

MAGNA CARTA: THE ST. ALBANS DIMENSION

When you were kind enough to ask me to speak this evening I was Master of the Rolls and as such ex officio Chairman of the Magna Carta Trust. The Magna Carta Trust is a charitable body devoted to increasing knowledge of and promulgating the ideals enshrined in the Great Charter of 1215. Central to the constitution and functioning of the Trust are what are known as the five charter towns, each of which supplies a trustee (its Lord Mayor or Mayor for the time being) and gives much-valued financial support. The five charter towns are, in alphabetical order, Bury St. Edmunds, Canterbury, London, Runnymede and St. Albans. The association of some of these towns with Magna Carta is more obvious than in the case of some others.

The association of Bury St. Edmunds rests on an incident said to have occurred shortly after the return of King John to this country from the continent in the Autumn of 1214. Then, it is said, the Earls and Barons of England met at Bury St. Edmunds as if on a pious pilgrimage, but conferred secretly about the promises made by King Henry I in his Coronation Charter over a century before.

"And so they all gathered in St. Edmund's Church and starting with the most eminent they all swore on the

high altar that if the King refused to grant them the said liberties, they would go to war against him, and withdraw their allegiance, until he should confirm by a charter under his own seal everything they should require."

This dramatic Arthurian event is plainly enough to justify the inclusion of Bury St. Edmunds among the select company of the charter towns. There is only one problem about the incident. It is somewhat doubtful whether it ever occurred.

The brief account from which I have just quoted is that of Roger of Wendover, whose historical accuracy (as I shall show) is highly suspect. No other chronicler gives any particularised reference to such a meeting. That, say those academic authorities who contend that such a meeting did occur, is not surprising, since the surviving records of the main Bury chronicle end in the year 1212. It may well be, they suggest, that if the continuing record were available, there would be found a corroborative account of this dramatic meeting. Those who are sceptical about the occurrence of such a meeting are unimpressed by speculation as to what the main Bury chronicle might show if it were still extant, and point out that there was another chronicle, probably written by a monk in the Abbey at Bury St. Edmunds, which covered this very period and made no reference to the supposed oath on the high altar. This chronicle was the Electio Hugonis, a very detailed chronicle relating to the disputed election of an abbot of the Abbey. It describes in considerable detail a visit made by King John to the Abbey in the early part of November 1214, but makes no reference at all to the meeting of the barons, suggested to have been held on the feast

of St. Edmund later that same month, on 20 November. Those who argue that such a meeting did take place rely on certain references in the Electio as supporting such an inference, but they do not strike me as in any way persuasive. More persuasively, they argue that the Electio was a chronicle very specifically devoted to recounting the detailed history of the disputed election of the new abbot, and that it would have been outside the scope of the chronicle to include such extraneous matters as the meeting of the barons.

Amid the clash of expert opinion, the novice must be wary of expressing any very dogmatic opinion. It would seem to me surprising that the author of the Electio did not mention the baronial meeting if he was aware of it, and even more surprising (if he was a monk in the Abbey) that he was not aware of it if indeed it took place. Since the standing and authority of the King were of considerable significance in the context of the disputed election of the new abbot, one would have supposed that anything which obviously threatened the King would have been, at least marginally, relevant to the narrative. On the other hand, Roger of Wendover, although as I shall later suggest an unreliable historian, was not on the whole a writer of pure fiction. It is not easy to think of a good reason why he should have recorded this story unless he heard it from someone, and not easy to imagine how he came to hear the story if it was entirely false. It is not as if there was in those days a tabloid press. My own untutored hunch, for what it is worth, which is very little, is that there is likely to be at least a

germ of factual justification for the story. One is in any event reluctant to discard so colourful a tale.

The recognition of Canterbury as a charter town must, I think, rest on two things. The first is the important role undoubtedly played by the Archbishop of Canterbury, Stephen Langton, in the negotiation and grant of Magna Carta. Academic opinion is again divided on the precise role which the Archbishop played, but that it was a significant role no one, so far as I know, doubts. The special arbitral role conferred on the Archbishop by Chapter 55 of the 1215 Charter would appear to reflect his personal authority. The second reason is that the Charter did, in its opening chapter, accord special protection to the English Church, of which Canterbury may be seen as representative. It is of interest to recall the language of that chapter:

"First, that we have granted to God, and by this present Charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by Charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity".

The reference is, of course, to the King's recent withdrawal of his opposition to the appointment of Stephen Langton as Archbishop of Canterbury, opposition which led to the interdict and to his own excommunication, only brought to an end by his

abject submission to the Pope.

The inclusion of London as a charter town could be rested on Article 13 of the Charter which provided:

"The city of London shall enjoy all its ancient liberties and free customs, both by land and by water."

The Charter, however, went on to provide that all other cities, boroughs, towns, and ports should enjoy all their liberties and free customs, so that this chapter would not seem to justify special treatment of London. An alternative basis of claim would be an alleged meeting on 25 August 1213 when, after holding a meeting at St. Paul's concerned with the ending of the interdict, Archbishop Langton is said to have called the assembled barons on one side and revealed that he had discovered a Charter of King Henry I whereby they might achieve their liberties; overjoyed at the discovery, the barons are said to have sworn in the presence of the Archbishop that if necessary they would soon fight for these liberties until death, a covenant in which the Archbishop is said to have shared by promising them his full support. There are, however, difficulties with this story, which like that about the baronial meeting in Bury St. Edmunds, rests only on the authority of Roger of Wendover, who seems to have had a mild penchant for stories of this kind. There are features of this story also which strike academic commentators as implausible.

Fortunately, there are much more solid grounds for giving London a place of honour in the Magna Carta story. On Sunday 17 May 1215, just a month before the grant of the Charter, when relations between the King and his rebellious barons were approaching boiling point, the barons seized London by ruse and with the collusion of a party within the city, while many of the citizens were at mass. They replaced the Mayor by their own nominee, and so provided themselves with a strong bargaining counter. Professor Sir James Holt, a very leading authority on this subject, has described the fall of London as "decisive". In his judgment, the baronial seizure of London led directly to Runnymede, for it forced the King to go much further in accepting the baronial demands than he had done up to then. London was "the capital of the Crown and realm", and the barons were able to exploit their occupation of it so as to bring pressure to bear on those who had up to then wavered in their decision whether to support the baronial faction or the King.

Even before this seizure of the capital, it seems likely - or at any rate very possible - that London had played a crucial role. As the dispute with the King approached the point of crisis, it was apparent to the more intelligent and erudite leaders of the baronial faction that if they were to be successful in extracting a valuable Charter from the King, it would be valuable to have past precedents of similar Charters on which to base their demands. Accordingly, in the winter of 1214-15, scribes were set to work to copy out the Coronation Charters of previous English Kings. It seems clear that they had to hand a version of the

Charter of King Henry I, an original of the Charter of King Stephen issued in 1135 and a Charter of King Henry II which happens to be only the second known surviving version. These were translated from the original Latin into Anglo-Norman, no doubt for the benefit of those barons who had lacked a classical education, and put the baronial negotiators in a position to present their demands as a re-affirmation of old and good practice and custom rather than as a new and aggressive encroachment on royal authority. In the highly authoritative opinion of Sir James Holt, it is unlikely that these documents could have been assembled anywhere but in London. The appropriate committee evidently took the view that the Charter of Henry I was the best precedent upon which to base the baronial demands, and when the baronial party met the King in unsuccessful negotiations at The Temple in January 1215 an oath was taken to fight for this Charter. It therefore seems likely that although much of the aggressive discontent engendered by King John was expressed by barons based in the north of the country, the more detailed preparatory work which led up to the Charter was done in London. There is a persuasive plausibility about this story: who, after all, would choose to draft a long and complicated document from scratch if he could pull out a precedent of what he did last time and tinker with that?

The association of Runnymede with the Charter poses no problems, since, as the famous subscription of the Charter (in translation) records, it was given under the hand of the King

"in the meadow which is called Runnymede between Windsor and Staines on the 15th day of June in the seventeenth year of our reign [15 June 1215]".

To the simple minded, and to lawyers, this text would seem conclusive evidence both that the Charter was given at Runnymede and that it was given on 15 June 1215. The first of those facts has never, I think, been doubted, although the exact site at Runnymede where the Charter was granted is unclear. The second fact has however been the subject of much academic controversy. For most of this century, there has indeed been a consensus of academic opinion which, while differing as to the date on which the Charter was granted, was at one in agreeing that that date was not 15 June. It is therefore a pleasure, at least to me, to learn from what I believe to be the most recent work on this subject, by a very distinguished medieval historian, that following hard and detailed bargaining a final draft of the Charter was produced at Runnymede on 15 June, on which day, the baronial envoys swore to its terms *ex parte baronum* and the King's negotiators swore on behalf of the King *ex parte nostra*, following which the King gave "the draft with his hand and it was immediately engrossed and sealed". It is a relief to think that, whatever his other faults, King John did at least know which day of the week it was.

And so to St. Albans. Although a council was held in St. Albans in the run-up to the granting of the Charter, it would seem plain that the inclusion of St. Albans as a Charter town rests, and very properly rests, on its pre-eminent contribution to the historiography of the age. Of this, Professor Galbraith wrote:

"It is a commonplace that the best days of the old monasteries were past by the year 1200. The coming of the Friars and the rise of the Universities were a challenge to the monks, which, it is generally agreed, they never successfully met. Yet the St. Albans "school of history" arose after the year 1200 and persisted for nearly three centuries. Nor can the early middle ages show anything comparable with this St. Albans tradition. The history of the thirteenth century, as we know it, is inconceivable without the works of Roger Wendover and Matthew Paris, and if their immediate successors were smaller men, it is again a St. Albans monk, Thomas Walsingham, who is the historian of the Lancastrian Revolution (1377-1422)."

The Professor went on to describe this as "our most important succession of monastic historians in the centuries of monastic decline". In a more recent work Dr Antonia Gransden has written:

"Matthew Paris did not possess the wisdom of Bede, or the mental acumen of William of Malmesbury. But he deserves to be ranked with them as a great English historian on account of the comprehensiveness of his work and because he developed historical method; and he was the first historian in England, writing on a grand scale, who had a sustained and consistent attitude to authority."

These fulsome tributes might lead one to suppose that the work of Roger Wendover and Matthew Paris was characterised by the historical virtues of factual accuracy and scholarly objectivity. Nothing could be further from the truth. Professor Warren describes Wendover's chronicle as "full of anecdotes of a highly dubious nature". Professor Galbraith observes that "Matthew Paris rises above the common dullness by the extravagance of his prejudices, and the constant intrusion of his own personality". He referred to the "many howlers" in Wendover's work and said that he accepted and repeated the current clerical caricature of the wickedness of King John. While the great Bishop Stubbs had declared himself "perfectly satisfied of both the good faith and the credibility of Matthew Paris' history", Professor Galbraith concluded that the Bishop was simply wrong.

Very little is known of Roger Wendover. It seems clear that he was a monk at St. Albans, and he wrote a history of the world from the Creation to about the year 1235 when he died. It seems likely that he began writing in about the year 1219, after the death of King John and the accession of King Henry III. He did not record the history of King John's reign contemporaneously, and there is nothing to suggest that he had any first-hand knowledge of the events which he recorded. On the death of Wendover, the chronicle was continued by Matthew Paris until his own death in about 1259. But Paris did not content himself with merely continuing the story; he glossed and modified and added to the chronicle which he had inherited from Roger Wendover. He was a prolific author, who wrote a number of works in addition to the main chronicle, and who also appears to have been called in as a consultant by a Benedictine community off the coast of Norway to give advice on how a good Benedictine house should be conducted.

The first sin to be laid at the door of these chroniclers is that of creating a major confusion, which took several centuries to correct, in the chronology of Magna Carta and its successors. Magna Carta itself, granted in June 1215, was annulled by Pope Innocent III by a bull of 24 August 1215. Since then it has never enjoyed any legal force, if indeed it ever did. Neither King John, nor the barons, observed its terms during the remaining months of King John's reign. He died on 18 October 1216. The Charter was however re-issued, first in an interim form in November 1216, then in what was intended to be a more final form in 1217, when it was accompanied by a Charter of the Forest. It was re-issued again with further additions in 1225, and it was this last version, confirmed with minor amendments by King Edward I in 1297, which was entered on the statute book and became part of the law of the land as 25 Edward I.

In his chronicle, Roger Wendover included a version of the Charter of 1217, complete with additions all of his own, and accompanied it with a Charter of the Forest. Both these

Charters, neither of which corresponded with Magna Carta 1215, Wendover attributed to King John by the simple device of changing the name of the King from Henry to John. In this way he brought into existence two spurious charters of King John. It seems likely that Wendover never himself had access to a copy of the 1215 Charter. Matthew Paris, however, did: but instead of correcting the error, he compounded it, by adding to the Wendover version a number of clauses which had appeared in Magna Carta 1215 but had subsequently been omitted. He thus bequeathed to posterity a version of the Charter which had never existed at any place or at any time. It was nevertheless this unhistorical version of the Charter on which much debate later centred.

The major charge to be made against the chroniclers, however, is that they were motivated by a passionate anti-royal bias which led them to stop at nothing in their endeavour to blacken the character of King John. It was as if the history of the last 100 years had been written by an obsessive euromphobe. Neither author leaves the reader in any doubt that King John was a Very Bad Thing. Of Wendover's account Professor Warren wrote:

"What is immediately striking about this is that he seems to know more about John's reign than men who were writing shortly after the events they described. He knows what John said to his nephew Arthur before he made away with him. He can give illustrations of the way the King terrorized the clergy: crushing an arch-deacon under a cope of lead, threatening to slit the noses of papal servants and to pluck out their eyes. There is a story of a Jew of Bristol who had a tooth knocked out daily until he revealed where he had hidden his treasure. He gives John's blasphemous oath ("By God's teeth"), and tells how he made free with the wives and daughters of his barons. He explains that John lost Normandy to the King of France because at the critical stage of the campaign he was uxorious and idle: "Let be, let be, whatever he now takes I shall one day recover"."

Professor Galbraith rejects the suggestion that all the malice and overstatement in Matthew Paris was his own work rather than

that of Wendover:

"There is no real charge in Paris, the basis of which cannot be traced to Wendover, who himself passively accepted an already half grown legend. What then of Paris' famous additions? The answer is that while they add nothing definite to Wendover, by their wit and brilliance they make Wendover's portrait lifelike and credible. Wendover gives us an impossible shadow: Paris converts it into a living portrait, though the portrait is not one of John. The process may not be interpolation: but it certainly is not interpretation. It is not even caricature. Paris' portrait is a creation of literature: as fictitious as Shakespeare's Falstaff. Modern historians, puzzled by all this, have unerringly picked out the convincing fictions of Paris, largely ignoring the improbable substratum in Wendover. Take, for example, the famous remark (a Paris addition) on the death of Geoffrey FitzPeter, John's faithful justiciar. "When he gets to hell he can greet Hubert Walter, whom he will certainly find there". No one, not even Stubbs, can afford to omit this inspired jest, which rests solely on Wendover's ignorance of the characters and relations of all three men. Or again, the famous epitaph, "Foul as it is, hell itself is defiled by the fouler presence of John". J.R. Green, who learnt his history from Stubbs, quotes this with the significant comment, "The terrible verdict of the King's contemporaries has passed into the sober judgment of history"."

None of this is to suggest that King John was a kind, long-suffering, tolerant, trusting, saintly man. Even the more dispassionate chroniclers do not suggest that. It comes as no surprise that, although John was originally cast for a priestly vocation, he was judged unsuitable at the age of six. One is inclined to see King John as more of a Richard Nixon than a John F. Kennedy, but it would be hard to accuse him of the moral obliquity of, say, President Verwoerd, to say nothing of the more notorious villains of modern times. All this, however, is perhaps beside the point. Wendover and Paris portrayed the

struggle of the barons against King John as part of a much longer and more sustained struggle continuing into the reign of King Henry III, and leading in due course to the first manifestations of what we would now recognise as Parliament. Both authors were passionate opponents of royal power, and accordingly supported any attempt to cut the King down to size and impose limits on his authority. It may be, as suggested, that these beliefs owed something to the authors' experience as monks, wishing to regard the abbot as no more than the first among equals and each monastic house as entitled to a degree of autonomy. Be that as it may, there can be no doubt that they wove Magna Carta into the fabric of their narrative as a crucial milestone in the subjection of the King to the restraints of law and baronial consent.

Historically, the constitutional significance of Magna Carta has depended much less on what the Charter said than on what it was thought to have said. What it was thought to have said was the subject of constant development, with the aid of some statutory reinforcement, over succeeding centuries. It was this process which led to the English Bill of Rights, the heavy reliance placed on Magna Carta by the American colonies in their battles against the Crown, the constitution of the United States and, more recently, the constitution of the Republic of India. In modern jargon, the St. Albans chroniclers may, I suppose, be described as spin-doctors. They were certainly prepared to take liberties with the facts in order to fortify their opinions. Professor Galbraith wrote that:

"Like the Whig interpretation of history in modern times, the constitutionalism of the St. Albans historians has excited a great and continuous influence on the modern interpretation of our mediaeval history".

It is, I suggest, possible to go further. The constitutionalism of the St. Albans historians has contributed powerfully to the influence of Magna Carta not only in this country and throughout much of the Commonwealth, but also in the two largest free democracies in the world. Recognition of St. Albans as a charter town is a very modest acknowledgement of this enduring debt.