

through our sheriffs and bailiffs, all those who hold of us in chief [hold a fief from the king], with at least forty days' notice, and at a fixed place; and in all letters of summons we will state the reason for the summons. And when the summons has thus been made, the business shall go forward on the day arranged according to the counsel of those present, even if not all those summoned have come. . . .

20. A free man shall not be amerced [fined] for a trivial offence, except in accordance with the degree of the offence; and for a serious offence he shall be amerced according to its gravity, saving his livelihood; and a merchant likewise, saving his merchandise; in the same way a villein [serf] shall be amerced saving his wainage;⁵ if they fall into our mercy. And none of the aforesaid amercedments shall be imposed except by the testimony of reputable men of the neighbourhood.

21. Earls and barons shall not be amerced except by their peers and only in accordance with the nature of the offence. . . .

⁴The sheriff was a royal official responsible for the carrying out of laws in a shire or county; bailiffs were his assistants.
⁵Wainage (or gainage) is a collective term meaning farming tools and implements, including such things as wagons (wains).

REVIEW QUESTIONS

1. How does John of Salisbury distinguish a legitimate king from a tyrant?
2. Compare John of Salisbury's view of tyranny with Thomas Jefferson's use of the term (see page 410).
3. In the selected passages of the Magna Carta, what specific liberties were guaranteed by the king to his subjects?
4. Why is this document considered a landmark in English history?

38. Henceforth no bailiff shall put anyone on trial by his own unsupported allegation, without bringing credible witnesses to the charge.

39. No free man shall be taken or imprisoned or dispossessed [dispossessed] or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgement of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny or delay right of justice.

41. All merchants are to be safe and secure in leaving and entering England, and in staying and travelling in England, both by land and by water, to buy and sell free from all maletotes [unjust taxes] by the ancient and rightful customs, except, in time of war, such as come from an enemy country. And if such are found in our land at the outbreak of war they shall be detained without damage to their persons or goods, until we or our chief justiciar [legal official] know how the merchants of our land are treated in the enemy country; and if ours are safe there, the others shall be safe in our land.

42. Henceforth anyone, saving his allegiance due to us, may leave our realm and return safe and secure by land and water, save for a short period in time of war on account of the general interest of the realm and excepting those imprisoned and outlawed according to the law of the land, and natives of an enemy country, and merchants, who shall be treated as aforesaid. . . .

12 The Fourteenth Century: An Age of Adversity

During the Late Middle Ages, roughly the fourteenth and early fifteenth centuries, medieval civilization was in decline. The fourteenth century, an age of adversity, was marked by crop failures, famine, population decline, plagues, stagnating production, unemployment, inflation, devastating warfare, and abandoned villages. Violent rebellions by the poor of the towns and countryside were ruthlessly suppressed by the upper classes. The century witnessed flights into mysticism, outbreaks of mass hysteria, and massacres of Jews; it was an age of pessimism and general insecurity. The papacy declined in power, heresy proliferated, and the synthesis of faith and reason, erected by Christian thinkers during the High Middle Ages, began to disintegrate. These developments were signs that the stable and coherent civilization of the thirteenth century was drawing to a close.

Jean de Venette THE BLACK DEATH

Until the fourteenth century, the population of Europe had increased steadily from its low point in the centuries immediately following the fall of the Roman Empire in the West. Particularly from the eleventh century on, landlords tried to raise their income by bringing new land into cultivation. By improving farming technology, building dikes, draining marshland, and clearing forests, European peasants produced much more food, which permitted more people to survive and multiply. That advance in population tapered off by the early fourteenth century due to many crop failures and wars, which wasted the countryside and led to economic stagnation. But the greatest catastrophe began in the fall of 1347, when sailors returning to Sicily from eastern Mediterranean ports brought with them a new disease, bubonic plague. Within the next three years, from one-quarter to one-third of the population of Europe died from what became known, because of some of its symptoms, as the Black Death. Most who caught the plague died, though some survived. No one knew its cause or cure. We now know that the bacteria were transmitted by fleas from infected rats. The unsanitary living conditions of medieval towns and low standards of personal cleanliness helped to spread the disease. The people were so terrified by the incomprehensible pattern of the disease's progress that superstition, hysteria, and breakdown of civility were common.

The progress of the plague as it made its way through Europe and speculation on its causes, the terrible toll of victims, and various moral responses to the crisis are described in the following reading from the chronicle of Jean de Venette (c. 1308–c. 1368), a French friar who lived through the events described.

In A.D. 1348, the people of France and of almost the whole world were struck by a blow other than war. For in addition to the famine which I described in the beginning and to the wars which I described in the course of this narrative, pestilence and its attendant tribulations appeared again in various parts of the world. . . . All this year and the next, the mortality of men and women, of the young even more than of the old, in Paris and in the kingdom of France, and also, it is said, in other parts of the world, was so great that it was almost impossible to bury the dead. People lay ill little more than two or three days and died suddenly, as it were in full health. He who was well one day was dead the next and being carried to his grave. Swellings appeared suddenly in the armpit or in the groin—in many cases both—and they were infallible signs of death. This sickness or pestilence was called an epidemic by the doctors. Nothing like the great numbers who died in the years 1348 and 1349 has been heard of or seen or read of in times past. This plague and disease came from *imaginations* or association and contagion, for if a well man visited the sick he only rarely evaded the risk of death. Wherefore in many towns timid priests withdrew, leaving the exercise of their ministry to such of the religious as were more daring. In many places not two out of twenty remained alive. So high was the mortality at the Hôtel-Dieu [an early hospital] in Paris that for a long time, more than five hundred dead were carried daily with great devotion in carts to the cemetery of the Holy Innocents in Paris for burial. A very great number of the saintly sisters of the Hôtel-Dieu who, not fearing to die, nursed the sick in all sweetness and humility, with no thought of honor, a number too often renewed by death, rest in peace with Christ, as we may piously believe.

This plague, it is said, began among the unbelievers [Muslims], came to Italy, and then crossing the Alps reached Avignon [site of the papacy in that period], where it attacked several cardinals and took from them their whole household. Then it spread, unforeseen, to France, through Gascony [now part of the south of

France] and Spain, little by little, from town to town, from village to village, from house to house, and finally from person to person. It even crossed over to Germany, though it was not so bad there as with us. During the epidemic, God of His accustomed goodness deigned to grant this grace, that however suddenly men died, almost all awaited death joyfully. Nor was there anyone who died without confessing his sins and receiving the holy viaticum [the Eucharistic bread given to the sick or dying]. . . .

Some said that this pestilence was caused by infection of the air and waters, since there was at this time no famine nor lack of food supplies, but on the contrary great abundance. As a result of this theory of infected water and air as the source of the plague the Jews were suddenly and violently charged with infecting wells and water and corrupting the air. The whole world rose up against them cruelly on this account. In Germany and other parts of the world where Jews lived, they were massacred and slaughtered by Christians, and many thousands were burned everywhere, indiscriminately. The unshaken, if fatuous, constancy of the [Jewish] men and their wives was remarkable. For mothers hurled their children first into the fire that they might not be baptized and then leaped in after them to burn with their husbands and children. It is said that many bad Christians were found who in a like manner put poison into wells. But in truth, such poisonings, granted that they actually were perpetrated, could not have caused so great a plague nor have infected so many people. There were other causes; for example, the will of God and the corrupt humors and evil inherent in air and earth. Perhaps the poisonings, if they actually took place in some localities, reinforced these causes. The plague lasted in France for the greater part of the years 1348 and 1349 and then ceased. Many country villages and many houses in good towns remained empty and deserted. Many houses, including some splendid dwellings, very soon fell into ruins. Even in Paris several houses were thus ruined, though fewer here than elsewhere.

After the cessation of the epidemic, pestilence, or plague, the men and women who survived mar-

ried each other. There was no sterility among the women, but on the contrary fertility beyond the ordinary. Pregnant women were seen on every side. . . . But woe is me! the world was not changed for the better but for the worse by this renewal of population. For men were more avaricious and grasping than before, even though they had far greater possessions. They were more covetous and disturbed each other more frequently with suits, brawls, disputes, and pleas. Nor by the mortality resulting from this terrible plague inflicted by God was peace between kings and lords established. On the contrary, the enemies of the king of France and of the Church were stronger and wicked than before and stirred up wars on sea and on land. Greater evils than before [swarmed] everywhere in the world. And this fact was very remarkable. Although there was an abundance of all goods, yet everything was twice as dear, whether it were utensils, victuals, or merchandise, hired helpers or peasants and serfs, except for some hereditary domains which remained abundantly stocked with everything. Charity began to cool, and iniquity with ignorance and sin to abound, for few could be found in the good towns and castles who knew how or were willing to instruct children in the rudiments of grammar.

Jean de Venette vividly describes one of the more bizarre reactions to the terrible plague, the sudden appearance of the Flagellants. Marching like pilgrims across the countryside, the Flagellants were a group of laymen and laywomen who sought divine pardon for their sins by preaching repentance to others and scourging themselves in a quasi-liturgical ceremony in local churches or marketplaces. The movement foreshadowed events in which moral, social, and economic discontent would increasingly manifest itself in the form of religiously justified popular uprisings against civil and clerical authorities.

In the year 1349, while the plague was still active and spreading from town to town, men in Germany, Flanders, Hainaut [east of Flanders], and Lorraine arose and began a new sect on

their own authority. Stripped to the waist, they gathered in large groups and bands and marched in procession through the crossroads and squares of cities and good towns. There they formed circles and beat upon their backs with weighted scourges, rejoicing as they did so in loud voices and singing hymns suitable to their rite and newly composed for it. Thus for thirty-three days they marched through many towns doing their penance and affording a great spectacle to the wondering people. They flogged their shoulders and arms with scourges tipped with iron points so zealously as to draw blood. But they did not come to Paris nor to any part of France, for they were forbidden to do so by the king of France, who did not want them. He acted on the advice of the masters of theology of the University of Paris, who said that this new sect had been formed contrary to the will of God, to the rites of Holy Mother Church, and to the salvation of all their souls. That indeed this was and is true appeared shortly. For Pope Clement VI was fully informed concerning this fatuous new rite by the masters of Paris through emissaries reverently sent to him and, on the grounds that it had been damnably formed, contrary to law, he forbade the Flagellants under threat of anathema [excommunication] to practise in the future the public penance which they had so presumptuously undertaken. His prohibition was just, for the Flagellants, supported by certain fatuous priests and monks, were enunciating doctrines and opinions which were beyond measure evil, erroneous, and fallacious. For example, they said that their blood thus drawn by the scourge and poured out was mingled with the blood of Christ. Their many errors showed how little they knew of the Catholic faith. Wherefore, as they had begun fatuously of themselves and not of God, so in a short time they were reduced to nothing. On being warned, they desisted and humbly received absolution and penance at the hands of their prelates as the pope's representatives. Many honorable women and devout matrons, it must be added, had done this penance with scourges, marching and singing through towns and churches like the men, but after a little like the others they desisted.