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This book is dedicated to the memory of

Robert Ignatius Burns, S.J.
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without whom, not.

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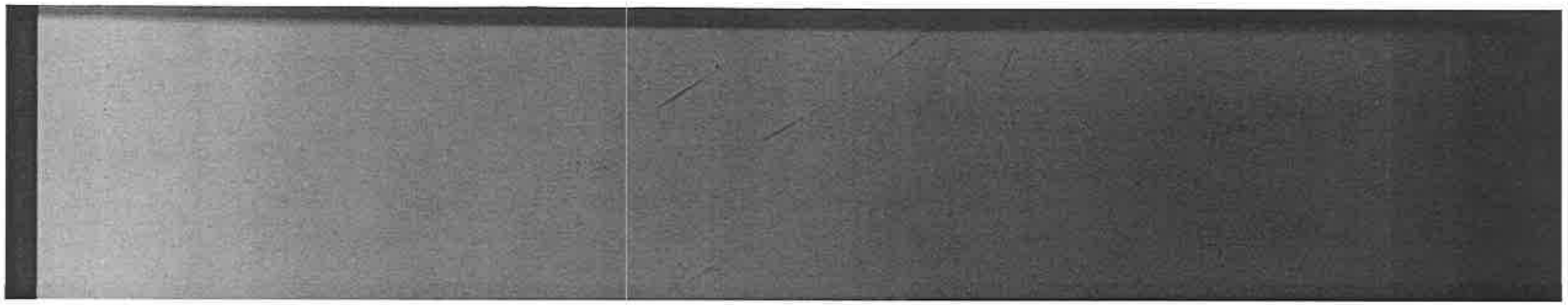


THE RISE OF REPRESENTATIVE INSTITUTIONS

Representative institutions of government form, along with universities, one of our most important medieval legacies. By the end of the thirteenth century or the very beginning of the fourteenth, nearly every state in Europe had some sort of representative assembly, possessing something more than mere advisory power. The ability to check the authority of the ruler, whether king, count, doge, urban magistrate, or *podestà*, is the essential characteristic of representative government—without that ability, there is no meaningful representation. In most cases, the first check placed on a ruler was financial: when a ruler lacked funds to carry out his schemes or conduct his administrative business, he had to turn to the people for support in the form of taxation. But people seldom willingly paid taxes, and so they began to demand something in return for their support, such as a voice in determining how the money would be spent. As the power and reach of centralized bureaucracies grew in the twelfth and thirteenth centuries, so too did their expenses, which led to continuous increases in taxation; these in turn contributed to the rise of representative institutions. But that is hardly the only explanation. After all, the subjects of the contemporaneous Song emperors in China also hated paying taxes yet never developed a representative tradition. The reasons for the rise of parliamentarianism in the medieval west are more complex and can be traced back in various ways to the multicultural roots of medieval civilization itself.

From the Greco-Romans the medieval world inherited the twin notions of *individual rights*, such as the right to property, and of *public duty*, a citizen's obligation to serve the state that preserves those rights. Civic-mindedness, in the classical sense, implied an understanding of the state as a corporate entity, an organic institution comprising the people being governed (or at least those people holding the legal status of citizenship); this definition explains the classical notion of law as a social creation that evolves over time rather than as an eternal, unchanging set of divinely appointed precepts. As the conditions of human life change, so too can, and in fact *must*, the laws governing those lives change. And the changes must spring from the people themselves; rulers are magistrates and functionaries—they enact the will of the people rather than impose their own wills upon them.

The ancient Germanic tradition played a role as well. Tacitus' *Germania* described in some detail the Germanic practice of holding assemblies of the tribal leaders before all major decisions affecting the tribe were made:

> *The chiefs alone deliberate minor matters, but on important issues the whole tribe is consulted once the chiefs themselves have discussed the issues amongst themselves first. They assemble on fixed days, usually at the new moon or the full moon, unless something unexpected necessitates their sudden meeting. . . . When enough of them have gathered they sit down fully armed. Silence is commanded by their priests, whose responsibility it is to keep order. Then the king or tribal chief—who holds his position by right of age, noble birth, distinction in battle, and eloquence—is heard, but his is only a power to persuade, not an ability to dictate. If his ideas displease the people they reject them with loud shouts.*

Tacitus' description is somewhat fanciful: writing in the first century of the Roman Empire, he intentionally idealized the supposedly democratic character of the Germans in order to inspire his own countrymen to restore the Roman Republic, but it is clear nevertheless that the early tribes had a tradition of some sort of majority rule on issues that affected the entire community. Military necessity, rather than high-minded notions of parliamentarianism, probably drove the tradition—a warrior society, after all, will not last long if the warriors are disaffected with their commanders—but the tradition existed nevertheless.

Christianity contributed a strong notion of community, one derived less from the Scriptures themselves—which, to the extent they discuss politics at all, appear to endorse monarchical absolutism—than from the daily practices of the earliest Christian groups. Most of the surviving evidence suggests that the first Christians lived in communes, held their goods in common, and resolved disputes as a deliberative group. The most important direct influence on medieval developments was the evolution of monastic institutions in the west. These were the first Christian communities that were consciously and deliberately established *as* communities. The monastic Rules provided the earliest models of a constitutionally organized, self-governing mini-state in which each individual had an established place, rights, and duties.

The interplay of these traditions over the centuries contributed to the development of the medieval assembly, with different traditions playing greater or lesser roles at different times and in different places. But the evolution of parliamentarianism was hardly a triumphal march of the progress of liberty through history. The reality was far more disjointed and uninspiring. From Carolingian times onward, medieval rulers usually called assemblies for specific reasons and only when they had exhausted all other means of acquiring whatever precise monies or favors they were seeking. Thus a parliamentary tradition was built up only incrementally and grudgingly, as a last resort.

ENGLAND AND FRANCE

England and France provide an interesting contrast. By around 1300 both had established parliamentary traditions, but in England the parliamentary principle resulted in a significantly restrained monarchy, while in France it largely

strengthened the royal hand. Clearly it was not the rise of representative government per se that weakened the English crown; the loss of the continental possessions played a more direct role in that. But the two developments were closely interrelated. Just as obviously, the culmination of Capetian power owed most to the enormous growth of the Capetian royal demesne achieved by driving the English from the land and extending royal authority southward during the Albigensian Crusade.

Let us take the English example first. Henry II (r.1154–1189) had left England with an enormous empire, a highly developed body of law and a judicial system capable of carrying it out, and a strongly centralized government that had few checks on it other than the customs written into the feudal contracts that bound the king to his vassals. Conditions changed dramatically during the reigns of his sons Richard the Lionheart (r. 1189–1199) and John (r. 1199–1216). Richard, as we have seen, was an absentee ruler who spent no more than six months of his ten-year reign in England. But he was a popular ruler nonetheless. As an heroic crusader he won respect throughout Christendom for himself and the English soldiers who fought under him. In his absence the government ran efficiently despite John's meddling and abuses, and besides, the sheer fact of Richard's absence meant that he could not inflict on the English the more despotic elements of his personality. His military ventures were costly, however, and when he died the royal coffers were nearly empty, a situation that emboldened the feudal barons to assert themselves in a way they had not dared to do under Henry II.

John was another matter altogether. He was vain, greedy, and cruel, capable of brilliant strategy but unreliable and inept in action. He had the unfortunate habit of seducing his vassals' wives and daughters. He also had the poor luck of being pitted against two of the most capable politicians of the Middle Ages: Philip Augustus of France and Pope Innocent III. John was no match for either of them, let alone for both of them. But that is not to say that he did not try hard. John labored long hours at the minutiae of administration, sitting in court, hearing appeals, overhauling the Exchequer, and searching for ways to streamline and improve the bureaucracy. He deserves credit for recognizing, in a way that his father and brother had not done, that the urbanization of English society held out the greatest promise for long-term growth. England's towns were multiplying rapidly in size and number, the merchants were organizing into guilds and developing international trade connections, and the commercial economy was gaining ground on the rural economy as a percentage of realm-wide revenue production. John did his best to encourage this trend by granting numerous municipal charters and developing a unified commercial tax code. He tried to raise money as well by insisting on higher feudal reliefs from his barons and charging fees for favors granted by the crown.

These new demands for money need not have been his undoing but for the fact that they took place within the context of the inept loss of the continental possessions that provided the bulk of the king's revenue. Townsmen and barons alike complained that they were being forced to pay for the crown's own folly. Moreover, it was humiliating for the English, who had single-handedly battled Saladin to a stalemate, to be driven from France at such astonishing speed; the king's own subjects began to call him names like "John Soft-sword" and "John Lack-land." John followed nearly every loss with new demands for higher taxes and reliefs in order to raise yet another army to take to France. The Capetian victory at Bouvines in 1214 was the last straw. The barons gathered together with Stephen Langton, the archbishop of Canterbury whom Innocent III had forced John to accept, to plot a rebellion. In the spring of 1215 they occupied London. John had no choice but to relent, and when he met with representatives of the rebels at Runnymede (a meadowland then outside London but now near the site of Windsor Castle) he agreed to sign *Magna Carta*, or the "Great Charter."

Magna Carta is something of a disappointment to read. Although it is commonly regarded as one of the foundational documents of western parliamentary government, it has none of the stirring rhetoric and idealism of the American Declaration of Independence. It reads, in fact, like a memo composed by an accountant.

> *If any of my earls, barons, or any other tenant-in-chief of mine owing military service should die, and if at his death his heir should be of legal age and owe feudal relief to the crown, then he shall receive his inheritance upon payment of the relief: specifically, the heir or heirs of an earl shall pay £100 for a whole earldom; the heir or heirs of a baron shall pay £100 for a whole barony; and the heir or heirs of a knight shall pay 100 shillings, at most, for a whole knight's fee.*

This extract is about as high-flying as the charter's rhetoric gets. But it is important to remember that Magna Carta is a conservative document rather than a revolutionary one: it confirmed and guaranteed old privileges; it did not create new ones. It outlawed specific abuses of which John was guilty (in fact, its greatest utility is as a sort of legal indictment of John's feudal crimes), but it did little to extend the rights of the ruled in any significant way. Even its assertion that no extraordinary taxes were to be levied without the consent of the Great Council was only a restatement of old custom. Magna Carta's most famous clause stipulates that "no free man shall be arrested, imprisoned, dispossessed, outlawed, or banished, or in any way destroyed, neither will we proceed against him nor command against him except by the legal judgment of his peers or by the law of the land." This is the earliest expression of the notion of *due process* in customary law and is

worthy of notice, even though the notion was already well-established in Roman law. Indeed, the most significant thing about the Magna Carta is its symbolism rather than its content: the mere fact that the king was *forced* to sign a document guaranteeing certain rights of the governed gives the Great Charter an important place at the start of the development of representative government.

John was succeeded by his nine-year-old son Henry III (r. 1216–1272), an ineffective monarch by any standard. Certainly the odds were against him from the start, given his long minority during which the barons did all they could to wrest authority away from the crown. But even when grown to manhood, Henry remained something of a child, a spoiled simpleton who surrounded himself with fawning, scheming, false friends who made much of their supposed affection for the king while plotting to enrich and empower themselves at his expense. His reign is the era of the real foundation of parliamentary government in England.

Like his predecessors, Henry was more French than English. Both his parents were French, and he surrounded himself at court with mostly French advisors. He married Eleanor, the daughter of the count of Provence, and spoke French at home and at court. This habit is significant, because English society at the time was developing a keen sense of itself as a unique culture separate from the Continent, possessing its own language, literature, legal traditions, political institutions, and social organization. This was the era of Robert Grosseteste and Roger Bacon in English science, of *Sir Gawain and the Green Knight* in English letters, of Henry Bracton in English law. A decidedly un-English king, especially one as poorly suited to the job as Henry, was not the best thing for England at that time. Consequently, Henry never had a substantial reservoir of public goodwill on which to draw during difficulties. Adding to his woes, he was a deeply devout man whose piety took the particular form of an almost-obsequious obedience to the Holy See in both political and personal matters. So badly did Henry mismanage affairs that even the English clergy rose in rebellion against him—not, as in the Becket affair under Henry II, because the king opposed the pope, but because the king so completely *obeyed* him.

Henry III was constantly in debt and sought new ways to improve his income. So long as his international ambitions remained in check, the barons were able to help the king keep within his means, but in 1250 the throne to the kingdom of Sicily became vacant and the papacy offered the crown to the highest bidder. Henry was determined to acquire it for one of his sons and spent several years in fruitless and expensive adventures trying to get it. In 1258 the barons reached the end of their patience and staged a kind of coup d'état that established an aristocratic oligarchy that severely checked the power of the king; in effect, they created a constitutional monarchy. The barons forced Henry to agree to the Provisions

of Oxford in that year, which established a baronial council under the leadership of an official called a *justiciar*, who ran the government in the king's name. The first justiciar was Simon de Montfort (d. 1265), a younger son of the Simon de Montfort (d. 1218) who had led the Albigensian Crusade, and the governing council took the name of *Parliament*. Both the outraged king and the Parliament sought support among the leaders of urban society, which gradually opened the door to the involvement of the commoners in governmental matters.

Simon de Montfort summoned a Parliament in 1265 that, for the first time, included two knights from every English shire and two burghers from every English town. This is usually considered England's first true Parliament. The representatives of the shires and towns brought considerable political acumen and experience with them, since they had been actively governing themselves at the local level for some time. They did not gather for each meeting of the Parliament, but their presence became more common as the decades went on. It was not until the fourteenth century that a more or less permanent House of Commons joined the great lords in the composition of Parliament.

It was Henry III's son and heir Edward I (r. 1272–1307) who deserves most of the credit for that union. Edward was an energetic and resourceful ruler who recognized that the inherent strength of an English monarch now rested upon his Englishness and his dedication to the rule of law. He excelled at both. Edward saw Parliament as a means of increasing his popularity with the English people and in so doing increasing his *de facto* personal power—even if that came at the expense of increasing the *de jure* authority of the Parliament over the crown. Edward fought many wars, chiefly in Wales and Scotland, and needed lots of money to do so. He convened Parliaments so frequently that they became almost commonplace. But the people appreciated their newfound importance in the administration of the realm, just as they enjoyed Edward's continued successes on the battlefield. For his role in developing Parliament, and especially for his work codifying English law, he is sometimes referred to as the English Justinian.

Under Henry III the barons had usurped many royal privileges, especially lucrative jurisdictional powers. They forbade royal sheriffs from entering their shires and compelled tenants to appeal their cases before the more expensive private baronial courts. Edward put a halt to such abuses by appearing to condone them: he agreed to recognize and affirm in perpetuity any baronial privilege for which grant from the crown could be proven by charter. At these *Quo warranto* hearings, Edward's nobles were asked "by what warrant" they claimed any particular jurisdiction. The nobles forfeited any privileges for which they could not produce a royal charter, but they secured confirmation of authorities that often had been in dispute for generations. Edward thus strengthened his hand by clarifying the judicial map and establishing a clear precedent that the crown is the

final arbiter of justice. He followed this success with a new statute called *Quia emptores* (1290) that prohibited subinfeudation—all with the aim of limning the extent of baronial authority and privilege, just as Magna Carta had limned that of the throne.

The French experience contrasts sharply with the English. The Capetians came to power—if we can call it that—in 987 as arguably the poorest and least significant monarchs in the west. Nearly two hundred years later, matters had improved quite a bit, but the personal, political, and territorial setbacks of Louis VII's reign undercut much of what had been achieved. It was only under Louis' son Philip Augustus (r. 1180–1223) that France and her monarchy came to prominence. Philip increased the French national territory fourfold. Most of this expansion came at England's expense, of course, but Philip added significant amounts of land by the traditional Capetian practice of opportunistic marriage, confiscation of vacant fiefs and those of rebellious vassals, and manipulation of the confused pattern of land tenure in the south after the Albigensian Crusade. But for all his battlefield success, Philip himself was not a great or avid military leader. He far preferred diplomatic maneuvers and political intrigues to risky military solutions to a problem.

He also turned Paris into the *de facto* capital of France. It had long been the largest city in the realm (by Philip's death it had a population of perhaps fifty thousand), but he established it as the permanent seat of government with permanent offices, archives, and courts. He built an imposing palace near the cathedral of Notre Dame, widened and paved the city streets, constructed heavy walls around the city, and began work on a massive fortress—the Louvre—just outside the western-facing walls to protect the city from attack coming up the Seine Valley, Paris' most vulnerable approach.

The decades when English control of the French countryside faded and Philip II's control of it grew witnessed the flourishing of a popular movement to create communes. The earliest communes can be traced to the eleventh century (Le Mans, in northern France, may have been the first, in 1070), but communal development hit its peak in the twelfth. A commune was a proto-urban community, a township that lacked the two classic elements that defined a full city—that is, the possession of an urban charter and/or the presence of a bishopric. Sites that had acquired a critical mass of permanent residents and a strategic role as centers of commerce appealed to local rulers for the privilege of self-governance in return for their recognition of the overlordship of the ruler (and usually the promise to share tax revenues). These communes were not democracies; most of them were under the firm control of the leading merchants' families and hence should be thought of as cartels with a civic mission rather than as miniature republics. Moreover, they exercised self-government as a privilege, not a right. Rulers could,

and often did, revoke communal privileges whenever they felt like it. In 1199, for example, Philip Augustus quashed the commune of Étampes "on account of the many injuries, wounds, and sufferings it inflicted on the churches and nobles in the district." Many communes later acquired municipal charters and as full-fledged cities took part in the development of representative government at the royal level in the thirteenth century.

Philip was succeeded by his son Louis VIII (r. 1223–1226), who, apart from his participation in the Albigensian Crusade, is remembered chiefly for granting away large sections of the territories won by his father as ***apanages***. An apanage was a land grant made to the younger sons of the royal family as compensation for not inheriting the crown. These were not fiefs—that is, the grants were not made on condition of feudal obligations of service; instead, it was assumed that a sense of family loyalty would make the receiver of the apanage a loyal servant of the crown. But legally, there was nothing to compel such service, so apanages were technically independent provinces. Louis probably had little choice about his land grants: for one thing, the Capetian demesne had grown so large that even the corps of baillis, seneschals, and provosts was stretched thin in trying to administer it. For another, the Capetian family kept growing larger, and it evidently seemed expedient to Louis to forestall a rebellion by the landless lesser royals by giving them something. But the long-term consequences of the apanage system were grievous.

Upon Louis VIII's early death, the kingdom fell into the hands of his widow, Blanche of Castile, who governed on behalf of their young son, also named Louis.[1] France was lucky in this, for Blanche was one of the most capable politicians of the Middle Ages. She was the daughter of Alfonso VIII of Castile (r. 1158–1214) and his wife Eleanor (the daughter of Eleanor of Aquitaine and Henry II of England), and she inherited from both sides a haughty and determined temperament. She was, in fact, rather domineering. Louis IX's biographer Joinville relates how much the young king both loved and feared his mother. Blanche, for example, positively detested Louis' wife Margaret of Provence, whom she regarded as an idiot, and loathed the idea of her son sleeping with her. Louis gave standing orders to his servants that whenever he was planning to spend the night with his wife (kings and queens often had separate bedchambers in those days), they were to keep watch outside Blanche's door and start beating the palace dogs whenever the queen mother left her chamber in search of her son. The dogs' howling was Louis' signal to sneak back to his own rooms.

[1] The Capetians had many talents, but a gift for names was not one of them. Between 1060 and 1322 every single king of France was named either Philip or Louis. Obviously, they were following the pattern of the Carolingian family in creating a small pool of sacralized Christian names.

Blanche ran France during Louis' minority as firmly as she tried to run his sex life after he grew up. As was usual during a regency, many nobles rose up in a series of changing coalitions to wrest greater independence from the crown. Blanche herself took the field to lead armies and conduct sieges against them all. She proved to be a skillful negotiator as well, and she was able to pass on to her son, when he reached maturity in 1234, a unified and generally obedient kingdom. She remained his chief political advisor until her death in 1252 and in fact once again took over the government in her son's name when he departed on a crusade in 1248.

Louis IX (r. 1226–1270), or St. Louis, is widely regarded as medieval France's greatest king. With a realm that reached from the North Sea to the Mediterranean, from the Atlantic Ocean to the Rhone River, he was certainly the greatest Frankish ruler since Charlemagne. His personal virtues were many: he was pious and hardworking, deeply concerned with bringing justice to his subjects, brave in battle, and capable of enormous generosity. At the same time, though, he was rabidly anti-Semitic, so obsessed with detail that he often lost sight of his larger aims, and frequently blinded by idealism. He was also given to uttering pious platitudes, as when he once advised his son "to win the love of the people in the realm—for I'd rather have a Scotsman govern them, if he did it well and justly, than have the world think you did a poor job of it."[2]

Louis did not substantially alter the administrative structure he had inherited, but he did work hard to redress some of the complaints raised by his subjects about overaggressive baillis and seneschals. He believed that his subjects were just as entitled to their rights as he was to his and promised to correct abuses. He did this by creating yet another body of royal officials—this time inspectors known as *enquêteurs*—whose responsibilities were somewhat similar to those of the old Carolingian missi dominici; they traveled throughout the realm holding open courts and listening to local grievances. Reports of abuses made their way back to Paris, and Louis then took appropriate action. His reign did not contribute in any direct way to the development of representative institutions; indeed, in his reign there was no such thing, and even the nobles had at best an advisory role at court. But Louis' emphasis on the legal rights of every citizen certainly helped to pave the way for parliamentary developments under Philip IV (r. 1285–1314). An important development in the royal court did occur on Louis' watch, though. Given the enormity of the royal demesne, the sheer number of cases appealed to the royal court had increased dramatically, such that a permanent site for the court became necessary; up to this time, the royal court and all its officials usually

[2] Among other pieties, Louis had a noteworthy horror of profanity. He once ordered a foul-mouthed goldsmith in Caesarea to be bound to an upright ladder and buried in the viscera of butchered pigs up to his nose, so that he might fully appreciate the filthiness of his speech.

traveled with the king in his retinue. The caseload by Louis' time demanded a fixed site where appellants could turn for timely justice. Louis established a permanent court in Paris that met whether or not the king or major nobles were present; professional jurists handled the bulk of the cases, but for appeals that involved a great feudal lord, a company of his peers was summoned. This Parisian court was called the *Parlement*.[3]

Louis' two greatest adventures were his leadership of the Sixth and Seventh Crusades—1248–1250 and 1270, respectively. Both were dismal failures. He spent four years intricately planning his first campaign, even going to the trouble of building a vast new port at Aigues-Mortes (literally "Dead-Waters," in reference to the calmness of the recessed bay) in the south of France as an embarkation point for his army of twenty thousand. Louis left the government of France in his mother's hands—and he took the precaution of taking his wife Margaret with him, rather than leaving her at Blanche's mercy. After wintering at Cyprus, he launched his attack on Egypt and quickly captured the port city of Damietta, but his forces were routed when they tried to advance inland, and Louis himself was taken captive. After being ransomed, Louis sailed to the Holy Land and spent three years helping to rebuild the fortifications of the few remaining Latin Christian outposts. In 1254 he returned to France—two years after his mother's death—convinced that his failure had been due to his own sinfulness, and he dedicated himself to purifying both himself and his administration. It is in fact during the post-crusade years that he instituted his corps of royal enquêteurs. His last crusade ended almost as soon as it began. An unlikely rumor had spread abroad that the Muslim ruler of Tunis wanted to convert to Christianity, and Louis, for whatever reason, responded to the news by deciding to send a crusade against him. His forces landed at the shore near Tunis, and Louis, who had evidently taken ill with dysentery, died almost immediately. The troops disbanded on the spot and returned to France.

Louis' successors Philip III (r. 1270–1285) and Philip IV the Fair[4] (r. 1285–1314) followed his policies of increasing the centralization of government and reining in the abuses of aristocrats and lesser royal functionaries. But money grew into an obsession of the crown in the latter decades of the thirteenth century, owing to an increase in warfare. Philip III had fought in Spain against the Catalans. Philip IV struggled to add Flanders to the Capetian realm (but was repulsed in 1302), fought an indecisive series of wars with Edward I of England for control of Aquitaine, and conducted numerous successful small campaigns against the vulnerable border territories of the disintegrating German Empire.

[3] It is important not to get confused by the similar-sounding names. The *Parliament* in England was the representative legislative body; the *Parlement* in Paris was the chief royal judicial institution.

[4] His nickname refers to his reputedly exceptional good looks, not his fair-mindedness (of which he had little).

Philip IV used almost any means he could think of to raise money, and he found a way to justify each action. He first set about reorganizing his court and wresting private justice from the nobles who, like their English contemporaries, still possessed extensive jurisdictional powers. The French Parlement came to consist of three distinct chambers dedicated respectively to receiving complaints, conducting investigations, and adjudicating cases.[5] It is possible that the idea for some of these reforms came from the officials of the reconquered English territories; such certainly was the case with Philip's financial reforms. Professional finance ministers replaced tax-farmers and aristocratic sinecures at both the local and royal levels; they increased the efficiency of the financial machinery and rooted out some of the most egregious corruption. But the new regime was not immune to corruption of its own kind. Royal finances previously had been under the care of the Templar knights in Paris, who conducted an annual audit of all the baillis and *prévôts* in the realm, but by 1300 the kingdom had increased far beyond the ability of the Templars to deal with the accounts—and Philip was the sort who, when confronted with administrative inefficiency, leapt immediately to accusations of embezzlement and thievery. He brought ludicrous charges against the Templars and began to seize their enormous real estate and capital holdings. The trial of the Templars became an elaborate circus that lasted ten years and ended with the formal suppression of the order by the papacy in 1312, but by that time the Templars' wealth had long since been pocketed by Europe's kings, as the other monarchs were quick to follow Philip's example.

Philip ordered the arrest of every Jew in France in 1306, following the example of England's Edward I, who had done so in 1290, and after confiscating all their property and loan accounts, he expelled them from the kingdom. Anti-Jewish sentiment had been on the rise over the thirteenth century for three reasons: the uncertainties many felt about the development of the new money economy and the popular prejudice that associated Jews with it; the rise of popular reform movements within Christianity that expected the long-resistant Jews to recognize finally the truth of the "real" Christianity revealed by those reforms; and frustration over the continued failure of crusade efforts—which many Christians attributed to divine vengeance for not having put Europe's own spiritual house in order before attempting to liberate the Holy Land. Philip capitalized on all these sentiments when he ordered the Jewish expulsion and found himself more popular than ever as a result of it. He also drew enormous loans from various Italian banks and defaulted on them, bringing several financial houses down in the process.

This background provides the context for the development of France's representative institution, the ***Estates General***. In 1301, in desperate need of money, Philip

[5] That is, the *chambre des requêts*, the *chambre des enquêts*, and the *chambre des plaids*.

A meeting of the Estates General. The representative assembly in medieval France was a tricameral institution composed of the high clergy (to the king's left), the aristocracy (unarmed, and to the king's right), and the representatives of the cities (on the floor, center). Witnesses watch from below. The image is schematic; the three estates usually met separately. The urban representatives are shown sitting on the floor only to suggest their lower social position in relation to the others. Source: © BnF, Dist. RMN-Grand Palais / Art Resource, NY

pressed the French churches for revenue, only to encounter the stern resistance of Pope Boniface VIII and a handful of French bishops. Philip charged one bishop with treason and imprisoned him in the hope of scaring the others into compliance. When the bishops held fast, Philip decided to take a chance on the anticlerical sentiment brewing among the populace. He summoned a meeting of a representative assembly, the Estates General, in 1302 to endorse his ecclesiastical policies and vote him the tax money he needed to support an army. This was France's start down the road to constitutional government. It is ironic to note that virtually the first action taken by the assembly was to declare that the pope was a heretic and a criminal, subject to the jurisdiction of the French crown. In contrast to the English example, then, the French parliamentary tradition developed as a means of strengthening royal power and enabling it to do things that it otherwise was incapable of doing.

GERMANY, ITALY, AND THE PAPACY

German, Italian, and papal relations in the thirteenth century were dominated by the struggle to undermine, and if possible to destroy and replace, the power of the Hohenstaufen family. Innocent III had done all he could toward this end already, but the situation now hinged on the willingness of young Frederick II (r. 1215–1250) to live up to his promises to keep Sicily and the empire separate, to relinquish control of the German Church, and to recognize the rights of the German magnates. He reached adulthood in 1215 and made it clear from the start that he would follow his own path. He was an odd personality, and people were clearly in awe of him. Most of his biographers have emphasized his unique character; in the Middle Ages he was referred to as *Stupor mundi* ("The Wonder of the World"), and most commentators since then have taken much the same line. But sometimes oddness is simply odd. At least in regard to his royal policies Frederick was thoroughly conventional: he sought to enrich himself and his family, to centralize and extend his authority, and to emphasize the rule of law—but more out of a wish to exert its power than to express commitment to a social ideal. What set Frederick apart from his contemporaries was his personal flamboyance and the catholicity of his interests. Having grown up in Sicily, he had a rather more cosmopolitan character than his Salian predecessors: he was a troubadour poet, knew five languages including Greek and Arabic, kept a harem, maintained a zoo of exotic animals, fancied himself something of a scientist, favored Arab-style robes and turbans to Christian tunics and caps, and described himself as the devoted champion of the Christian Church even while he remained a free-thinker in terms of religious belief. (For his imperial coronation at Rome he wore a specially made silk robe that had Qur'anic verses embroidered along its edge.) To the papal court he was simply the Antichrist incarnate.

Frederick spent his first years in power consolidating his hold over Italy. Germany interested him little. He promised Pope Honorius III (r. 1216–1227) that he would lead a crusade to the Holy Land but ignored this promise as much as he did others. Only after the next pope, Gregory IX (r. 1227–1241), excommunicated him for violating his oath did Frederick finally agree to go. His crusade of 1228 was a curious affair. He sailed to Palestine but refused to fight the Muslims, whom he viewed with favor, having grown up among so many in Sicily. Through a series of extended negotiations with the sultan of Egypt—al-Kamil, who was then the titular ruler of Jerusalem—Frederick somehow convinced the Muslim strongman to give him the Holy City without a fight, plus Bethlehem and Nazareth and other cities associated with Christ, together with a corridor from these sites to the seacoast. Frederick agreed to guarantee freedom of religion for everyone in these lands, whether Muslim, Christian, or Jewish, and not to aid any subsequent crusade coming out of Europe. Frederick crowned himself king of Jerusalem in March of 1229; the Church responded by excommunicating him again.

After several months of wrangling, Frederick and Rome patched up their relations, and Frederick turned to the task of restructuring his Italian dominions—which included the northern communes that he had temporarily forced into submission. With the *Constitutions of Melfi* (1231) he established a uniform legal code that emphasized the king's absolute legislative and judicial power. He was also willing, even eager, to relinquish most of his claims to Germany; more than any other emperor, Frederick regarded Germany as a remote and insignificant place compared with the Mediterranean. His *Constitutions in Favor of the Princes of Germany* (also 1231) sweepingly ceded royal rights to the princes; among its twenty-three clauses are the following:

> *No new castles or cities will be built by us or by anyone else to the prejudice of the princes.*
>
> *No new markets will be allowed to interfere with the interests of previously established ones. . . .*
>
> *The serfs of the princes, nobles, ministeriales, and churches will not be admitted into our cities.*
>
> *Lands and fiefs belonging to the princes, nobles, ministeriales, and churches, but which have been taken from them by our cities, shall be restored to them and preserved forevermore. . . .*
>
> *We will never cause to have any money minted within the land of any prince that should prove injurious to his own coinage.*

The jurisdiction of our cities shall not extend beyond their [current] city-limits unless we possess special jurisdictional rights in the region. . . .

No one shall be forced to contribute to the fortification of our cities unless he is specifically bound under law to render that service.

These were exceptional concessions, for they granted away many of the very privileges that had made rapid urban development possible in the first place. Frederick in effect was giving up a strong German monarchy in return for a guarantee that the princes would leave him alone in the south. The magnates were quick to take him up on his offer, and the political dissolution of Germany began in earnest. By the end of the thirteenth century, the former empire was composed of scores of essentially autonomous principalities with their own laws, customs, currencies, and institutions. The empire itself remained in theory, but with one or two exceptions no figure held meaningful authority over the princes for the rest of the Middle Ages. The princes themselves met in the Diet to select a new emperor whenever the previous one died. After Frederick II, they usually made a point of electing the weakest candidate they could find in order to make sure that the empire *as* an empire never came back. The Diet thus came into existence, ironically, to guarantee the political fragmentation of the empire and to serve as institutional guardian of the rights of the autonomous princes.

Frederick found it much harder to assert his authority over northern Italy than to relinquish it over Germany. The Lombard League that had defeated his grandfather Frederick Barbarossa in 1176 was re-created with papal help in the 1230s, and the Guelf-Ghibelline contest began anew. On-again off-again wars gripped the peninsula, and upon Frederick's death in 1250, most of the communes were still independent. So despised was Frederick by most churchmen by that time that he was often loudly castigated as the Antichrist. He remains the most frequently excommunicated ruler in European history.[6] Frederick left behind a son, Conrad, who had an eventful but ultimately insignificant reign of only four years. Thus ended the Hohenstaufen dynasty—that "brood of vipers," in the words of Innocent IV (r. 1243–1254)—that had begun by threatening the survival of the Papal State and ended with the virtual dissolution of the German Empire. A long interregnum (a nice word for "civil war") followed in Germany during which no one won universal recognition as emperor.

The interregnum lasted until 1273, when the Diet agreed to elect Rudolf of Habsburg (r. 1273–1291), an altogether inconsequential princeling, as emperor.

[6] In 1240 Pope Gregory IX called a synod of bishops to consider yet another excommunication of Frederick and his deposition from the imperial throne. Frederick sent his soldiers out and kidnapped one hundred and seven bishops en route to the papal court in order to deprive it of a quorum.

Rudolf was intelligent enough to recognize that he owed his election to the fact that he was too weak to even *hope* to control Germany—and so he did not try to. Instead, Rudolf and his Habsburg successors focused on extending their personal patrimony farther into eastern Europe. The magnates did not oppose this strategy, since it did not affect them directly, but neither did they exert themselves strenuously to help the crown bring the strategy to fruition. The painstaking slowness of the Habsburg hegemony in eastern Europe was one of the principal reasons for their longevity on the imperial throne. It took several centuries before their personal demesne was sizable enough to provide them with the resources that would give them any real influence over the German princes.

The problem of what to do with Sicily remained. Since it was technically a papal fief, Rome tried to dispose of it to its own advantage by awarding the royal title to Charles of Anjou, the ambitious younger brother of France's Louis IX. But a bastard son of Frederick II named Manfred still was on the scene and enjoyed considerable popularity with the local population. It took Charles, with French and papal support in the form of crusade revenues and recruits, several years to defeat Manfred and install himself in the realm. By 1266 he was on the throne. But Charles, who had a grimly cruel streak, was enormously unpopular, as were the rest of the Angevins. In 1282 the citizens of Palermo started a riot that quickly escalated into an island-wide rebellion. In a matter of weeks the French were driven from the island entirely and took refuge in Naples. While they plotted a counterstrike, the Sicilians offered their throne to Peter, the ruler of the Crown of Aragon confederation centered in Barcelona. They chose Peter because he was Manfred's son-in-law and therefore the closest thing to a legitimate Hohenstaufen successor, but more especially because the Crown of Aragon was quickly emerging as one of the three dominant military powers in the Mediterranean. The Catalans—the dominant group in the Crown of Aragon's maritime expansion—were a match for the Angevins. For twenty years the Angevins and the Catalan-Sicilian allies fought for control of the island; when this "War of the Sicilian Vespers," as it is known, finally ended in 1302, the island had won a shaky independence from the Angevin mainland but had also started to slide into an ingrained poverty and factional strife from which it never fully recovered.

THE NEW MEDITERRANEAN SUPERPOWERS

Three states dominated the Mediterranean in the thirteenth century: Genoa and the Crown of Aragon in the western half of the basin, and Venice in the eastern. Other communities certainly played important roles in the economic and diplomatic

contests of the time, but increasingly, as the century wore on, they generally did so in association with, or under the leadership of, one of these three.

Genoa had already secured a degree of prominence by the late tenth century, when its merchants were among the few willing to risk attack by Muslim navies. The Genoese began by bringing Italian goods to southern France, and vice versa, but they were constantly exposed to pirates operating out of Corsica and Sardinia. In 1016 Genoa allied with the rival city-state of Pisa, and together they drove the Muslims from those two islands. The Genoese went on to raid Muslim ports in eastern Spain and along the western part of North Africa, opening up commercial networks there while the Pisans focused more on colonizing Corsica and Sardinia. When the Normans under Robert Guiscard and Roger the Great wrested Sicily and southern Italy from Islamic control in the 1050s and 1060s, the western Mediterranean basin was almost wholly opened up, leaving the Genoese and Pisans as the dominant commercial powers.

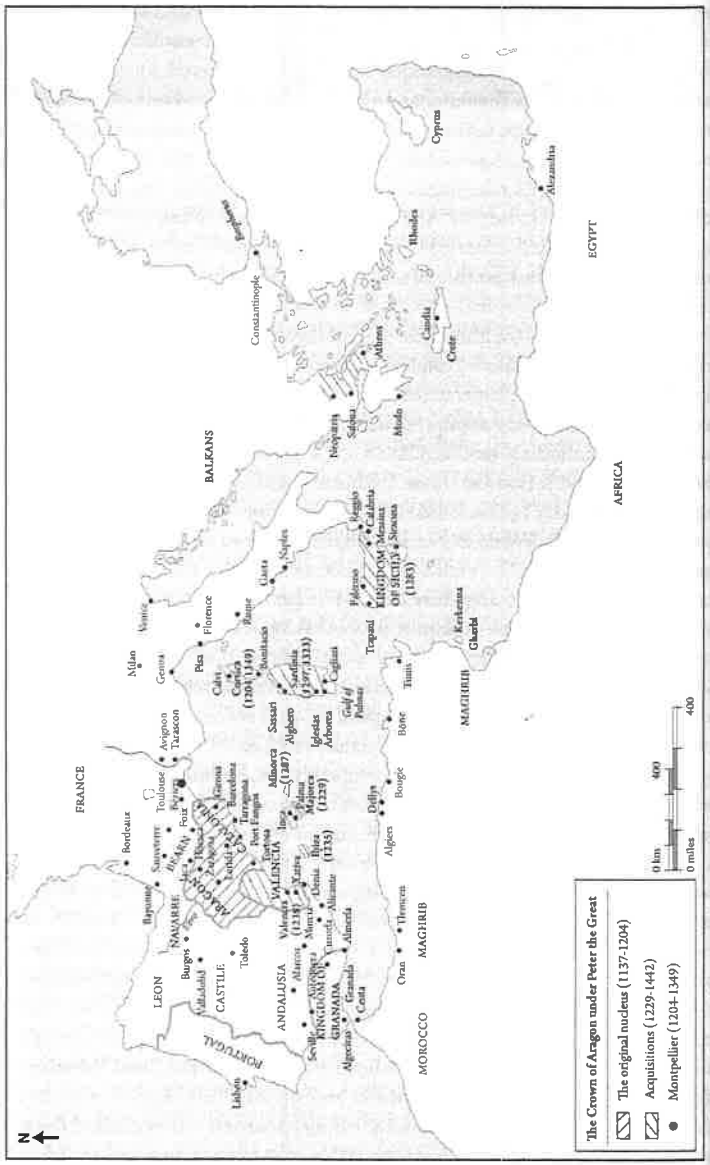
The crusade movement accelerated Genoa's growth, since its merchants sailed eastward with cargoes of supplies and reinforcements for the crusaders inching their way down the Levantine coast, and once the crusader-states of Antioch, Tripoli, and Jerusalem were established, the Genoese (and the Pisans) won lucrative trading and shipping privileges with them. Genoa built its fortune by bringing eastern silks, slaves, spices, and sugar to western ports like Marseilles and Narbonne. By the middle of the thirteenth century, the amount of annual trade passing through Genoa was three times the size of the regular income of Louis IX from his enormous demesne in France. By that time, too, most of the Genoese had become staunch Guelfs, opposed to the Hohenstaufen rulers. Consequently, the commune avidly endorsed papal designs and gave material and moral support to Charles of Anjou in Sicily. The War of the Sicilian Vespers frustrated Genoese plans somewhat, since it placed their rivals, the Catalans, in power at the strategic nexus of trans-Mediterranean trade. As the Catalan star rose, the Genoese began to decline. The collapse of Hohenstaufen aims in the 1280s, however, allowed Genoa to eclipse Ghibelline Pisa and assume a more dominant role in northern Italy. The city remained a vital center until well into the fourteenth century.

Catalonia began as a polity during Charlemagne's time when he established it as the Spanish March—the outpost province where the Carolingian Empire met the Muslim caliphate. As a result, Catalonia traditionally looked northward to France, in terms of trade and culture, more than it did to the rest of Iberia. The breakup of al-Andalus gave Catalonia a prominent role in the Reconquista, but many Catalans in the eleventh century traded with their Muslim neighbors and in fact fought for them as mercenaries (like the Cid, for example). In the twelfth century the successive counts of Barcelona, the nominal leaders of the largely autonomous towns that made up the province, urged the Catalans to

maritime expansion. A marriage alliance linked Catalonia with the upland feudal kingdom of Aragon and initiated the "Crown of Aragon" confederation. The Albigensian Crusade effectively ended Catalonia's traditional links with the French regions of Foix, Toulouse, and Provence, and under James I the Conqueror (r. 1213–1276), the Crown of Aragon moved aggressively southward to conquer the Muslim kingdom of Valencia and eastward into the Mediterranean to seize the Balearic Islands. James' son Peter was the ruler recruited by the Sicilians to aid them against the Angevins, a move that then brought Sicily into the confederation as well. Later additions included parts of Greece, conquered in the first years of the fourteenth century, and Sardinia, which the Crown seized in 1325.

The various parts of the Crown of Aragon were governed separately: Aragon proper as a feudalized rural monarchy, Valencia as a Roman-law kingship, Catalonia as a conglomerate of urban republics, and Sicily as a constitutional monarchy overseeing a sprawl of independent communes. In the thirteenth and early fourteenth centuries, the Crown of Aragon emerged as one of Europe's wealthiest and most influential states. With such a diverse mixture of ethnicities, languages, laws, and religions, it was the site of a cosmopolitan culture and a good deal of bewilderment. While ethnic and religious tensions still bristled, a greater degree of willingness to live with one another prevailed here between Muslims, Christians, and Jews than anywhere else in Europe. The Crown of Aragon was also the first European state to acquire paper-making technology, which allowed it to develop a considerably more literate population than elsewhere in the west and also permitted its government to amass an enormous archive of records that required an advanced professionalization of its civil service. At its height, the Crown of Aragon was one of the best-governed states in Europe.

Venice was the greatest of the three superpowers, and its might was exclusively exercised in the eastern Mediterranean. The city was already a thriving port by the year 1000. It had been founded in the early fifth century when merchants and artisans in northeastern Italy fled the Huns by moving out to the small islands in the malarial marshes of the lagoon at the uppermost reaches of the Adriatic. Theirs was a hardscrabble existence, and since they were incapable of producing their own food, they had to live by trade. In fact, trade virtually defines and sums up medieval Venetian history. "Merchandise passes through this great city like water through a fountain," is how one medieval commentator characterized the place. The Venetians purchased the agricultural produce of the north Italian mainland and shipped it to the Dalmatian coast, Greece, and Palestine, bringing back eastern textiles, metalwork, and spices. The Venetians also perfected a method of producing salt by evaporating the seawater they drained from the marshes to give themselves a larger habitable area; salt was universally used as



Map 13.2 The Crown of Aragon under Peter the Great

A meeting of the Cort *of Barcelona. The king of Aragon, James II, here presiding as count of Barcelona rather than king, meets with his court, which is made up of both noble and urban representatives. Unlike other such assemblies, the Catalan* Cort *met in single session, mixing the social classes. The illustrator, it should be noted, has done James a disservice by making him appear fat; instead, James, famous for his hypochondria, is simply holding his stomach. The effect, though, is unflattering. Source: © Fundació Institut Amatller de Arte Hispánico. Archivo Mas.*

a food preservative, and its production generated large amounts of capital. Venice retained its independence from the peninsula throughout the early Middle Ages, although during Justinian's reconquests in the sixth century the city came briefly under the authority of the Byzantine exarchate at Ravenna; when Greek authority in most of Italy disappeared with the arrival of the Lombards, Venice retained its commercial links with Constantinople, which allowed the city to prosper when most of the west fell into decline. Indeed, Venice had a virtual monopoly on trade with Byzantium until the First Crusade altered the geopolitical and commercial traditions of the east.

The establishment of the crusader-states benefited Genoa and Pisa but embarrassed the Venetians, because those states were created at the expense of the Byzantines. Still, Venice could hardly stand idly by while her rivals reaped all the rewards of the new east-west trade. Thus they contributed naval support to follow-up operations like the assault of Jaffa in 1100 and the capture of Tyre from the Fatimids of Egypt in 1124, and received extensive trade privileges in return. Similar actions led to similar results in a half-dozen Syrian port cities. Consequently, Venice's relations with Constantinople suffered. Venice attacked the Byzantine-held island of Corfu in 1122–1123 and again in the 1170s.

They had clearly decided that their long-term interests were better served by trade with the Latin and Muslim east than with Constantinople itself, although they never entirely relinquished commerce with Byzantium. A crucial turning point came in 1202–1204 with the re-routing of the Fourth Crusade, first to Zara and then, calamitously, to Constantinople itself. Although Baldwin of Flanders quickly took the title of Latin Emperor in the east, the Venetians remained enormously influential and at various times were the real powers behind the throne. In 1222 the Venetian doge and city council even considered moving the seat of their government to Constantinople, so strongly did the maritime republic view itself as the "Third Rome." The collapse of the Latin Empire in 1261 did not end Venice's eastern hegemony. The city had trade links throughout the Aegean and Black seas, and even farther east. By 1261, in fact, the Venetian merchants Niccolò and Maffeo Polo—the father and uncle, respectively, of the merchant and adventurer Marco Polo (d. 1324)—had already established trade links with the Mongol leader Kublai Khan (r. 1260–1294) in China.

BYZANTIUM AND ISLAM IN THE THIRTEENTH CENTURY

A number of dramatic changes affected the east at this time, most of them political and military in nature. One of the ironies of the thirteenth century is that in this part of the medieval world, despite the regular arrival of crusaders from the west, religion played less and less of a role in determining relations among Catholics; Orthodox Christians; Sunni and Shi'ite Muslims; Palestinian, Ashkenazic, and Sephardic Jews; and others. This downplaying of tensions resulted less from an increase in tolerance and mutual respect across religious lines than from a sense of resignation, a reluctant recognition that after centuries of preaching, pleading, haranguing, enticing, coercing, threatening, and sometimes fighting by all sides, none was going to effect the mass conversion of the others. As at other times in the east's past, ethnic differences mattered more, since they were frequently the determinative factor in political events.

Those events had not gone well for the Byzantine Empire ever since the start of the crusades. The Comneni dynasty—Alexius I (r. 1081–1118), John II (r. 1118–1143), Manuel I (r. 1143–1180), Alexius II (r. 1180–1183), and Andronicus I (r. 1183–1185)—were for the most part rulers of considerable skill, but they were tainted with blame for having summoned the crusades in the first place and then for not finding a way to put an end to them. The best they could do, so long as the crusades took the land route through Constantinople in the twelfth century, was to negotiate agreements with the crusaders for the return of conquered lands to

the Empire in exchange for supplies, guides, and military assistance. The crusaders, as we have seen, never intended to live up to those agreements, but neither did the Byzantines. The distrust that built up between the powers, plus their ongoing competition for control of shipping lanes in the eastern seas, contributed more than any theological differences to the permanent religious and cultural rift that opened up between the Catholic and Orthodox worlds.

Latin rulers had coveted the empire, or at least parts of it, for some time. Robert Guiscard and his Normans had attempted to conquer the Empire, and came close to doing so, in the eleventh century. Much of the German policy of advancing into southeastern Europe and Venice's attempts to secure control of parts of the Dalmatian coast came at Byzantium's expense. When the soldiers of the Fourth Crusade finally took Constantinople in 1204, it was not altogether a freakish occurrence but the realization of a long-held goal.

Others had had eyes on Byzantium, too. Groups of Arabs, Syrians, Turks, Armenians, and Kurds all directed armies against Byzantium in the eleventh and twelfth centuries and carved away enormous swaths of land in Palestine and Asia Minor, while armies of Bulgars, Slavs, Pechenegs, and Cumans wrested away territories in the Balkans, along the north shore of the Black Sea, and in the Pontic and Caucasus regions. By the mid-twelfth century, the Empire was only two-thirds the size it had been in the mid-eleventh. After 1204, the surviving Byzantine rump-states (that is, those regions not conquered by the Latin armies) were less than half the total area of what the Empire had been in the mid-twelfth. Three of these rump-states survived: the *Principality of Epirus*, made up of what is today northern Greece and Albania; the *Empire of Nicaea*, a narrow strip of land comprising the corridor that ran from the island of Rhodes in the south due north to the city of Pergamum before veering to the northeast to include the cities of Nicaea and Heraclea Pontica;[7] and the *Empire of Trebizond*, consisting mainly of a coastal strip of land on the southeast shore of the Black Sea and centered on its capital of Trebizond.[8]

A new dynasty called the *Palaeologi* finally drove the Latins from Constantinople in 1261 and restored most of what the Byzantine Empire had been in 1204—territorially speaking, that is. In terms of economic might, military strength, political influence, and cultural and intellectual output, Byzantium never fully recovered from the Fourth Crusade. It survived largely by skillful diplomacy, playing one international rival off another whenever it could and buying off enemies when it could not. In the early fourteenth century a renegade band of soldiers from the Sicilian branch of the Crown of Aragon moved into Greece and

[7] Today called Bergama, Iznik, and Eregli, respectively.
[8] Today's city of Trabzon.