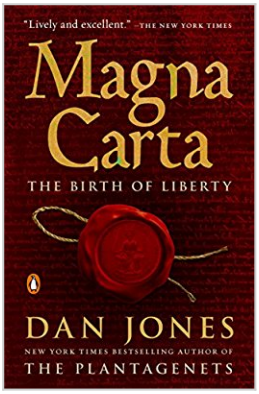

Magna Carta: The Birth of Liberty

By Dan Jones

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Jones's riveting narrative follows the story of the Magna Carta's creation, its failure, and the war that subsequently engulfed England, and charts the high points in its unexpected afterlife. Reissued by King John's successors it protected the Church, banned unlawful imprisonment, and set limits to the exercise of royal power. It established the principle that taxation must be tied to representation and paved the way for the creation of Parliament.

In 1776 American patriots, inspired by that long-ago defiance, dared to pick up arms against another English king and to demand even more far-reaching rights. We think of the Declaration of Independence as our founding document but those who drafted it had their eye on the Magna Carta.

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Editorial Review

Review
"Lively and excellent."
—The New York Times

"By putting the Magna Carta in its proper historical context, the brilliant young historian Dan Jones triumphantly answers the questions he poses in his Introduction, about how it came to be granted, what it meant at the time, and what it should mean to us today."
—Andrew Roberts, *New York Times* bestselling author of *Napoleon*

"Excellent and very well-crafted."
—The New York Review of Books

"Dan Jones has an enviable gift for telling a dramatic story while at the same time inviting us to consider serious topics like liberty and the seeds of representative government."
—Antonia Frasier

"Lively and clear-eyed."
—The London Review of Books

"An insightful, satisfying history of a beloved. . . icon of freedom."
—Kirkus Reviews

Praise for *The Wars of the Roses*

"Tautly structured, elegantly written, and finely attuned to the values and sensibilities of the age . . . The best introduction to the conflict currently in print."
—The Mail On Sunday

“Jones is a born storyteller, peopling the terrifying uncertainties of each moment with a superbly drawn cast of characters and powerfully evoking the brutal realities of civil war. With gripping urgency he shows this calamitous conflict unfold.”
—The Evening Standard

"Edifying and utterly entertaining. . . Jones tells a good story . . . His delightful wit is as ferocious as the dreadful violence he describes.
***—The Times* (London)**

Praise for *The Plantagenets*

“A real life *Game of Thrones,* As dramatic and blood-soaked as any work of fantasy. Like the medieval chroniclers he quarries for juicy anecdotes, Jones has opted for a bold narrative approach anchored firmly upon the personalities of the monarchs themselves yet deftly marshaling a vast supporting cast of counts, dukes, and bishops. . . . Fast-paced and accessible, *The Plantagenets* is old-fashioned storytelling and will be particularly appreciated by those who like their history red in tooth and claw. Jones tackles his subject with obvious relish."

--The Wall Street Journal

“Outstanding. Majestic in its sweep, compelling in its storytelling, this is narrative history at its best. A thrilling dynastic history of royal intrigues, violent skullduggery, and brutal warfare across two centuries of British history.”
—Simon Sebag Montefiore, bestselling author of *Jerusalem: The Biography*

“Jones has brought the Plantagenets out of the shadows, revealing them in all their epic heroism and depravity. His is an engaging and readable account—itself an accomplishment given the gaps in medieval sources and a 300-year tableau—and yet researched with the exacting standards of an academician. The result is an enjoyable, often harrowing journey through a bloody, insecure era in which many of the underpinnings of English kingship and Anglo-American constitutional thinking were formed."
—The Washington Post

“Some of the greatest stories in all of English history . . . rich in pageantry and soaked in blood.”
—Lewis Lapham

“Delicious . . . Jones has produced a rollicking, compelling book produced a rollicking, compelling book about a rollicking, compelling dynasty, one that makes the Tudors who followed them a century later look like ginger pussycats. . . . The Plantagenets is told with the latest historical evidence and rich in detail and scene-setting. You can almost smell the sea salt as the White Ship sinks, and hear the screams of the tortured at the execution grounds at Tyburn."
—USA Today

“Jones has written a magnificently rich and glittering medieval pageant, guiding us into the distant world of the Plantagenets with confidence. This riveting history of an all-too-human ruling House amply confirms the arrival of a formidably gifted historian.”
—Sunday Telegraph

About the Author

Dan Jones is the author of *The Plantagenets: The Warrior Kings and Queen Who Made England*, a #1 international bestseller and *New York Times* bestseller, and *Wars of the Roses*, which charts the story of the fall of the Plantagenet dynasty and the improbable rise of the Tudors. He writes and presents the popular Netflix series *Secrets of Great British Castles* and appeared alongside George R.R. Martin in the official HBO film exploring the real history behind *Game of Thrones*. He was closely involved in the British Library’s landmark unification of the four remaining original copies of the Magna Carta to mark the charter’s eight hundredth anniversary. He is also the author of *Summer of Blood: England’s First Revolution* and is currently working on a history of the Knights Templar due out in September 2017.

From the Hardcover edition.

Introduction

Eight hundred years after it was first granted beneath the trees of Runnymede, by the fertile green banks of the river Thames, the Magna Carta is more famous than ever. This is strange. In its surviving forms—there are four known original charters dating from June 1215—the Magna Carta is something of a muddle, a collection of promises extracted in bad faith from a reluctant king, most of which concern matters of arcane thirteenth-century legal principle. A few of these promises concern themselves with high ideals, but they are few and far between, vague and idealistic statements slipped between longer and more perplexing sentences describing the “customary fee” that a baron ought to pay a king on the occasion of coming into an inheritance, or the protocols for dealing with debt to the Crown, or the regulation of fish traps along the rivers Thames and Medway.

For the most part the Magna Carta is dry, technical, difficult to decipher, and constitutionally obsolete. Those parts that are still frequently quoted—clauses about the right to justice before one’s peers, the freedom from being unlawfully imprisoned, and the freedom of the Church—did not mean in 1215 what we often wish they would mean today. They are part of a document drawn up not to defend in perpetuity the interests of national citizens but rather to pin down a king who had been greatly vexing a small number of his wealthy and violent subjects. The Magna Carta ought to be dead, defunct, and of interest only to serious scholars of the thirteenth century.

Yet it is very much alive, one of the most hallowed documents in the constitutions of numerous countries, and admired as a foundation stone in the Western traditions of liberty, democracy, and the rule of law. How did that happen?

The Magna Carta was a peace treaty born of a serious collapse in relations between King John and his barons. The reasons for that collapse will be discussed in this book, but the basic thrust of events was simple. A large party of John's barons, with the assistance of church-men guided by the impressive archbishop of Canterbury, Stephen Langton, demanded that the king confirm in writing (and certify with his Great Seal) a long list of rights and royal obligations that they felt he and his predecessors had neglected, ignored, and abused for too long. These rights and obligations were conceived in part as a return to some semi imaginary "ancient" law code that had governed a better, older England, which lay in the historical memory somewhere between the days of the last Saxon king, Edward the Confessor, and the more recent times of John's great grandfather, Henry I.

The Magna Carta touched on matters of religion, tax, justice, military service, feudal payments, weights and measures, trading privileges, and urban government. Occasionally it reached for grand principle: Famously, John was forced to promise that "no free man is to be arrested, or imprisoned, or disseized, or outlawed, or exiled, or in any other way ruined, nor will we go or send against him, except by the legal judgment of his peers or by the law of the land" and no one will we sell, to no one will we deny or delay, right or justice." But for the most part what was at issue in 1215 was a tight-knit, technical, and often quite dull shopping list of feudal demands that was mainly of interest to (and in the interests of) a tiny handful of England's richest and most powerful men. The Magna Carta's terms applied only to "free men," who were then at best 10 percent or 20 percent of England’s adult population.

The main novelty of the Magna Carta, often overlooked, was the fact that it proposed a neat but flawed mechanism for ensuring that the king stuck to what he had promised to do. If John reneged on the charter, his barons would renounce their personal loyalty to the king, on which the whole feudal structure of society depended, and start a war. This grave threat was reflected in the words of the charter itself, in which John acknowledged that if he failed to keep the promises he had made, then his barons could “distrain and distress

[him] in all ways possible, by taking castles, lands, possessions . . . saving our person and the persons of our queen and children.”1

And that is precisely what happened. On Monday, June 15, 1215, John’s barons compelled him to grant them a charter of rights and privileges, but the king began to wriggle out from beneath its terms almost as soon as the sealing wax was set. The original Magna Carta was legally valid for only a little over two months, whereupon it was declared “shameful and demeaning . . . illegal and unjust” by the pope, who de- creed that any man who observed the charter would “incur the anger of Almighty God and of St Peter and St Paul His apostles”: a polite way of saying that they would burn in the fires of Hell for all eternity.2 This provoked full-blown civil war in which towns and castles were besieged, men were slaughtered, the royal treasure was (infamously) lost in boggy ground near the large river estuary in eastern England called the Wash, and the French king’s heir was invited to England to replace John. The war was ended not by a chastened King John’s agreeing to reaffirm the principles of the Magna Carta but rather by his death from dysentery during the night of October 18, 1216, after which his enemies rapidly began to lose their appetite for the fight. Little at the time would have led anyone to believe that the charter agreed at Runnymede in June of 1215 was anything more than a brave but flawed attempt to restrain an unpopular and overbearing king, which had failed in the most emphatic circumstances imaginable.

And yet. In the eight hundred years that have passed since that fateful day of June 15, 2015, when the Magna Carta was granted by King John *in prato quod vacatur Ronimed-"in* the meadow that is called Runnymede"- it has become the most iconic document in the Western liberal tradition, and the year 1215 has become in a sense “year zero" in the story of the struggle for freedom from tyranny.3 The four surviving copies of the 1215 Magna Carta, held by the British Library, Lincoln Cathedral, and Salisbury Cathedral, are treated with the reverence normally accorded to ancient religious texts. Visitors to the U.S. National Archives in Washington DC will find that the Magna Carta is the first thing they see when they pass through the security zone: An edition of the charter dating from 1297, which was bought for more than $20 million at auction in 2007, sits, dimly lit, as the physical and metaphorical starting point for the history of American freedom. It is captioned with a quotation from President Franklin D. Roosevelt, who claimed that "the democratic aspiration is no mere recent phase in human history.... It is written in Magna Carta."

That democracy was the last thing on the minds of the men who conceived and agreed to the terms of the Magna Carta is in a sense beside the point. From surprisingly early in the thirteenth century the document's legend had begun to outgrow its terms, and that process has continued to the present day. The Magna Carta played an important role in the English Civil War and the Glorious Revolution of 1688. It provided a constitutional first principle for the rebellious colonists of New England who became the Founding Fathers of the United States and it informed the drafting of the Constitution. Its words are echoed in the clauses of the U.S. Bill of Rights and the United Nations' Universal Declaration of Human Rights, and it was cited by Nelson Mandela in his famous Rivonia speech in 1964. Three of the Magna Carta’s sixty-three clauses remain law in England today, but as one scholar has recently noted, it has been quoted in constitutional debates more frequently than any other text except for the Bible.4 How did that happen? As we consider the charter from eight hundred years’ distance, the myth and symbolism of the Magna Carta have become almost wholly divorced from its original history. That fact is in its way as interesting as the content of the charter itself.

This book tells the story of the Magna Carta—its background, its birth, its almost instantaneous failure, its slow resurrection, and its mutation into the thing it is today: a historical palimpsest onto which almost any dream can be written. It looks at the Magna Carta’s place in the history of medieval England and describes how the charter was exported to America and the wider world and how it came to be admired as the starting point in the story of Western liberty, democracy, and freedom under the law. It also presents the text in modern English translation so that readers can see what it was that so many of England’s political elite were

determined to secure as fundamental rights from their king.

At its heart lies a narrative of defiance and dispute between the third Plantagenet king, John, and a group of his barons, who went about for a time under the name “The Army of God and the Holy Church.” Mutual distrust and a fair deal of loathing had lingered between this group and the king for more than three years, but in the spring of 1215 their differences spilled over into naked constitutional crisis. In the autumn this turned to war and by the winter it seemed that this war was set to rival the very worst in living memory: the twelfth-century “Anarchy” that had pitted William the Conqueror’s granddaughter Matilda against her cousin Stephen. So in the central chapters of this book we follow a short, eventful, and critical period in a wider struggle for a political settlement between a king and his leading subjects, looking not only at events in Runnymede but also at the clash of personalities, ideologies, and swords that gave birth to the Magna Carta.

In the course of that narrative I try to place the charter in text of a year of change and upheaval beyond the borders of England. In France a long tussle for dominance between Plantagenet kings and their Capetian rivals was moving decisively in favor of the latter. The people of England were coming to terms with the consequences of the loss of Normandy, an event that held just as much significance as the Norman Conquest of 1066.

We cannot consider English politics and English society in this period without examining religious life during this extraordinarily muscular era in the history of Christianity. Neither should we ignore the fact that 1215 was the year that Pope Innocent III's Fourth Lateran Council met in Rome. The Fourth Lateran made substantial alterations to the lives of millions of people, issuing new commands on everything from the sacrament of confession to the identifying clothing that was to be worn by Jews and Muslims to the number of times that parish churches were to be cleaned. Many educated people would have considered it a much more important congress provincial gathering that took place at Runnymede in June of the same year.

I have tried here to write a history of the year that made the Magna Carta in the fullest sense. As well as describing the high politics of the year, I build up a picture of what life was like for people at every level of society: king and barons, knights and merchants, priests and peasants. This account of the Magna Carta is at least in part a history "from the bottom up" as well as "from the top down." And by the end I hope that readers will have a sense of 1215 not only as a year of world-changing importance but also as what it was for most people: just another year in the life of medieval England.

All this being said, it is essential to note that the Magna Carta had deeper roots than John’s reign. While John’s own often-appalling behavior was much to blame for the chaos that rained down upon him during his final years, he was not by any means the sole architect of his woes. This is a point recognized both by modern historians and by men who lived at the time. The chronicler Ralph of Cogge- shall, writing in the middle of the thirteenth century, observed that the Magna Carta was not created simply to restrain John but also to end “the evil customs which the father and brother of the king had created to the detriment of the Church and kingdom, along with those abuses which the kind had added.”5 Gerald of Wales, who was always inclined to anti-Plantagenet hysteria in his writing, agreed, calling John a “tyrannous whelp,” but admitted that he had “issued from the most bloody tyrants.”6 This was typical Geraldic exaggeration; nevertheless it nods us in the direction of an important historical truth: We cannot simply view the Magna Carta as a bill of protest and remedy aimed at the scandalous and unlucky John but must recognize it as a howl of historical complaint that was directed, at least on some level, against two generations of perceived abuse.

To begin this story, therefore, we must reach back sixty years before 1215 to the time of John’s father, Henry II.

Dan Jones

Battersea, London

2015

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Confrontation

ing John had promised his barons that he would meet them to settle their long list of grievances in Northampton at Easter, which fell that year on April 19. He did no such thing. In- stead he spent Easter in London, staying at his favored spot, the New Temple, just outside the city walls.

Holy Week was the most solemn festival in the whole Church calendar. It began on Palm Sunday, when processions marked the passage of Christ into Jerusalem. The week that followed was a swell of ritual and liturgical ceremony. Churches burst into color and song after the austere solemnity of Lent as they prepared to mark the awe- some occasion of the Passion and Resurrection. John was the first English king to observe Maundy Thursday by washing the feet of a few (carefully selected) paupers, who had in years past been presented with robes and cash gifts as a mark of royal penitence. Elsewhere in England men busied themselves by having their hair and beards trimmed to prepare for the festival ahead.1

On a typical Good Friday England’s parishioners came to church to hear a reading of the whole Passion as recounted in the Gospel of John, after which a crucifix was unveiled at the high altar so that the clergy and congregation could crawl barefoot to kiss its base in the ceremony known as “Creeping to the Cross.”2 King John entertained himself on Easter Sunday just as he had done at Christmas: with a performance of “Christus Vincit.” This time the chorus was led by Master Henry of Cerne and Robert of Xanton. (One had come from Dorset and the other from near Poitiers in France, although both were described in the chit for payment that was issued a couple of days later simply as "clergymen in our chapel.")3

John's choice of music was as traditional and triumphant as it matched his bullish mood. All across his realm military preparations continued apace: Towns were barricaded, castles staffed with extra soldiers, and catapults and crossbows ordered, and mercenaries continued to muster. Tens of thousands of square headed crossbow bolts were supplied to royal strongholds.4 The royal forests of Essex, Northamptonshire, Hertfordshire, and Yorkshire groaned with the sound of trees falling to provide timber for defensive building works.5 A couple of weeks before Easter, John ordered from London five new tabards (short, sleeveless, decorated jackets) and five banners with the Plantagenet royal arms of three lions embroidered on them in gold. Yet for all the king's magnificent bluster, his grip on his kingdom was far from secure.

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In Rome on March 19, Innocent III had finally decided to give his response to the month of lobbying by English representatives of king and barons, sealing three different letters outlining his thoughts on the various points of contention between them. The letters were addressed to John, to Archbishop Stephen Langton and his bishops, and to the magnates collectively. Assuming that it would have taken four weeks for their transmission from Rome, Innocent's letters probably arrived in England at or immediately before Easter.6

The tenor of all three letters was almost painfully favorable to the king. To the barons Innocent wrote that the news of their rebellion was a source of "grievous trouble to us" and that their dissatisfaction with John's rule would "cause serious loss unless the matters are settled quickly by wise counsel and earnest attention."

He continued: "By apostolic authority we denounce as null and void all leagues and conspiracies set on foot since the outbreak of dissension between the kingdom and the priesthood, and under sentence of excommunication we forbid the hatching of such plots in future—prudently admonishing and strongly urging you to appease and reconcile the king by manifest proofs of your loyalty and submission. . . . If you should decide to make a demand of him, you are to implore it respectfully and not arrogantly, maintaining his royal honor."7

To Stephen Langton and England's churchmen the pope was even blunter. "We are forced to express surprise and annoyance," he thundered, "[that] you have until now ignored the differences be- tween [the king] and certain barons, magnates and associates of theirs, willfully shutting your eyes and not troubling to mediate for a settlement. . . . Some indeed suspect and state that . . . you are giving help and favor to the king's opponents."8 The enormous respect Innocent had held for Langton, which had, after all, led him to place England under interdict for more than five years in support of Langton's right to become archbishop, now seemed to be draining away. No doubt this was extremely galling to the archbishop, who had in fact spent much of the early part of 1215 doing his best to reconcile John with the barons: a truly thankless task.

To John, however, it must have seemed that all his careful wooing had paid off: He had secured a papal judgment entirely in his favor. But would it have the hoped-for effect? Although Innocent's letters were sympathetic, they were not in any way conciliatory and their impact was not remotely that which he had hoped. The ire of the English barons was not doused: It was stoked. The papal letters made it abundantly clear that there was no prospect of bringing the king willingly to terms. John's vision of peace was his boot on his barons' throats as they croaked out miserable apologies. From this point on, a number of them decided that they had no alternative but to make war on their king. If excommunication was to be the price, then so be it.

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Not all of the barons-perhaps not even a majority-went into open opposition to the king at Easter 1215. Nevertheless, what John experienced following the publication of the pope's letters was the worst rebellion against the Plantagenet Crown since the Great of 1173-74, which had very nearly cost his father his throne. The barons' leader, one of John's most prominent opponents, was Robert FitzWalter, Lord of Dunmow.

FitzWalter had been among the plotters of 1212 who had, with Eustace de Vesci and others, planned to have John murdered by Welshmen and replaced by the French nobleman Simon de Montfort. He was combative by nature and uncowed by the magnitude of his task. His silver seal die, which survives today in the British Museum, shows him mounted on the back of a large horse, draped in heraldic trappings and heavily armed. He wears a solid, square-topped helmet, a shield is carried in front of him, and chainmail covers his entire body, from a padded collar around his neck down to his wrists and ankles. His outstretched left hand

brandishes a sword as long as his arm, with a tapering, double-edged blade. As he kicks the horse forward, FitzWalter is preparing to swing his sword in the direction of a long necked, curly tailed dragon. Understandably, the dragon is cowering: What beast would not be afraid of such a vigorous and dangerous looking man? In front of the horse is another shield with different heraldic devices. These are the arms of Saer de Quincy, Earl of Winchester, FitzWalter's friend, fellow soldier, and brother-in-arms (who also included a dragon in his armorial bearings). There was no mistaking from his seal die how FitzWalter wished others to think of him. He appeared as the very paragon of early-thirteenth-century valor and nobility, and that vision chimed with the view of the author of the *Histoire des ducs de Normandie et des rois d'Angleterre,* who thought FitzWalter was "one of the greatest men in England, and one of the most powerful."9

By inheritance as well as through his marriage to Gunnora, the daughter of a Norman baron, FitzWalter was in possession of ninety-eight knight's fees, a massive landholding that placed him very comfortably in the upper echelons of the noble elite. His seat at Dunmow was on the border between Essex and Suffolk, but FitzWalter held several impressive castles, most notably Hertford, Benington, and Baynard's Castle in the city of London. He had served King Richard and King John in Normandy, and although his incompetent defense of the castle of Vaudreuil in 1198 had resulted in its falling to the French king and FitzWalter's capture, he had managed to pay the ransom and had returned to England mid- way through John's reign.

For some time FitzWalter had pursued a fairly conventional baronial career. Like the rest of his class, he was interested primarily in attending to his estates and fighting. But his role in the 1212 plot had been extremely damaging. After he fled, FitzWalter had been outlawed in the country courts, his lands had been taken over by the Crown, and his most important castles had been slighted. Even when relations were normalized in the summer of 1213 as a condition of the deal that reconciled John with the Church, it remained clear with suspicion.

During Easter week FitzWalter emerged as the leader of a group of disaffected nobles who had been identified by chroniclers of the time as "the Northerners" because that was where the hostility to King John had first emerged. "Most of them came from the no parts, so they were called the Northerners," wrote the Crowland Chronicler-although this was not strictly true.10 Many were from Lincolnshire, Nottinghamshire, Derbyshire, and counties farther north, near the Scottish border, but there were many whose estates lay in other areas of the realm-not least in East Anglia. Barons like de Vesci, who was the lord of the massive coastal fortress at Alnwick, certainly did have substantial interests in the north, as did others who were named in the *Histoire des due mcmdie et des rois d'Angleterre* as rebels, including Robert de Ros, Richard de Percy, William de Mowbray, and Roger de M on.11 But FitzWalter was a man of the south and east, as was his son-in-law Geoffrey de Mandeville and Giles, bishop of Hereford, a son of William and Matilda de Briouze, who had suffered such grisly ends at John's hands.

As they traveled in the direction of Northampton, where John had promised to meet them, this group mustered in arms (and can picture FitzWalter as he displayed himself on his seal) at the great tournament field of Stamford in Lincolnshire. They may well have been here when the letters arrived from Innocent instructing them to "appease and reconcile the king by manifest proofs of you loyalty and submission: 'They did nothing of the sort. According to the chronicler Roger of Wendover, "in their army there were computed to be two thousand knights, besides horse soldiers, attendants, and foot soldiers." 12

Even if Wendover's numbers are impressionistic rather than strictly accurate, this was still a large army and it headed en masse to a second tournament ground at Brackley, a few miles from Northampton on land held

by de Vesci. The barons were now in a righteous mood and they marched under a righteous banner. Fitz-Walter had decided to confront the pope's condemnation head-on and began calling himself "Marshal of the Army of God and the Holy Church." His men were in Brackley by Monday, April 27, and together they concocted a list of demands that they were deter- mined John should concede if he were to avoid being violently de- posed. This may have been a work in progress since the Bury St Edmunds gathering the previous autumn. Certainly a written statement of baronial disaffection was now taking shape.

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On Monday, April 27, John was a long way from Brackley. He was traveling from his sprawling, flint-stone hunting lodge of Clarendon, in Wiltshire, to the mighty castle of Corfe in Dorset: a fortress with a deep moat, huge towers, elegant new Gothic royal apartments, and the most secure dungeons in England. Here, undoubtedly, John felt safe. One hundred and thirty miles northeast the job of negotiating with the barons was left to two very capable representatives: Archbishop Langton and a loyal earl of even greater status than FitzWalter: William Marshal, Earl of Pembroke.

Despite his chastisement by the pope, Stephen Langton was continuing in his attempts at reconciliation, as was his duty as arch- bishop. Even if his private sympathies lay with the barons, as they surely did, he was publicly prepared to play the role of mediator and peacemaker for as long as he could. The placement of Marshal along- side him was a valuable boon. By his own reckoning—and that of many others besides—Marshal was the finest knight of his day. His long life in service to the Plantagenet Crown had seen him rise to the first rank of the aristocracy.

William Marshal was the younger son of a minor baron, und the time of the civil war known as the Anarchy, and his life was dramatic from the start: As a five year old boy he was given by his father as a hostage to King Stephen, who had to be dissuaded from hurling the child from a trebuchet when Marshal's father double-crossed him. Spared this fate, Marshal grew up to excel at horsemanship and earned his fame as a young man on the tournament fields of France, where he fought in teams assembled by John's glamorous and treacherous eldest brother, Henry "the Young King." Marshal visited Jerusalem on the Third Crusade and took secret vows to end his life as a Templar Knight. On his return he had become a very useful ally to Richard the Lionheart, fighting at the king's side in the defense of Normandy between 1194 and 1199. Although his relations with John had at times been fraught, Marshal had nevertheless secured for himself marriage to an heiress of the vastly wealthy Clare family and through it the earldom of Pembroke, which brought vast lands in Wales and Ireland. In 1215 he was approaching his seventieth birthday, but he was still one of the most energetic and formidable men in England.

William Marshal had strident views about the way a knight ought to behave, which his thirteenth century biography, known as the *of William Marshal,* elucidates in its long accounts of war, bravery, and derring-do. Central to his beliefs was the notion that a chivalrous man ought to display largesse and loyalty. Even the casual phrases and details of his biography burst with colorful examples of the aristocratic culture of the day. A successful mercenary captain has "the luck of the dice" *(a cui si chai'rent li de)* when he captures a bishop during a siege. Prisoners seen bound together with ropes are "like greyhounds on leashes" (*comme levriers en lesse*). Particularly fine wines are either "clear, soft on the palate [or] sparkling, some with cloves, some spiced," while a dinner is judged excellent because at the end of it "pears, apples and hazel nuts" are served.13 But what Marshal most admired was feats of physical strength, examples of rough or natural justice, and good old-fashioned war stories.

His best anecdotes, as recounted in the history, have the feel of fireside yarns designed to educate as well as entertain young men hoping someday to be chivalric knights. The tale of a siege directed by Richard the Lionheart against the town of Milly in Normandy features Marshal climbing a ladder from a castle's ditch to

the top of its battlements while wearing full battle armor and carrying a sword, before single-handedly fighting off or scaring away every de- fender present, defeating the constable of the castle in single com- bat, and sitting on him “to hold him firm” until reinforcements arrived. But perhaps Marshal’s best story of all, told at very great length in the pages of the history, was one recounted from his days as a young knight working as a bodyguard for John’s mother, Eleanor of Aquitaine.

Attacked by a large group of his French enemies, Marshal fought as fiercely “as a boar does before a pack of dogs” until he was wounded in the leg and hauled away as a captive, roped to the back of an ass. Subsequently Marshal persuaded a “noble-hearted, kind lady” to smuggle some “fine linen bandages” to him inside a loaf of bread. Later his recovery was stalled when he got into a rock-tossing con- test with his captors and won but split open the gash on his leg in the process. (Eventually Queen Eleanor, whom he had been protecting, paid his ransom and rewarded him with “horses, arms, money and fine clothes . . . for she was,” Marshal conceded graciously, “a very worthy and courtly lady.”)14

Queen Eleanor’s youngest son had given Marshal a number of reasons to despise and fear him during his sixteen-year reign, threatening and harrying him with the same malicious energy with which he tormented so many of England's other noblemen. (For five years, between 1207 and 1212, Marshal had been more or less exiled to his Irish estates, where he offered assistance to royal enemies like the Birouze family and was periodically attacked by the king's men.) But no man in England prided himself more on being considered a paragon of loyalty. He had been working as the king's proxy in negotiations with the barons throughout the weeks preceding Easter. And while Marshal's task of bringing around the rebels at Brackley was an extremely daunting one, there could have been no more seasoned and dependable man to be negotiating on behalf of his king.

What passed between FitzWalter and Marshal at Brackley during the week commencing Monday, April 27, is not fully known. It is likely that the meeting was tense and probably hostile. According to Roger of Wendover, "the barons delivered to the messengers a paper, containing in great measure the laws and ancient customs of the kingdom, and declared that, unless the king immediately granted them and confirmed them under his own seal, they would, by taking possession of his fortresses, force him to give them sufficient satisfaction.'15 It is not certain what that "paper" was, but several baronial documents drawn up in the spring of 1215 survive and serve as a useful guide to the issues under contention. Among these is a draft schedule of royal concessions produced by someone or among the king's enemies, known today as the Unknown Charter.16 It is not a formal charter: It does not employ the royal “we" and it is not sealed. Rather, the Unknown Charter is better thought of as the articulation of a bargaining position drawn up at some point around Easter 1215.17

The Unknown Charter begins by reciting the charter of liberties granted in 1100 by John’s great-grandfather Henri I on acceding to the throne, in which Henry had promised to “make the Holy Church of God free,” to allow his subjects to inherit on payment of a “lawful and just” relief, to protect widows, to fix the financial penalties for crimes at some (poorly defined) ancient rate, to limit the extent of royal forests, and to keep the peace in the land in accordance with the laws of the last Saxon king, Edward the Confessor. But the Unknown Charter did not solely aim to turn back the clock 115 years. It includes a series of demands—some quite radical—which aimed to reform, or in some cases dismantle, policies that had been pillars of Plantagenet government since the beginning. These demands, written up as though the king has already assented to them, are introduced by a broad and idealistic statement, which would prove to be very close to what would become the famous clauses 39 and 40 of the Magna Carta: “King John concedes that he will arrest no man without judgment nor accept any payment for justice nor commit any unjust act.” After this the Unknown Charter includes draft commitments by the king to take only “ just reliefs” as payment for inheritance, to protect the rights of widows, to limit military service outside England to Normandy and Brittany “and this properly,” to limit scutage, and to return all lands that had been “afforested” (i.e., newly

declared to be royal forest) under Henry II, Richard, and John.

The Unknown Charter thus tells us that the barons who assembled at Stamford were concerned with four key areas of royal government: justice, inheritance law, military service, and the policing of the royal forest. It addressed the most personal features of John's rule—his notorious slipperiness in his dealings with his greatest subjects, the arbitrary fashion in which he treated them, the dubious company he kept, and his dreadful behavior toward families like the Briouzes, who had been hounded to death without anything like fair treatment under the law. The charter set out a policy by which the lands of underage heirs would be managed effectively in trust by "four knights from among the more lawful men" of the realm and stipulated that when the heir reached his majority, the king would not charge an inheritance tax. It also demanded that the king observe men's wills, insisted that he allow widows to remarry according to the wishes of their families, and stated that a widow was entitled to live in her marital home for forty days after her husband's death "and until she has had her proper dower:' (This addressed John's deeply unpopular policies of auctioning off brides to the highest bidder, regardless of social status, and charging widows massive sums to avoid forced remarriage, such as he had with Hawise, widow of Baldwin of Bethune.) Heirs were not to be responsible for interest on debts owed to the Jews by their fathers.

Following the statements on widows, two clauses dealt with foreign policy, granting that the king's men "should not serve in the army outside England save in Normandy and Brittany"-and not therefore, in Poitou, where John had been on campaign at the end of 1214. It also limited the king's right to charge the military tax of scutage to "one mark of silver"-two thirds of a pound, i.e., thirteen shillings and four pence-on each knight's fee held. Together these two clauses amounted to a radical restriction of the king's ability to raise armies and deploy them where he chose or to milk his barons in order to pay for mercenaries to fight in their place. A baron such as FitzWalter, with his ninety-eight knights' fees, would in theory have a maximum liability to scutage of just over £65 rather than the £196 he had been liable for in the scutage that John had demanded in 1213-14 before the Bouvines campaign.

John had levied scutage on his men eleven times in the sixteen years of his reign. By comparison, his father and brother, whose territories and tax base had been so much broader than John's, had levied it eleven times between them in forty-five years. For the king to accept such a strict limitation on his ability to levy military taxation effectively meant that he would never be able to afford another war of conquest outside the British Isles.

The rest of the Unknown Charter was taken up with statements on the need to reform the royal forest, an area of perpetual concern throughout the early years of Plantagenet rule. Much of the English countryside was designated as forest land—reserved for the king's hunting and subject to a separate body of law from the rest of the realm. It was a mark of royal favor to permit men the privilege of taking a deer from the forest. Those Englishmen who killed animals in the forest, gathered firewood, or felled trees without such permission were subject to either heavy fines or mutilation, in the case of the poor and socially insignificant. (Forest abuses would become a major trope in the Robin Hood tales, not least when the historical back- drop of those stories shifted from the late thirteenth and fourteenth centuries to the world of King John and Richard the Lionheart.)

It was a bugbear of much of English society that the Plantagenet kings had expanded the boundaries of the forest, because this put men and women at the mercy of a much more stringent code of law with no means of protest. The Unknown Charter aimed to force John to "disafforest all the forests which my father and my brother and I have made." This was not something that John was eager to do.

The Unknown Charter tells us much about the thinking of John's disgruntled subjects in the months immediately prior to the drafting of the Magna Carta. They were not only angling to rebel against a king who

had treated them roughly and who had failed in war; they were also preparing to challenge a raft of political issues that reached to the very core of the Plantagenet system of government. Whoever drew up the Unknown Charter was reading English history as a succession of perversions and betrayals committed since Henry II's accession in 1154, in which the spirit of the "good old days"-specifically the reigns of Henry I and Edward the Confessor-had been lost. They wished to make a number of specific amendments to policy, setting strict limits to the king's ability to tax and fine his subjects. But they also sought to set out grand and sweeping philosophical statements concerning the kings basic duties to Church and people. It is unlikely that all of the aims were shared by all of John's opponents. No doubt some simply wanted to be revenged on a man who had extorted, bullied, blasphemed, and murdered his way through life and kingship for far too long. But others-and there were many- saw in the immediate crisis of 1215 a chance to change their world in a more fundamental way. It was the alliance of these interests that would make the baronial reform movement of 1215 so irresistible and enduring.

According to Roger of Wendover, when William Marshal and Archbishop Langton relayed to the king the details of the barons' demands, he flew into a rage. "The king ... derisively said, with the greatest indignation, 'Why, amongst these unjust demands, did not the barons ask for my kingdom also? Their demands are vain and visionary, and are unsupported by any plea of reason whatever.' And at length he angrily declared with an oath, that he would never grant them such liberties as would render him their slave."18 In the end he calmed down and offered an entirely vague and perhaps deliberately insulting solution: He would abolish evil customs and take the counsel of "faithful men"-which naturally seemed to preclude any involvement of the men who were then mustered in military harness on a tournament field in the midlands.19 Whatever course they might suggest would be subject in any case to the approval of the pope, whose letters had by now quite comprehensively shown that he was on the side of the king.20

Mediation, let alone reconciliation, looked to be impossible.

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On the great tournament filed in Brackley, Northamptonshire, on May 5, 1215, a group of barons formally renounced their fealty to King John. It had been ten days since John had failed to appear at a scheduled conference at Northampton. By abandoning their oath of duty to the king, the barons were declaring themselves free to make war upon him. It was a position from which they would find it hard to retreat.

That day FitzWalter and the barons sent a messenger (an Augustinian canon, according to the author of the Annals of Southwark and Merton Priory) instructing him to find the king in Reading and deliver news of a final break.21 There could be no more ambiguity. The barons had unilaterally defied their lord and freed themselves from the feudal oath on which their relationship and the whole of the structure of society depended. They were now out- laws, rebels, and enemies of the realm.

On May 9 and 10 John issued two documents: The first was a charter addressed to "all those faithful in Christ," arguing that it was for the pope (as overlord of England) to arbitrate the dispute between king and barons. Although there was good feudal basis on which to argue this, it led nowhere, for obvious reasons. Nor did the letter is- sued the following day, in which John promised not to attack his barons by force while they remained in negotiations but instead to proceed by "the law of our realm."22 Did he really believe that this would be enough to mollify barons who had developed such a detailed and specific critique of his rule? Far more likely he was engaged in cynical posturing, disingenuously framing himself as the penitent son of the Church and the voice of reason. By implied contrast he was setting up the barons as ungodly and seditious. If anyone was taken in, they would not have to wait long for his true colors to show.

On May 12 John sent out orders to his sheriffs commanding them to "take in our possession our enemies'

lands...take for us their things and movables found in those lands."23 The barons, meanwhile, left Brackley, marched twenty miles to the nearest royal castle—which happened to be in Northampton-and laid it under siege. The war had begun.

9

Runnymede

The lush meadow called Runnymede, some twenty-three miles west of London, was a low-lying, damp, green field cut through and watered by the river Thames, lined by trees and rising gently on its western side to form what is now known as Cooper's Hill. Since Saxon times Runnymede had been considered a liminal space: a meeting point where two sides in dispute had traditionally come to work out their differences on neutral ground. This role was etched into its very name, which derived from three old English words: *r?n*, *?g*, and *mæ¯d*, referring in turn to the concepts of a place of council and counsel, an island surrounded not by water but by marsh or low hills, and, simply, a meadow.1 It was quite literally a wetland on which a king might take advice. This was well known in 1215. The Latin term usually used to describe it was *pratum*—a large, grassy meadow, but Matthew Paris wrote that its name was earned because from "ancient times" it was a place for meetings concerning the peace of the kingdom.2

Making political deals in liminal spaces like Runnymede was an important tradition in English history. In 1016 the rival kings Cnut and Edmund Ironside had met on Alney Island in the river Severn to swear oaths agreeing to divide the kingdom between them, and it has been argued that the "Hursteshevet," where Edward the Confessor came to meet the thegns (aristocrats) of England in 1041 and cement the terms for his accession to the crown, was the sandy spit at Hurst Head, which sticks out into the sea between Hampshire and the Isle of Wight.3 The choice of Runnymede could have been a nod to this tradition. Equally, it could simply have been reasoned that Runnymede was a practical place for John to meet the rebel barons, as it was partway between Windsor and rebel-held London. The barons could arrive by way of a town called Staines: Windsor and Staines lay on opposite banks of the Thames, and there were means of approaching the meadow from any other direction than those two towns. There could, therefore, be no trickery from either side: no ambushing the meeting spot from an unexpected direction, no surprise attacks on their base camp. The ground at Runnymede itself was in any case too soft to be considered a sensible place to do battle, if either side was thinking of anything so rash.

In the second week of June 1215 the meadow was filled with hundreds of people. The chronicler Ralph of Coggeshall wrote that the barons "gathered with a multitude of most famous knights, armed well at all points.'4 They erected tents across the field. It is likely that many of these would have displayed the arms of the chief baronial rebels: FitzWalter; his brother in arms Saer de Quincy, Earl of ster; Geoffrey de Mandeville; Eustace de Vesci; and two of the other greatest lords in England, Roger Bigod, Earl of Norfolk, hard Earl of Clare, all of them protected by royal letters of safe conduct. The king's party camped on the other side, in large semi permanent pavilions. Above these John might well have displayed the royal banners

that he had ordered in the spring: the Plantagenet lions stitched in gold thread.5

The king himself did not camp out at Runnymede but spent most of his time in his apartments within the imperious round keep of Windsor Castle, perched high on a chalk cliff overlooking the river.6 He received visitors at the castle and rode or traveled by barge down river when his presence was required at Runnymede. His chief advisers were churchmen—Archbishop Langton; Henry, archbishop of Dublin; William, bishop of London; and others—and a handful of loyal barons, including his half-brother Longuespée, William Marshal. the Earls of Warenne and Arundel; and others.*

John's private thoughts at the time of the discussions are lost to us. It is unlikely that he was thrilled at having to deal civilly with men who had only recently been plotting to have him murdered, but he did not have much choice. Matthew Paris, although writing later in the century about events that had occurred when he was only fifteen, conjured a vivid image of the king during the negotiations that took place. While John was charming in public, wrote Paris, behind the scenes he "gnashed his teeth, rolled his eyes, grabbed sticks and straws and gnawed them like a madman."7 And well he might have. The treaty that was being thrashed out in early June would impose devastating new restrictions on every future King of England's ability to govern the realm as he pleased.

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The news reaching John from around his realm during the second half of May was not encouraging. Rebellions had broken out in Lincoln and Devon, and the Welsh, under their leader Llywelyn ap Iorwerth, were agitating in the west and moving to take Shrewsbury. Similar foreign opposition could be expected in the north, where Alexander II of Scotland was ready to ally with the rebellious barons. It would not have taken much imagination to see Philip Augustus licking his lips in France, enjoying every second of his enemy's discomfort.

For the first week and a half of June, messengers rode back and forth to and through Runnymede, traveling between the king's party and the barons in London. They were toiling their way toward a solution to the standoff-a means by which the full horror of civil war could be avoided. And slowly but surely the skeleton of a peace treaty began to form. The exact sequence of events during the days that led up to the agreement and production of the Magna Carta and the proclamation of peace between king and barons remains muddied by the uncertainties of eight hundred years' distance. But we know a great deal about the process thanks to the many documents and recollections that have survived.

To start with, John did not give himself wholly over to the idea of peace and reconciliation. The archbishop of Dublin was instructed to prepare "two good galleys well equipped and with good crew" for the use of William Marshal, and William Longuespee was provided with four hundred Welshmen" to defend Salisbury.8 In Winchester John was also amassing a large number of foreign mercenaries brought over from Poitou. The first week of June marked the lead-in to the festival of Whitsun, and John took the opportunity to spend several days in Winchester inspecting his troops. At the same time he was taking direct and provocative action against his baronial enemies: Manors belonging to Geoffrey de Mandeville and Hugh de Beauchamp (the castellan of Bedford, who had received the rebel barons in early May) were stripped and reassigned to John's friends Savaric de Mauleon and Hasculf de Suligny.9 Yet for all this, John was beginning to feel the financial pinch of losing access to his London treasury. A letter sent to Scarborough on June 11 showed the king desperately shuffling money from debtors to creditors in order to pay his servants and crossbowmen back wages.10 Every day that went by made it more likely that the king would come to terms with the rebels, if only to buy himself time to regroup.

The terms that were being demanded were, by the second week of June, very well fleshed out. We know a

surprising amount about the drafting process, because as well as the Unknown Charter, representing baronial demands in the spring of 1215, a remarkable working draft of the charter survives, known as the Articles of the Barons. The parchment on which the articles were written was authenticated with the royal seal and most likely taken for safekeeping by Archbishop Langton, as it ended up in the Canterbury Cathedral archives.

By the time the Articles of the Barons were drawn up, the rebel vision of peace had developed significantly. “These are the articles which the barons ask for and the lord king grants,” it began. Un- like the Unknown Charter, it no longer included a copy of Henry I’s concessions. But on matters of immediate dispute between king and barons it was much more sophisticated and detailed. It ran to forty- nine clauses, each of which went into considerable technical detail about the rates of reliefs for inheritance; widows’ rights; the treatment of debtors to the Crown; levels of scutage, feudal aid, and rents; the extent to which certain writs could be used by the Crown; procedures for dealing with debts to Jewish lenders; and more, down to apparently trivial matters of reform such as weights and measures, the protocol for funding the rebuilding of bridges, and the placement of fish weirs along the rivers Thames and Medway.11 The king was to exile from the realm his foreign mercenaries and eject from his service a named group of foreign advisers. He was to be forbidden from taking the military tax known as scutage except with public consent “by common counsel of the kingdom.” Welsh and Scottish hostages whom John had taken were to be returned.

The very first clause committed the king to setting a limit on payments for heirs to receive inheritances and explained that the precise value "is to be pronounced in the charter" *(exprimendum in carta).* The final clause again referred to "his [the king's] charter" and made reference to a certain period of time “to be determined in the charter” (*determinandum in carta).*The Articles of the Barons were thus drawn up on the understanding that very soon John would be making some larger gesture of conciliation in which all matters of contention outlined in the document would be definitively addressed.

No date was recorded on the parchment itself, but there are grounds for supposing that the version that survives, sealed by John, was drawn up on Wednesday, June 10.12 Already a long process of negotiations had gone on. Concessions in the articles to Londoner (in the form of a promise that the city was "to have in full its ancient liberties and free customs, both by water and by land”), the Welsh, and the Scots suggest that the list of baronial demands had expanded as w new allies into their fold. So too had they begun to account for the interests of the social rank below them: One clause guaranteed that the king would not allow his barons to exploit their feudal obligations; another stated that "no one shall do greater service for a knight’s fee than is owed for it." A welter of interests were creeping into the negotiations. There were still some significant gaps in the draft: There is no mention of John's obligations to the Church, which is surprising, as Archbishop Langton was such a prominent figure in negotiations and John had made such a public show of his penitent Christianity and alliance with Rome. Overall, though, the Articles of the Barons show that by the second week of June the king was being pressured into making concessions in which the whole political community of England—indeed, of Britain—might have at least some small claim.

The Articles of the Barons also included the statement that “the body of a free man be not arrested or disseized or outlawed or exiled or in any way victimized, nor shall the king attack or send any- one to attack him by force, except by the judgment of his peers or by the law of the land.”* Just as with the Unknown Charter, it is clear that the king’s enemies were feeling their way now very closely toward a generalized statement that would commit the king to refraining from tyranny. There was also a recognition, which would come to much greater maturity in the Magna Carta, that the king would need to be compelled to obey the charter’s terms: Space was left in the articles for a “security clause,” and there was a suggestion that John would have to swear oaths to the English clergy that he would not appeal to the pope against the charter’s terms.

On Wednesday, June 10, John came down from Windsor to Runnymede in person and was evidently deep in

discussion with his advisers and opponents all day, for when Abbot Hugh of Bury St Edmunds came to try to find him there, he was forced to wait “for a very long time.”13 That night King John had dinner with Hugh in Windsor Castle before sitting on his bed within the royal chamber with the abbot and discussing “many things.”14 The chronicler who recorded the account left it, frustratingly and cryptically, at that. It is not too fanciful to think, however, that at some point the discussions would have turned to events downriver at Runnymede. Hugh had been there waiting on John that very day. He had seen the barons, their knights, their servants, and their clerical staff milling around the meadow, some locked in discussion with the king over the terms of an agreement and others, presumably, hanging around much as he was doing. If he did not know already, then he would have heard directly from John that the Articles of the Barons had been seal and a fully developed treaty was almost ready to be confirmed, formally granted, and promulgated to the realm. From Windsor on that same day John had extended his grant of safe conduct to the barons for a further four days. They would come back to Runnymede to meet him once again on the following Monday, June 15. Then, in all likelihood, the deal would be done.

This delay probably served two purposes. In the first place it gave time for the interested parties-the king, the various voices within the rebel faction, and the representatives of the Church, led by Stephen Langton-to iron out remaining wrinkles within the terms of the proposed peace. In the second place it allowed time for all to prepare for a gathering that was larger and nobler than the meetings between envoys that had been taking place until that point. This was to be the formal and final creation of the treaty-the document that we now call the Magna Carta.

On June 14 the royal household celebrated Trinity Sunday. At the church service to mark the day they would have heard a lesson read from the fourth chapter of the Revelation of St.John.15 If any among them-including the king-was looking for portents, he might have found them in the lesson's strange, apocalyptic vision: Twenty-four elders wearing crowns bowed before an enthroned, divine being the color of deep red gemstones whose throne was surrounded by a rainbow that shimmered like an emerald. John's predilection for bright jewels was well known; his interest in the lesson may have been further piqued by its last verses, which described the elders bowing their master's throne and throwing away their crowns.16 Was this a metaphor for what was to come? Or would it be John whose crown was cast, as it were, to the floor?

On Monday, June 15, the delegations of king and barons met once again at the usual place. There were still minor disagreements about the details of the deal, but the time had come to make peace or abandon the process. Both sides chose peace. Despite what is often sup- posed, the Magna Carta was never “signed” in the manner of the great peace treaties of the twentieth century. Rather, a long list of reforms was first sworn to by the king’s and the barons’ representatives and then—in the words of the agreement itself, voiced in the royal third person—it was “given by our hand” (*datum per manum nostram*). In other words, the terms of a deal were formally granted and sworn to by the king himself before the clerks of his Chancery set to work writing down on sheets of parchment identical copies of the agreement in full. Each copy that was made was called an engrossment. It was made of a single dried, bleached, and scraped piece of sheepskin written upon with quill pens cut from the finest wing feathers of geese, applying ink made from crushed oak galls. Each was certified and given demonstrable legal authority by the attachment of the royal seal: A double-sided piece of colored wax connected to the parchment with a silk cord. Although no one at the time could have foreseen it, the thousands of words that the royal scribes painstakingly copied out would become one of the most famous documents in the history of the world.

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