EVOLUTION OF ENGLISH PARLIAMENT

England has a constitutional monarchy, and the Parliament is the legislative body or the law-making institution.

The history of the legislative body—which meets in the Palace of Westminster in London—shows how it evolved almost organically, partly in response to the needs of the country's political changes. Parliament traces its roots back to the earliest meetings of English barons and commoners in the 8th century.

- The evolution of parliament in Britain, witnessed the transition from an absolute monarchy to a representative, parliamentary one over a period of 800 years. This transition offers an invaluable insight to the socio-political peculiarities and character of the British and its history.
- Britain's political history evolved slowly over a period of many centuries and in response to the needs and challenges of each era, gradually adapting to them. This continuity is evident in the archaic ceremonies and countless traditions that accompany the functioning of modern-day British parliament.

- It is a fact that Britain does not have a compact, written Constitution, in contrast to most modern democracies, but it relies on a fluid legacy of previous political and legal Acts that shaped its political history.
- England, and then the UK, have been governed, not by an all encompassing, all determining and binding Constitution, but an ever in motion political process that produced gradual changes.
- The lack of written Constitution is also indicative of the absolute power of the Parliament: Neither the King, nor the Constitution limits the domination of the parliament, and no law passed by Parliament can be unconstitutional or illegal.

- The Anglo-Saxon witan and the Norman assemblies both dealt with wider issues of governance.
- The tradition of English parliament is long-standing and constantly changing, and its roots can be traced back to the Anglo Saxon period (medieval period.)
- The Witan was a small council of clergymen, land-owning barons and other advisors chosen by the king to discuss matters of state, taxation and other political affairs. As it expanded to include more advisors, the Witan evolved into the *magnum concilium* or Great Council.

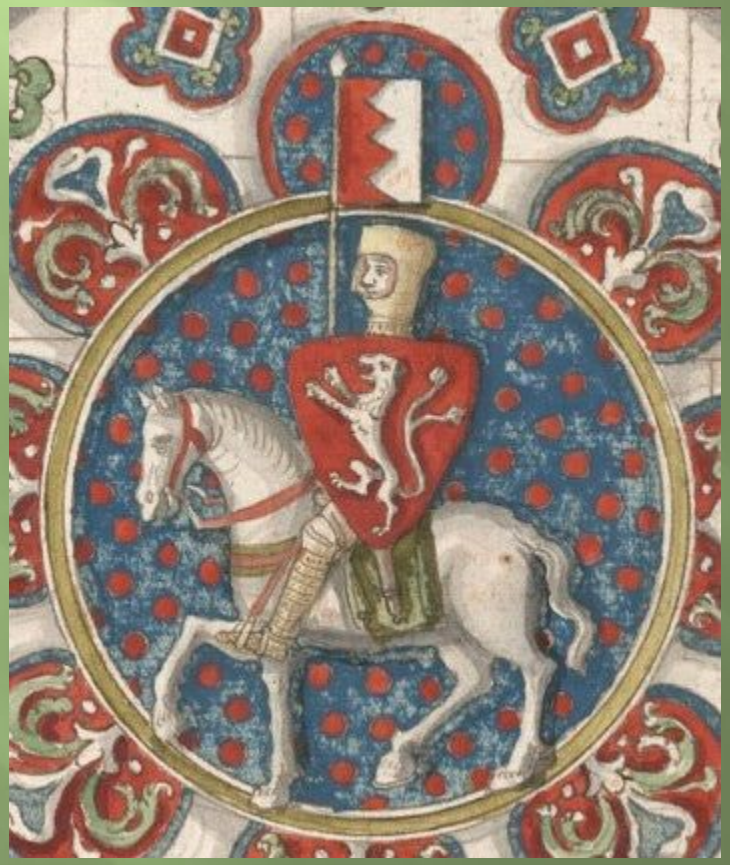
- The Witan of the Anglosaxon period, the *Curia Regis* (the kings council) and the *Magnum Councilium* (the great council) of the Norman Kings, and the Magna Carta (1215) imposed over king John, saw the first transition of power from the King to his barons.
- The emergence of Parliament as an assembly of the nobility and clergy, gradually to include the middle classes -the land-owners and merchants (House of Commons), the Parliament of England had been struggling for almost 500 years to wrench more and more power from the monarch and this struggle was decisively in favour of Parliamentary supremacy.
- The British parliament that emerged has possibly been the most powerful parliament in the world, in the sense that it reigns supreme, unhindered by a higher authority or a binding Constitution. And although technically the Monarch still possesses the right to veto a legislation, this has not happened for three centuries now. Up until lately, its House of Lords had also been the supreme judicial authority of the United Kingdom.

- On a local level, "moots" were meetings of local bishops, lords, sheriffs and, importantly, commoners who were representatives of their counties or "shires." The folk moots, the shire moots, the hundred moots etc. were representative bodies which managed administration at local levels right from the AngloSaxon period.
- These institutions functioned—with varying degrees of success—as law-making bodies and law enforcement agencies throughout England during the Middle_Ages. In all these institutions we can find steady development of the English parliament.

- At first, the magnum councilium was just an assembly of feudal Lords and Bishops, with the main purpose of approving new taxes asked by the King. The term “parliament” derives from the French “parlement” or Latin “parliamentum”, meaning, in essence, “discussion” – since at this time French was the language spoken in the English courts under the Norman and post-Norman, House of Anjou.
- But at 1265, something important happened: Simon de Montfort, a French nobleman that became Earl of Leicester and defeated the King’s forces in the second Baron’s war effectively becoming de facto ruler of England, called for a different parliament. Along with the Lords of the realm, he summoned two representatives from each county (“Knights of the Shire”) and two representatives from selected urban centres -boroughs (“Burgesses”).
- The latter was unprecedented, but became the norm afterwards, paving the way for the creation of the House of Commons, the dominant force of present parliaments.

- Simon de Montfort, is the man credited with calling the first English Parliament. The ongoing feuds with Henry and the noblemen loyal to him came to a head in the battle of Lewes in 1264, in which Montfort was victorious and took Henry and his son Edward prisoner.
- At this moment of power, Montfort used the opportunity to cement it by calling together all those barons who were still loyal to him along with representatives from the shires and towns of England, a move which can be seen as a direct descendant of the Norman inclusion of tenants in the process of government.
- Despite this, his brief hold on power was short-lived as Edward managed to escape and soon after defeated Montfort and his supporters in the battle of Evesham in 1265. Since Montfort died as a rebel the parliament summoned by him had no legal validity. Upon taking the crown, Edward I needed the support of the people and adopted this system of Parliament.

Simon de Montfort, in a drawing of a stained glass window found at Chartres Cathedral



- English Parliament is said to find its foundation, following a civil war with Henry III, Simon de Montfort, the Earl of Leicester, called together a parliament of knights and burgesses, representatives of local towns, to discuss wider matters of English governance. Yet despite this landmark, Montfort's parliament was not the first such gathering in English history.
- The Anglo-Saxons, understanding the need for decentralised power beyond the immediate reach of the king, used a system called the *witangemot*.The witan met in regional localities to discuss issues beyond the scope of everyday matters of government. It moved around the country; the majority were held in the south of England, focused on Winchester and London, with rare trips further north to Nottingham and Lincoln. The names of those present at a witan were recorded in lists of witnesses to land-grants, which show that, for example, in the reign of Æthelstan (927-39) sometimes up to as many as 100 were in attendance.

- The king's rule was wholly entangled with the Church, so while the meetings were secular and attended by thegns, ealdormen or earls and other noblemen, bishops and abbots also attended to offer religious counsel. The king was present to witness and validate the declaration of law, but that is not to say that the king was solely responsible for law-making: it was a process of discussion, with many voices.
- Other processes connected with Parliament, such as record-keeping and the treasury, are less easily defined: the presence and form of the royal chancery - the scribes and record-keepers who accompanied the witan.

- In his magisterial work of 2010, *The Origins of the English Parliament, 924-1327*, J.R. Maddicott sees the witan as the earliest origin of England's modern Parliament, as it began the process of allowing small collections of representatives to set the laws for the whole country.
- This foundation was built upon following the Norman Conquest, as William I preserved many of the structures set in place by the witan, but also increased its attendance by obliging all landholding tenants to be present, a move which brought in a larger portion of the non-elite population and resulted in the king coming under greater accountability.
- The effects of this can be seen in Magna Carta (1215) which holds the king accountable to his subjects. Thus, the Parliament of 1265 did not appear fully-formed without reference to these early models, but was built following their design.

The creation and signing of the Magna Carta,in 1215 established the rights of barons (wealthy landowners) to serve as consultants to the king on governmental matters in his Great Council.

As in the early Witan, these barons were not elected, but rather selected and appointed by the king. The Great Council was first referred to as “Parliament” in 1236,during the reign of Henry III.

- At the English university town of Oxford, the noblemen who served in Parliament at the time drafted the "Provisions of Oxford,"(1258) and Henry III had to accept it. It called for regular meetings of the legislative body, composed of representatives from each of the counties. But since the king did not keep his word a civil war broke out (1258-67)(known as the Barons War)
- By 1264, the sheriffs(shire-reeve) of the various counties in England were instructed to send elected representatives of their districts (knowns as "knights of the shire") to consult with the king on issues related to taxation.
- In 1295, Parliament evolved to include nobles and bishops as well as two representatives from each of the counties and towns in England and, since 1282, Wales. This became the model for the composition of all future Parliaments.This parliament known as the model parliament included the common clergy also.

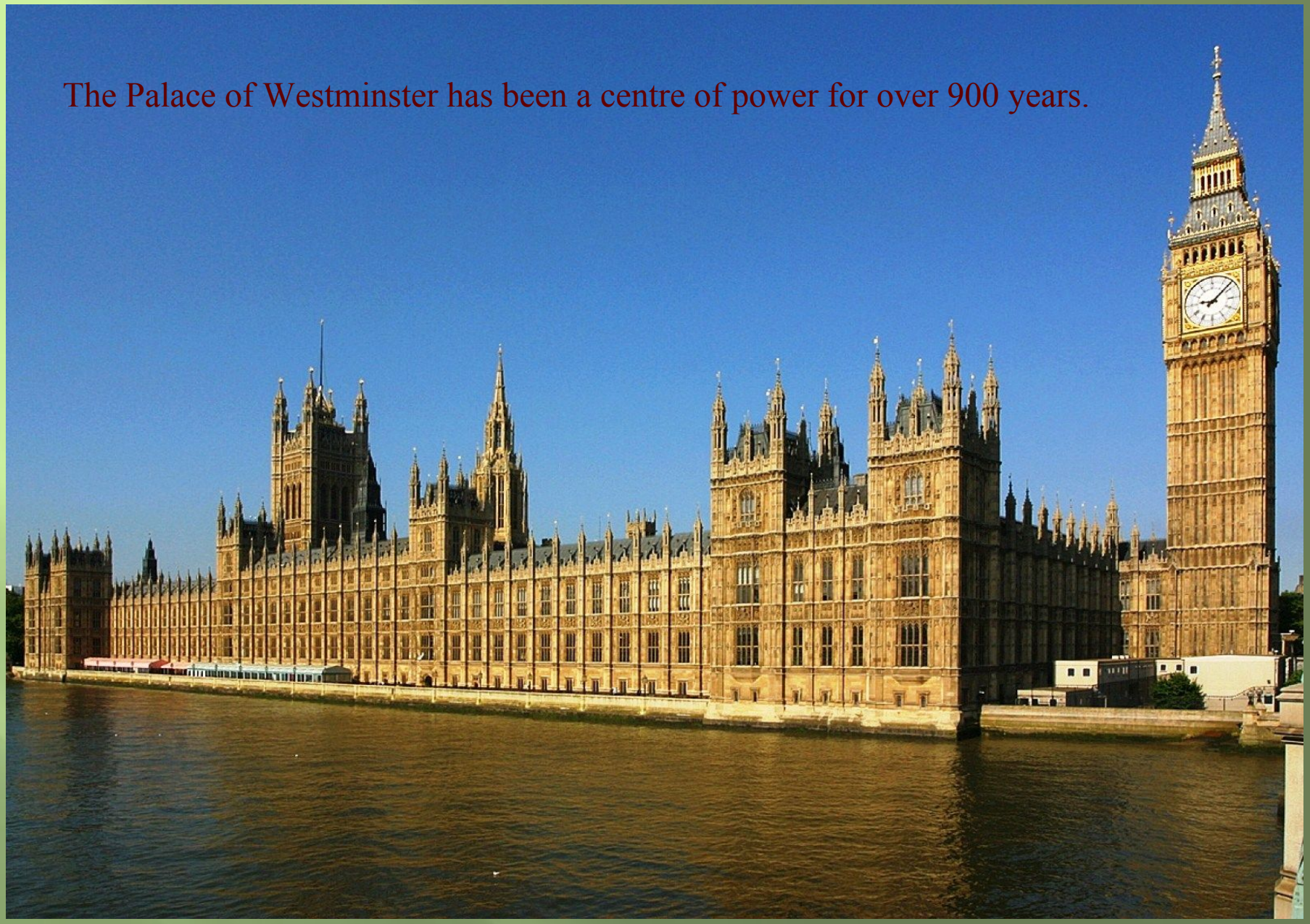
- Over the course of the next century, the membership of Parliament was divided into the two houses it features today, with the noblemen and bishops encompassing the House of Lords and the knights of the shire and local representatives (known as “burgesses”) making up the House of Commons.
- During this time, too, Parliament began to take on more authority within the English government. In 1362, for example, it passed a statute decreeing that Parliament must approve all taxation.
- Fourteen years later, the House of Commons tried and impeached a number of the king’s advisors. And, in 1399, after years of internal struggle for power between the monarchy and Parliament, the legislative body voted to depose King Richard II, enabling Henry IV to assume the throne. Thus the parliament acted as king makers.

Parliament's Power Expands

- During Henry IV's time on the throne, the role of Parliament expanded beyond the determination of taxation policy to include the "redress of grievances," which essentially enabled English citizens to petition the body to address complaints in their local towns and counties. By this time, citizens were given the power to vote to elect their representatives—the burgesses—to the House of Commons.
- In 1414, Henry IV's son, Henry V, assumed the throne and became the first monarch to acknowledge that the approval and consultation of both houses of Parliament was required to make new laws. Still, all was not a perfect full fledgled democracy.

- More than 100 years later, in 1523, philosopher and writer Sir Thomas More, a Member of Parliament (M.P. for short), was the first to raise the issue of "freedom of speech" for lawmakers in both houses during deliberations. A half-century hence, during the reign of Queen Elizabeth I in 1576, Peter Wentworth, M.P., made an impassioned speech arguing for the same right; and he was sentenced to imprisonment in the Tower of London.
- Wentworth, a Puritan, later clashed with Elizabeth I over issues related to freedom of religion during his time as an M.P., and he was jailed for these acts as well. It was this persecution that led the Puritans to leave England for the New World in the 1600s, helping to settle the 13 colonies that eventually became the United States.

The Palace of Westminster has been a centre of power for over 900 years.



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- (For a very long time, and up until the 19th century reforms, politics was a privilege of the elite and of the upper class. Even with the extended participation in parliament and the emergence of the House of Commons, representative democracy was still very far away. Few people could vote for parliament or hope to be candidates. The secret ballot voting was not introduced until the Ballot Act of 1872. Corruption in elections was usual, as were a number of other factors that we would consider unacceptable by today's standards.
- From 1430 and onward, it was established that only the forty shillings freeholders could vote, that is the people who owned property worth 40 shillings or more. This was a considerate sum for the time, and few fulfilled the criterion. Over time, inflation did the job of broadening the electorate, as the required sum remained unchanged for centuries, but actually decreased through inflation. However, even by the 18th century, the electorate was as small as 1-2% of the population, all men of course. It was during the 19th century that domestic pressure for a more democratic representation and international influences persuaded the British Parliament to extend the right to vote to more and more citizens with three Reform Acts (1832, 1867, 1884). The one of 1867 in particular, offered the right to vote, for the first time, to part of the working class, extending the franchise to all male 'heads of households'. Universal suffrage was extended to all male population, at last, not as a result of some bloody revolution, but as an outcome of bloody trench warfare. In the aftermath of WWI, the old class distinctions to voting were left shot to pieces by a conflict that changed much in its passing. "If they are fit to fight they are fit to vote" became a just cause for granting universal suffrage.)