Power Under Law

How medieval English institutions shaped limits on government

AWH.C.12.2 "Explain developments in medieval English legal and constitutional history and their importance in the rise of modern institutions and self-government (e.g., common law, parliament, habeas corpus)."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each medieval legal or political development, then circle a phrase that shows its importance for later government. Number each underlined development and its matching circled phrase with the same number.

Who Could Check the King?

(1) In twelfth-century England, a dispute over a stolen horse might reach a royal judge traveling from county to county. Under Henry II, these judges helped extend the king's courts beyond local lordly courts. They heard cases using shared procedures and helped develop common law, rules applied across the kingdom rather than only in one manor. Juries of local people supplied information about disputes and crimes, although they did not work like modern trial juries. Over time, judges also looked to earlier decisions when deciding similar cases. Shared rules and recognizable procedures became foundations for later courts and made justice less dependent on a single lord's wishes.

(2) In 1215, powerful barons forced King John to accept Magna Carta after disputes over taxes and royal power. Its promises did not grant equal rights to everyone: many protections applied to free men, while many peasants were unfree. Still, the charter stated that the king must follow law and could not imprison a free man simply because he wished it. Medieval courts also used a writ called habeas corpus to order a jailer to bring a prisoner before a court, where the legal basis for detention could be examined. Its protections grew in later centuries, helping establish court oversight of imprisonment.

(3) Kings also needed money, especially for war. To gain support for taxes, they summoned councils that developed into Parliament. In 1295, Edward I's assembly included nobles and clergy, along with elected representatives of counties and towns. These representatives were not elected by all adults, and the king still held great power. Yet the practice of asking representatives to approve taxes gave communities a place in national decisions. Parliament gradually gained a stronger role in making laws and checking the ruler. Modern legislatures and the principle of government by representatives grew partly from this uneven medieval beginning.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Henry II's traveling judges help lay a foundation for later national courts?

2. Why was Magna Carta important to limits on government, even though its protections were unequal?

3. How could habeas corpus challenge imprisonment, and what later practice did it help establish?

4. How did the practice of seeking Parliament's approval for taxes contribute to representative government?

3 YOUR TURN

Your own words

Imagine a king jails a free town baker without giving a reason and demands a new tax without consulting anyone. In one paragraph, explain how two medieval developments from the passage could challenge these actions, then identify one limit of those developments in medieval England.

ANSWER KEY

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HIGH SCHOOL · AWH.C.12.2

PART 1 · READ AND MARK

Underline each medieval legal or political development, then circle a phrase that shows its importance for later government. Number each underlined development and its matching circled phrase with the same number. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Henry II's traveling judges help lay a foundation for later national courts?	**They extended royal courts and used shared procedures and rules across England, making justice less dependent on individual lords.**
2	Why was Magna Carta important to limits on government, even though its protections were unequal?	**It stated that the king had to follow the law and could not imprison a free man simply because he wished to.**
3	How could habeas corpus challenge imprisonment, and what later practice did it help establish?	**It could require a jailer to bring a prisoner before a court to examine the legal basis for detention. It helped establish court oversight of imprisonment.**
4	How did the practice of seeking Parliament's approval for taxes contribute to representative government?	**Representatives of counties and towns gained a place in national decisions about taxes, helping establish government through representatives.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

If the king jailed the baker without stating a reason, a court could use habeas corpus to require the jailer to bring the baker before a judge and examine the detention. If the king demanded a tax without consultation, town representatives in Parliament could press for a say before agreeing to it. These checks did not make medieval England a democracy. Many people could not vote for representatives, and early legal protections did not apply equally to everyone.

Accept other accurate pairings of developments and actions, including Magna Carta as a check on the baker's imprisonment. Responses should explain a historical limit rather than suggest that medieval protections or representation applied to everyone.