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A Brief History of Magna Carta

Written by Geoffrey Hindley

Published by Robinson

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A BRIEF HISTORY OF
MAGNA CARTA

The Origins of Liberty,
from Runnymede to Washington

GEOFFREY HINDLEY



ROBINSON

To Diana and Sophie

ROBINSON

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Panel of four royal portraits from Matthew Paris, *Historia Anglorum*, 1250 (© *The British Library Board. All Rights Reserved/Bridgeman Art Library*)

King John's tomb, Worcester Cathedral (*Bridgeman Art Library*)

The Articles of the Barons (*British Library/TopFoto*)

'King John and the Barons at Runnymede', after Ernest Normand's mural for the Royal Exchange, London (*Private collection/Bridgeman Art Library*)

Magna Carta exemplification of the 1225 text issued by King Henry III (© *The British Library Board. All Rights Reserved. C6257-03*)

'The Court of the King's Bench', Westminster Hall, c. 1460 (*Inner Temple/Bridgeman Art Library*)

Sir Edward Coke by Marcus Gheeraerts (*Collection of the Earl of Leicester, Holkham Hall, Norfolk/Bridgeman Art Library*)

The Magna Carta Memorial, Runnymede (*TopFoto*)

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PREFACE

Granted to the Free Men of England in June 1215, the Charter of Liberties, conceded by King John to dissident members of his baronage at Runnymede on the Thames, is Europe's and the western world's foundation document in the long historical process that resulted in the pattern of constitutional government, today considered the norm for civilized political life. In the stolid legal Latin of its medieval draftsmen, the document, among other things, regulates strange-sounding privileges and obligations, orders the abolition of fish weirs on the Thames, specifies rates of composition payments for military service, lays down standard measures for wine and ale – and, in a truly epoch-making provision, asserts the then, and for centuries to come, revolutionary principle that government shall ultimately be held, at law, accountable to the governed.

It was a very different world – a world in which all were, in theory, subject to the power and will of an autocratic

monarch, and even the greatest were liable to severe penalties at his whim. However, it was also a world in which local or government officials could be fired for incompetence – different indeed!

The aim of this book is to journey into that world, to trace how Magna Carta acquired its name and ‘became part of the common law of England . . . a lawyer’s text in cases ranging from civil liberties to commercial law’. The book aims also to explain how, long before Thomas Paine wrote his tract *Rights of Man*, this medieval document, in successive reissues, came to be revered as the talisman of liberty in England’s trans-Atlantic colonies. The term ‘liberty’ in this usage embodied the concept not of ‘freedom from all restraint’, but rather of legal entitlement to certain conducts within reasonable restraints of life in a community, entitlements considered the birthright of the people of England. The discontent and unrest in eighteenth-century America was stoked by resentment among the colonial landed gentry at what they saw to be deprivation, by the parliament at Westminster, of their liberties as Englishmen. Elements of Magna Carta were to be written into the American Bill of Rights. In England the Charter had come to be used, by the fifteenth century, as a document of appeal in support of legitimate rights and, in the seventeenth century, as a core text in constitutional debate.

This book is divided into four sections: *Routes to Runnymede* traces the events, international and national, that led to the confrontation between king and dissidents; *The Community of England – and its Neighbours* breaks the narrative, with the opponents squaring up for the encounter, to survey the country and its population and its Celtic neighbours; *Crisis Charter to Legal Charter* resumes the narrative as the road from Runnymede leads through civil war to the new reign and the adoption of the revised Charter into the law of England;

and *Law, Legend and Talisman* sketches something of the story of the past 400 years, during which the Charter has served as a battle standard for parliamentarians, a rallying point for revolutionaries and a lawyers' text in cases ranging from civil liberties to commercial law.

INTRODUCTION TO SECOND EDITION

Since the first edition of this *Brief History* appeared in 2008, there have been developments in the Magna Carta story for, though approaching its octocentenary, this talismanic document continues to surprise. In March 2014 it was recruited to the front line of topical controversy when Sir Tim Berners-Lee, creator of the World Wide Web, urged that a Magna Carta of principle be drawn up to protect users of the internet from government surveillance. In June Britain's prime minister called for the teaching of Magna Carta as a standard part of the school curriculum, in the inculcation of British values in a culturally diverse society. As if in response, on 16 June, the day after Magna Carta Day (as June 15 has been called), a British national daily newspaper published an article headed 'There was Nothing Revolutionary about 1215'.

The article noted that Prime Minister David Cameron had

dubbed Magna Carta ‘the foundation of our laws and liberties’ but then asserted that it was not a revolutionary document like the American Declaration of Independence. The writer also suggested that William Shakespeare would have been surprised at the importance attached to the 1215 document, since ‘he ignores it in his play *King John*’. In fact, we can be pretty sure that Shakespeare, like most of his educated contemporaries, was unaware that King John had granted any such charter, since the text on the statute book, much venerated then as now, was that of the Charter granted in 1225 by John’s son King Henry III (see Chapter 16).

The article also considered what it termed the ‘common understanding’ of the 1215 Charter (annulled by the Pope within weeks) as ‘rather unhistorical’ since ‘it transforms statements about the freedoms and privileges of the propertied classes. . . into guarantees of common liberty under the Law of the Land’. But this ‘understanding’, common or no, is not an especially modern view; it has been around since the thirteenth century. In the 1250s a chronicler of St Albans Abbey was convinced there were no differences at all between King John’s Charter of 1215, always since known as the Magna Carta, and those Charters of 1216, 1217 and above all that of 1225, which eventually was enrolled as a statute, issued under the seal of Henry III. Another chronicler spoke of ‘The Great Charter of King John which Henry III swore once again to observe.’ The unspoken reasoning seems to have gone like this: the 1225 Charter stated the law; it was ‘the same’ as the Runnymede Charter of 1215; therefore Runnymede had stated the law. Of course 1225 was founded on 1215 but to transfer its legal status back to that of the original grant was to accept the basic proposition made by the dissident barons at Runnymede, representatives of ‘the propertied classes’, that their programme embodied the good and lawful customs of the

realm. By 1226 a group of Lincolnshire knights, members of the gentry, were accepting the great magnates' claim to act for the good of the realm, while in the 1360s peasants of a Kentish manor were citing Magna Carta to buttress a claim against their manorial lord (see Chapter 16). It is apparent that from an early date the country at large reckoned the dissident barons had benefited the majority of the English, outside their ranks.

In 1987, while the Lincoln Cathedral exemplar was on tour in the United States for the 200th anniversary of the writing of the US Constitution, an air force serviceman looking down on the document in its display case commented to the curator: 'I suppose this is what we fight for'. Between July 2014 and January 2015 it was again on tour in the United States, visiting Boston, Williamstown, Massachusetts and Washington, D.C.. Why should this English royal charter, some 800 years old, be such an honoured guest in the Republic? Partly, no doubt, because for half that time its text has been a part of American history, but also because the Americans seem to venerate the document in a way that the English have forgotten, being now encouraged, by an administrative class anxious to conform to the European Union's drive for a federalized state, to deprecate claims of British constitutional exceptionalism.

When, in the 1980s, Prime Minister Margaret Thatcher proudly vaunted the English tradition of Runnymede over the French revolutionary tradition of 1789 and the *Rights of Man* she was peremptorily dismissed by London's opinion-formers, and yet she was surely right – constitutional tradition based on law must be more secure than one based on a rhetorical appeal to theory.

Cynics may assert that Magna Carta was merely a record of privileges won by an elite for themselves, but the words of the actual document refute this where the king pledges that 'we

have granted to all the freemen of our realm for ourselves and our heirs forever (*in perpetuum*) all the liberties written below, to have and to hold, them and their heirs from us and our heirs’.

We can be sure that had King John lived and outfaced his opposition he would have ensured the Charter remained forever a dead letter. As it was he died and the royalists around his nine-year-old heir reissued the document to rally support: the stage was set for a centuries-long constitutional debate as to what might be meant by the term ‘freeman’ and the word ‘forever’.

But whereas the medieval monarchy granted and was expected to guarantee liberties, the modern monarchy’s authority has long been usurped by ‘the crown in Parliament’, the British constitution’s ultimate legislative authority, which until the passing of the Maastricht treaty of 1991 might have been thought sovereign and untrammelled in British affairs. Since that date it has been increasingly subject to European authorities and rulings so that now it would appear that more than half the legislation and regulations emanating from Westminster is, in fact, European.

In 2006 a national survey showed a majority in favour of 15 June, the date given in the 1215 Magna Carta, being designated as the British National Day. But one scholar pointed out that since the Charter was English it hardly qualified as a British commemorative, while a Scottish radio listener rejected the idea with contempt on the same grounds. And yet participants in the celebrations of the 700th anniversary of the Charter planned for June 1915 (but abandoned with the outbreak of war) were to include the Scottish scholar William Sharp McKechnie of Glasgow University, author of a monumental commentary on the Charter, as honoured participant.

The story of American involvement with Magna Carta starts

with the royal charter granted by King James I to the pioneers of Jamestown, Virginia, in 1607, sponsored by London's Virginia Company. It was drafted under the direction of Sir Edward Coke, lawyer, opponent of the Crown and champion of Magna Carta. Instructions issued in 1618 by the Virginia Company to Governor Sir George Yeardley came to be known as the Great Charter – 'a species of Magna Carta'.

The idea grew up over the years that the Great Charter was, in essence, merely a confirmation of rights and liberties to the English people and their descendants from time immemorial, and this idea seems to be embodied in the Ninth Amendment of the United States Constitution. Here it is stated that the 'enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people'.

A ruling in the US Supreme Court in 1884 had scathing things to say about the plight of the Charter in Britain:

The concessions were wrung from the king as guaranties against the oppressions and usurpations of his prerogative. It did not enter into the heads of the barons to provide security against their own body so that . . . in English history . . . the omnipotence of Parliament over the common law [became] absolute, even against common right and reason. In this country a written constitution was deemed essential to protect the rights and liberties of the people and the provisions of Magna Carta were incorporated into the Bill of Rights.

Thus it was America that gave the world the idea of a written constitution, a bulwark Britain still lacks against the encroachments of power delegated to her government, or any other regime to which it might find itself obliged to submit.

The history of the 1297 Confirmation (*inspeximus*) of Edward I, subsequent to its purchase by Ross Perot in 1983, is a

further indication of the importance that Americans attach to the Great Charter. Since then it has been on display in the National Archives in Washington, D.C. – up to 2007 by courtesy of the Perot Foundation; and following its purchase in that year by courtesy of the financier Mr David Rubenstein. In his view, together with the US Constitution and the US Declaration of Independence, Magna Carta constitutes one of the three most important documents in the country's history.

Magna Carta is still seen as the lineal ancestor of habeas corpus by many in Britain and the United States. On 28 April 2004, in oral arguments before the Supreme Court relating to the foreign enemy combatant detainees at Guantánamo Bay, Justice Stephen Breyer had protested the rights of the detainees to ‘“due process of law” in the words of the Magna Carta’. In 2003 British lawyers appearing in the case of the dispossessed Chagos Islanders against Britain's Attorney General had argued that their exile from their home territory infringed legal rights deriving from the Charter. The argument failed but the old warhorse had been brought once again to do battle in the cause of liberties and the rights of the islanders to return to their homeland were confirmed in May 2007.

In fact, in the land of its birth the Charter has been abandoned and is, in effect, little more than a nostalgic memory on the tourist trail. In the 1200s, kings wielding the plenitude of powers of the medieval monarchy were obliged to assure historic liberties to the people of England in *perpetuum*, ‘in perpetuity’ – for ever. But, with the monarchy a cipher in the nation's affairs and its prerogative powers exercised by an assembly independent of it, in 1972 England's sovereignty was surrendered when the UK's head of government signed its accession to the Treaty of Rome. This effected the UK's entry into membership of the European Economic Community and also ensured its inevitable incorporation into

the European Union by the Treaty of Lisbon of 2007. The abandonment of sovereignty and hence the emasculation of the Great Charter of Liberties was unthinkingly ensured by the elected representatives of the people.

A major scholarly research programme, the Magna Carta Project based in the University of East Anglia, undertook a new English translation of the 1215 document and new commentaries on the clauses while, under the auspices of the Magna Carta Trust, patron Her Majesty Queen Elizabeth II, and coordinated by the Magna Carta 800 Committee Chairman, US-born Sir Robert Worcester, planning began in 2013 for celebrations of the 1215 anniversary across the world. The launch event, early in February 2015, was to be a brief but historic joint display in the British Library of the four documents surviving from 1215, when the two already in the Library will be joined for just three days by the ones from Lincoln and Salisbury Cathedrals. Outside London, at Faversham in Kent, where the Town Council retains the reissue sent to them by order of King Edward I and certificated by his great seal in the 1300s, a local brewery was reputed to be planning a special Magna Carta beer as part of the celebrations. Since in the early 1200s English ale was brewed without hops, a flavouring agent introduced from Dutch practice in the early 1400s, this ‘Magna Carta beer’ should be the first *real* real ale to have been brewed in England for centuries. No doubt, in conformity with the terms of the 1215 Charter it would be sold by standard measure throughout the kingdom, but in its recipe it would carry forward Magna Carta’s capacity for combining tradition with innovation.

In the words of Professor Sir James Holt ‘The Charter of 1215 embodied a revolutionary programme . . . it set light to passions and ideas which burned immediately, fiercely and permanently’. In this book I have endeavoured to show how it

came to be formulated and to trace its impact on future constitutional developments in the English-speaking community of nations.

CHRONOLOGY

THE LIFE OF KING JOHN AND THE FIRST CENTURY OF THE CHARTER

- 1167 *24 December.* John is born at Oxford.
The same year, the King of Leinster, seeking help against his rivals, visits England, swears fealty to Henry II for his ancestral rights in Ireland and returns to the country with Welsh-Norman barons he has recruited as mercenary allies to prosecute his claims.
- 1171 Henry II (John's father) leads the army into Ireland and in a few months of successful campaigning asserts his supremacy over the Irish kings and Welsh-Norman barons.
- 1175 Under the Treaty of Windsor, O'Connor, King of Connacht (Connaught), the reigning Irish High King, comes to an agreement with Henry that recognizes the position of the Norman barons in Ireland.
- 1176 *May.* The title 'Lord of Ireland' is solemnly bestowed on John at Woodstock. Irish chieftains and

Norman-Irish magnates do homage to him, the rival claim of O'Connor the High King ignored.

1185 *January*. Patriarch Heraclius of Jerusalem arrives in England to offer King Henry the crown of the crusader kingdom. He refuses and forbids John to accept.

April. John lands at Waterford with a strong force and ample funds, and marches overland to Dublin, to mediate in Irish affairs as his father's deputy, but succeeds only in angering the Irish. He squanders the money on riotous living and by the end of the year is recalled. He mocks the Irish chieftains for their dress, flowing hair and beards.

1187 Saladin captures Jerusalem for Islam.

1189 John marries Isabella heiress to the earldom of Gloucester, his second cousin and so within prohibited degrees of consanguinity.

6 July. Henry II dies before fulfilling his vow to go on crusade.

1190 Richard I sails on crusade having first created his teenage nephew Otto of Brunswick (emperor to be) Earl of York.

1192 *October*. Richard leaves the port of Acre intending to return to England.

December. Richard is seized by Leopold, Duke of Austria.

1193 *January*. Prince John travels to Paris to do homage to Philip for the English lands in France.

February. Richard is handed over to the emperor, Henry VI. Philip of France hopes to 'buy' prisoner Richard so as to use his release to bargain for Angevin possessions in France. John returns to stir up rebellion in England while Philip prepares to invade.

April. Richard, now on friendly terms with the em-

- peror, surrenders England and receives it back as a fief of the empire. His mother, Queen Eleanor of Aquitaine, travels to Speyer with the first instalment of his ransom and celebrates Christmas with him and the emperor.
- 1194 *13 March.* Richard lands at Sandwich. The castles of Tickhill and Nottingham, holding for John, are soon retaken.
17 April. Richard has a second coronation at Winchester.
May. Richard is reconciled with John.
- 1196 Richard builds Château Gaillard overlooking the Seine; it will be his base for the remainder of his life, campaigning to recover Angevin lands in France.
- 1198 *January.* Lotario di Segni is elected pope. In February he is ordained priest and bishop of Rome. He reigns as Innocent III until his death in July 1216.
- 1199 Two panels of bishops declare John a single man.
6 April. Richard dies at the siege of Chalus. The succession is disputed between John and his nephew, Arthur of Brittany.
18 April. Anjou, Maine and Touraine recognize Arthur.
25 April. Normandy recognizes John as duke.
27 May. John is crowned King of England in Westminster Abbey.
- 1200 *January.* The Pope places France under an interdict because of Philip II's bigamous marriage.
22 May. By the Treaty of Le Goulet Philip II of France recognizes John of England as heir to all the English fiefs in France held by his brother Richard and their father Henry II; for his part John acknowledges Philip as his overlord in these territories, but also agrees to pay a huge 'relief' or succession duty. Neither his father

nor his brother had even been asked to pay such a levy.

24 August. John marries Isabella of Angoulême.

8 October. John and Isabella are crowned together at Westminster Abbey.

1202 *Easter.* Philip II orders John to appear before the court of French barons in his capacity as Duke of Aquitaine.

28 April. John fails to attend: Philip declares Aquitaine, Poitou and Anjou to be forfeit. Philip knights Arthur of Brittany.

May. Philip launches a campaign against John in France.

July. Arthur does homage to Philip for all John's French lands, except Normandy.

The same month, Philip's bigamous wife having died, the interdict on France is lifted.

Arthur lays siege to his grandmother Queen Eleanor of Aquitaine, at the castle of Mirebeau in Poitou.

August. John raises the siege and takes Arthur prisoner.

1203 The imprisoned Duke Arthur of Brittany, John's nephew and rival, mysteriously disappears. There are rumours of his having been murdered on the orders of King John, or even by the king himself.

1204 *6 March.* John loses Château Gaillard and Normandy to the French.

The Fourth Crusade takes Constantinople.

1208 *March.* Pope Innocent III lays England under an interdict because the king refuses to accept Stephen Langton as Archbishop of Canterbury.

1209 *October.* Otto of Brunswick is crowned emperor (Otto IV) by the Pope.

November. When the interdict fails to force John to the Pope's will, Innocent pronounces the personal excommunication of the king as the ultimate sanction of the Church.

- 1210 Campaigning in Wales, Scotland and Ireland to assert
 -11 English dominance, John achieves notable, but short-lived, successes.
- 1212 *June*. Llywelyn the Great negotiates a treaty with Philip of France; John, who had been planning to invade France, diverts his army for Wales.
July. Robert Fitzwalter and Eustace de Vescy's plot against John is revealed.
- 1213 *April*. Philip of France resolves to invade England; his son Louis is to be king.
15 May. At Ewell, near Dover, John makes formal surrender of the kingdoms of England and Ireland to the Holy See; Innocent III returns them under a bond of fealty and homage and a tribute of 1,000 marks a year.
30 May. The English fleet under William, Earl of Salisbury destroys the French invasion fleet at Damme, near Bruges.
20 July. John's excommunication is formally lifted at Winchester, after he reaffirms his coronation oath.
July/August. The northern barons (*barones Northanhumbrenses*) refuse to serve on John's projected expedition to Poitou, France.
October. At St Paul's Cathedral, John's homage and tribute for England is ratified before a papal representative in a charter sealed with a golden bull and recorded on England's charter roll.
1 November. John is reconciled with the northern barons in a meeting at Wallingford.
- 1214 *1 February*. On the eve of John sailing (at last) for the expedition to Poitou, he appoints Peter des Roches, Bishop of Winchester, as his new justiciar.
15 February. John arrives at La Rochelle, France.

April. John receives token homage from the barons of Poitou.

May. Marriage of John's daughter, Joan, to Hugh of La Marche.

2 July. Prince Louis of France confronts John west of Angers; the Poitevins refuse to fight and John retreats to La Rochelle.

Pope Innocent lifts the interdict on England.

27 July. The Battle of Bouvines proves a crushing victory for the French under Philip II over the allies of John under Emperor Otto IV. Students at Paris hold seven days of 'feasting, leaping and dancing'.

14–15 October. John returns to England.

Christmas. The barons demand that John confirm Henry I's Coronation Charter (1100), which had made vague assurances over baronial rights and pledged to restore the Laws of Edward the Confessor.

1215 *6 January.* John meets the barons in London, but there is deadlock: the barons insist on the restoration of the 'ancient and accustomed liberties'. The king gets a delay until Easter. The parties agree to lay the matter before the Pope 'since he is lord of England'.

8 January. John sends legal representatives to Rome.

4 March. John takes an oath to go on crusade.

19 March. In Rome, Pope Innocent draws up *triplex forma pacis* (the threefold form of peace), a group of three letters that he hoped would resolve the dispute, and writes to the barons forbidding their conspiracies against John.

26 April. The barons assemble at Northampton, then make for Brackley, Northamptonshire.

5 May. The opposition barons make their formal *diffidatio*, renouncing their allegiance.

12 May. John orders the sheriffs to seize the lands and chattels of his enemies and begins distribution of their property among his supporters.

Civil war.

17 May (Sunday). Dissident barons are secretly admitted to London by a city faction.

9 June. John meets Stephen Langton in a preliminary conference at Windsor.

10 June. John faces a baronial deputation in Runnymede when draft heads of the agreement are presumably drawn up.

1215 15 June. The date on the Charter, presumed to be the day on which the terms were actually agreed between king and barons. The royal seal was to be attached, probably a few days later, to the Charters to be sent out to the counties. There was no 'signing ceremony'.

19 June. The ceremony of peace. The ceremony is intended to reconcile king and barons, but the dissidents soon take up arms and march on Rochester Castle.

24 June. The first batch of Charters is dispatched to the counties.

22 July. The last batch of Charters is dispatched.

24 August. The Pope annuls the Charter, and condemns the barons' opposition of the crusader-king.

September. Rochester Castle surrenders to the baronial army.

November. John recovers Rochester Castle.

1216 The army of Prince Louis of France arrives in England in support of the dissident barons.

May. Louis himself arrives in England.

16 October. Louis besieges Dover.

19 October. Death of John at Newark.

28 *October*. Henry III (aged nine) is crowned at Gloucester.

11 *November*. First reissue of the Charter (at Bristol).

November. The Pope opens the Fourth Lateran Council.

1217 *February*. The new Charter is sent, on Marshal's orders, to Ireland.

Louis is recalled to France by his father, Philip II.

23 *April*. Louis returns to England but without his father's blessing. He goes first to Winchester, then to Dover, where he raises the siege.

May–June. Chancery rolls record 150 '*reversi*' defecting back from the rebel to the loyalist cause.

June. Louis is in London. Negotiations between Louis and the loyalists break down.

24 *August*. Defeat of the French invasion fleet in the Channel.

12 *September*. The Treaty of Lambeth (or Kingston) ends the civil war and pays off Louis, who leaves England. The terms are so lenient that enemies would accuse Marshal of treason.

November. The first 'Charter of the Forest', dated 6 November: it forms a supplement to the second reissue of Magna Carta, which is undated, but is presumed to have been issued on the same day.

1225 *February*. Henry III's Charter is made '*spontanea de sua voluntate*', of his own volition.

1234 *August*. Royal letters are issued asserting that the Charters are granted to both great and small and to all men.

1237 King Henry III confirms both the Magna Carta of 1225 and the Charter of the Forest, so as to get agreement to a tax he needs to raise.

-
- 1253 Confirmation of the Charter at Westminster.
- 1258 9 June. The Provisions of Oxford, which frame the conditions for the reorganization of the governance of the kingdom, are established at a meeting in the city.
- 1265 Publication of the 1225 Charter in all the shires.
- 1297 Edward I's Regency Council makes a pledge of future reform, known as the Confirmation of the Charters (*Confirmatio Cartarum*), which among other things specifically concedes that taxation should be dependent on communal consent.
- 1300 Edward I makes his final reissue of Magna Carta under the royal seal; six copies of this reissue survive, including that sent to the 'barons of the port' and town of Faversham. The king also agrees to the issue of *Articuli super Cartas*, 'Articles concerning the Charters', which lay out procedures intended to ensure the enforcement of the Charter.
- 1310 Edward II is accused of breaches of Magna Carta. A parliament of magnates appoints the Lords Ordainers, who reserve the interpretation of Magna Carta to themselves.

PART I

ROUTES TO RUNNYMEDE

The Charter had its roots in 1154 with the accession of Henry II; he was to check the collapse of royal authority during the ‘anarchy’ of King Stephen’s reign – a golden age for England’s Norman baronage. They in any case looked down on him as a *déclassé* foreign interloper, son of a mere count, Geoffrey of Anjou. A turbulent warrior, Geoffrey had married above himself when he won the hand of Matilda, widow of Emperor Henry V and daughter of Henry I of England. He had also, much to the barons’ disgust, won the duchy of Normandy.

Baronial snobbery apart, Henry, King of England and lord of Ireland and half France, stands as one of the greatest rulers in European history. By brilliance, an obsession with justice and a huge talent for government, he continued the evolution of England’s centralized administration and brought royal justice to an unparalleled pitch of quality and accessibility. The background to 1215 is best understood in the context of

the centralized English state enmeshed in the affairs of continental Europe. In the reign of his son, Richard I, events evolved in a way that would help shape the future of France as well as England, and so it is with Richard the Lionheart that this book opens.

THE BROTHERS PLANTAGENET

On Sunday, 3 September 1189, a new king of England was crowned in Westminster Abbey. It was the first time in a hundred years that the crown had passed without controversy or warfare to the indisputable lineal successor. It is also the first coronation for which we have an extended and detailed contemporary account. And in broad outline it served as a model for all coronations over the next 800 years. The participants would not have been surprised. Many looked to the new reign to open a new era in the history of England.

The death of King Henry II two months earlier, lamented by a few, had been a cause of joy for many more. They hoped that the accession of his son Richard would bring the end of unreasonable royal demands and royal encroachment on baronial privilege and jurisdictions, with a return to customs which the Anglo-Norman baronage liked to believe were

rooted in an immemorial past. Yet within a year this new king's government, like that of his father, was at loggerheads with the realm, and a generation later, his brother John was obliged to agree a document that affronted the very idea of monarchy. A large part of the blame for the turmoil that led to Magna Carta lay with John himself, but discontents and resentments fuelled by Richard were smouldering in the social and political structure of England long before the final conflagration of 1215.

At the time of his coronation, Richard Plantagenet, Count of Anjou and Maine, Duke of Normandy, and Lord of Aquitaine by grace of his mother, Queen Eleanor, was in his thirty-third year. Though he had a surprisingly pale complexion, he was a handsome six-footer, with dazzling blue eyes, long straight limbs, deep chest and reddish-golden hair. Richard was the model of the knightly warrior – even in his faults. He was violent in his rage and jealous of his honour. But he had a generous streak too. A monastic chronicler accused him of ‘immoderate use of arms from his earliest youth’. To a stark physical courage, this king joined an intellectual grasp of strategy, logistics and every branch of contemporary military practice, qualities that made him the most admired commander in Europe. Warfare was his trade. When he went to his crowning, it was with the prospect of worthy employment. In October 1187 Jerusalem the Holy City had fallen to the Muslim armies of Saladin, and the following year Richard had made his vows as a crusader. Thanks to the ‘Saladin tithe’ levied by his father, England had already shipped cargoes of cash to the treasury in Jerusalem. Richard's campaigning was to absorb silver pennies by the barrel load. He had plans. No doubt his counsellors knew what was coming; intelligent courtiers no doubt guessed. But the Sunday-morning celebrations of the coronation veiled the omens.

Attended at his lodgings by churchmen in purple silk vestments and by priests bearing a great cross, candles and thuribles of smoking incense, the king was conducted to the abbey along streets carpeted with cloth of the finest quality and resounding to 'the most glorious singing'. At the great west doors, a procession of nobles bearing the golden regalia of spurs, sceptre and verge fell in behind the royal party. Next followed three earls, among them the short, swarthy and somewhat foppish figure of Prince John, Earl of Gloucester, the king's brother and a score of other notables.

The royal entourage halted at the high altar. The king now took the oath to protect the Church, to exercise justice and to root out evil customs. Next he was stripped of his clothes down to his undershirt and drawers. Taking the beautiful little silver spoon (last used at the coronation of Her Majesty Queen Elizabeth II in 1953), Archbishop Baldwin of Canterbury now anointed the king with the holy oil, smearing it on his head, exposed shoulders and chest. This was the central ritual of the whole service; it was the act which was seen to imbue Richard with the semi-sacred aura of the kingly office. The ceremony of crowning followed. Approaching the altar, the king himself lifted the ponderous, jewel-encrusted crown and gave it to the archbishop, who in turn placed it on the royal head. Next the archbishop gave the king the sceptre and the dove-tipped verge (the symbolic rod of authority) and led him to his throne. While the archbishop conducted the mass of the day, it seems the crown was held over the king's head by two earls.

A coronation was the most important event in medieval political life. Richard had acted with the authority of king since his father's death; now he was confirmed in the exercise of that supreme power in a ceremony that paralleled the consecration of a bishop. When the great men of the realm swore their allegiance to him, they did so as to a man now felt

to have some attributes of the divine. In return that man was pledged to do justice to his subjects in general and to be a good lord to the oath-takers in particular. The only resort against a tyrannical monarch amounted to institutionalized rebellion. By a formal act known as *diffidatio*, a baron renounced his homage of allegiance and went to war against the king. It was a perilous course. Friends and allies in a quarrel against the king were, by definition, hard to come by. A man who put himself outside the king's lordship was liable to find his lands assigned to others. The king's recognized powers were immense and it required an extraordinary combination of oppression, misgovernment and political mismanagement to provoke a general rising.

A successful king carried his great nobles with him in major policy decisions. They were his natural councillors. But the actual administration of the king's government was generally headed by men of humble origins who had demonstrated their executive capacities and who were entirely dependent on royal favour. Two weeks after the coronation, Richard appointed the Norman cleric William Longchamp to be Bishop of Ely and as chancellor of England (shortly after he received the additional post of chief justiciar). Longchamp had already served the king well in the administrative service of the duchy of Aquitaine, but his enemies (he soon made plenty) claimed he was the grandson of a serf. The rise from unfree peasant to bishop in three generations was certainly possible. The medieval Church offered brilliant career opportunities to men of determination and talent from all walks of life. The minor clerical orders, badge of an educated man, were also the entrée to service in a great household or at court. For those who caught the king's eye, anything was possible. Even so, it is generally thought that the slur on William Longchamp's origins was without justification.