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Opening Extract from...

Magna Carta

The True Story Behind the Charter

Written by David Starkey

Published by Hodder & Stoughton

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Magna Carta

The True Story Behind the Charter

David Starkey

HODDER

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INTRODUCTION

Just over a hundred years ago the preparations for the 700th anniversary of Magna Carta were well underway. The lead was taken by the Royal Historical Society. With a confidence which belied the fact that the Society was itself less than forty years old, it determined that the celebrations 'should be directed by competent persons'. An international committee of the great and good was set up, with the historian and Liberal politician, Viscount Bryce, in the chair and the Archbishop of Canterbury and the Lord Mayor of London prominent among its members as representing 'the continuity of English life from 1215–1915'. 'A visit to Runnymede and an address upon the spot were contemplated' and learned essays commissioned.

Then, with only ten months to go to the anniversary, Great Britain entered the First World War on 4 August 1914 and everything was abandoned as:

> the memory of the assertion of the principle of government by law was overclouded by the cares of the immense struggle to maintain that principle through force of arms.

No such catastrophe has intervened to mar the celebrations of the 800th anniversary. Indeed, as I write this in the early weeks of 2015, it is clear that they will be on a scale that makes the projected events of 1915 look very small beer. They began a year early, when the prime minister held a 'one year to go' party at Downing Street on the 799th anniversary. In the year itself the British Library is mounting its largest ever exhibition. All four surviving copies of the 1215 Charter are being reunited, first in the British Library and then in the neo-gothic splendours of the Royal Gallery in the Palace of Westminster. The Declaration of Independence and the Bill of Rights are being brought over from Washington to pay tribute to their ancestral Charter here. The Queen will step into John's shoes at Runnymede on 15 June. There are displays and debates and pageants and re-enactments in The Temple and Lincoln and Salisbury and anywhere that can claim a connexion. There is a whole season of programmes on the BBC called *Taking Liberties*, of which I am presenting one. And there are books – like this.

My television programme, rather presumptuously entitled (not by me) *David Starkey's Magna Carta*, looks at the Charter in an eight-hundred-year sweep, from the thirteenth century to the present day. This book draws on the work that I did for the television programme. But its scope and intention are different. Instead of a bird's-eye view of eight centuries, it focuses on the ten years 1215 to 1225. This was the decade in which the Charter transmuted from an

extremist tract into the bedrock of an evolving English constitution. The case for this view of Magna Carta is argued in detail in the text of the book; it is also presented in tabular form in the Appendix: The Charters, which prints the three crucial versions of the Charter – 1215, 1216 and 1225 – in parallel columns, and numbers and matches the chapters (or clauses).

This enables the reader to see at a glance both what stayed the same and what changed across the decade. The conclusion is inescapable: the Charter that is known to history is a product, not of the revolution coup of 1215, but of the conservative fight-back of 1216 and the consciously centrist compromise and bargain of 1225.

The story, with its remarkable cast of characters, its turbulent events and sudden reversals of fortune – not least of the Charter itself – is a fascinating one. It is also unusually well documented. Indeed, it is perhaps the first event in English history in which we can see the political process fully at work.

And that is how I try to tell it, as it happened day by day rather than with an eye to the future. Told like this, it is an antidote to some of the triumphalism of the anniversary celebrations. But my aim is not to debunk but to see if the real story of Magna Carta offers some help and guidance in our present discontents.

For, though you would not know it from the official celebrations, all is not well with the legacy of Magna Carta.

There is no overt external military threat, as in 1915. But now in 2015 there are deeper and more insidious problems. Our constitution is indeed 800 years old. And that it is is a fine and remarkable thing. But it is also showing its age and creaking at the joints. Some would even say it is suffering from terminal osteoporosis. Is it time to give up and start again? Or does looking back at where it all began in Magna Carta offer a better way?

Read and see.

The Red House
Kent
February 2015

ONE

THE GREAT KING? JOHN AND HIS OPPONENTS

Seal of Philip Augustus

In 1212, John, King of England, Lord of Ireland and Duke of Aquitaine, seemed about to match, if not to exceed, the deeds of his greatest ancestors. There was 'no one in Ireland, Scotland and Wales', an unusually well-informed contemporary wrote, 'who did not obey his nod – something which, as is well-known, none of his predecessors had achieved'.

It was an astonishing turnaround.

John, born in 1167, was the runt of a litter of eight children: five sons and three daughters. From his father Henry II, he stood to inherit England, Normandy, Anjou, Maine and Touraine and from his mother Eleanor, Aquitaine. The resulting block of territories, known to historians as the Angevin Empire, stretched from Scotland to the Pyrenees; was the largest landmass in Europe subject to a single ruler, and dwarfed the kingdom of France, its nominal overlord.

John, nicknamed 'Lackland' as the portionless youngest son, had been prepared to do anything to get his hands on this inheritance. He had betrayed his father on his deathbed and his brother Richard in his hour of greatest need. He became king in 1199 in a disputed succession and murdered,

some said with his own hand, his nephew and rival for the throne, Arthur of Brittany.

But, having waded to the throne in blood and betrayal, John then proceeded to lose, in little more than five years, the better part of his Continental inheritance. First to go was his ancestral land of Anjou, where his family were buried in the Abbey of Fontevrault under magnificently sculpted and painted effigies. Maine, Touraine and Normandy itself followed until only Aquitaine and its bordering territories were left.

John's nemesis in all this was Philip II, King of France, who had made the destruction and conquest of the Angevin Empire his life's work. Philip's life was a mirror-image of John's. He was born in 1165, the long-awaited son of the elderly Louis VII who hitherto had only daughters. Philip was crowned at fourteen; married at fifteen and became sole king on the death of his now paralysed and senile father in 1180. As king, he showed the same ruthless appetite for power as John: he persecuted and expelled the Jews; clashed with the pope; greatly expanded the royal revenues and administration, and was greedy, grasping and cunning in all his dealings.

The difference was that it worked. Partly it was luck. But Philip, much the superior politician, was also better at being bad than John. The result was that, while John's realm shrank, Philip's grew. And grew. His first biographer, the physician-turned-monk Rigord, made the fact

the dominant theme of his *Life* when he surnamed Philip 'Augustus'.

'Writers', Rigord explained in his preface, 'ordinarily give the name "Augustus" (from the verb *augeo* "to make to grow or to increase") to Emperors who have *augmented* the State. Philip thus deserves the title of *Augustus* because he too has augmented the State' by so greatly increasing its territories and revenues. 'He was even', Rigord adds, 'born in *August*, the month dedicated to [the first emperor] *Augustus*, which is also the time when the barns and wine presses overflow with all the fruits of the earth.'

The contrast between this picture of plenitude and fecundity and John's nickname of 'Lackland' is dramatically perfect. But there was more to it than that. The struggle between Lackland and Augustus had also taken on the aspect of a duel: man to man. And the better man had won. All too often John had backed down or backed off or actually run away. The result was that the charge of personal cowardice was added to his other vices and he was given another, still more infamous, nickname: 'Softsword'.

It would have been hard to recover from all that. But recover John did. And quickly. Ever since the Norman Conquest English kings had been largely absentee. The loss of most of John's French lands perforce changed that and, following a truce with Philip Augustus in 1206, John concentrated on England and on raising and hoarding cash. He targeted

everybody – nobles and townsmen, Jews and the Church – and he used any and every means. He was astonishingly successful. He doubled royal revenues and more, and by 1212 had accumulated a vast cash-hoard of at least £132,000, which he held in coin in a handful of castle treasuries.

One of the principal sources of John's wealth was his highly aggressive policy towards the Church. English kings – including the notably pious and papalist William the Conqueror – were determined to maintain their traditional authority over the English church. John was no exception. But he found himself confronting a formidable opponent in Innocent III. Innocent was more or less of an age with John: he became pope in 1198, a year before John's accession, and he took as high a view of his office as John did of his. Higher, even, since he claimed, in quoting the words of the prophet Jeremiah, to be 'set over the nations and over the kingdoms, to root out and to destroy, to build and to plant'.

A clash was inevitable. It came over the succession to the archbishopric of Canterbury, the primatial see of the English church. John wanted the position for the then Bishop of Norwich; Innocent determined instead to appoint Stephen Langton. The former was a typical clerical administrator and a king's man through and through; the latter was the most intellectually distinguished Englishman of his day. John, who was not without intellectual interests himself, could have stomached that. But what counted against Langton and made him wholly unacceptable to the king was

that his entire academic career as both student and teacher had been spent in Paris. Paris was the beloved capital of John's great enemy, Philip Augustus. Philip walled it; paved it and lavished patronage on its schools. Langton's brother Simon, also a scholar there, was in Philip's pay, while Langton himself stood high enough in the French king's favour to have been given a prebend at Notre Dame, which provided him with a house as well as an income.

Innocent had known Langton since his own student days in Paris in the 1180s. In 1206 he summoned him to Rome and made him cardinal; the following year he persuaded a delegation of the monks of Christ Church, Canterbury to elect him archbishop. John objected vigorously. Innocent replied by praising Langton's qualities as a 'Doctor, not only in the liberal arts but also in theological learning' and then warned the king bluntly that it would be dangerous to 'fight against God and the Church in this cause for which St Thomas [Becket], that glorious martyr and archbishop, recently shed his blood'.

Innocent clearly expected John to back down. Instead the king dug in his heels and the dispute swiftly escalated into a full-scale confrontation between church and state. Both sides played tit for tat. John confiscated more and more church property; Innocent retaliated by imposing increasingly severe ecclesiastical penalties: first laying an Interdict on England in 1208; then excommunicating John in person in 1209. The spiritual loss to king and country

was incalculable; but the financial benefit to John was all too easy to reckon. And John, like not a few other contemporary rulers, decided that he was happy to balance the knowable gains to his purse against the putative risks to his immortal soul.

For John's gains from the Interdict were indeed huge. The best contemporary estimate put them at £60,000, which was equivalent to two years' gross annual revenue. With wealth beyond the dreams of previous kings and an apparently iron grasp on both church and state in England, John turned outwards once more. But not to France but to Britain, where he began a showily aggressive policy towards the whole of the Celtic fringe. He imposed brutal discipline on the Anglo-Irish barons; he carried the Anglo-Norman conquest into the heart of north Wales and he disposed of the succession to the kingdom of Scotland as unchallenged overlord.

The intention was clear: John would replace his father's lost Angevin Empire with a new, more durable dominion over the British Isles.

But, at the moment the vision seemed about to turn into reality, everything fell to pieces.