

Magna Carta in the Twenty-First Century: The View from Canterbury

MC Most Famous Document in English, perhaps World History

Cornerstone of Liberties; Bulwark of the Constitution

Already so well known in Seventeenth Century that mocked by Oliver Cromwell as Magna Farta: according to Lord Clarendon, 'When (the judges) with all humility mentioned the law, and Magna Charta, Cromwell told them their Magna Farta should not control his actions...'

Want to approach it today via two themes: Firstly Magna Carta viewed not as a product of twelfth and thirteenth century government, as a peace treaty between King and barons, but as an artifact and object still with us in the twenty first century. Secondly, I want to pinpoint the particular significance that Canterbury and Kent played both in the issue of the charter in 1215 and for its subsequent acceptance into English law

Must begin with charter itself and with a history that is now, I hope, widely known. Issued at Runnymede June 1215

Mish mash of 60 or so clauses (not originally divided up so depends where one cuts the pack). Some are of general application: clause 40 on sale of justice, clause 39 on trial by peers. Others of very temporary application: clause 50. Story of Bury St Edmunds

It is the general clauses that today still apply: clause 1 on Church. Clause 13 on the City of London, confirming liberties of London and other towns.

Linked to clause 33 fishweirs. Might already note that Canterbury present in both: Langton as archbishop of Canterbury. Thames and Medway as crucial to London. Why? Maidstone, Rochester, Tonbridge navigation.

Canterbury same problems of navigation.

I am not principally concerned today with historical circumstances of King John's reign, but number of things to be said. Response to a particular style of government. Response to personality, politics and to economics of King John's reign.

Personality: untrustworthy, lecher, murderer

Politics: loss of empire in northern France as a result of murder of his nephew Arthur in 1202-3. Means France and English Channel, relaunch of conquest, crucial to English history thereafter: sets on path to Hundred Years War, to the Tudor engagement with Calais, ultimately to Waterloo and the Somme. Will come back to this, but clearly matters to the history of Kent: place where England comes closest to France.

Economics perhaps looms largest: loss of France as a result not just of personal and political failings but of crisis in government finance. We know of it because of Pipe Rolls. Show. Accounts, back of envelope finance because money short. Period of raging inflation driven by explosion of credit. Not least through seizure of lands of the Church after 1208: election of Stephen Langton, refusal to accept, Interdict.

Pipe Rolls give clearest insight into John's more personal crimes.

1214 launch of continental campaign. Fails. Road to Runnymede.

Magna Carta as peace treaty.

Thus far precious little of Kent. Yet Kent and above all Canterbury crucial to charter.

You would think so famous that all examples had been collected, not least because so valuable: 21.3 million dollars.

2007: No Canterbury Magna Carta. However, led to charter at Faversham, from 1300 issue. Insured for £10,000.

Led also to charters of Sir Robert Cotton: already being collected in 1620s: importance as model for resistance to Stuarts and road to Civil War of 1640s. Two examples in Cotton, both almost certainly from Sir Edward Dering of Surrenden near Ashford (1598-1644). Probably from Dover or Cinque Ports (Dering sat in 1625 as MP for Hythe, and from 1629 to 1635 'served' as lieutenant of Dover Castle), but just possibly from Canterbury Cathedral from which he pillaged at least 42 Anglo-Saxon charters besides goodness knows what else besides.

Kent's role in Magna Carta leads to question of role in its issue by Stephen Langton, archbishop of Canterbury.

Modern reputation not high: even Canterbury schools named after brother Master Simon, not Stephen. Only monument gastro pub near Dorking, depends upon ghastly 19th century novel. Martin Tupper, *Stephan Langton* (1858):

presents an extraordinary account of events, in which Langton, a native of Surrey, very much a Saxon rather than a Norman within a landscape of Anglo-Norman hostility that would have been familiar to any reader of Scott's *Ivanhoe* or Thierry's *Conquêt*, began his career not as a cleric but as a forester. In love with his cousin, the fair lady Alice, Tupper's Stephan first erupts onto the stage of English history in May 1186, rescuing his fiancé from one of several rapes that the evil Prince John will attempt, cruelly but always unsuccessfully, during the course of Tupper's narrative. Believing Alice to have been burned to death, young Stephan buries his grief by taking monastic vows at the Augustinian priory of Newark near Guildford. From there, and as part of the unfolding of a plot whose complexity is more than matched to its implausibility, he begins to stir up baronial resistance to John

through correspondence with a patriot conspiracy of barons, not least with Robert fitz Walter, father of Robin Hood's Maid Marian. With the assistance of Robin Hood himself, Langton eventually flees from England to Normandy to escape the King's vengeance. It is at Rouen, living under a pseudonym, that he becomes 'a profound Aristotelian' and undertakes his principal theological work, his commentaries on the Bible, apparently a perfect autodidact. The unexpected return of his father from the Holy Land, bringing with him a substantial portion of the True Cross rescued from the Battle of Hattin, supplies Langton with an *entré* to the French court after May 1202, where, in return for a portion of this relic, he is rewarded by Philip Augustus with a prebend at Notre-Dame and with promotion as dean and subsequently as archbishop of Reims. By this time, Langton already has his doubts about the morality and Ultramontane ambitions of the Pope, being assisted to the truth here by one of many subplots, in this instance featuring a family of Albigensian heretics, proto-Lutherans in all but name, who are opposed by the evil Spaniard Dominic, founder of a fanatic order of inquisitors and torturers who dress in 'hideously cowled and eyeholed' costumes, more than three centuries in advance of Tomás de Torquemada. As a result, we see 'the first gleam on Langton's pure and susceptible but then darkly-seeing mind as to the evil of Rome's prime sin – idolatory'.

Although promoted archbishop of Canterbury at the Pope's command, Langton thereafter serves as 'the princely priest, the patriotic baron, the firm controller alike of kingly tyranny and of the counterpoise usurpation of popes'. He and the Belle Alice are eventually reunited, a latter-day Abelard and Heloise, at the dedication of the church of St Martha in the Surrey hills. But Alice, by now abbess of the (fictitious) nunnery of St Catherine's, expires from joy at their meeting. She is laid to rest in a tomb next to which Stephan himself will be buried at the end of his - in this telling - overly-eventful life

View here of Langton as defender of English liberties actually recent creation. Throughout period from Holinshed to Hume, long considered a foreign outsider and papal tool: it is as such that he appears in Shakespeare's King John. Only from 18th century onwards recast as defender of the constitution a la Tupper. 1929 Powicke suggests introduces the general elements, free from baronial selfishness. Accepts story in Wendover of rediscovery of Henry I coronation charter. But this story since discredited by principal authorities.

Even so, reason to attribute leading role. Church in clause 1: indeed charter given to God. Medway in clause 33.

God reminds us of Langton's chief professional expertise. Bible commentary. Vast enterprise. Difficult for historians to link to political concerns. But Bible actually a political blue print for the use of law as a means of reining in bad princes. Kingship itself a punishment: Hosea 13, 'I give you a King in my Wrath'. Need for a Deuteronomy: a book of written laws. In his commentary on *Chronicles*, Langton specifically draws attention to King Josiah's rending of his garments on reading the book of laws discovered in the Temple, generally identified as the book of Deuteronomy with its foretelling of the end of Josiah's kingdom, here contrasting Josiah's assiduous and acute reading of God's laws with the attitude of modern princes, who hear the word of God preached only rarely, and even then leave church before the sermon is ended. A marginal notation against this passage reads 'Against princes who flee from lengthy sermons', which in turn might remind us of the story in Adam of Eynsham's *Life of St Hugh of Lincoln*, written as part of the process for the canonization of St Hugh over which Langton presided as chief commissioner after 1218, in which King John is said to have sent up repeated messages to Hugh during an Easter sermon,

begging him to cut short his address so that the King and his court might din. To this extent, Langton's career as scriptural commentator did indeed merge directly into his later career both as law-maker and as a critic of Plantagenet kingship.

Can be seen in Langton's very first letter: quotation from scripture weaves picture of royal tyranny against the good laws of the Church:

Although it has been published at least three times, this, the very first letter issued by Langton as archbishop of Canterbury, has never attracted the attention or the commentary that it deserves. It is, in fact, a most remarkable document, crammed full with scriptural quotations, none of which is identified in any of the modern editions. Its recipients - the suffragan bishops of the Canterbury province – would, I suspect, have found it extraordinary and, for those who were not themselves trained in scriptural exegesis, more than a little baffling. Nothing quite like it had issued from the chancery of an archbishop of Canterbury since the days of Thomas Becket. Indeed, the density of its scriptural citation and its highly elevated style may have been intended, quite deliberately, to evoke the spirit of Becket's correspondence in exile. Even the letter's opening *intitulatio*

supplies a hint of the letter's overall complexity, since here, for the first time, Langton declares himself to be not only archbishop of Canterbury and primate of all England but 'cardinal of the holy church of Rome': an abbreviated form of Langton's title as cardinal priest of the church of S. Crisogonus that he was to adopt in all subsequent correspondence and which marks the first occasion in English history when an archbishop of Canterbury, or indeed any English bishop, could claim to act both as bishop and as cardinal. The hint here of papal influence is carried through into the incipit to the letter, 'We have been established by the Lord's will, although unworthy, in the high place of the pastoral watchtower' ('In specule pastoralis eminentia licet inmeriti disponente domino constituti': a direct adaptation of a papal incipit ('In eminenti apostolice sedis specula ... licet immeriti disponente domino constituti') used throughout the twelfth century and employed by Innocent III in several letters issued since 1198. Having borrowed the papal metaphor of the watchtower, Langton or his notary then extends this metaphor into a miniature sermon on the responsibilities of office, stating that he quails at his responsibilities all the more because he knows that the sloth ('desidia') of pastors will be judged more harshly than that of other men. Glossing a passage in Jeremiah (31:21), Langton reminds his audience that the keeper of the watchtower is enjoined to serve himself

only with bitter fare, since the blood of lost souls will be demanded from him if he is found to be negligent or weak: a passage which in Langton's own gloss on Jeremiah was associated specifically with the self-denial incumbent upon those in pursuit of episcopal office. Quoting from Ezechial (9:4-5), Langton then refers to the use of the Hebrew letter 'Thau', signed on the foreheads of the just, to distinguish them from those who were to be struck down at the Lord's command. This same scriptural passage had been cited on several occasions by Innocent III, at least once in a context that leaves no doubt that by 1200 Ezechial's reference to signing with the letter 'thau' was held to prefigure the more recent practice of signing potential crusaders with the cross. Perhaps more significantly, this same passage from Ezechial had been cited in Thomas Becket's defence before the college of cardinals in 1164, as reported by Herbert of Bosham: a yet further reminder of the degree to which Langton was steeped in the biographical literature on Thomas.

Next, and here combining a citation from the Book of Numbers with a much more obscure passage from the First Book of Ezra, Langton refers to the fact that just as God has sent princes to the gallows for the sins of their people (Numbers 25:4), so the prelates of the Church should beware the example set

by those priests of the Israelites, returning from captivity in Babylon, who were deprived of their office because they were aliens ('aliena') or unable to prove their genealogical descent in writing (1 Ezra 2.62). Although Langton himself can lay claim to a genealogy of good works ('huius genealogie scripturam bonorum scilicet operum prerogatiuam nullatenus habeamus') and thus to be joined by the merit of his life to the spiritual congregation of his predecessors, he nonetheless fears that he may be considered unworthy of such a priesthood. This use of Ezra is extremely interesting, and appears to be based upon an exegesis, long familiar from the *Glossa Ordinaria*, and extended in Langton's own commentary on the Gloss, in which Langton had explicitly contrasted the lesser faculty of speech, possessed by the laity, with the greater authority of writing vested in the priesthood, this elevated status bringing with it an even greater obligation to avoid sin. Langton uses it to address several issues germane to his own election to Canterbury. Having been judged by his detractors to have been tainted by too long an absence from his homeland, through his citation of Ezra he not only likens his projected return from France to the return of the Jews from their Babylonian captivity, but suggests that his own good works may compensate for his perceived lack of family or residential qualifications for office. 'Virtually every word of scripture', he declares, instils fear in him 'and transfixes us

with the spiritual sword point', the metaphor of the sword point ('mucro') here echoing a phrase used in Innocent III's letters to King John announcing Langton's election and explicitly linked in that context to the instrument of Becket's martyrdom, the so-called 'punctum ensis', which had broken off on the paving stones as the four knights had butchered the late archbishop and which was thereafter displayed at Canterbury Cathedral as a prominent relic of the events of 1170. Realizing his own lack of merit for office, when he learned of his election as archbishop, although like Job (23:12) he refused to flee to a place of hiding, he had nonetheless sought to emulate the example of Christ, asking that the chalice of the passion be allowed to pass to one more worthy (cf. Mark 14:36; Matthew 26:39, 42). As with Christ, so with Langton's election, this request was not divinely sanctioned. Langton therefore asks his suffragans to assist him to bear the burden that is now his, stating, in the humblest of terms, that he is fully aware that his suffragans include not a few bishops whose merits qualify them to be placed above rather than below him in rank. The divine will, however obscure, must nonetheless be obeyed.

Here then, in a short letter of less than 500 words, Langton sets out a whole series of arguments and deploys a quite extraordinary wealth of references

and allusions. The language of the papal chancery is combined with a sophisticated display of exegetical learning. The sins of the Israelites whose princes were hung for permitting the worship of Baal; the responsibilities of priestly office and the Old Testament injunctions against alien or unknown priests; the imperatives of the crusade; the sword blow that felled St Thomas; the tribulations of Job; the passion of Christ, and the divinely sanctioned nature of Langton's own election are all either alluded to or directly stated. There was to be nothing quite like it in any others of Langton's surviving letters or charters. Nonetheless, as an advertisement of Langton's mastery of the sacred page, and as a manifesto of the means by which he hoped both to defend the watchtower of Sion to and rebuild the Temple of the Church after a Babylonian captivity, the letter deploys its rhetoric in a quite extraordinary fashion.

Moreover Langton a secular landlord on heroic scale: Kent itself as a county of ecclesiastical lordship. Show map. London – Rochester – Dover.

Leads to Henry I charters via Rochester: certainly using the Henry I Rochester charter after 1213 to justify his position as keeper of the castle, and his refusal to surrender it without judgment ('nisi per iudicium'), itself a

phrase that should remind us of clause 39 of Magna Carta and its insistence that no-one be taken or imprisoned or ruined 'nisi per legale iudicium parium suorum'.

In turn disputes over Rochester spark return to civil war after Runnymede.

This in turn focuses attention upon the Harley manuscript, almost certainly taken into negotiations. Includes Canterbury text of coronation charters of Henry I, Stephen and Henry II, and first vernacular translations of royal charters of liberties. In French (Langton as a Parisian scholar), not English until 1250s and even then text not recorded, but even so suggests real negotiation between real people.

Own cathedral city: chief concerns, Becket shrine, and great hall for reception of pilgrims. Becket as model of resistance to tyranny. Seal shows martyrdom.

Canterbury: Town versus if not gown than town versus cowl. But idea of liberties granted by king to community of the realm itself emerges from the idea of liberties granted by king to more limited constituencies. Most

obviously charters granted to towns, specifically guaranteed, together with the liberties of the city of London, in Magna Carta clause 13.

Canterbury has a particularly rich charter, granted by Henry II, King John's father. Still preserved in city archives: no pleas for men of city beyond city walls for tenements or disputes within the city; freedom from certain judicial fines and from obligation to undertake judicial duels; right to plead according to their ancient customs; freedom from arbitrary demands for lodgings for the king's men; quittance from toll and other customs throughout England, including freedom from 'scotales' (compulsory drinkings organized for the profit of the local sheriff. Compare here Magna Carta clauses 30 and 31 ('No sheriff or bailiff of ours or anyone else is to take horses or carts of any free man for carting without his agreement. Neither we nor our bailiffs shall take other men's timber for castles or other work of ours without the agreement of the owner')

Even local, and more recent history shows application: necessary for kings and queens to ASK permission before taking services above and beyond those allowed. Leads, for example, to correspondence between Eleanor of Aquitaine and prior and convent of Canterbury over men's obligation to

render services. Leads to correspondence with royal constable of Dover. I
In due course, leads to correspondence with Hubert de Burgh.

Reference here to 'right and liberties', to custom and to things done contrary to custom ('inconsuetudinem') an important reminder of degree to which King's realm criss crossed by local liberties and customs, by fierce defence of local rights. Magna Carta can be seen as the issue, on a national scale, of laws which in the sum of their parts amount to little more than the amalgamation of many hundreds of such local customs and 'rights'. The idea of 'liberty' in the sense in which it is used in Magna Carta is perhaps closer to the medieval concept of the 'liberty' or local self governing franchise ('the liberty of the Tower', 'the liberty of Canterbury' and so forth) than ever it is to the idea of liberty as 'freedom', that inalienable entitlement 'to life, liberty and the pursuit of happiness' to which the American Declaration of Independence so famously refers

Crucial to the idea of a law above and beyond mere royal expediency. Also crucial to modern understanding or rather lack of it: liberties are things which we possess. They are not conferred upon us by the state. The state's interference in our lives runs contrary to the liberties which are ours by

ancient custom itself recognized as binding even our sovereign, the King or Queen. The abandonment of even the least of these liberties: a dispute over the collection of timber for making hurdles, or the insistence that we devote work to projects that are rightly the responsibility of government or the crown, infringes upon our liberties and may prove the thin end of the wedge via which tyranny and the erosion of our freedoms and autonomy may enter in.

Langton role in charter still vague, but no doubt of role in distribution.

Issued for all counties. Elias of Dereham. Simon Langton preaching London in fieriest terms about the imminent collapse of monarchy.

Simon also links to developments after June 1215. Refusal to surrender Rochester leads to Langton's exile and suspension October 1215. Castle itself besieged: hence three square, one round tower. Pigs sent into the tunnels. Part of wider story of the Clares with Tonbridge as a centre of baronial resistance: 25 barons of Magna Carta many of them Clare kinsmen or dependents.

Siege of Rochester in turn leads to French invasion: Louis VIII: Simon already attached to Louis's household, now becomes chancellor in England. French seizure of Canterbury, siege of Dover, emergence of royalist resistance in the Weald ironically led by Philip de Aubigny, Breton constable of Cinque Ports, connection to the old world of France. War itself brought to an end by Battle of Sandwich.

This in itself set the charter in stone: 1216 and 1217 reissues. All the more appropriate therefore that Kent's only charter comes from very latest reissue: 1300, itself response to continental war. Faversham as gateway to Flanders: show Matthew Paris.

One final link: personal, used to teach at Christ Church, and now entering with Christ Church into partnership for project towards 2015.

Supposedly everything known. In fact fundamental questions to answer: how was charter applied.

How soon did it become part of English law and how quickly did its various parts begin to become either redundant or essential elements of law in practice.

On a more basic level: how many Magna Cartas are there? Not just how many times was it reissued but how many of these original charters still survive.

Most basic question of all: who wrote it. Pictures show John, but in fact one or other of the anonymous scribes of the court. Only by collecting all the known charters of King John and comparing their handwriting can we actually establish who wrote what: how many scribes were there in the King's service, in other words how considerable was the state. how advanced the path towards bureaucratization and modern departmentalization of government. How delicate indeed was the path trod by those who obtained the recognition of liberties and the right to customs, set against the ever watchful gaze of those, like Oliver Cromwell, who would rather than Magna Carta and all its works be dismissed as so much hot and impolitic air.

