

KING, PARLIAMENT,
AND PUBLIC FINANCE
IN MEDIEVAL ENGLAND
TO 1369

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terests of the realm at large. Their criticism in the name of the common good of the realm had to be heeded and their particular grievances had to be answered and in some measure redressed. The King asked them for taxation for the common good of the realm but the Commons were not uncritical of this plea and the Crown had taken the step of proving its needs as well as merely stating them. By 1369 the Commons had been admitted to the threshold of the ark of government; in the years ahead they were to venture to probe its secrets. It was symbolic of their status that when, at the close of the last parliament of the years of peace, the King entertained its members to a great and solemn feast, members of the Commons were among his guests.

Retrospect

THE emergence of a system of public finance in England, which has been the theme of this volume, was an essential feature of the early nation state. It was during the century and a half preceding the Treaty of Brétigny that most of the institutions of early modern England took recognizable form. The Crown as the symbol of national identity and the focus of national loyalty, the council advising and restraining the King, parliament as the voice of the community of the realm, the Exchequer controlling national finance, all bore witness to the new dimensions of national government. Patriotism manifested itself externally in national war and incipient chauvinism while internally royal government ramified within the shires, using new classes as its agents and helping to create from the hitherto locally orientated communities a new political society in the nation as a whole. This new 'community of the realm' found that it had obligations to sustain for its common safety as well as rights and liberties to maintain for its common welfare. Public finance embraced each of these aspects. The new concepts of Crown and realm imposed fiscal obligations on subjects, the new fiscal administration facilitated the collection and spending of national resources, the new political community claimed a voice in the use of its wealth for the common good. Public finance thus reflects the authority of the state to command the wealth of its subjects and the acknowledgement by subjects of their obligation to contribute to the preservation of the state. In this sense it lies at the heart of the political relationship on which the early modern state was built.

Such changes had roots in English society well before this period began, but it was in the first half of the fourteenth century that they gathered to a peak, acquiring momentum under the stimulus of war, political opposition, and social upheaval. If England had not faced the demands of national war it is difficult to see how the idea or system of public finance could have developed. The sense of unity and common vulnerability which the defence of an island coastline induced, and the

existence of a common enemy on the northern and southern frontiers, made a doctrine of national danger a reality, whereas in France such danger was experienced only in regional terms. There could be no more powerful obligation than to provide for the common defence, but the embodiment of this obligation in the grant of parliamentary taxation drew on a long history of political evolution. The concept of the realm as a political community was the product of new techniques of government and the new authority and status of the ruler. From the end of the twelfth century the Crown became the symbol of the realm, uniting ruler and ruled in the service of the common good, which it was the object of the state to promote. Parliament emerged as an instrument of government for the common profit, but also as the institutional expression of the community of the realm. For that common profit—which under the pressure of war came to be identified with the preservation of the state from danger—the Crown could require taxation from its subjects. Because the danger touched the whole realm, and parliament represented the whole realm, parliament alone could assent to the necessity and authorize taxation to meet it; thereupon the obligation became universally binding. This assent was political in character, an expression of the *concordia* or unity of Crown and subjects. It had to be freely given, for it affirmed a common unity and obligation; it could embrace bargaining over the nature, quantity, and use of the tax; but it could not admit a complete or free refusal of the obligation, for that would be contrary to the common profit and mark a repudiation of political authority on which the state rested. The granting of taxation by parliament was thus in part at least ritualistic, but since it deprived subjects, from the highest to the lowest, of their property it tested political authority and could involve conflict.

There is no doubt that the Crown's ability to require taxation for war brought a vast increase in its resources and authority. English Kings had not neglected their hereditary fiscal rights; indeed the enlargement and exploitation of their domainal and prerogative revenues as appurtenances of the Crown had been one of the fields where the new legal doctrines of the state had been vigorously applied. As, during the thirteenth century, the Crown came to embody the identity of the state, kings were

able to insist that their *regalia* were perpetually immune from encroachment by subjects. At the same time they were strengthening and elaborating the machinery of the Exchequer to deal with the new dimensions of national finance. Even so the thirteenth century offered merely a foretaste of the growth of national finance under the pressures of war. For a national war the King could identify his own ambitions and interests with those of the realm; he could mobilize the resources of the realm on an unheard-of scale; he could enlarge the territorial bounds of his rule and penetrate deeper into the political life of his people. In financial terms direct taxation at least doubled and indirect taxation could quadruple the King's normal peacetime income. That war costs were correspondingly heavy did not matter; for the Crown the fruits of war were primarily military and political, though war might also bring enormous personal wealth to the King. War finance on this scale transformed royal ambitions and authority. Although bound to use taxation for the common defence, the King could deploy it as he thought best. Assured of taxation and of the control of national finance exercised through the Exchequer, the King could exploit the opportunities offered by the development of credit to secure the utmost flexibility in financial planning. Through the Wardrobe he could anticipate revenue and ensure its availability to match his immediate strategic and tactical needs. Although under the stresses of war the relations between Wardrobe and Exchequer could get out of balance, especially if the King's ambitions outstripped his resources, yet within the terms of his age and by comparison with other rulers, the English King could claim to have the wealth of his kingdom at his immediate disposal. Thus was kingship given a new dimension—its resources and authority becoming truly national.

The enlargement of the Crown's authority, to act and speak on behalf of the realm, involved embracing the interests and purposes of the realm and thus giving them a place alongside its own. If in the English system of centralized government parliament was the instrument through which King and subjects co-operated most effectively for the common profit of the realm, it was also the place where criticism and opposition could be most effective. Resistance to taxation locally could be vigorous and might reduce its yield, but the King and central

administration were tenacious and rarely if ever retracted their commands. Hence because the assent of parliament carried such authority in the localities, it became the responsibility of those who rendered that assent to ensure that their undertakings to the King could be performed. If the exception of 1339 underlined the rule that English representatives never referred back to their constituencies, it also demonstrated the need for the King never to press his demands beyond what the realm could bear. The representative quality of the Commons lent authority both to their assent to the necessity and to their criticism in the name of the common profit. It was this sense of a double responsibility, to the Crown and the community, that emboldened the Commons to criticize royal government or check royal demands. Thus did their authority to adjudicate the common profit enable them to associate the granting of taxation with complaint against illegal levies which impoverished or ruined the subject. The close association between the grant of taxation and the redress of the ills of the community was explicitly affirmed in the crises between 1297 and 1311. Further, the King had a duty to see that what was granted for the common profit should be used for it; that the aid should neither be misused so that the common profit was not advanced, nor abused so that it served the private or 'singular' profit of subjects.

All this furnished parliament with a powerful critique of royal government at a time when, under the pressures of war, the Crown was invoking the case of necessity to extend ancient rights or advance new claims. In time of truce, or even in time of peace, the maintenance of garrisons or fleets for defence was represented as a continuing need for which taxation could legitimately be sought. Traditional rights to purveyance and military service, unquestioned within a domestic or local context, were being extended on the plea of necessity to support and compose national armies. The King's need to increase the yield and availability of the wool tax was undermining the traditional character of the *maltolt* as an aid, making it part of a commercial agreement with the merchant monopolists which could be prolonged indefinitely to their mutual profit. The King, finally, was led to exploit his feudal and judicial rights to raise money for war. Prerogative taxation became under the

stress of war not merely a threat but a reality—vivid testimony to the strength of royal authority when fortified by the existence of national emergency. Criticism or limitation of royal actions was effective only through parliament, but even there the Commons' range of weapons was strictly limited. They could not withhold their grants to compel the Crown's submission, nor could they impose conditions as a price of their grants; for necessity, if proved, imposed an inescapable obligation, while remedy for complaint was at the King's grace. In the business of parliament taxation preceded complaint, and the tax once granted became the King's property for which he could not be called to account. The Crown's traditional prerogatives could not be challenged nor could its power to govern be legitimately restrained.

Direct assaults on such bastions of royal authority could prove vain. Yet the Commons were answerable to the communities of the shires who could not be indefinitely outraged. If they looked naturally to the Lords to present and endorse their grievances, and even force redress and reform upon the Crown, the Lords themselves were ultimately bound to protect the King's prerogatives and generally to support his policies. For the most part therefore the Commons were forced to conduct a dialogue with the Crown over their political obligations, and to conduct it on the Crown's terms. Any limitation they sought to impose on the Crown's demands, and any objections they made to prerogative levies, had to be within the framework of their acknowledged obligation. They had to limit the King's demands by casuistry and compel him to heed their grievances by exploiting parliamentary procedure. They thus sought ways of distinguishing between their obligations in open war and times of truce, of defining the purpose of their grants by conditions, of bargaining for redress of grievances, of purchasing release from burdens and defining their illegality by appeal to the need for assent. In substance they had achieved little by 1350. By 1360 their gains were greater: the cessation of continuous direct taxation in time of truce; parliamentary assent to indirect taxation; strict statutory control of purveyors, and a decline of war purveyances; payment for arrays and the proscription of assessments of the wealthy to military service; the beginning of a

tradition of purchasing exemption from the penalties of the eyre, and a right to assent to extensions of feudal aids. Even so, these were all essentially defensive achievements. The Commons had reasserted the principles of common assent and common profit against the almost overwhelming royal pressure to finance the war, but they had not negated any legitimate royal demand or prerogative right.

What they had gained was something just as significant if more intangible. Most of the conditions, limitations, and objections which the Commons voiced to taxation were also employed by their contemporaries in the towns and local estates in France, often to greater effect. But the very fact that in the English parliament the Commons found evasion of national taxation less possible forced them to develop corporate identity as a political body representing the realm, to evolve political techniques, and to employ the concepts of political obligation in argument among themselves and with the Crown. By 1369 the Commons had thus attained a degree of political organization and political identity; they had secured all the powers they were to enjoy for the next 200 years; they had established precedents whose relevance was to be tested anew in the seventeenth century; and they stood poised to probe the defects of royal government and demand reform and accountability in the name of the common profit.

This emergence of the Commons as a political force in their own right owed much to the example of and association with the Lords. The Lords exercised more influence on the development of the Commons than did the King, for they fulfilled the role of arbiters between the claims of Crown and people. During the thirteenth century, while they could still claim to represent the community of the realm, they criticized the King's plea of necessity in terms of the necessities of the kingdom and the common profit. Later, in the crisis of 1297, they vindicated the need for common assent and questioned the plea of necessity as applied to the Flanders expedition and in its effects upon the welfare of subjects. By 1311, under the stress of heavy burdens of war and weak royal leadership, they directly restrained the King's power to make war, brought his financial agents under investigation, reasserted the control of the Exchequer over national finance, and claimed that the fisc

should contribute to public expenditure to relieve the subject. It was the Ordinances of 1311 which first revealed the political implications of a doctrine of public finance. The King was required to answer for his use of both taxation and the revenues of the fisc in terms of the common profit, and both were brought under baronial restraint. Likewise it was the Ordainers' citation of the burdens and grievances of the realm, to attest the King's misrule and justify their restraint of royal power, that gave the Commons a function of their own, albeit subordinate, in the political arena. Since the crisis of 1297 they had indeed served as the agents of the magnate opposition in parliament, in the presentation of petitions of grievances, and in the linking of these with grants of taxation. However opportunist the purposes of the magnates, this all proved a potent stimulus to the awareness of the Commons. They were made partners and later heirs of the tradition of constitutional opposition to the Crown in its more radical manifestation. The stimulus given to their sense of identity as representatives is visible in the *Modus Tenendi Parliamentum*; their debt to the Lancastrian critique in formulating a coherent programme of reform of royal government is plain from their petitions of 1340. There they boldly attested the evils of the realm as contrary to the common profit, attacked evil counsellors and ministers for their handling of public revenues, demanded resumption of the fisc to support the King's estate and relieve his people, and appealed to a magnate council to redress these ills of the realm and control royal government for the common profit.

In fact the crisis of 1340-1 saw the last expression of the alliance of Lords and Commons against the Crown in this period. Influential as were the effects of this alliance and dramatic as was its expression, it was exceptional rather than normal. With regard to taxation, the Lords were the natural allies of the King rather than of the Commons. Even under Edward II the periods of baronial control of government proved more burdensome than those in which the King ruled alone. From 1332 to 1336 King and baronage shared a common purpose to subdue Scotland, and when Edward had repaired the breaches of the crisis of 1339-41, the combined pressures of King and Lords to exploit the wealth of the kingdom for the war against France brought prolonged periods

of taxation. It was because the King's plea of necessity was endorsed by the Lords that it was so irresistible; because the Lords connived at the extensions of the prerogatives, at the impositions of the *maltolt* by the merchants or council, at the levy of feudal aid and the loan in wool, that the Commons were forced to frame and present their own petitions in the name of the commonalty, to define and limit their obligations, and to evolve their own parliamentary tactics. Thus whether in opposition to or alliance with the Crown the Lords, as the greatest of the King's subjects, set a course for the Commons' own actions and aspirations.

Feudal war was by its nature aristocratic, and even as it was acquiring a national character, the King and the magnates retained their traditional attitude of exploiting the realm to serve their military ambitions. Politically, this set the pattern of their relations with parliament until the end of the Crécy-Calais campaign. The Commons, while defending the particular interests of their class, seem to have felt a responsibility to protect the poor of the shire from impoverishment by the demands of war whether through purveyance, arrays, or taxation. But from the middle of the century changes took place in the attitudes of both Crown and Commons which reflected changes in society at large. In the first place the 1350s saw a marked lessening of pressure on the Commons and a greater readiness by the Crown to give safeguards for their rights and recognition of their claims. This partly reflected the decreasing pressure of war itself and the King's active participation in campaigns. More fundamentally it marked the change in society wrought by the Black Death. The sudden opportunity given to the poorer classes to secure higher wages and personal and tenurial freedom at the expense of their social betters rallied all ranks of the landlord class to a policy of legislative suppression. Almost overnight the Commons became the allies of King and Lords and their necessary agents for the enforcement of this policy in the shires. They were recruited as justices of labourers, they won their long-waged battle for punitive powers on the commissions of the peace, they received inducements in the form of rebatement of taxation from the fines on their poorer neighbours. Soon indeed they were to seek new forms of taxation to tap the new prosperity of the labouring

class. War itself assisted this change, for as companions in arms of both King and magnates, respected for their proven abilities to lead and fight in the contract companies, the shire gentry were more readily embraced by their political and social superiors. Thus recruited into the political government of the shires, and increasingly identified with the aims and assumptions of royal government, the parliamentary Commons gradually began to adopt the proprietary attitude to public finance of the King and the Lords. In the last year of war they were given control of the subsidy raised for the defence of the shires and in the brief interval of peace which followed the finances of the kingdom were set before them in successive parliaments. Royal finance had become truly public: revenue from both the fisc and taxation had a public function, to maintain the Crown and to defend the realm. Monarch and people each contributed their goods for the common profit, and if it remained the monarch's right and responsibility to spend revenue for this purpose, there were now good grounds for claiming that it fell to the Commons, representing the community of the realm, to criticize the King and even to call him to account in the same terms. As a corollary the monarchy had developed its own sphere of private and personal wealth, immune from the charges and obligations of state. This creation of a new, private 'own' sat uneasily alongside the public 'own' of the royal fisc, the line between them never being clearly defined.

In these ways the parliamentary Commons and the classes from which they were drawn were becoming part of an 'establishment' within the shires and within the nation as a whole. From the middle of the fourteenth century we begin to discern a political society, composed of King and nobility (in its widest sense), whose community of interests and common assumptions were to ensure the stability of English political life until the seventeenth century. The unity of that society was attested by the notion of 'the Crown in parliament', and in parliament the conflicts of political society were ritualized and for the most part resolved. To the formation and definition of parliament's role the pressure of national war and the disputes over financial obligation had made a decisive contribution.