his closest associates; Peter de Maulay and Engelard de Cigogne were accused of conspiring with Peter to aid the King of France. These charges were dropped but they damaged his reputation while feeding into an increasingly xenophobic mood. This mood was essential to Des Roches's first downfallwith Fawkes de Breaute claiming that Langton preached in 1224 that aliens were 'the scourge of all native men to whom the whole people of England was given as booty…Take care that the aliens no longer act against you'.[202] It was at this point that Des Roches, along with his supporters, was ejected from the court.

The complexity of the situation meant that Hubert de Burgh was far from safe in his position. While many of the barons were unhappy at the vast costs incurred by failed excursions on the continent there were others such as the Earls of Chester, Norfolk, and

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[196] 'Song on the Bishops', PSE.
[197] Vincent, *Roches*, p143.
[198] Cazel, 'The Legates' p19.
[199] Ibid, p20.
[200] Vincent, *Roches,* p182.
[201] Ibid, p10.
[202] Ibid, p215.

Gloucester who wanted to unify their ancestral lands.[203] This faction disputed the primacy of Burgh who had no interest in the continent allowing Roches a way back into government. In the process his relative Peter de Rivallis began to monopolise control of official positions, excluding the increasingly ineffectual Burgh.[204] It was at this point in 1232 that there was a remarkable outpouring of anti-alien violence that primarily targeted alien clergy of Italian origin appointed by the legates including papal couriers.[205] These attacks, spread over a period of about six months, were seemingly led by a Knight of the name of Robert Twenge who was offended by excessive papal taxation as well as the excessive use of English livings by Italians which deprived the English Church of funds.[206] Intriguingly Nicholas Vincent suggests that these disturbances which began with the kidnapping of the canon of St Pauls, were well organised, probably by high ranking officials.[207] If so it would explain why Burgh was implicated in the scandal and soon removed from office. For Vincent 'once again, it appears that what has been taken to be a spontaneous outburst of popular xenophobia, may in fact have been a carefully orchestrated political ploy' leading us to 'beware…of reading back into the 1230s nationalist sentiments which are more appropriate to the nineteenth century'.[208] Like Ridgeway, Vincent has made the mistake of assuming that if the 'sentiment' of English identity was used in a cynical manner for political gain it should be dismissed as irrelevant, when in fact the frequency with which it was used in this manner reflects that the barons knew it was an effective method for manipulating public opinion. If nobody believed that the funds of the English Church should be kept in England why bother propagating this opinion? If nobody was concerned that the liberties of all the English were being eroded why repeatedly make this assertion? Some of the barons themselves sympathised with these ideas or at least understood them. Amongst their tenants they were almost certainly widespread and the continuing political instability meant that they continued to be relevant through the reign of Henry III.

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[203] Vincent, *Roches*, p263.
[204] Jobson, *The First English Revolution*, p1.
[205] Vincent, *Roches*, p303.
[206] Prestwich, *English Politics*, p93.
[207] Vincent, *Roches*, p303.
[208] Ibid, pp304-305.

For Maurice Powicke this was never more so than in the rebellion of Richard Marshall beginning in 1232 which he believed was more important than that of Leicester in 1258.[209] For him the rebellion was a vindication of Magna Carta, an insistence of his right to criticise the King's ministers, to be judged by his peers and the need to rule with the advice of the nobility.[210] It was proof that the barons had to represent the interests of the common man to counter the claim that the King represented them.[211] This traditional interpretation, of the English Marshall uniting the barons to protect England and Magna Carta, has been undermined by some modern scholarship which emphasises the common theme of self-defence among the barons. Jobson asserts that it was a rebellion to protect the native nobles from arbitrary royal attacks.[212] These attacks were possible because of the exaggerated scope of Rivallis's control of government. In reply to criticism of this Roches reputedly claimed 'that the King was free to reward who he liked and subdue his native subjects' according to Richard of Wendover.[213] It was this attitude that threatened the security of the barons, implying that because they were English the King should be able to command them as he liked rather than acknowledging that their English identity offered them liberties and protection as part of a continuing tradition. The barons could accept the downfall of Burgh's faction, some of them participated in it, but when Roches began to viciously attack his defeated opponent by depriving him of lands and imprisoning not just Burgh but his family. The way in which he arbitrarily deprived his enemies of their lands was 'viewed by many as a deliberate attack on the great Charter itself' which Roches was notorious for opposing.[214] As in the 1220's his continuing persecution of the nobility was linked by his enemies to his foreign nature, not just birth. He appeared to be committed to a form of absolute government that could never be acceptable to the barons who were keen to promote their own independence and security before all else, and in their use of English identity had a justification for disobeying the King. The amount of patronage showered upon Rivallis was unprecedented in English history, upsetting the balance of power to the fear of the barons. When combined with the devastating way in which the Roches faction destroyed its enemies it is unsurprising that he was once more eased from power.

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[209] Powicke, *Henry III and the Lord Edward*, p144.
[210] Ibid, p144.
[211] Ibid, p147.
[212] Jobson, *The First English Revolution*, p1.
[213] Vincent, *Roches*, p336.
[214] Jobson, *The First English Revolution*, p1.

The fall of Roches was a culmination of factional conflict and the now prominent belief in the promotion of English liberties. Roches more than any other figure encapsulated anti-alien fears. From the start of his career in England he had shown an ambition that belied his status as a bishop, the Chronicle of Lanercost accused him of taking 'more delight in the suffering of animals than in the saving of men's souls'.[215] By 1234 he had angered all but his closest allies with the redistribution of lands. The annals of Tewksbury, Osney, and Dover made clear that the redistribution of rebel lands to aliens was seen as catalysing the move towards open war; even the French chronicler of Andres identified the outcry in England around the King's favouritism towards aliens.[216] Thus Roches was held responsible for an unprecedented influx of aliens into the English countryside that took the problem of alien influence all other England, way beyond the narrow concerns of those in court.[217] The number of aliens was not however at the levels claimed by the chronicles. Wendover described hordes of aliens including two-thousand Poitevin knights employed by Roches, when in reality the figure was closer to fifty knights in the King's household.[218] Unfortunately it was enough to focus the ire of his enemies, turning the King against him. In a speech to the council at Westminster the new Archbishop of Canterbury attacked Roches, accusing him of hating all Englishmen, particularly Richard Marshall, losing Rochelle and Poitou, as well as bankrupting the King.[219] Along with Rivallis he had apparently made the Poitevins sovereign in England: taking all offices and castles for themselves, ignoring both law and Church, while the royal Princess and many noble heiresses were disparaged by alien marriages, either the King dismiss these advisors or face excommunication.[220] Many of these accusations mirror proposals that were brought forward for reform in the 13th century. The many attempts to ensure that the King ruled with financial restraint and distributed fair justice were aimed at these factions of alien advisors. Issues such as the disparagement of heiresses were repeated continually through Magna Carta and the Provisions after the example of Roches had allowed a xenophobic rhetoric to develop beyond simple attacks to proactive reform of the government of England.

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[215] Vincent, *Roches*, p3.
[216] Ibid, p393.
[217] Ibid, p393.
[218] Ibid, p395.
[219] Ibid, p429.
[220] Ibid, p429.

The downfall of Peter des Roches temporarily restored balance within the English court. The influx of alien courtiers was stymied with their chief sponsor exiled from power, while the Marshall family had been unable to regain the influence of William. However Henry continued to be influenced by the ideas of Roches in relation to the limits, or lack thereof, upon his power. In 1236 he decided to marry Eleanor of Savoy in a secret ceremony which angered the barons from the beginning due to their exclusion, a similar thing happened in 1238 with Simon de Montfort's marriage to the King's sister Eleanor.[221] Even more aggravating was the almost immediate appointment of the king's new relative the bishop-elect of Valence to head of the King's council. Consequently Matthew Paris stated 'many wondered that the King followed the advice of the bishop-elect of Valence more than was seemly, and as they thought despised his own subjects; with this they were annoyed, and charged the King with fickleness'.[222] This coincided with a revival of the King's ambition that placed him at odds with the chancellor Ralph de Neville who had first been made keeper of the seal in 1218 'by the common council of the kingdom'.[223] In this role he had consistently opposed the King when he attempted to abuse his power to the extent that by 1236 the King was keen to reclaim the seal. According to Matthew Paris Neville refused the King's request to surrender the seal as 'he had received it by common council of the kingdom and therefore could not resign it to anyone without the common assent of the kingdom'.[224] The example of Neville had a big influence on the Paper Constitution by showing that officers of the state could become a reliable check upon the King so long as they received the backing of the barons as the representatives of the realm and were chosen carefully by the barons. It would not have escaped the notice of the barons either that his position was put under pressure at the same time as the new influx of Savoyard aliens.

The Savoyards arrived in England at a fortunate time in respect to the availability of patronage, with the recent deaths of a number of earls numerous titles had become

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[221] Jobson, *The First English Revolution*, p8.
[222] '1236-The Council of London', in *The Misrule of Henry III*, ed W.H. Hutton, (London: Kessinger, 1887).
[223] David Carpenter, 'Chancellor Ralph de Neville and plans of Politcal Reform, 1215-1258', in *Thirteenth Century England Volume II*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1988) p70.
[224] Ibid, p70.

available for the King to distribute.[225] Consequently the potential for tension was at first minimised as the King could give them positions in England without entirely depriving natives of patronage. Later in the 1240s and 1250s when these had dried up there was a hardening of opinions among some of the major landholders who previously were little concerned about the aliens. It is also important to remember that the scale of the immigration was not as extreme as some of the propaganda would have us believe. Between 1236 and 1272 around 170 Savoyards are recorded as having arrived with around two-thirds being clergy, the rest mostly knights and thirty-nine made into significant landholders.[226] Of the Poitevins arriving after 1247 there were around one-hundred, the majority being knights loyal to the King and only eight becoming notable landholders.[227] These numbers hardly constituted an invasion; the problem was their visibility rather than their ubiquity. Henry called upon the Savoyards for similar reasons to those John had heeded when he brought in aliens before Magna Carta. The need for loyal knights was of constant importance given the continued tension at home and foreign knights were both dependent upon the King for security as well as experienced in war.[228] Meanwhile by marrying his relatives to English earls he was able to limit the potential for marriage alliances that could lead to rebellion.[229] Through the Savoyards he gained valuable diplomatic links in Europe particularly with the Pope, while the Lusignans were vital to controlling Gascony against the threats of Louis.[230] Certainly as Ridgeway is keen to stress, not all the aliens were hostile to the English people, or to reform of the government.

  Yet there can be no denying that xenophobic language is a common trait of chronicles from the time. Nor was it just concurrent with the failings of Roches's supporters, the rise of Peter of Savoy in 1236 led to the deprivation of a number of English officials such as Crowcumbe, Kirkham and Fitz-Nicholas.[231] This would have angered their families and given them a real sense of grievance against the alien courtiers. These personal grievances help to explain a series of tournaments held in England which pit the alien courtiers against a native

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[225] Huw Ridgeway, 'King Henry III and the 'Aliens', 1236-1272', in *Thirteenth Century England Volume II*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1988) p88.

[226] Ridgeway, 'King Henry III and the Aliens', p81.

[227] Ibid, p82.

[228] Ibid, p82.

[229] Ibid, p85.

[230] Ibid, p83.

[231] Denholm-Young, 'The Paper Constitution', p414.

force. Tournaments were often seen as somewhat dangerous to the authorities in England, given the inherent violence involved there was always the potential for disturbances of the peace. In 1228 the Pope was even forced to forbid tournaments in England because he was worried that they were the site of plots against the King.[232] Similarly in 1247 the King forbade the first known tournament between the native barons and the aliens of the court which was scheduled to occur near Dunstable.[233] Not to be deterred the courtiers arranged to fight each over at Newbury in 1248 with William de Valence being seriously injured.[234] In 1249 Matthew Paris describes a tournament at Brackley between many knights of the 'universitas, who wished to be known as bachelors' (an interesting parallel here to the 'bachelors of the realm' who appealed to Lord Edward) in opposition to a force of aliens who were victorious.[235] This contest was also notable for the young Earl of Gloucester siding with the aliens, leading to accusations of betrayal by the natives.[236] This was probably an attempt to curry favour with the powerful Savoyard faction at court. Finally in 1251 the native barons achieved their revenge at Rochester.[237] This running series of mock battles elucidates how the anti-alien propaganda so often displayed in the chronicles had practical consequences to contemporaries. Not only does it make clear that the native barons did see some definition between themselves as English and the immigrants dependent on Henry III's patronage. It also gives us an impression of a bond between the native barons that was predicated on their English identity. A tournament was literally a practice battle; fighting side by side the younger barons in particular would have come to rely on each other, garnering a degree of respect for their comrades. Conversely fighting a collection of aliens can only have emphasised the outsider status of their opponents, focusing any lingering resentment. The actions of the Earl of Gloucester illustrate this even further, those who sided with the aliens had betrayed England.

The prominence of the Bishop of Winchester in the factional breakdown of English politics reflects the importance of the clergy in political dissent. The native clergy had an important

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[232] Michael Prestwich, *English Politics*, p41.
[233] Ibid, p86.
[234] Ibid, p86.
[235] Ibid, p131.
[236] Ibid, p86.
[237] Ibid, p86.

role in ensuring that the aliens were not all powerful, while aliens themselves were able to use clerical positions to garner wealth and power. For the papacy John's submission gave the Pope an excuse to actively interfere in England's affairs to the extent that Carpenter claims 'Pope Honorius recognised no bounds to his authority in England'.[238] As we have seen he was not afraid to pass active judgements in support of the new King, while his legates played an active role in the governance of the kingdom. But this was not uncompromising support for the King or his advisors. In 1234 even Pope Gregory IX openly attacked the King's aliens, instructing the bishops to censure them and revoke any impudent grants.[239] The Pope also criticised Peter of Savoy for the lack of Englishmen in his household which he felt distanced him from the native population. He realised the importance of acknowledging English identity in maintaining the peace of England. On the other hand he also faced liberal criticism from the native population as evidenced by the attacks on papal agents which resulted in Hugh de Burgh's downfall. Much of this seems to have originated in the belief that the Pope was responsible for extracting excessive amounts of money from the people who were 'complaining in common about the intolerable and frequent exactions of the Lord Pope' in 1247 according to Matthew Paris.[240] It would be wrong to assume that the clergy were merely willing servants of the Pope they had already developed a sense of independence identifying with the English Church. Nor should we assume that the papacy was intrinsically opposed to English identity, the Pope knew that it was possible to be both English and broadly loyal to the European Church. Along with the native clergy he was a participant in the struggles of English politics. As Cazel identifies 'one might more justly say that Guala and and Pandulf were co-opted into the English ruling class than that they dominated'.[241]

The period between the civil wars was one changed by the royal acceptance of Magna Carta which perpetuated the ideals of common justice and fair taxation. In documents such as the Paper Constitution new alterations were attempted in the process of government which inspired the reformers of 1258 as they were resurrected repeatedly after 1244 in an

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[238] Carpenter, *The Minority*, P13.
[239] Vincent, *Roches*, p434.
[240] *Chronicle of Matthew Paris*, p4.
[241] Cazel, 'The legates'.

attempt to return to the balance of the King's minority.[242] The sustained power of Peter de Roches resulted in an influx of alien officials not seen since 1066, laying the foundations for the later immigration of Savoyards and Lusignans that sparked the rebellion of 1258. In all these things English identity was reinforced. The need for the native barons to work together in protecting their liberties and privilege necessitated it. The continued pedalling of xenophobia gave them an outsider which consistently fluctuated, remaining only anti-English. As the section on factionalism showed this was not cast in stone and its importance depended upon the extent to which the barons felt threatened by the King and his alien advisors. But the narrative was also constructed that the aliens were the King's allies not the rebels. Unlike in 1216 the King was unable to securely present himself as the defender of England, by 1258 it would have been natural for commentators associate rebels with English identity (even if this had little logical basis) and the King with duplicitous foreign advisors. As Carpenter has said about the minority 'it also did much to encourage English national feeling, fermenting resentment against foreigners and stimulating the belief that England was for the English, sentiments which formed the background to many of King Henry's later difficulties'.[243] The link between English identity and political reform was first clearly articulated around 1215, but it was made intractable between the civil wars finding its most powerful expression in the baronial rebellion of 1258-1267 when a French Noble was able to rally a significant proportion of the population by claiming to fight for England.

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[242] Carpenter, *The Minority*, p4.
[243] Ibid, p4.

Conclusion

The 13th century was a fascinating period which is often overlooked in the development of nation states. The constant conversation about how the realm should be governed undermined the foundations of royal power while rarely questioning the overall legitimacy of the monarch. Henry III was prevented from enacting his ambitious plans for re-conquest in Europe because he was unable to balance the sacrifices that were needed from the native barons against his dependency on alien figures to make it happen. In a twist of fate a King who venerated Anglo-Saxon history was unable to make use of an English identity which he seemingly failed to understand. Instead English identity was woven into a narrative of political dissent that gradually developed from the end of John's reign to the beginning of Edward's. The leaders of such dissent were keen to have the support of the people of England, producing propaganda that was heard by many outside the nobility. In 1285 this resulted in a public debate between the King and his enemies, when both sides fought to be seen as the protectors of England. Over all the main proposals, the importance of proportional taxation and fair justice was repeated. These were issues that increasingly concerned not just the barons but the wider population as taxes were made upon all moveable goods rather than feudal fees, and corruption in the justice system became widespread. This helps to explain the progressively wider appeal made by rebels in the reforms they proposed and the propaganda they produced. The number of aliens in prominent positions magnified the power of identity politics. Presenting their opponents as strangers gave the rebels a sense of unity that only helped their causes. Meanwhile the native clergy often sided with the barons against the wishes of the Pope. The papacy was realistic about the limits of its control in a traditionally orthodox state, shifting position depending on circumstance, yet ever keen to ensure that the primacy of kings was not destroyed. The complexity of the situation makes conclusions difficult, but we can say with certainty that the barons moved and were moved by English national identity.

Within the context of the wider development of English identity the 13th century ensured that it would be associated with political rebellion. After the end of the war Edward was able to temporarily divert this to serve his own political ambitions. By carefully distributing

patronage to a variety of nobles he was successful in ending the main cause of discontent until the crisis of 1297 when according to the chronicler Pierre Langtoft the barons rebelled as 'he had given to little' in patronage.[244] Once more the barons made appeals to English identity and Edward was forced to protect the liberties of Magna Carta by enshrining them in law. Not only was Edward careful with patronage, he also oversaw significant legal reforms. These included an eyre in 1278 that toured the counties to enforce new legislation and the Statute of Westminster in 1275 which set out a massive fifty-one clauses.[245] The statute was drawn up after the parliament of 1275, which had 700-800 representatives in the commons, the largest until 1500.[246] Moreover the statue was widely proclaimed in settlements to an extent un-heard of in medieval England.[247] These measures indicate that Edward had learnt from the mistakes of his father, he knew that it was necessary to compromise with the barons at times and that by embracing reform he could associate himself with English identity. If further evidence were required that political dissent became entwined with English identity, we must only think of those Kings of England considered the most successful. English historians have always been kind to those who achieve military victory and governmental reforms.

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[244] Michael Prestwich, 'Royal Patronage under Edward I', in *Thirteenth Century England Volume I*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1986), p41.

[245] J. R. Maddicott, 'Edward I and the lessons of Baronial Reform in Local Government, 1258-80', in *Thirteenth Century England Volume I*, ed P. R. Coss and S. D. Lloyd, (Woodbridge: Boydell, 1986) p14.

[246] Ibid, p15.

[247] Ibid, p16.

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