

Constitutional Development in England from the beginning until the 17th century

This thesis analyses the constitutional development and the evolution of the law and the society on the English territory from the formation of the first Anglo-Saxon kingdoms until the beginning of the 17th century. The aim of this work is to study the constitutional and legal development on the basis of historical events and thus offer an integrated interpretation and explanation of the issue.

The thesis consists of eleven chronological chapters, in each of which the most important aspects of the constitutional development of the period are scrutinized. The emphasis is put on the most important law heritage on the evolution of the law and law institutes, of the central as well as local state authorities and of the position and role of the sovereign/monarch in the given period. Particular attention is paid to the origin and the development of parliamentarism, its relation towards the monarch and their mutual interaction.

The first chapter deals with the Anglo-Saxon period and the genesis of the origins of the legal development on the current English territory, with the arrival of Anglo-Saxon tribes and with the formation of the first political statehoods in this territory. The chapter focuses on the analysis of the most important law heritage, on the first attempts to codify law and on the most important legislative steps of the sovereigns of the time and the formation of first legal inventories on the importance of legal ordinances as well as on the position and the influence of the church on the development of the state and the law. Significant attention is dedicated to historical circumstances of the Danish invasion and the creation of the double-tracking of law (danelaw). With respect to this the subsequent legal development, the gradual differentiation of the English society, the description of the power structure of the state and of the position of the monarch and the state administration is analysed. Attention is also dedicated to the sources and the specifics of the judicial process at that time and its most important institutes. The chapter concludes with a historical divide in the form of the Norman Conquest in 1066.

The second chapter discusses the period of the reign of norman rulers, beginning with William the Conqueror and finishing with Henry I. Emphasis is placed on the analysis of the impact of their rule on the Anglo-Saxon legal system and its changes. Especially, the "Domesday book", which deals with the changes in relation to the church, with the strengthening of the central authority, with the basis of a new state administration and the development of feudal relations, is subject to particular scrutiny.

The third and shortest chapter concentrates on the period of the rule of Henry I., in particular on his reform activity in the area of judiciary, finance and state administration.

The fourth chapter addresses the rule of Henry II. It chronologically describes the most important events in the field of law that contributed to the development of constitutionalism and the related historical circumstances. It also analyses the "Clarendon Assizes", the origin of common law, the changes in the judiciary and especially the creation of courts of assize and of visiting judges during the reign of Henry II.

The fifth chapter deals with the rule of "John the Lockland" and the scrutiny of "Magna Charta Libertatum", one of the most important documents that influenced the development of English constitutionalism. The historical circumstances related to this period, especially the monarch's conflict with the Church and the strengthening of the high nobility, are described as well.

The sixth chapter is dedicated to the period of the rule of Henry III. and Edward I., to the period of the development of the constitution and the creation of the parliament in the 14th century, and, marginally, also to the most significant "legal writings".

The seventh chapter concentrates on the rule of Edward II., Edward III., and Richard II. Particularly, it examines the outcomes of the political crisis, the demographic decline and the changes in the range of powers of the parliament with respect to the monarch.

The chapters eight – tenth focus on the rule of the Lancaster and Tudor dynasties on the English throne, on the weakening of the high nobility and of the parliament following the "war of roses" and on the transition towards absolutistic monarchy. The ninth chapter is dedicated to the rule of Henry VIII., first of all to the issue of the formation of Anglican Church, to the changes in the area of succession and to the impacts of the reform legislation. The tenth chapter analyses the reign of Elizabeth I., the restoration of the law establishing the Anglican Church and the financial background of her increasing dependence on the parliament.

The final eleventh chapter summarizes the most important aspects of the development of the parliament between the 14th and 16th century.