

King Henry Plantagenet in the midst of his barons: public and territorial consultation at great assemblies in England (1155-1188)

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Summary: This article aims to explore the public and territorial dimensions of general councils in England during the reign of Henry II and their increasing distinction from private and ceremonial counsel. In the second half of the twelfth century, great assemblies were enlarged. This can be ascertained from a number of their changing features such as the terminology employed, the frequency of their meetings, the issues discussed, the composition of the gatherings, the mode of consultation, and the political and ceremonial performance of those summoned. The king and his court of advisors seem to have taken advantage of this institutional transformation by seizing the gathering of nobles to introduce an unprecedented number of reforms and measures with some form of baronial assent, if not support and approval, and by launching these resolutions with an unusual level of publicity.

Keywords: Plantagenet England; Royal Councils; Parliamentary Origins.

Rei Henrique Plantageneta em meio aos seus barões: público e consulta territorial em grandes assembleias na Inglaterra (1155-1188)

Resumo: Este artigo tem como objetivo explorar as dimensões públicas e territoriais dos conselhos gerais na Inglaterra durante o reinado de Henrique II e sua crescente distinção do conselho privado e cerimonial. Na segunda metade do século XII, grandes assembleias foram ampliadas. Isso pode ser verificado a partir de vários aspectos mutáveis, como a terminologia empregada, a frequência de suas reuniões, os assuntos discutidos, a composição das reuniões, o modo de consulta e o desempenho político e cerimonial dos convocados. O rei e sua corte de conselheiros parecem ter se aproveitado dessa transformação institucional aproveitando a reunião de nobres para introduzir um número sem precedentes de reformas e medidas com algum tipo de consentimento baronial, se não apoio e aprovação, e lançando estas resoluções com um nível incomum de publicidade.

Palavras-chave: Inglaterra Plantageneta; Conselhos Reais; Origens Parlamentares.

Introduction

Like his predecessors in England and most European rulers at the time, Henry II relied heavily and constantly on the counsel of his court and entourage, as well as on the advice of influential magnates in his kingdom. In this way, the king could enhance his decisions on regular issues such as the running of the royal household, the planning of battles, the logistics of travel, the administration of land and castles, the celebration of ceremonies, and a variety of other ordinary business.¹ But the public discussion of weighty matters, such as the royal succession or the reform of custom and law, could only take place when the king, his *curia*, and the nobles of the realm were assembled at councils. The meeting of great assemblies, therefore, embodied a particular form of royal consultation in England, one that has hitherto escaped the attention of historians. Although the personality and governance of Henry II have been studied, his councils have not been the subject of comprehensive analysis. Daniel Power has observed that the councils of the central Middle Ages have attracted less historical attention than the assemblies of the early medieval period (Power, 2007, p. 118, and n. 3). None of the fourteen essays collected in this recently published book is even interested in part in royal assemblies. John Maddicott's recent book on the origins of parliament in England devoted little space to royal councils before the thirteenth century (Maddicott, 2012).

Perhaps in searching for modern-looking phenomena in medieval institutions, traditional historiography has tended to over-politicize the debates between rulers and nobles and the resulting constitutional restrictions to royal power. In light of this approach, 'debating' at twelfth-century gatherings has often been dismissed as fulfilling entirely ceremonial purposes; feasting and deliberation are presented as exclusive aspects of these assemblies. Gavin Langmuir, for example, has explained that "what decisively separates medieval from modern societies is the extent to which political goals had to be formulated as issues of legal right because of the lack of any theory that allowed a legitimate place for competing interests" (Langmuir, 1966, p. 49). Timothy Reuter argues that "the characteristic form of public political action was therefore not that of transparent mediation between divergent interests or claims openly expressed, but that of opaque ritualized behaviour symbolising closure and reaffirming an order which should if at all possible be seen not to have been threatened" (Reuter, 2001, p. 439). R. N. Swanson has indicated, however, that with the renaissance of the twelfth century, "the physical conflicts were now being paralleled by explicitly verbal battles, in which victory was gained by convincing both opponents and third parties" (Swanson, 1999, p. 82). In spite of its regularity and prominence in the sources,

¹ Recent work on private counsel is in Hudson (2000, p. 100-125).

royal consultation in this context could hardly be regarded as an important function of twelfth-century assemblies, but may be seen instead as part of the rituals and ceremony of kingship. With reference to Sicilian royal assemblies, Clementi has written that

it is therefore not only interesting but encouraging to discover that essentially new constitutional advance can, and is indeed likely to, be a slow spontaneous growth produced not by individual planning, a solution which has tended to find favour among historians, but from pressure of circumstance using the modern terminology (...) especially when the new development is entirely outside the experience of those involved in it (Clementi, 1999, p. 28).²

The latest and most significant publication on the subject is a book by John Maddicott, a compilation of his Ford Lectures delivered at Oxford in 2004. His book is a contribution to the institutional history of Europe, yet it missed the opportunity to suggest something truly new on the origins of parliament in England. Although the author claims some innovation in looking back at the Anglo Saxon Witan, the analysis is mostly centered on the period between 1215 and 1327, and considers Magna Carta (1215) as a major turning point, thus perpetuating the traditional teleology.³ Such an approach subtly subscribes to the anachronistic paradigms first stipulated by the constitutional historians and politicians of the nineteenth century, many of whom regarded conflict between kings and nobles as endemic and as the main catalyst for institutional change, so to give historical precedence, and therefore irrefutable justification, to parliamentary restriction of monarchical power in their own time. It should not be surprising then that William Stubbs is the only historian cited in the preface of this book, and that the author believes that “no general account of the English parliament’s origins has appeared in the last hundred years”, thus revealing an insufficient survey of the secondary sources.⁴ No doubt bishop Stubbs is a towering figure in the study of English medieval history, whose work has greatly served several generations of historians, particularly his excelling chronicle editions. But after 150 years, his approach to medieval history has been superseded by new interpretations, sources and methodologies, so his views on the origins of parliament can no longer be considered a guiding reference.

Maddicott identifies the meeting of royal councils in England before the thirteenth century as “feudal counsel,” suggesting insignificant institutional distinction between the assemblies summoned by William the Conqueror and those by Henry Plantagenet a century

² See also Fuentes and Martin (2003, p. 37); Blockmans (1978, p. 189-217); Cerda (2011, p. 61-77; 2019, p. 57-71).

³ Maddicott (2012, p. viii-ix).

⁴ Maddicott (2012, p. vii).

later. Furthermore, the analysis lacks a comparative approach and thus subscribes to the long-standing historical tradition of English exceptionalism.⁵

This study will look at the nature of royal consultation at large assemblies and attempt to challenge these views. During the reign of Henry II, councils became larger, more frequent, territorial and public, thus gradually ceasing to be ceremonial occasions for royal consultation to become assemblies of the realm. The search for parliamentary origins in England may have to consider this period instead of the first half of the thirteenth century and so depart from the constitutional views that inevitably read the genesis of new institutions as a result of conflict resolution. Royal assemblies in England experienced important changes not because the king was limited when in the midst of his barons, but precisely because he could legitimise his reforming government with political support and assent.

Counsel, assent and consent

The regularity of meetings clearly indicates that Henry was often willing to submit important decisions to the judgment of his nobles, and that discussions in councils were, therefore, of consequence. This analysis will also serve to demonstrate that assent to royal policies is more likely to reveal cooperative attitudes towards governance than the coercive suppression of disagreement. While this antagonism is no longer over-stressed by medieval historians, some approaches to medieval institutions have continued to exaggerate the importance of constitutional crises and political confrontations between the monarchy and the nobility, and regard this phenomenon as a most fundamental catalyst for political change. The nobles' consent to policies at assemblies must have contributed to the development of royal government, but such an outcome was not necessarily in contradiction with the interests of the nobles themselves. W. L. Warren has argued that

just as the king [Henry II] had been obliged to learn how to allay the anxieties of the bishops about the way royal authority was to be exercised over the clergy, so he learned how to gain the co-operation or at least acquiescence of the barons in the expansion of royal government (Warren, 1987, p. 120).

Of course there was a great deal of feasting, ceremony and social performance at every council, as much as there was conflict and dispute. The king wore his crown in the presence of the nobles as a public and ceremonial statement of his power, and assemblies often met

⁵ The present study on Henry's councils has considered parallel institutional developments in the Spanish kingdoms with similar conclusions. See Cerda (2006, p. 117; 2011, p. 61-77; 2019, p. 57-71).

on the great feast days of the ecclesiastical calendar.⁶ However, this tendency was reversed during Henry II's reign, when assemblies were more often summoned because of the urgency of business rather than being determined by the religious calendar (Cerda, 2006, p. 1-17). Such a congregation was not only a momentous event for the main political actors, but it must also have been an exhilarating occasion for the town dwellers and villagers who hosted the king, his court and entourage, the prelates and abbots, earls, barons of the realm, and their accompanying retinues, travelling for days from all corners of the kingdom.⁷ They all had to be accommodated, entertained and fed, sometimes for many days and usually at the expense and care of the hosting dwellers. For most residents in a small locality, it was probably the first and last chance to see their king and such an impressively large and illustrious procession of magnates; for the multitudes in the boroughs, they must have been unforgettable days of feasting and amusement. For the chroniclers, the holding of a council was a most special occasion of celebration; *rex Henricus concilium celebravit* was the customary form of reporting the events.⁸

Above all, and in every sense, a council was the public stage of England's political life and a crucial occasion for the consolidation of Angevin governance. It was a stage for the display of social status, pageantry, ceremony and rituals, for the resolution of animosities and the transaction of privileges, property and information, for the administration of justice, the promulgation of laws, assizes, edicts and constitutions, for the discussion of treaties, alliances and military action, and not least, it was a royal gathering that prompted communal worship, feasting, and celebration. It provided a unique opportunity for the performance of consensual politics. It was one of the underwriters of stability in the kingdom and of the Plantagenet polity. In consequence, feasting, ceremony and deliberation not only could, but did naturally, converge as the meeting of the king and his barons at every council.

Accordingly, assemblies provided kings with the opportunity to feast with and consult their powerful men. In order to understand the significance of consultative clauses in the sources, it is important to establish first a distinction between the different forms of royal consultation. Early medieval kings had surrounded themselves with a few advisors, whom they consulted in private and on a regular basis on matters concerning the governance of the realm and diplomacy. This form of consultation was still prominent in the twelfth century, but it was gradually complemented by general consultations, whereby kings gath-

⁶ A proper discussion on the performative and ritualistic dimension of royal assemblies in the Middle Ages and the changing nature of royal government would greatly surpass the aims and scope of this article, but for the twelfth century refer to Bisson (1995, p. 124-148; 2009, p. 529-572); Monahan (1987, p. 57-96).

⁷ Robert Bartlett illustrates this consideration by referring to the magnitude of the Council of Clarendon, assembled in January 1164 (Bartlett, 2000, p. 144).

⁸ See Bisson (2009, p. 567).

ered the powerful men of the realm together with his court of regular advisors or *curiales* to discuss policies which required regional advice and general enforcement. General consultations in England, however, became regular events only after the accession of Henry II in 1154, meeting at least once a year.⁹

Even when the king appeared to act coercively, for example when removing some custodians from their castles in 1177, we are told by the *Gesta Regis Henrici Secundi* that he proceeded to maintain the peace and stability of the kingdom and enacted such measures by the counsel of his nobles, “*de pace et stabilitate regni tractassent, per consilium episcoporum et comitum et baronum suorum removit custodes castellorum Angliae...*” (Stubbs, 1867, I, p. 160-101). Roger of Howden may be accused of serving royal rhetoric, but decisions such as this are very often linked to the meeting of councils. The removal of rebellious custodians from castles was probably discussed at the Council of Geddington in 1177 and it was also at a council that Henry decided to demolish castles held by rebels in 1155 (Stubbs, 1868-1871, I, p. 215; II, p. 133). Henry met some of his nobles at Windsor after the Council of Geddington and the charters granted at this meeting show important witness lists — normally an indication of a council meeting — but bear no consultative clauses, acknowledging the gathering and the settlement reached as: “*in curia mea apud Windsor*” (Van Caenegem, 1990-1991, II, p. 624, n. 578). This is a charter given to the bishop of Ely confirming a settlement recognising Roger Bigod’s military service. Royal consultation is also established in a declaration granting indulgences to all those participating in the crusade to the Holy Land, an edict “*...communi consilio episcoporum et com(itum) et baron(um) terrarum suarum approbata...*” (Spelman, 1639-1664, II, p. 715-716). *Commune consilium* or “common counsel” in the twelfth century usually refers to the agreement between those present, rather than a general consent of all those belonging to the political community or Stubbs’ *commune consilium regni*. It does not translate as the counsel or the consent of the community but rather as “common counsel” or consent.¹⁰ According to Bryce Lyon, “when the great council tried Thomas Becket in 1164 Henry II considered the trial of an archbishop of Canterbury so serious that he summoned numerous lesser barons to convey the impression that a feudal court representative of the realm was handing down the judgment” (Lyon, 1960, p. 246). Once more, the connection between this document and the discussions at the Council of Clerkenwell of May 1185 needs no further inquiry, for the document bears the same dating, and the assembly is reported to have gathered to treat crusading matters.¹¹

⁹ Cerda (2006, p. 7-9).

¹⁰ See the distinction drawn by Jeaninne Quillet between *communis consensus* and *commune consilium* (Quillet, 1988, p. 553). See also Monahan (1987, p. 57-97) and Sayles (1988, p. 69-70).

¹¹ Stubbs (1867, I, p. 336). Refer also to the chronicle of Howden’s chronicle (Stubbs, 1868-1871, II, p. 301-302), and the testimony of the chroniclers of Ralph of Diceto (Stubbs, 1876, II, p. 33); Gervase of Canterbury (Stubbs, 1879-1880, I, p. 325).

Not only did the king take advantage of large gatherings to promulgate laws, but it seems that some councils were especially summoned to discuss and approve important reforms. According to the monk who wrote the chronicle of Battle Abbey, although kings “could at will change the ancient rights of the country for his own time, that fact should not establish anything for posterity except with the common consent of the barons of the realm” (Searle, 1980, p. 145-146). Many of Henry’s reforms enjoyed such permanence precisely because they were discussed at councils in the presence and with the common counsel of the barons.

Like his grandfather, Henry was crowned at Westminster with the “counsel” of the nobles of the kingdom. The counsel of archbishops, bishops, earls and barons — whether explicitly identified in the sources or not — appears to legitimise most royal policies and business of general concern, particularly from the 1160s. In 1164, the bishops and nobles of England — with the notable exception of the archbishop of Canterbury — had attached their seals of approval to the controversial Constitutions of Clarendon.¹² The opening lines of the Assize of Clarendon of 1166 proclaim: “*Haec est Assisa, quam dominus rex Henricus consilio archiepiscoporum, et episcoporum et abbatum caeterorumque baronum suorum statuit pro pace servanda et justitia tenenda*” (Stubbs, 1868-1871, II, p. 248).¹³ In 1176, Henry II introduced administrative and judicial reforms which divided England into six parts, a policy which according to the testimony of Gervase of Canterbury was also legitimised “*communi omnium concilio*” (Stubbs, 1879-1880, I, p. 254-255). Four months later, the king’s daughter, Joan, was betrothed to the king of Sicily *consilio universorum*, and the following year a judicial dispute between the kingdoms of Navarre and Castile was resolved at an English council “*cum deliberatione consilio*” (Stubbs, 1876, I, p. 419; 1868-1871, *Chronica*, II, p. 94). At the Council of Windsor in 1179, it was also *communi consilio* that Henry appointed and assigned justices to each of the newly-created judicial regions. Similar consultative phrases appear in the chronicles in connection with the approval of financial aids to the Holy Land at royal councils in Waltham (1182), Clerkenwell (1185), and Geddington (1188).¹⁴ We know that such consultation involved the bishops and nobles of the realm, and that it took place within conciliar discussions, since it is almost invariably preceded or followed by references to *concilia*.

A variety of vernacular sources also account for the prominence of general consultations in the second half of the twelfth century, but French references to *conseil* are too numerous to

See also a letter of Peter of Blois (Giles, 1846-1847, I, n. 98); and a document of the bishop of Bath and Wells (Ramsey, 1995, ns. 98, 45, 143, 150, 217).

¹² Robertson (1875-1885, III, p. 46, 278-279); Stubbs (1879-1880, I, p. 176-180); Thomas (2002, p. 80-84). See also Clanchy (1998, p. 106).

¹³ See also Stubbs (1913, p. 170-173). For an English translation, see Douglas and Greenaway (1981, II, p. 440-443).

¹⁴ Stubbs (1868-1871, II, p. 190, 301-302, 335-338; 1867, I, p. 238, 336, II, p. 33; 1879-1880, I, p. 297, 325, 409; 1876, II, p. 21, 33, 51).

be listed here.¹⁵ All these examples of consultation provided at assemblies demonstrate how important councils had become during his reign and how often the king did consider general and public consultation for policies and measures. Significantly, it is hardly possible to arrive at the same conclusion after considering the evidence for Henry's predecessors.¹⁶

It is unlikely that the use of *consilium*, *assensus* or *consensus* in the sources was purely rhetorical, or simply a diplomatic convention befitting the political culture of the time. If a royal grant resulted from consultation, it may have also coincided with the king's will, and it is accordingly described as resulting from royal mood. But if consultative clauses are omitted in the text, then it is probable that the charter was not subject to conciliar approval, even if the royal will would have converged with the judgment of the barons. Consensual clauses often legitimize documents — even to this day — and it is therefore unlikely that they would be omitted from documents which were actually vested with some form of baronial approval. On the contrary, J.O. Prestwich has suggested that

it is certainly of great importance that Henry II so frequently invoked the consent of his tenant-in-chief though the formula was sometimes rather casually employed. The preamble to the Assize of Clarendon claimed the assent of the archbishops as well as that of the other tenants-in-chief. But the Archbishop of Canterbury was notoriously neither present nor assenting in 1166; and it is significant that many of the clauses of the Assize began with the blunt words “*vult dominus rex*” (Prestwich, 1963, p. 49).

Besides, it was not only useful for monarchs to consult their powerful subjects, but it was also an integral part of the customary obligations of rightful kingship. David Nicholas has argued that even “territorial princes, not only kings, consulted with their subjects on matters of general concern throughout the Middle Ages” (Nicholas, 1992, p. 461). In relation to the process of baronial consultation at Sicilian assemblies in the twelfth century, Clementi states that

at these sessions the king [Roger II] was the last to announce his decision and if it differed from the advice which had been given, he carefully explained his reasons for coming to a different conclusion. He was, moreover, convinced that no decisions of importance ought to be reached hastily and without consultation (Clementi, 1999, p. 27).¹⁷

¹⁵ For consultation (*conseil*) at English assemblies, see Fahlin (1951, I, p. 37, 57, 206-207, 270; II, p. 64 and 483; Burgess (2002, p. 230); Holden and Gregory (2002, p. 98-9, 118-121); Thomas (2002, p. 84, 86).

¹⁶ This evidence is provided in Cerda (2009, p. 181-212).

¹⁷ Additional information on this may be found in Bloch (1961); Carlyle (1950); and Kern (1939).

An enlightening dialogue between the head of Battle Abbey and Henry is recorded in the chronicle of the same religious house and further illustrates the public and territorial nature of royal councils in this period and the significance of general consultation. The abbot urged the king to renew a charter given to the monastery by King William I, thus he

showed it to the king, who said, 'This could do with renewing'. To this the abbot replied, 'And we pray that, if it please you, you will renew it and confirm it by your royal authority'. The king said 'I will not do it except by a judgment of my court'... The abbot was then advised on this matter by Richard de Lucy, his brother and the king's chief justiciar, and so he "waited a bit for a place and time when the king would shortly be sitting in the midst of his barons. Then he advanced and in view of all presented his charter, decayed with age, and requested that it be renewed by royal authority. The king asked a judgment of the barons about it, whether it should be done or not (Searle, 1980, p. 311).

Royal consultation, however, was not simply an occasional procedure befitting custom and reluctantly performed by kings, who would rather devise general policies without the counsel of the nobles. It was rather the fundamental purpose of summoning assemblies in this period. The evidence so far presented points to the fact that Henry regularly consulted a large proportion of his nobles on matters of general concern, or in the words of Benoit de Saint Maure, the "*grant besoing e son affaire*" of the kingdom (Fahlin, 1951, I, p. 76). As the sources suggest, royal government was conducted by Henry within such process with surprising frequency. Furthermore, while disputes and controversies are often favoured in the narrative of chronicles, the sources also imply that the political relationship between the king and his nobles was by no means dominated by uncompromising antagonism, and similarly, that the interests of the monarchy and the nobility were not always at odds. Just as royal councils staged disputes and debates, they often prompted conciliatory attitudes among the nobles, and provided the ideal setting for the peaceful settlement of differences and for reconciliation. Daniel Power has pointed out that "in political cultures that were terrified of open rift, ritual and ceremony were ways of defusing tension and demonstrating public 'consensus'" (Power, 2007, p. 118). The semantic connection between council, conciliatory and reconciliation is most evidently a linguistic manifestation of the political nature of these meetings. Consultative clauses in charters and chronicles indicate that conciliatory behaviour often must have governed the discussions at assemblies. Moreover, in an age when kings lack the governmental means to enforce royal policies effectively and efficiently, it is difficult to conceive the legitimisation and application of such measures without the assent and cooperation of the nobles. Miller and Fryde have reminded that in the thirteenth century, a parliamentary meeting was also "the means of vesting the king's

government with consent, of mobilising general support behind it and of neutralising discontents aroused by it” (Miller; Fryde, 1989, p. 9). R.V. Turner has argued that during the reign of Henry II, the knights assisted in the enforcement of judicial reforms in the counties (Turner, 1990, p. 104).¹⁸

This is not to say that an assembly was always a peaceful gathering, where animosities were put aside and understanding among foes suddenly flourished. Nor were they occasions when opposing views were invariably reconciled. It is known that conflict featured prominently at several assemblies, but the enmity reported in the sources did not always emanate from the king towards the nobles or vice versa. The regularity of conciliar activity must have contributed to the development of communal feeling among the nobles regularly attending assemblies, but this is far from suggesting that the nobles always reacted with cohesion to royal proposals. Lest we forget, when the discussions over the royal constitutions broke out at the councils of Clarendon and Northampton in 1164, Becket was not only confronted by the king but, most noticeably, he was unable to find support among his own bishops. Indeed, it appears that Henry had somehow bullied the prelates to support his cause, as William of Newburgh reports,

to procure their sanction by any means whatsoever, he so allured the whole of them with the exception of one, by blandishments, or terrified them with alarms, that they deemed it necessary to yield to obey the royal pleasure, and set their seals to the enactment of these new constitutions (Howlett, 1884-1890, I, p. 141-142).

This situation can hardly be described by what Thomas Bisson has termed “ceremonial consensus”; a resolution typical of “a society in which issues were habitually resolved not through open debate and compromise but through recognition of a transcendent consensus as defined by the ruler, his prelates, and his baronial advisers” (Bisson, 1982, p. 189). With reference to the Witan, Frank Stenton has argued that “love or fear must have often hindered individual members of the council from opposing the declared will of the king. In one way or another all of them owed their seats to the reigning king or to one of his predecessors” (Stenton, 1971, p. 553). Susan Reynolds argues that “the general impression is that regnal assemblies worked through some kind of consensus or rough majority, influenced more or less by respect or fear of the king”. But even in 1258 “the purpose was the same: it was unity and consensus, not the kind of division which was enshrined in later estates or houses of parliament” (Reynolds, 1984, p. 318).

If the dispute at the Council of Clarendon was resolved by means of royal coercion and

¹⁸ See also Warren (1987, p. 120); and Hudson (2000, p. 125).

the ceremonies of lordship, then we are obliged to disregard Herbert of Bosham's account, which affirms that when the king asked the clergy to attach their seals of approval, "even if they were prepared to do so (...) a short delay was fitting on account of the gravity of the business, since according to the Book of Wisdom no weighty matter should be decided without counsel" (Robertson, 1875-1885, IV, p. 305). The king's reaction to Becket's challenge must have frightened the prelates, but they also found themselves genuinely estranged by the primate's unrelenting position and, moreover, seemed willing to comply with royal demands.

Another council was assembled at Northampton five months later, when the conflict between the king and the archbishop reached a climax. In one of the archbishop's biographies, Guernes de Pont-Sainte-Maxence explained that "after taking counsel with his bishops, Becket went in the court bearing his cross and dressed in liturgical vestments, which provoked a quarrel among the bishops. Only Roger of Worcester stood by him" (Thomas, 2002, p. 110). Then the prelates approached the king and said as follows: "You know how he made us confirm your laws, and now he is trying to make us all break faith; we are going to accuse him [to the Pope] on these grounds, unanimously, and so we shall be able to get him deposed from his see" (Thomas, 2002, p. 124). The king's rage was indeed felt at the assembly, but it is unlikely that the bishops' position resulted primarily from royal coercion.

Consensual politics is more to the credit of Henry's abilities and the regularity of councils than it was a ritualistic manifestation of the coercive exercise of royal lordship. The regular meeting of councils facilitated consensus on a number of reforms and measures, but it must be noted that assemblies often witnessed heated debate. Such antagonism, however, should not be exaggerated to serve the quest for constitutional developments, and its absence from conciliar records should not be taken as negative evidence to suggest that royal assemblies were essentially apolitical meetings before the thirteenth century. Stenton has wisely warned that "the political significance of an assembly should not be measured by the number of its conflicts with its president" (Stenton, 1971, p. 554).

Assemblies thus became an important occasion for the governance of the realm, staging important political discussions and witnessing the resolution of significant conflicts and disputes, while bringing the powerful and influential men of the land together. Again, such meetings are by no means unprecedented, but the lesser frequency and different character of royal councils before the 1150s, suggests that a considerable number of important matters were resolved by private counsel, if any consultation was considered.¹⁹ Kings before this

¹⁹ Some evidence for royal consultation before 1154 can be found in the chronicles of John of Worcester, Thomas of Monmouth, Henry of Huntingdon and Eadmer of Canterbury, and a number of Anglo-Norman royal charters (Rule, 1884, IV, p. 186-187; Johnson, Cronne, 1956, p. 263 n. 1764; Cronne, Davis, 1968, p. 97-98, n. 272, p. 163, n. 434, p. 108-10, n. 288; p.

period were also expected to consult their subjects on important issues, and so they did, but the advice more often came from the royal entourage, the king's courtiers, his private counselors and the close *familiars*. Conciliar advice was also employed by Henry I and Stephen, but important decisions often resulted from private consultation and whenever policies were shaped by general counsel, such a process is not always clearly linked to the activity of councils. But monarchs such as Henry Plantagenet would see in the general gatherings of the realm a useful instrument to meet the demands of expanding royal governance. As Bisson has argued in reference to the general court of Agenais, these assemblies treated "issues no lord-prince could retain in his arbitrary discretion after about 1175" (Bisson, 2000, p. 29). It is interesting to note that, in contrast, his son John seems to have set up what Turner has termed a 'household government' when staffing the *curia regis* with *familiars*, whose influence became more prominent than that of the barons assembled at councils. Turner speculates that John "may well have been plotting the kind of 'unrealized absolutism' which J.E.A. Jolliffe asserted to be the aim of the Angevin monarchs" (Turner, 1977, p. 246; Jolliffe, 1955).²⁰ If monarchs before this period were faced by similar circumstances, the evidence suggests that they often opted for private consultation, whenever the advice of the nobles was considered at all. Henry instead sought baronial approval for his policies with such consistency that royal councils were summoned with unprecedented frequency during his reign.

Great and general councils

More as a result of the extraordinary frequency of meetings than of new political phenomena, royal councils acquired a great deal of importance in this period. As far as the development of royal consultation goes, the general counsel and assent of the nobles meant that measures were regularly vested with wide approval and could, therefore, be more effectively enforced throughout the realm than ever before. Political interaction between Henry II and his nobles in a conciliar context and on a regular basis had very significant consequences for royal governance and the stability of the kingdom: apart from the advice of the increasingly learned members of the *curia regis*, policy making, as it were, was now regularly assisted by the regional expertise of a considerable number of magnates.

357-358, n. 964; McGurk, 1998, III, p. 54, 285; Greenaway, 1996, p. 722-723; Jessop, James, 1896, p. 108-110). See also Green (1986, p. 23); Hudson (2000, p. 100-125).

²⁰ See also Marongiu (1968, p. 55); Warren (1984, p. 113-132). Some thoughts on Henry II's *familiars* are offered in Turner (1978, p. 933).

At the same time, general assent to proposals discussed at councils meant that royal governance could more efficiently reach all corners of the realm, without having to rely almost entirely on itineration. Medieval rulers summoned councils primarily to widen the basis of consultation and secure general assent in the exercise of governance. One of the most noticeable and significant features of royal councils in England during the reign of Henry II was their extraordinary frequency. When one of his daughters married the king of Sicily, Peter of Blois wrote to the archbishop of Palermo to praise the untiring attitude of the Plantagenet king towards political consultation: “Daily in mass, in counsels and in other public doings of the realm always from morning until vespers he stands on his feet (...) Always are in his hands bow, sword, spear and arrow, unless he be in council or in books” (Giles, 1846-1847, I, p. 66). Not only did conciliar activity increase after 1154 but, in fact, it nearly tripled that registered for the reigns of Henry I and Stephen, as well as that of his sons and successors, Richard and John.²¹ The unprecedented regularity of conciliar meetings not only meant that Henry could legislate with the approval of his barons, but councils also annulled the difficulties and inconveniences normally associated with royal government by itineration. These assemblies brought local affairs to the king, and then delivered royal government to the localities. The gathering of the nobles was, therefore, a unique phenomenon in a world where local power mattered, since it enabled centrifugal and centripetal channels between central and regional politics: royal assemblies brought the kingdom to the king’s presence and the king’s presence to the kingdom. Political assemblies, however, were by no means an institutional novelty of the twelfth century, but followed a long tradition embodied in the meeting of the Anglo-Saxon Witenagemot and the Anglo-Norman councils from the conquest in 1066 to the end of Stephen’s reign in 1154. England was unified in the early tenth century under the West Saxon monarchy and government by itineration must have become increasingly difficult. Having the nobles coming to assemblies would have satisfied the new demands of governance which accompanied the enlargement of the kingdom. This practice was continued in England by Norman rulers after 1066, but it is likely that some conciliar features were adapted to the new organisation of the kingdom.

Large assemblies thus fulfilled an important social and political role in a world fragmented by local power and by the primitive state of central government. To this point, monarchical governance was exercised primarily by means of itineration, but the enlargement of the Angevin dominions in the second half of the twelfth century and the increase of royal intervention in the localities, were among the factors which contributed towards making councils a regular complement to visitations. The Plantagenets in England from Henry II

²¹ Cerda (2009, p. 181-212).

to John, devoted a great deal of economic and human resources to various military quests which aimed at the dominance of what is now Britain and France. By the end of the reign of Henry II, the Angevin dominions stretched from the Scottish border to the French Pyrenees. David Herlihy has suggested that “nearly all historians have agreed that an underlying phenomenon of the second feudal age was a substantial and continuing growth in population” (Herlihy, 1970, p. 34).²²

Pressing administrative and financial demands prompted by expanding territories and the new complexities generated by distant dominions, economic and demographic explosions, eventually led to the location of the royal court, the treasury and the exchequer in one place. In the twelfth century, rulers and their courts kept on the move, but an institutional alternative to governing by visitation was provided by the consolidation of territorial assemblies. Robert Bartlett, in his study of the government of the Norman and Angevin kings in England, explains that for the household court “an alternative to visiting every corner of the kingdom was to bring men from every corner of the kingdom to a great assembly” (Bartlett, 2000, p. 143). Desiré Pasquet argues that this political transformation is evidently manifested in the king’s efforts to bring all his subjects under his direct authority, a desire that went as far as initiating the destabilisation of the entire feudal framework. In his essays on the origins of the House of Commons, Pasquet explains that this destabilisation was concretized by royal policies which practically abolished the distinction between tenants-in-chief and sub-vassals. In other words, the king’s attempt to centralise government was transforming feudal vassals into subjects of the crown (Pasquet, 1925, p. 6-7, 38, 234-235). With reference to the first parliamentary assemblies in the thirteenth century, Miller has suggested, moreover, that

among the features which characterize early parliaments we may not ignore the habit of bringing the whole governmental force of England into a focus, the habit of concentrating intense administrative activity on the part of all the officials and offices of the king’s government in one place and at the same time (Miller, 1967, p. 10).²³

The intensity of conciliar activity added to consensual politics and cooperative governance in assisting the gradual development of a sense of community among the powerful and influential in England. It is unlikely that councils were regularly attended by every single one of Henry’s tenants, but the evidence suggests that their presence was expected and that all of them must have been summoned, probably by means of individual writs. The

²² See also Mason (2000, p. 39): “England’s population doubled between c.1086 and c.1300”. J.C. Russell has estimated that the population of England grew from 1.1 million in 1086 to 3.75 millions in 1348 (Russell, 1948, p. 72).

²³ See also Holt (1981, p. 4-6).

template address which often initiated Henry II's charters provides a hint as to who was called to assemblies: "*Henricus rex Anglorum et dux Normannorum et Aquitanorum et comes Andegavorum archiepiscopis, episcopis, abbatibus, comitibus, iusticiis, vicecomitibus, baronibus, ministris et omnibus fidelibus suis totius Anglie salute*" (Maxwell, 1903-1927, II, p. 438-439).²⁴ It is clear that not 'all the faithful' of the king were summoned to general consultations, but the archbishops, bishops, earls, barons, as well as the important royal officials were the regular attenders at these gatherings. And although many charters were also addressed to the nobility of Normandy, Aquitaine, Brittany and Anjou, these magnates were rarely in attendance at councils held in England. This is an important consideration, because it is possible that the unprecedented frequency reached by royal councils in this period meant that the nobles residing in England could get together on a regular basis and thus gradually develop an *esprit de corps* that was accelerated with the loss of Normandy in 1204, and that facilitated corporative action against royal abuses in 1205 and 1215.

When reporting that Henry expected Becket's submission to be performed in the presence of all his barons ("*tuz mes barons*"), the vernacular passage from Guernes de Pont-Sainte-Maxence seems to indicate that a royal council was not simply an enlargement of the *curia regis*, but an assembly of the realm and the most public occasion for political interaction.²⁵ Just as church councils contributed towards maintaining not only doctrinal but also social cohesion among the prelates, royal assemblies not only served to obtain the adherence of the magnates to royal policy, but they must have also strengthened a sense of community among those present. The concept of a community of the realm may not have been entirely foreign to chroniclers before the reign of Henry II, but the unprecedented regularity with which nobles met each other at councils between 1155 and 1188, effectively turned a concept of political theory into a social reality. It is difficult to believe, therefore, that the same group of barons interacting so regularly in political activity might altogether fail to develop some measure of corporative sentiment. A letter sent by Gilbert Foliot to Becket in 1166 powerfully illustrates the social phenomenon prompted by conciliar activity in this period. The bishop of London reminded the archbishop in exile of the difficult proceedings at the Council of Northampton in October 1164, when "the people assembled as one man, and when all had taken their seats according to their dignity and rank" ("*conuenit populus ut uir unus*", Duggan, 2000, I, p. 515, n. 109). These meetings prompted social contact between people separated by distance and difficult communications, and thus probably assisted the consolidation of a community of the realm. The reign of Henry II witnessed nothing like Magna Carta, not because of the inexistence of a *communitas regni* or a *baronagium* which

²⁴ This was possibly discussed at the Council of Winchester in 1155.

²⁵ Thomas (2002, p. 80).

could have reacted corporatively against royal abuses, but mainly because unlike his son, Henry had not given them enough reasons for doing so. The extent to which consensual politics and cooperative governance developed in this period is not characteristic of a community obliged by ceremonial compliance, but it is a phenomenon mainly associated with the regularity of conciliar activity and a credit to Henry's ability in managing the barons.

In fact, the proliferation of chronicle terms such as “*magnum*” and “*general concilium*” and the description of conciliar attendance as “*totius Anglie*” or “*omnes in Anglia*” may be a terminological manifestation of the public and communal character of councils in this period.²⁶ No less than twelve of the thirty-six assemblies of Henry II are described by the sources as “great” or “general councils”. Although many of these references are taken from the extraordinary reports of Roger of Howden, William FitzStephen uses “*generale concilium*” twice and the *Chronicle of Battle Abbey* once, while Gervase of Canterbury also identifies one gathering as a “*magnum concilium*”.²⁷ Admittedly, *magnum* might have been an entirely descriptive term, devoid of much institutional precision. It is difficult to calculate how many people attended royal assemblies in the twelfth century. Even when we have some witness lists connected with twelfth-century councils, it is clear that they did not include all those present, but possibly only those who might have some form of involvement in the granting and drafting of royal charters. Thus, if a twelfth-century chronicler reports that a particular meeting was a ‘great council’, it is possible that he may only be describing the assembly as “large”. Although it is significant that such a description is used recurrently during the reign of Henry II, and only once in the earlier period, it might not necessarily imply institutional change. However, if some assemblies are described as “general councils”, then the chroniclers are not simply telling us that such gatherings were large or larger than the ordinary meeting of the *curia*. They seem to imply, perhaps, an institutional or political distinction between the enlargement of the king's court, and a gathering which is beginning to acquire the features of an assembly of the realm, or a public gathering. While *magnum* was, in most cases, a quantitative concept, *generalis* could have only been qualitative. *Generale concilium* was used in the reign of Henry I, but not to identify royal councils, but ecclesiastical assemblies. The terms *universale concilium* and *generale concilium*, argues Adams, “though undoubtedly borrowed from the vocabulary of the church, are more definite and are more likely to

²⁶ Cerda (2004, p. 181-195).

²⁷ These were the councils of London in 1155, 1163, 1170, 1177, Northampton in 1164, 1176, 1177, Gloucester in 1175, Windsor in 1175, 1179, Woodstock in 1175, and Geddington in 1188. References to these meetings are Stubbs (1868-1871, I, p. 220, II, p. 4, 83, 87, 118, 120, 133, 190, 338; 1867, I, p. 4, 92; 1879-1880, I, p. 254-255); Robertson (1875-1885, III, p. 46, 49); Searle (1980, p. 154). The narratives of Ralph of Diceto and William of Newburgh referred to many councils, but very rarely employed the term *concilium* at all.

have been used without a sense of comparison. Their use, however, can hardly be placed before the middle of the reign of Henry I” (Adams, 1926, p. 106).

It is not surprising, for example, that the councils of Clarendon and Northampton in 1164 are identified as “general”. This is not to suggest that the terminology always did justice to the importance of the assembly, for the councils of 1164 are also described with terms other than *generale concilium* and, moreover, a number of very important assemblies are not identified by any source as general councils. But if *generale concilium* was not as yet a concept of technical precision, its deployment in the description of royal councils still bears some significance. It should also be noted that the term is mainly employed in the chronicles of Roger of Howden, so if any significant changes took place concerning the composition of assemblies in this period, it was not given widespread recognition in the sources. Accordingly, if assemblies of great importance were normally identified as general councils, the difference between them and those termed great councils should not be stated categorically.

At the Council of Woodstock in 1163, the archbishop of Canterbury challenged the king’s proposal to raise a new tribute called the sheriff’s aid, probably on the basis that such payment was likely to fill the royal coffers instead of assisting county administration. Becket’s defiance was not simply a setback for Henry’s financial strategies, but more gravely perhaps, it was a public humiliation in front of the king’s nobles assembled in council. According to the vernacular verses of Guernes de Pont-Sainte-Maxence, the archbishop was persuaded to comply with the king’s demands and accept the customs by a papal letter brought by an abbot named Philippe de l’Aumone, who also convinced the primate to meet the king at Woodstock. There they made him make his promise to the king, and concede that he would keep his customs in good faith, loyally; for he did not expect to hear them mentioned again. The king answered him:

If you wish to consent, you must demonstrate the fact in the presence of all my barons. They have all heard how you have opposed me. If you intend to stand by the agreement you have made, summon all the clergy and I will summon my barons; there shall be no delay. There, in the presence of all of them, declare what you have granted to me (Thomas, 2002, p. 80).²⁸

This passage most clearly illustrates the public significance acquired by royal councils in this period. Had Becket’s opposition been simply a matter of policy, a private settlement

²⁸ “La li unt fet pramettre al rei e grëanter / Que ses custumes volt en bone fei garder / E lëalment, -car mes n’ien quide oir parler / Ce li respunt li reis: Sel volez agrëer / Vëant tuz mes barons le vus estuet mustrer / Tuit unt oi coment m’avez contralië / E se volez tenir qu’avez covenancië / Fetes de vostre part asembler le clergié / E jeo tuz mes barons, ja n’i avra targié / La dites oiant tuz kel m’avez otreié”.

would have perhaps satisfied the king, but since the dispute had been aired to the political community of the kingdom at a council, Henry's insulted pride would settle for nothing less than a formal submission in front of *tuz mes barons*, according to Guernes, in the presence of all his barons assembled. In fact, the chronicler William of Newburgh described the Council of Northampton of 1164 as a "public assembly", and the Icelandic prose of the *Thómas Saga Erkebiskups* explains that the king and the archbishop "happened to dissent in a public 'parliament' [*conventus publicus*]", so their peace must come about in the same manner" (Howlett, 1884-1890, p. 142; Magnússon, 1875, I, p. 161). As indicated previously, royal councils gradually ceased to be an occasional enlargement of the *curia regis* and developed towards becoming assemblies of the realm. Several of these meetings were accordingly identified by the sources as "general", not only because they were public occasions for kingdom-wide consultation and the discussion of matters concerning the king and the kingdom, but also because they were attended by the *universitas regni* or the political community of the realm, without which neither the counsel given nor the business discussed could claim to be truly general or territorial.²⁹ Bryce Lyon has argued that the king considered the trial of an archbishop to be such a serious matter that in 1164, "a feudal court representative of the realm was handing down the judgment" (Lyon, 1960, p. 246). It is certainly more appropriate to refer to the meeting at Northampton as a general council than a feudal court, the meaning of which contradicts what has been suggested in this study so far.

Final considerations

All these considerations point to the increasingly public nature of royal councils. Much of the business transacted at the *curia regis* — ordinary or enlarged — was now discussed at councils, only because they met with such an extraordinary frequency that most of the business of the realm could now be regularly dealt with at councils. In consequence, frequent meetings not only enabled the king to obtain general assent for legislation, but for a variety of reforms and measures. The king demolished the strongholds of rebels and organised military campaigns in the 1150s, he enacted important reforms concerning judicial processes and the jurisdiction of the church in the following decade, he restored royal authority after the continental rebellion and promulgated a series of administrative measures in the 1170s, and collected extraordinary taxes in aid of the Holy Land in the 1180s. Significantly, all this was done with the counsel and assent of the prelates and barons of England, while assembled at councils.

²⁹ On the presence of the *universitas regni* at assemblies see Cerda (2019).

In the second half of the twelfth century, it has been argued, great assemblies became more public and territorial and this could be gathered from a number of their changing institutional features such as the terminology employed, the frequency of the meetings, the issues discussed and the composition of the gatherings, the mode of consultation, and the political and ceremonial performance of those summoned. The king and his court of advisors seemed to have taken advantage of this institutional transformation by seizing the gathering of nobles to vest an unprecedented number of reforms and measures with some form of baronial assent, if not support and approval, and by launching the resolutions with extraordinary publicity. This might have been in Ranulf Glanvill's mind at the opening lines of his legal treatise on the laws and customs of England, written as Chief Justiciar of king Henry:

Not only must royal power be furnished with arms against rebels and nations which rise up against the king and the realm, but it is also fitting that it should be adorned with laws for the governance of subject and peaceful peoples; so in that in time of both peace and war our glorious king be so successful perform his office (...) (Hall, 1965, p. 1).

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