

Friends and Foes within the City Walls:

The Relationship between the Magnates and the Cities in Medieval England as Reflected in the

Great Charter of Liberties

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Abstract:

Contrary to popular belief, Magna Carta is by no mean an outcry for freedom and liberty in modern sense; rather, it is a promulgation of the interest of the English magnates. Their struggle for power needed the help of the towns and townspeople. The purpose of this essay is to examine how Magna Carta reflects this profound relationship between the English magnates in the countryside and the dwellers in the town, namely the magnates' recognition of cities' importance as well as the former's desire to repress the expansion of this importance.

The English Great Charter of the Liberties (1215) is among the most important legal documents of Medieval Europe. Also known as *Magna Carta Libertatum*, it was drafted on June 15, 1215 in the midst of the struggle for power between King John of England and a group of rebel magnates as a compromise to make peace between the parties. The Great Charter promised a series of restorations of the “ancient liberties” of the kingdom, including the protection of the church, the protection of the baronial rights against royal encroachment, the access to peer justice, due process of law, and the adjustment of feudal fines and duties which would be implemented and enforced through a council of twenty-five “barons.” It is worth noting that this document contains evidence regarding the profound relationship between the magnates in the countryside and the dwellers in the town, namely the magnates’ recognition of cities’ importance as well as the former’s desire to repress the expansion of this importance.

In terms of the text of the documents, the Latin text of the Great Charter comes from the Lincoln Charter of 1215¹ and the English text comes from David Carpenter’s translation. Also, to clarify, by “towns” I mean “urban centers” in general. In order to make the discussion and comparison more perceivable, I refer to both English cities and boroughs as “towns” and the “citizens,” “burgesses” and “men” from the towns as “townspeople.”

Contrary to popular belief, the Great Charter of Liberties is by no mean an outcry for freedom and liberty in a modern sense; rather, it is a promulgation of the interest of the magnates and a major attempt to recognize their de facto privileges with a legal document. Although, at the time of the Great Charter, nearly nine-tenths of the population of England lived in the countryside as the tenants of the magnates², the Charter does not provide much information

¹ David Carpenter, *Magna Carta* (London: Penguin Books, 2015), pp. 32, 34.

² Danny Danziger et al., *1215: The Year of Magna Carta* (New York: Touchstone, 2003), p. 19.

about the connection between these magnates and their tenants. *Au contraire*, the charter seems to focus on relationship between these countable magnates and the king. Before 1215, there was no de jure distinction among the magnates and their tenants; the magnates, the “barons” (*barones*)³, were legally but the king’s leading citizens.⁴ These “leading citizens” sought to use the Charter to change this fact by legally empowering themselves with more exclusive liberties. The regulation of inheritance is an example. Before 1215, feudal tenure was a personal relationship that tied both parties together through the vassal’s homage to his⁵ lord and the lord’s grant to the vassal of a fief or office.⁶ Surprisingly, as a document focused on the relationship between the king and the magnates, the Charter says nothing about homage. Instead, several clauses indicate the magnates’ attempt to convert feudal tenure from homage-based personal relationship into their hereditary liberty with a law code. For example, in clause two, if any of the magnates or others tenants holding land in chief by military service (*tenetium de nobis in capite per servicium militare*) dies and his heir is of full age, the heir ought to have his inheritance by the “ancient relief” (*per antiquum relevium*).⁷ Even though this practice was nothing new in 1215, the Great Charter thereby transformed it into a legal liberty. Also, the magnates certainly had included the scenario of underage heirs into consideration. To prevent the king from taking this advantage, clause three proclaims that the heir ought to have his inheritance when he comes of age (*cum ad etatem pervenerit*) without relief or fine (*sine relevio et sine fine*).⁸ To prevent the royal agents or guardians from encroaching on the heirs’ hereditary fief, clauses four and five

³ Carpenter, *Magna Carta*, p. 38.

⁴ *Ibid.*, p. 121.

⁵ As almost all tenants were male.

⁶ Mark Bailey, *The Decline of Serfdom in Late Medieval England: from Bondage to Freedom* (Woodbridge: The Boydell Press, 2014), pp. 89-100, *passim*.

⁷ Carpenter, *Magna Carta*, pp. 38-39.

⁸ *Ibid.*

further put this liberty of inheritance under the protection of law.⁹ Clause seven and eight, simultaneously made the widows' liberty to her "marriage portion and inheritance" (*maritagium et hereditatem suam*).¹⁰ under the protection of the law. Legally, the king could no longer take advantage of the vulnerability of a widow. Under these clauses, the heir and widow received the inheritance from their kinship to the deceased lord, not from their own homage to the king. Thus, both the heirs and wives of the magnates also became part of the exclusive stratum.

Therefore, the magnates were the driving force behind the Great Charter. However, they could not ignore the importance of the towns. By the early thirteenth century, towns had become increasingly important. The Norman Conquest of 1066 was followed by a wave of urbanization in England. Between 1066 and 1230, more than 125 towns were founded in England, including Arundel, Boston, Chelmsford, Devizes, Egremint, Harwich, Kingston-upon-Hull, Lynn, Morpeth, Newcastle-upon-Tyne, Okehampton, Portsmouth, Reigate, Salisbury, Truro, Uxbridge, Watford and Yarmouth.¹¹ The rate of town foundation consummated in the fifty years between 1180 and 1230 with the addition of no fewer than fifty-seven new towns. Most of the towns founded in this period belonged to the magnates instead of the king. At the time when the Magna Carta was drafted, the number of towns had doubled since the Norman Conquest.¹² Economically, both the king and the magnates sought to play an active part to benefit from this rapid urbanization.

In their letter patent to found towns, the words "free" and "liberties" are prominent due to their need to attract dwellers. The burgesses, the townspeople of the boroughs who took up the

⁹ Ibid., pp.40-41.

¹⁰ Ibid., p. 41.

¹¹ Danziger, p. 38.

¹² Ibid., p. 40.

king or the magnates' offer of burgages, plots of land in the new town, were to enjoy certain "liberties and free customs" accordingly.¹³ They were to be free to sell, sublet, mortgage or pass on their burgages to their heirs. They were exempted from having to pay servile dues, from performing mandatory labor services and from paying toll at the market. By granting these "liberties and free customs" to their burgage tenants, the king and the magnates seemed to give up some profitable rights. As a matter of fact, they were the ultimate benefitters. They expected that by doing so the towns would flourish and they could bring in a higher rent income from new settlers and more money from tolls paid by non-burgesses. A letter patent drawn up in 1207 to establish Liverpool indicates King John's aforesaid attempt:

"The king to all who wish to have burgages in the town of Liverpool, greeting. Know that we have granted to all who take up burgages at Liverpool that they shall have all the *liberties and free customs* in the town of Liverpool as enjoyed by any other free borough on the seacoast in our land. And so we command that you may travel there safely and in our peace in order to receive your burgages and to live there. Witness Simon de Pateshull, at Winchester, 27 August in the 9th year of our reign. (Italics added)"¹⁴

As for the magnates, some of them took an active part in benefitting from urbanization and commerce. Maurice Paynell, a baron who was previously under the Bishop of London's wardship,¹⁵ created a new borough at Leeds; Richard de Argentine, another baron, was responsible for the foundation of Newmarket in Suffolk, the earl of Devon founded Honiton; the earl of Norfolk created Harwich. One of the most prominent magnate families, the de Clare, as earls of Hertford, Gloucester and Pembroke, possessed more than twenty towns.¹⁶ Richard de Clare, earl of Hertford, and his son, Gilbert de Clare, were both members of the twenty-five

¹³ Ibid., p. 39.

¹⁴ Ibid., p. 37.

¹⁵ James McMullen Rigg, "Gaunt, Maurice de," *Dictionary of National Biography*, vol. 21 (London: Smith, Elder & Co, 1885), p. 231.

¹⁶ Danziger, pp. 40-41.

enforcers of the Great Charter.¹⁷ William Marshall also married to one of the heiresses of the de Clare and succeed some of these towns, becoming one of the most affluent person of the realm. At the same time, markets proliferated. There were just two markets in Oxfordshire in 1086, but ten more by the 1220s. Initially, the markets emerged spontaneously; to make them function better, regulations were implemented to charters of both old and new towns. One of the regulation was to ensure that markets had to be held on different days in different places and thus the itinerant traders could adopt a circuit that kept them in business throughout the week. The driving force behind these regulations and the beneficiary thereof was no one else but the magnate class.¹⁸

The towns were as important politically as they economically. London is the only town mentioned by name in the Great Charter. This exclusiveness is well-deserved. By 1135, London was already referred to as the “capital” and the “queen of the whole kingdom.”¹⁹ Geographically, with both the bridge and the Thames River, London had long been the center of traffic in England between north and south and between east and west. In the second half of the thirteenth century, the moving of the exchequer from Winchester to Westminster confirmed London’s status as the realm’s capital.²⁰ The Londoners had been struggling for more political participation ever since. In the crisis of 1191, during King Richard’s absence on crusade in the Holy Land, the townspeople of London had gained from the magnates the right to form a “commune,” a self-governing association prevailed in contemporary Northern and Central Italy but unknown in

¹⁷ Matthew Strickland, “Enforcers of Magna Carta (act. 1215–1216)”, *Oxford Dictionary of National Biography* (Oxford University Press, 2004), accessed on 12/13/2015.

¹⁸ *Ibid.*, p. 42.

¹⁹ Christopher Nugent Lawrence Brooke, *London, 800-1216: The Shaping of a City* (Berkeley: University of California Press, 1975), p. 84.

²⁰ Carpenter, *Magna Carta*, pp. 117-118.

England.²¹ In 1206, King John accepted the city's self-government by ordering the leading citizens, the "barons," of the city to elect twenty-four consuls to form the executive body of the city.²² London had played an essential part in the rebellion against the king. And therefore, in 1215, around a month before the enactment of the Great Charter, John granted the aforesaid "barons" of the city the right to choose their own mayor.²³

The Great Charter indicates the magnate's recognition of the significance of the towns, especially London. Clause 12 regulated the practice of levying scutage and aid as following:

"No scutage or aid is to be levied in our kingdom, save by the common counsel of our kingdom, save for the ransoming of our body, and the making of our first-born son a knight, and or the marrying a single time of our first-born daughter; and for these things there is only to be a reasonable aid.

In a similar way it is to be for aids from the city of London. (Italics added)"²⁴

Clause 15 is a similar regulation. Both clauses 12 and 15 entrust the common counsel of the kingdom the right to levy scutage and aid in the special occasions. Due to the fact that clause 12 mentioned scutage, it is reasonable to assume the other unmentioned yet designated beneficiaries of this clause other than the named city of London are the magnates. Clause 15 was certainly enacted for the "free men" as it specifies.²⁵ Although, most of the townspeople of London belonged to the category of "free men," the drafters certainly recognized London's extraordinary economic and political importance and felt the need to provide thereof with an exclusive spot in the Charter. And therefore among the three groups of beneficiaries, the city of London was the only group that was clearly identified.

²¹ Ibid., p. 118.

²² Ibid.

²³ Ibid., pp. 117-118.

²⁴ Ibid., p. 43.

²⁵ Ibid., p. 45.

Clause 13 also names London as the direct beneficiary as the first part goes "...The city of London is to have all its ancient liberties and free customs, by both land and water..."²⁶ As both clause 12 and clause 13's first half therein specify London as the beneficiary, there may have been a section dedicated to the city of London itself in the early drafts of the Charter. The Charter also contains recognition of the merchants as a special class of people. The merchants around 1215 were mostly townspeople who benefitted from trade. Although some merchants were serfs, their status of being citizens of the towns exempted them from paying certain dues as well performing mandatory labor services the serfs resided in the manors ought to do.²⁷ Clause 20 of the Charter lays the rules of amercement. In this clause, the merchants are identified as a special group of people alongside the free men and the villeins and their means to support a living is neither "livelihood" nor "wainage" but "merchandise."²⁸ As "free man" and "villein" were social groups rather than professions, "merchant" being separately listed here indicates that the other than being a profession, it was recognized as a social group as well.

In addition, the Charter granted more privileges to the towns and the townspeople. Clause 13 not only grants "ancient liberties and free customs" to the city of London but also to "all other cities and boroughs, and vills and ports."²⁹ These towns did have "ancient liberties" and "free customs" to defend. Between 1100 and 1215, over seventy towns had acquired royal charters granting various privileges, sometimes similar to those enjoyed by the city of London.³⁰ In the charters, the towns were described as "cities," "boroughs" and "vills," the same terminologies used in the Great Charter. As for the "ports," Sandwich, Dover, Hythe, Romney and Hastings

²⁶ Ibid., p. 43.

²⁷ Danziger, p. 38

²⁸ Carpenter, *Magna Carta*, pp. 47, 119.

²⁹ Ibid., pp. 43, 45.

³⁰ Ibid., p. 118.

formed the Cinque Ports for military and trade purposes. The recipients of these town grants were called “citizens,” “burgesses” or simply “men.”³¹ They held properties by burgage tenure in return for rent and aforementioned freedom of alienation as protected by clause 37.³² Before 1215, the towns were protected by different charters and the dwellers from different towns enjoy different privileges. The Great Charter hereby expanded the privileges enjoyed by town citizens in general by granting liberties and customs previously only enjoyed by the city of London, the most important town in the realm, to every town in England.

Furthermore, other than recognition and privileges, some clauses were drafted directly to benefit the towns and commerce. Clause 32 calls for a complete removal of fish weirs “from the Thames and the Medway, and throughout all England, save at the seashore.”³³ Under this clause, London and other towns seem entitled as they gained a better trade environment at the expense of the magnates. Fish weirs existed as an obstacle to trade as they prevented ships from sailing up and down the rivers properly. Most of the fish weirs on the rivers belonged to the magnates.³⁴ Thus the provision of removal had a direct impact on the lords who had weirs on their own sections of river. Some years after the Great Charter’s enactment, in order to comply with this clause, among the weirs destroyed were even those belonged to Richard, who was the second son of King John, earl of Cornwall, count of Poitou and king of the Romans,³⁵ a very powerful figure in both England and on the continent. Another clause aimed to facilitate commerce is clause 33 which called the provision to standardize measures:

³¹ Ibid.

³² Ibid., p. 51.

³³ Ibid.

³⁴ Ibid., p. 119.

³⁵ Matthew Strickland, “Henry II”, accessed on 12/13/2015.

“There is to be one measure of wine throughout all our kingdom, and one measure of ale, and one measure of corn, namely the quarter of London, and one width of tinted cloths, and russets and halbergets, namely two ells within the borders. Moreover, for weights it is also to be as for measures.”³⁶

The wealth of towns came from both commerce and manufacture. By standardizing measures of wine, ale, corn and cloth, this clause aimed to facilitate both factors to stimulate economic development of the towns.

One of the driving forces of this clause were the local merchants. The trade and consumption of corn and ale were local for the former being a crucial crop to sustain the English people and the latter having to be consumed soon after it was brewed. The merchants who were active in local trade could certainly benefit from the standardization of measure. Other than the local merchants, another driving force behind this clause were probably the magnates who had the assets and resources to trade in a larger and international scale. In terms of wine, with the loss of Anjou, a major wine producing region, after the English defeat of the Normandy Campaigns of 1202-04, most wine, in 1215, were imported from Gascony shipped from the port of Bordeaux.³⁷

The different clothes mentioned in this clause, namely the “tinted” or dyed cloths, “russets” and “halbergets,” were manufactured at many centers in England. A thirteenth century poem mentioned the scarlets of Lincoln, the halbergets of Stamford as well as the russets of Colchester.³⁸ High-quality cloths were imported mostly from Flanders, the center of the European cloth industry.³⁹ Wool, on the other hand, was the major good England exported to the

³⁶ Carpenter, *Magna Carta*, p. 51.

³⁷ David Carpenter, *The Struggle for Mastery: Britain, 1066-1284* (Oxford University Press, 2003), p. 34.

³⁸ *English Historical Documents: Volume 3 1189-1327*, ed. Harry Rothwell, (London: Eyre & Spottiswoode, Ltd., 1975), p. 881.

³⁹ Carpenter, *Magna Carta*, p. 119.

continent, mostly to Flanders to supply its cloth industry. Credit and other trade goods flowed between English and Flemish merchants as well, leading to considerable integration of the domestic economies of the two regions.

The unique interdependence of these two economies made up the most intensive trading in the vast regions of northern Europe.⁴⁰ As the cloth Flanders sent to England did not balance the value of wool England exported to Flanders, the Flemish merchants paid much of the wool in silver. The trade was conducted in such a large scale by the magnates that it became a major factor that led to the explosion of money supply in England in the early thirteenth century.⁴¹ Moreover, clause 41 creates a safer environment for both English and foreign merchants to engage in commerce. This clause offers safe passage to merchants both entering and leaving England and protects them from “any evil exactions according to ancient and right customs.” If the merchants came from “a land” that was in war with England, the clause stated that they should be “attached without damage of the body and goods” and later treated the same way as how the English merchants were treated in that place.⁴² This was meant to protect English merchants who operated in foreign lands. The use of “land” (terra) here indicates some of the merchants were not from a kingdom and some English merchants were operated in this place as well. This probably refers to the merchants from the county of Flanders, which had been occasionally in war with England in the twelfth century.⁴³ The need to include this clause also increased due to the hostility between England and France. Although, England lost Normandy, Anjou and Maine to France after 1204, the magnates still had connections and sponsored

⁴⁰ Edwin S. Hunt and James Murray, *A History of Business in Medieval Europe, 1200-1550* (Cambridge University Press, 1999), 160.

⁴¹ Carpenter, *Magna Carta*, p. 119.

⁴² *Ibid.*, p. 53.

⁴³ Galbert of Bruges, *The Murder of Charles the Good*, ed. James Bruce Ross (New York: Columbia University Press, 1959), p. 9-16, *passim*.

merchants in these areas. With England and France being hostile to each other, the magnates certainly felt the need to protect their clienteles and commerce from being harmed by this hostility.

Although, the magnates recognized the importance of towns and merchants, offered privileges and adopted other measures to proliferate trade, they, nonetheless, sought to suppress the town's expanding political role and to put towns under their control. Some details of the Great Charter suggest that towns got much less than they hoped for, indeed less than they had solicited in the Articles of the Barons. Tallage is one example. Tallage in England in the early thirteenth century refers to the extraordinary contributions the lords levied on their tenants.⁴⁴ The king and the magnates were entitled to collect tallages from the cities, boroughs, vills and ports they possessed. In article 32, "tallages and aids on the city of London, and on other cities which have such liberties" ought to be treated in the same manner as scutage and aid.⁴⁵ The king and the barons could not, under the Articles, levy tallage on London and some other towns without the consent of the common counsel of the realm. Although, London and other towns were not necessarily part of the group to give consent, as I will explain in the next paragraph, the requirement of consent, nevertheless, limited the king and the magnates' ability to levy tallage. However, in the clauses 12, 13 and 15, the passage regarding "tallage" was deliberately dropped in favor of the king and the magnates against the towns and only the aids on London required consent, with "other towns" being excluded from this treatment. The failure to prevent increment in town-farms is another example. Clause 25 states that the king and the magnates ought to set the "farms," the fix payments, due from their "counties," "hundreds," "ridings" and "wapentakes" to

⁴⁴ Mark Bailey, 47.

⁴⁵ "The Articles of the Barons," *The Magna Carta Project* (Arts and Humanities Research Council, 2015) accessed on 12/13/2015.

the “ancient farms.”⁴⁶ In other words, this clause prevented the king and the magnates from rising the fix payments over their feudal properties arbitrarily. Whereas, it says nothing about the town-farms. The Londoners and the dwellers from other towns would certainly have welcomed that for King John and the magnates had been constantly increasing the town-farms.⁴⁷ In this case, the kings and the magnates stood together to suppress the demand from the towns.

The Great Charter excluded London and other towns in the common counsel of the kingdom. Clause 12 and 15 describes this institution as an assembly from which the king ought to obtain consent to levy scutage and aid.⁴⁸ Who made up this institution? Clause 14 asserts that archbishops, bishops, abbots, earls (*comites*), and greater barons (*maiores barones*) were to be summoned individually by letters and “all those who hold from us in chief” (*omnes illos qui de nobis tenant in capite*), were to be summoned by the sheriffs and bailiffs.⁴⁹ Thus this authority was only enjoyed by the magnates described. In other words, it is these magnates from clause 14, alongside with the king, decided whether or how much the other people of the realm ought to pay, including the townspeople.

Although the mayor of London was one of the twenty-five “barons” of the kingdom (*quinque barones de regno*) according to the security clause 61, there is no suggestion that he would be summoned either by letters or by royal agents to the common counsel.⁵⁰ The mayor of London certainly did not belong to the “archbishops, bishops, abbots, or earls” from clause 14; he could be one of the “greater barons” but there is no evidence in the Charter to suggest he is indeed one of them. Neither does clause 61 specifies if the mayor of London, even though as a

⁴⁶ Carpenter, p. 47.

⁴⁷ Ibid., p. 120.

⁴⁸ Ibid., p. 42.

⁴⁹ Ibid, pp. 44-45.

⁵⁰ Ibid., pp. 63, 121.

member of the twenty-five barons, is regarded as a “greater baron.” Assuming he was and the London’s consent in levying aid was heard in the common counsel, it is certain that the consent of the townspeople from other towns were nowhere to be seen or heard in this assembly for the Great Charter created no such mechanism to include their voice into consideration.

It is probably not strange that other towns were unseen in the common counsel because they were not powerful enough to make a difference. But to put London’s liberty tallage in the Articles of Barons at first but to exclude London from the common counsel in the Great Charter itself indicates that the king and the magnates’ were deliberately trying to restrain London. As I have mentioned before, London had played a major role in numerous occasions.

In 1135 during the accession of King Stephan, the Londoners even claimed their right and privilege to choose the king.⁵¹ During the reign of Richard, the king appointed William Longchamp as one of the Chief Justiciars, who were entrusted much of the king’s authority when the king was outside his kingdom. In 1191, when King Richard was still in Cyprus fighting its Greek ruler, the Londoners had joined with John and the magnates in deposing William Longchamp, putting the archbishop of Rouen in his place.⁵² This was the aforementioned moment when the Londoners were granted their commune. The Londoners were well aware that they were important. Thus, they thought their consent should be sought, along with the magnates, when it came to taxation.⁵³ Subsequently, in John’s reign, one of the demands from the city of London stated that tallages ought to be abolished “[save when authorized] by *common consent* of

⁵¹ Ibid., p. 121.

⁵² Roger of Hoveden, *Gesta Regis Henrici Secundi et Gesta Regis Ricardi Benedicti abbtis*, ed. William Stubbs., vols. 2 (Rolls Series, London, 1867), pp. 220-221.

⁵³ Carpenter, *Magna Carta*, p. 121.

the kingdom and *of the city*. (Italics added)”⁵⁴ This illustrates that if the tallage was to be levied on the city of London, the Londoner would need to take part in the common counsel to give consent. Otherwise, the tallage would be against the people of London and thus should be utterly removed. It probably also implies that the Londoners believed their representatives were entitled to present in the common counsel along with the magnates to give consent to a tallage, a scutage or an aid, whether they were supposed to be paid by London alone or by the entire realm including London. For the king and the magnates, to agree on doing such a thing would result in London, or even towns in general, even enjoying greater liberties. According to the Great Charter of 1215, the magnates certainly did not intend to grant London’s such wishes. It was only in the Parliament of 1265 summoned by Simon de Montfort when the latter attempted to stabilize the political situation were the townspeople’s representatives called in for the first time.⁵⁵

Other than the denial of greater liberties, the Great Charter also contains a degree of social prejudice against the towns and the townspeople. Firstly, discrimination against merchants was not strange to England in late twelfth and early thirteenth century. The society of Medieval England roughly divided itself between three social strata, namely those who pray (*oratores*), those who fight (*bellatores*) and those who work (*laboratores*).⁵⁶ The first two strata made up the magnate class; the last one is a conglomeration of various social groups who make up the rest of the population, including some “free men” and all of the villeins mentioned in the Charter. As I mentioned, merchants did not belong to any of these strata. Benefiting from commerce

⁵⁴ “A London Municipal Collection of the Reign of John,” ed. Mary Bateson, *English Historical Review*, 67 (1902), p. 726.

⁵⁵ Carpenter, *Magna Carta*, p. 121.

⁵⁶ Henry David, *Medieval Europe* (Luton, England: Andrew U.K. Ltd., 2010), pp. 73-115, *passim*.

instead of from land, the merchants were considered extracting wealth from other classes of the society. At the same time, towns were considered as places where vanities prevailed. Richard of Devizes, a devote monk as well as notary from Winchester, shared this sentiment. Writing in the 1190s, he expressed his distaste of the vices found in London while painstakingly advising against his reader to live in London:

“Well, be that as it may! You will arrive in London. Behold, I prophesy to you: *whatever evil or malicious thing that can be found in any part of the world, you will find in that one city.* Do not associate with the crowds of pimps; do not mingle with the throngs in eating-houses; avoid dice and gambling, the theatre and the tavern. *You will meet with more braggarts there than in all France; the number of parasites is infinite.* Actors, jesters, smooth-skinned lads, Moors, flatterers, pretty boys, effeminate, pederasts, singing and dancing girls, quacks, belly-dancers, sorceresses, extortioners, night-wanderers, magicians, mimes, beggars, buffoons: *all this tribe fill all the houses.* Therefore, if you do not want to dwell with evildoers, do not live in London. (Italics added)”⁵⁷

The magnates probably did not share this religious monk’s belief as intensely, but they did hold certain prejudices against the towns and their dwellers. According to clause 6 of the Charter, heirs ought to be married “without disparagement” (*absque disparagacione*).⁵⁸ Judging from the fact that early clauses mentioned “warship,” “guardian,” “sheriff,” “maintain the houses, parks, fish ponds, ponds, mills and other things belonging to that land,” it is right to assume the beneficiary of clause 6 is the landed magnate class for other social groups would hardly have the access to such things nor the need to regulate thereof. The heirs of the magnate class were thus forbidden from marrying people whose social status were inferior to them. A merchant, regardless how wealthy, could not marry into the magnate stratum; it is still possible for him to become an *oratore* or a *bellatore*, but not through marriage.

⁵⁷ Catharine Arnold, *City of Sin: London and Its Vices* (London: Simon & Schuster Ltd., 2010), p. 45-46.

⁵⁸ Carpenter, *Magna Carta*, p. 40.

The growth of cities and commerce during the twelfth and early thirteenth centuries precipitated major shifts in social organization and interaction. In some towns in Northern and Central Italy, such as Florence, Bologna, Pisa and Genoa, the elite mercantile class nearly replaced the entire magnate stratum which was previously filled by the feudal nobles from the contado who held fiefs either from the empire or from each other.⁵⁹ In England, the merchants did not form such a powerful stratum and such “usurping” did not occur. However, they were constantly an upward pressure to the magnate class. Twenty years later after the enactment of the Great Charter, the quarrel between King Henry III and the magnates gave birth to another statute in 1235. This statute is known as the Statute of Merton, or Provisions of Merton.⁶⁰ In this document which is regarded as the first English statute, the definition of disparagement and the punishment to marry disparately are identified as below in clause 6:

“Concerning lords who have married those whom they have in ward to villeins or such as burgesses whereby they are disparaged, if such an heir is under fourteen and of such an age that he cannot consent, then if the relatives complain, the lord shall lose the wardship until the heir comes of age, and all the profit that he would have received from it shall be converted to the profit of him who is under age as the relatives arrange and provide, in return for the same inflicted upon him.”⁶¹

What is the significance of this passage? Firstly, the clause gives a clear definition of what disparagement is. Heirs were, thus, considered disparaged if they were married either to burgesses or to villeins. An English merchant in the early thirteenth was mostly like a burgess; he could also be a villein if he was active in the countryside. Clause 6 of the Statute of Merton again confirms the rule laid down by clause 6 of the Great Charter that, regardless how affluent a merchant is, he could not become a member of the landed aristocratic class. Secondly, it

⁵⁹ Emily Kelley and Taryn E. L. Chubb, *Mendicants and Merchants in the Medieval Mediterranean* (Leiden, The Netherlands: Brill, 2012), p. 150.

⁶⁰ Hugh Chisholm, "Statute". *Encyclopædia Britannica* 25 (11th ed.) (Cambridge University Press), accessed 12/14/2015.

⁶¹ *English Historical Documents*, p. 353.

provides the measure of enforcement. If a guardian seeks to marry his ward to a wealthy merchant in exchange for money while the merchant receives political favor, it would be considered against the law and the relatives of the ward would be able to complain. The guardian would be, as a result, deprived of wardship. The need to include this provision into the statute, I suspect, is that even after the Great Charter, they were merchants who were wealthy and well-connected enough to be able to ascend the political ladder by marrying into magnate families. In another way, there were also magnates who had actively participated in commerce and needed the alliance of such merchants. But this reciprocal relationship posed as a threat to the status quo of the magnate stratum and thus the king and some magnates felt the need to stop this. To boot, the prejudice of the magnates against the towns and townspeople is also obvious in their ignorance of the mayor of London. Although, the mayor of London was one of the twenty-five barons in the security class, he was the only one that was not named.⁶² One reason is that stating the title rather than the name was to emphasize on the fact it is the office of the mayor of London rather than the very major who was regarded as an enforcer of the Charter. This reason does not offer any explanation other than prejudice. Why was every other baron named then? Significantly, they did not believe the mayor of London, merely a burgess, was worthy enough to be named as if he was a great magnate just like everybody else.

In retrospect, what do we see from the Great Charter of Liberties (1215) about the relationship between the magnates and the towns? Firstly, the magnates knew towns, especially the city of London, were important both economically and politically and they need to their alliance in the former's struggles against the king. Secondly, the magnates wanted towns to be prosperous and were willing to offer "ancient liberties and free customs" as an expense to

⁶² Carpenter, *Magna Carta*, p.121.

stimulate the prosperity of the towns. In addition, the readiness of the magnates to offer towns and the merchants liberties and protections and to adopt methods to facilitate trade indicates that some magnates themselves were participants of large scale trade and that by doing so, they themselves were benefited as well. However, the vagueness of clauses 14 and 61 regarding the mayor of London and the exclusion of all other towns indicates the magnates were reluctant in granting the towns representation in the common counsel of the kingdom. Provisions regarding tallage were deliberately dropped. Farms regarding different types of fiefs were regulated with the exclusion of town-farm. Furthermore, there was also a degree of social prejudice against towns, townspeople and trading. This reciprocal yet collisional relationship between the magnates and towns did not smother the gradual yet constant development of towns and trade. The thirteenth and fourteenth centuries witnessed the constant expansion of commerce along with the empowerment of towns and merchants throughout Western Europe. The fact that the representatives of towns were summoned by Simon de Montford to the common counsel in 1265 exemplifies this trend.

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