

Season 1, Chapter 4: The Magna Carta, Parliament, and Legacy of Common Law

Episode 10: A New Empire and a Great Charter

Thomas Philips was an avid collector of books and manuscripts amassing what might be the largest such collection by an individual ever. Philips was near maniacal in his efforts to expand his collection and often outbid the British Museum in auctions and estate sales. At a Sotheby's auction in 1861, a particular manuscript caught the eye of a fellow lover of old books, a Frenchman named Paul Meyer, but Meyer was unable to secure the manuscript against Philips. When Philips died in 1872, Meyer sought to find this manuscript and finally tracked it down in 1880. Throughout the 1890's, Meyer's updated translation of "The History of William Marshal" was made public. This poetic biography gave scholars much more information about the life of William Marshal and, to our knowledge, is the oldest surviving biography of a "regular" man in Europe.

William Marshal met his first king of England at the age of five when he was taken as a hostage by King Stephen during The Anarchy. His father, John FitzGilbert had been a loyal knight of modest status to King Henry I holding the office of Marshal of the Horses. John ended up siding with Empress Matilda, and, after a loss in battle, young William was taken into custody as a hostage. His fate was to be slung from a trebuchet, but King Stephen intervened and commuted the boy's sentence. William survived The Anarchy and, as a younger son of a minor noble, he had no inheritance to speak of. He went into the service of a household in Normandy learning to be a knight.

It is in the 12th Century when knights evolve from thuggish brutes into the model of chivalry, and William Marshal is one of the quintessential examples. As a young man, he came into the service of Queen Eleanor for two years after nearly losing his life while defending her. He caught the eye of the king, and was placed in the household of Henry "the Young King". The two gained fame as champion knights in the burgeoning scene of medieval tournaments. William then served in King Henry II's household and, upon his death, served King Richard the Lionheart.

William Marshal was then not just a knight and military leader, but a leading noble and aristocrat. He served under King John after the death of King Richard and then along King Henry III after the passing of John.

Marshal served five kings in his illustrious career and was saved as a child by a sixth. He is not a mere footnote. We have discussed the notions of the “Great Man” theory versus the theory of “Trends and Forces” as we study history. As our story unfolds today, it is difficult to argue against the notion of William Marshal, a man who was never a king and came from relatively humble beginnings, being a “great man” who singularly shaped history.

Dates - 1162 to 1225

Today, we finally get to the Magna Carta. In this episode we will cover just over 60 years of history, and there is a lot going on and many great stories. If you are listening to this podcast, you have almost certainly heard of the Magna Carta. We will focus mostly on the “why and how” aspects of the charter and less about the “what” in terms of its actual content.

1. We left off the last episode with the appointment of Thomas Becket as Archbishop of Canterbury by King Henry II in 1162.
 - So, who was Thomas Becket? Becket was of Norman descent and born in London around the year 1120. During the time of The Anarchy, Becket came into the household service of Theobald of Bec, the Archbishop of Canterbury, another Norman who we should mention played a central role in negotiating the peace treaty that ended The Anarchy and installed Henry FitzEmpress as the presumptive heir to the throne. Becket traveled to Italy and studied Canon Law, the law of the Catholic Church, and became one of the Archbishop’s trusted leaders. In 1155, Theobald recommended Becket to King Henry II for appointment to the post of Lord High Chancellor. As this is a political history podcast, it’s important that we briefly cover these emerging roles in what are known as the “Great Officers of State”.
 - We’ve talked before about the notion of the Royal Household or Royal Court. In effect, this is the apparatus that operates the day-to-day affairs of the state under the direction of the king. The Norman kings began to create these more formal offices due in large part to their consistent habit of not being in England and requiring the government to function when they were away.
 - The first of these roles is the Chief Justiciar. In the 12th Century, this position was more or less the second-in-command to the king. This role emerged as overworked sheriffs (the word which emerged from the “shire reeve” which was the king’s top representative for royal justice in the county) were given support by royal justiciars. The Chief Justiciar could sit in on behalf of the king to dispense justice when the king was either overworked, away on business, or simply not

interested in doing the job. King Henry II employed co-Chief Justiciars: Robert de Beaumont, the Earl of Leicester and Richard de Luci. De Beaumont also held the title of Lord High Steward. This office was largely ceremonial and split from that of Chief Justiciar with the Earls of Leicester holding the title for the next two centuries. The Chief Justiciar was more administrative and became defunct in 1263 merging with that of Lord High Chancellor.

- The next role is that of Lord Great Chamberlain. In 1399, a separate role of “Lord Chamberlain” split from the Lord “Great” Chamberlain. In the 12th Century, this holder of this office acted somewhat like a Chief of Staff to the day-to-day operations of the household by determining who could meet with the king, managing access to the more private quarters of the king’s palace, and overseeing royal events. This role was held by Aubrey de Vere, Earl of Oxford, during the reign of Henry II.
- Next we have the Lord High Treasurer which began to evolve early in the reign of King Henry I. The treasury became known as the “Exchequer” due to the large table which was used to manage accounts and perform calculations and its resemblance to a checkerboard. This office later extended into the Chancellor of the Exchequer. Henry II appointed his grandfather’s Lord Treasurer, Nigel of Ely, as his own. Nigel was followed by his son, Richard FitzNeal, shortly into Henry II’s reign.
- The roles of Lord High Constable, Earl Marshal, and Master of the Horse were interrelated and all had to do with matters of the military. The Lord High Constable oversaw the royal armies and administered martial justice alongside the Earl Marshal. The Earl Marshal oversaw the royal guard and stables. Eventually, the Earl Marshal became the head of all military matters leaving the Lord High Constable as a ceremonial position. John FitzGilbert was the first Marshal of the Horses, serving under both Henry I and Henry II. William Marshal took the role in 1194 from his older brother (also John) elevating the title to “Earl Marshal” upon his entry to an earldom in 1199.
- Finally, we get to the Lord High Chancellor. This role has almost always been unified with the Lord Keeper of the Great Seal. This was an important role due to its singular ability to authorize documents on behalf of the king via the Great Seal. Documents would be secured with the wax imprint of the Great Seal. The only way to know that communication was truly from the king was the presence of the seal, and only the Lord Keeper could provide this legitimacy.

- Becket served in the role of Chancellor and became a trusted ally of King Henry II from 1155 to 1162. Upon the death of Theobald of Bec, King Henry II nominated Becket to be the next Archbishop of Canterbury. He was affirmed and installed by the bishops of England. The king thought he now had an inside man in the ongoing battles between secular and ecclesiastical authority, but he would be mistaken as Becket turned his energy and ambition into re-establishing the powers of the archbishopric. In 1164, King Henry II passed the Constitutions of Clarendon which had the primary goal of ensuring that members of the clergy who committed secular crimes would be tried in royal courts instead of ecclesiastical courts. Becket resisted and ultimately had to flee in exile to France.
- In Henry II's early reign, he had another influential advisor--his mother, the Empress Matilda. We take this quick detour to discuss Matilda because we have contemporary evidence that has survived that shows her steady and experienced hand helping guide the energetic young king. She also ruled over Normandy as his regent when he was on campaign in other places in his vast kingdom. As the battle between Becket and Henry II continued on, we have a surviving correspondence between Empress Matilda and Thomas Becket in 1165: (we'll take some liberties in updating the prose to more modern English)
 - Becket: "You, who acquired the kingdom and the duchy for him with much effort and transmitted hereditary rights to him in succession, should, if you would please, employ the diligence of a mother and the authority of a Lady to recall the king to duty.
 - Empress Matilda in response: "Pope Alexander III asked me, in return for the remission of my sins, to interfere to renew peace and concord between you and the king, my son, and to try to reconcile you to him. You, as you well know, have asked the same thing from me, and, with my best efforts and intentions, I have begun and carefully considered the affair. But it seems a very hard thing to the king, as well as to his barons and council seeing he so loved and honoured you, and raised you to the highest honours in the land, believing he might trust you rather than any other; and especially so, because he declares that you have, as much as you could, roused his whole kingdom against him; leaving nothing less to do than to disinherit him by the use of force. Therefore I send you my faithful servant, Archdeacon Laurence, so that by him I may know your intent and what sort of disposition you entertain towards my son, and how you intend to conduct yourself. One thing I plainly tell you, that you cannot recover the king's favour, except by great humility, and most evident moderation. However,

what you intend to do in this matter, signify to me by my messenger and your letters.

- Empress Matilda would die two years later in 1167 while the rift between Becket and the king continued. Henry II would have his oldest son and namesake coronated as junior king in 1170 (more on that in a bit) and have the Archbishop of York do the honors in absence of Becket. This furthered the divide, and Becket received permission from the pope to place England under interdict should Henry not be willing to come to terms of peace. Now, we will see the power of the interdict later in this episode, so it is worth explaining now. An interdict is a sort of temporary, general excommunication. If England were to be placed under interdict, then there could be no ceremonies or other church actions could be taken at all--no Mass, no weddings, no proper burials, no baptisms... nothing. Henry relented and an agreement was made in July of 1170. Becket was allowed to return to England.
 - Tensions continued and in response to one particular event, while in Normandy, King Henry II was said to have screamed, “Will no one rid me of this turbulent priest?” Four of the king’s knights crossed the channel to England and murdered a defenseless Becket in the Canterbury cathedral in December of 1170. Becket immediately was viewed as a martyr and was revered by many regardless of how they viewed him while he was alive. King Henry II softened his fight against the church, committed to going on crusade, and paid homage to Becket’s tomb in 1174 even receiving a public flogging as repentance.
2. We’re going to back up a bit and look at the family and lands of King Henry II and Eleanor of Aquitaine. Through inheritance and this strategic marriage, they had acquired not just the kingdom, but vast lands which historians refer to as the Angevin Empire. (Note: “Angevin” is the term for someone who is from Anjou which was the homeland of Henry’s father, Geoffrey Plantagenet.)
- When Henry and Eleanor were married, he was 19, and she was about 30. Eleanor had two daughters from her marriage with King Louis VII of France who remained in his custody and married the counts of Champagne and Blois. She and Henry had eight children with her youngest being born when she was in her mid-forties which was quite remarkable for the time.
 - By January of 1168, the family looked as follows:
 - King Henry II was 34, His mother, the Empress Matilda had died a few months prior. Eleanor was about 45, and their marital relationship was strained. Eleanor had left England and resided in her ducal palace in Poitiers in Aquitaine. Notably, she had just acquired a new knight in her retinue, one William Marshal.

- Their oldest child was Henry who was 12. He had been betrothed to Margaret, the daughter of King Louis VII of France, since the age of 5.
 - He was followed by Matilda, 11, who was soon to be married to Prince Henry the Lion, the Duke of Saxony and Bavaria, one of the most powerful men in the Holy Roman Empire.
 - Next, we have Richard who was 10.
 - Then came Geoffrey, age 9.
 - Eleanor, who was 5, was the next child.
 - Another daughter, Joan, followed at age 2.
 - And, last, was the young boy John who had just turned 1.
- We have talked a lot about succession planning and the political impacts that various scenarios have brought about in history. King Henry's possessions are vast: He is King of England and Duke of Normandy by way of his mother, the Empress Matilda. He is the Count of Anjou and Maine by way of his father, Geoffrey Plantagenet. By his marriage to Eleanor, he jointly holds the vast lands of Aquitaine. He played lords against each other to ultimately receive the Duchy of Brittany as a vassal state. With these vast lands, he had a lot of territory available for inheritance. He proceeded with a succession plan that was mostly out of the playbook of the French--namely, dividing his inheritance and crowing a junior king while still alive.
- In 1170, he began to enact his plans.
 - He had Henry crowned king of England. His son, now 15, is known to history as "Henry the Young King". The "Old King" had also begun expeditions into Ireland to gain even more territory. At this time, William Marshal was appointed to be the "tutor-in-arms" to Henry the Young King.
 - Richard was betrothed to another daughter of King Louis VII, Alys, and received the Duchy of Aquitaine. He joined her in 1171 and was made Duke in 1172 at the age of 14.
 - Geoffrey was betrothed to the heir apparent of the Duke of Brittany. John had no inheritance which gained him the nickname of John Lackland.
- But, a new crisis would emerge in 1173. King Henry II decided to give some castles to John which were in the territories of his brothers who were, despite their young age, eager to begin to rule in their own right. Henry the Young decided to lead a revolt against his father and formed an alliance with this father-in-law, King Louis VII. They were joined by Richard and Geoffrey along with many other French nobles and the King of Scotland (who was always ready to ally with France against the English). Eleanor was en route to join her sons but was captured by King Henry II's men and placed into

captivity in England where she would remain for over 15 years until the death of her husband.

- King Henry II would emerge victorious and put his children in timeout. This applied to the three older boys as John, the youngest, sided with his father and became his favorite. In 1180, Louis VII died and his son, Philip, became King Philip II at the age of 15. The sons of Henry became more restless as the King of France was now younger than them.
- Tragedy would strike in 1183 when Henry the Young King died while still aligned with France and in on-again, off-again conflicts against his father and brother Richard. King Henry II (who now took William Marshal into his own household of knights) now had to make new succession plans.
 - Now, Richard, age 27, would be the heir apparent to England, Normandy, and Anjou; Geoffrey would retain Brittany; John, who had been given the title Lord of Ireland in 1177, would now receive Aquitaine. But, Richard loved Aquitaine and had spent most of his adult life in the region building support, fighting off rebellions, and pressing his claims south and east. He refused to give it up leading to yet another family war--this time it was everyone against Richard.
 - Geoffrey died in 1186, and Richard went on to ally himself with King Philip II and even go as far as paying homage to him in 1187.
- In 1187, news from the Holy Land would once again change the geopolitical balance in France. A mighty Muslim leader from Egypt known in the west as Saladin had taken Jerusalem leaving the Christian territories in the Levant in an ever more precarious position. Calls for another crusade swept across Europe, and the pope used this opportunity to try to broker peace in France and turn the factions away from fighting each other to fighting Saladin.
- Kings Henry II and Philip II as well as Richard all “took the cross” and pledged to fight in this new crusade (which would be known as the Third Crusade). A new tax, nicknamed the Saladin tithe, was issued to raise funds for the war. King Henry stalled further pushing Richard toward Philip. Peace was broken and Henry made his last campaign into France. He died in 1189 and had learned that even his favorite son John, had turned against him in this latest conflict.
- Richard would be coronated as King of England in July of 1189 and departed for the Levant the next summer. William Marshal, who had quickly become one of King Henry II’s most trusted, now came into the service of King Richard despite nearly killing him on the battlefield months prior. William Marshal’s first order from King Richard was to release Queen Eleanor from her long imprisonment.

3. Richard the Lionheart and John Lackland

- With Richard now the King of England along with his many French possessions, his relationship with King Philip II quickly became complicated. We've joked a bit about the "national pastime" of war between England and France, but, if you've followed our story closely, the conflicts have been few thus far. The first battles that we've seen between the powers really instigated under King Henry I when territory around Normandy came into question between his barons and those of King Louis VI. It's important to recall that Normandy was still notionally part of France and, thus, required the dukes of that land to pay homage to the King of France. As the French kings gained in confidence, they attempted to assert this further. As the House of Anjou came to power through the aftermath of The Anarchy, King Henry II had lands all over France by which the French king wanted to be recognized as overlord while simultaneously being threatened from a very pragmatic sense. This is the heart of the Anglo-French conflicts over the next few centuries. So, despite Richard and Philip being friends and allies, it quickly became full of spite as Philip looked to Richard to remain subordinate to him even though Richard now had all of the power. This became even more complicated Richard refused to marry Alys, his betrothed, the sister of Philip. Richard was never enamoured with this match, and Alys had been taken as a mistress by his father Henry II.
- This is the stage as the two kings were about to leave to go on the Third Crusade where they, according to the laws of the Church, had to be allies and have peace between them and all their lords back home. It was a crime to the church to attack a man or his property while on crusade.
- The first piece we need to briefly discuss takes place in Sicily. If you recall from our last episode, the Normans conquered Sicily in 1096. A kingdom was established in 1130 under Roger II, a son of one of the many Hauteville brothers. Now, fast forward to 1177, the king is now William II (grandson of Roger II) and he is married to none other than princess Joan, the daughter of Henry II and Eleanor of Aquitaine. Joan is just 12 years old at the time of her marriage. As Richard became king, William II died leaving Joan a widow.
 - Now, bear with us, this gets a little deep but it let's us introduce a famous name of history, a funny nickname, and actually ties into key parts of the story.
 - The Third Crusade was supposed to be bigger than any crusade prior. Not only were the kings of England and France personally leading armies, but so was the Holy Roman Emperor. This is Emperor Frederick Barbarossa. You may have heard of him. He reigned as emperor from 1155 until his death. And, his death comes while he is in transit to the Holy Land in 1190. While he was on his way, his son,

Henry VI and heir apparent stayed back in Germany with his wife Constance. Constance is William II of Sicily's aunt and had been named heir to the Sicilian throne in 1189, but she was stuck in Germany with her husband. Understand the other dynamic here that the papacy is very nervous about this situation because they had used Sicily as an ally in their political (and military battles) against Frederick Barbarossa who was still fighting the Investiture Controversy with Rome. Unifying Germany with Sicily was not what the Pope wanted to see.

- A cousin of William II named Tancred uses the power vacuum to seize power and claim the throne for himself. He then imprisons Queen Joan. You can imagine that this did not sit well with Richard when he arrived in Sicily on his way to the Levant in 1190. Tancred was not well-liked and, due to his short stature, was nicknamed the "Monkey King". Negotiations ensued. When things didn't go his way, Richard and his army attacked the Sicilians. Peace would finally be negotiated in March of 1191.
- One more piece of the puzzle before we cover the peace terms. As we mentioned, Richard was not keen on marrying Philip's sister Alys to whom he had been betrothed for many years. Queen Eleanor (now about 68 years old) embarked on a diplomatic mission through the Pyrenees mountains south of Aquitaine into the Spanish kingdom of Navarre. Here, she negotiated for the betrothal of Berengaria, the daughter of the king. This illustrates Eleanor and Richard's focus on the southern borders of the empire near Aquitaine and seeking to create a buffer against intrusions from Spain. Berengaria would be sent to Sicily to meet her future husband.
- The peace settlement between the Lionheart and the Monkey King was as follows: Queen Joan would be released into Richard's custody and be paid compensation for her lands; Tancred would be recognized as king and a peace was established between England, France, and Sicily; and, it was acknowledged that Arthur of Brittany was Richard's heir.
- Who is this Arthur of Brittany? Arthur was the oldest son in the traditional line of succession under primogeniture. He was the son of Geoffrey, Richard's younger brother and just three years old. This was an obvious slight against Richard's younger brother, John. Throughout this entire period as Richard planned to go on crusade, the biggest worry back home was that John would be plotting to take control away from Richard. And, finally, yes, Arthur was given the name based

on the legend of King Arthur which was now super popular and, allegedly, Richard gave Tancred the sword Excalibur as a gift to secure the peace.

- Now, there are a lot of sources out there to learn more about Richard's campaigns in the Third Crusade, but we're going to breeze past the details. He is considered to be the most effective of the Christian leaders, but they are unable to take Jerusalem back from Saladin, and the war effectively ends in a stalemate. Along the way, Richard shows his cruelty by systematically executing over two thousand Muslim prisoners of war. After less than a year and a half in the Levant, he left to return home. Philip II had left nearly a year earlier and was plotting with John against Richard and France made territorial gains in and around Normandy with John pledging fealty to Philip.
 - On his return journey, Richard was captured by the Germans and held captive by the Holy Roman Emperor Henry VI who was still upset about Richard's peace with Tancred that put his wife, the Empress Constance, out of power in Sicily. Richard would be imprisoned for nearly a year. While in captivity, he was brought before Henry VI to answer to charges as a criminal. The entire exchange is worth reading, but we present one line of the quote which showcases Richard's view of the status of a monarch in this time: "I am born in a rank which recognizes no superior but God, to whom alone I am responsible for my actions."
 - Queen Eleanor would help negotiate his release but it would cost the kingdom a ransom of 100,000 pounds of silver--about the same amount raised in the Saladin tithe to raise money for the war. Richard immediately went to war with France until a truce was declared in 1199.
 - Richard moved south to defend his lands in Aquitaine and was struck by a crossbow arrow; the wound turned gangrenous, and he died.
4. King John, Pope Innocent III, and the First Barons' War
- With Richard dead, a question of succession was raised again. Richard had named Arthur (now 12, the Duke of Brittany, but a hostage of Philip II) as his successor in Sicily, but there were reports that he named his brother John to be successor while on his deathbed due to Arthur's age and presence in the French court. Queen Eleanor (still alive) and most of the nobility (including William Marshal) supported John despite his past treachery, and he was coronated about a month after the death of Richard.
 - King John immediately moved to regain territory in France and fend off any loyalty that may exist for Duke Arthur. The next four years would see the death of Queen Eleanor, the death of Duke Arthur (quite possibly murdered by John himself), and the loss of Normandy to Philip II. John "Lackland" would now have the nickname John "Soft Sword".

- King John met a new enemy in 1205. The Archbishop of Canterbury died and a new one would need to be appointed. John had a preferred candidate, but Pope Innocent III would have none of that asserting papal authority, to oversee such appointments. The pope had his candidate, Stephen Langton consecrated in 1207 and John's refusal to acknowledge him led to all of England being placed under interdict in 1208. Pope Innocent III was one of the most assertive and powerful popes of the era. He was well educated, steadfastly believed in the Gregorian reforms, and re-energized the notion of crusade--expanding it to justify holy war beyond the Holy Land. The interdict would last until 1213 when King John decided to swear fealty to Pope Innocent III, agreeing to pay an annual tribute placing England as a feudal fief to the Papal States.
- John immediately moved to reinitiate attacks on France desperately trying to regain the lands in Normandy that he had lost. Now with the Pope on his side, he pressed on Philip II. He made an alliance with the new Holy Roman Emperor, Otto IV (son of John's older sister Matilda) but Philip II still had the upper hand in battle. A temporary peace was again agreed to in 1214 with even Anjou now loyal to Philip II.
- Decades of wars in France, crushing taxation, and the duplicitous and tyrannical nature of John himself led to a group of barons (mostly minor lords) to begin to rise up and organize against John.
 - The wars in France were expensive. One significant factor in this was the rise of mercenaries or "free companies". In centuries past, kings and lords depended on their own men as part of feudal duties to assemble into armies. The escalating scale of warfare along with the rise of chivalry, increases in experienced soldiers due to the crusades, and availability of able-bodied men from areas such as Flanders which had begun to focus more on trade, all contributed to the growing use of paid soldiers. Feudal lords were also available to pay a tax called "scutage" in lieu of providing men-at-arms.
 - Taxation had been increasing since the time of King Henry II, and taxation was more efficient in England due to the societal structure than it was in Angevin lands in France. Hence, the English nobility (including minor lords and the ecclesiastical class) paid disproportionate taxes to fund military adventures in France. If you add in the Saladin tithe and taxes raised for King Richard's ransom, then you can see the situation was already bad before King John took the throne. With John's lack of success in military campaigns to take back Angevin land that fell into Philip's control, he doubled-down on

taxing the English because he lost some of his tax base in France. This created a downward spiral throughout his reign.

- In addition, during the interdict, King John took the opportunity to raise more taxes on the clergy, confiscate their wealth, and use his conflict with the Pope to assert his own control over the monastic community. Similarly, John used pay-to-play tactics for positions of patronage with his lords and increased the fees for various royal grants such as legal fees, hunting rights, and marriage grants.
- John was also notoriously ill-tempered and two-faced. He would turn on his allies in favor of new ones constantly keeping even his most loyal lords fearful of the stability of their position. This was complicated by the fact that most of his leading men held lands in both England and Normandy (or other former Angevin lands). These lords wanted to retain their holdings in France but would have to pay homage to Philip II--now enemy number one of King John. William Marshal had, by this time, inherited the title of his father as the royal marshal. He had been granted the Earldom of Pembroke and lands in England, France, Wales, and Ireland. When John gave him permission to pay homage to Philip II for his French lands, John turned on him and encouraged raids and military incursion on Earl Marshal's Welsh and Irish lands. John was also notorious for feeling that he had the royal prerogative to take the wives of his lords for his own pleasure.
- This is the scene in January 1215 when a group of barons, led by Robert FitzWalter mobilized and planned to depose John of the throne. King John stalled to buy time but knew that he would have to negotiate when the rebel barons occupied London and gained more support for their cause.
 - One last side note as it's important to understand the position of London at this time.
 - By the mid-12th Century, London was clearly the largest city in England but was not yet the "capital" city of England. Recent kings had been largely mobile and thus, the "capital" moved with him. The principal location of the royal household while in England had moved from Winchester, the old Anglo-Saxon "capital" and still home of the royal treasury, to Westminster Palace which was just outside of London west along the Thames River.
 - As larger towns began to develop an independent merchant-based economy beyond feudal agriculture, they began to seek different treatment under the law and in regards to taxation. This trend began in France and Italy where such cities were beginning to develop and were referred to as communes. London began to push for similar

treatment and had clearly become a strategic city by the time of The Anarchy to rally support of wealthier individuals. Local alderman had emerged as a council of barons to represent the community of lords, and in 1189, London was given the unique status of having its own mayor. Henry FitzAlan was the first Lord Mayor of London. Records show that he was an alderman from as early as 1168. Under this special status, London would begin to further gain independence from typical royal, feudal authority.

- Both sides had appealed to Pope Innocent III for arbitration, but the time for waiting had run out. John agreed to negotiations with the Archbishop of Canterbury, Stephen Langton, who had been, if not outright supporting, at least sympathetic, to the cause of the barons. The barons had started with Henry I's Coronation Charter of 1100 as their basis for demands. There is a draft of a charter lost to history, but this was the framework from which Langton and other parties worked to design the Magna Carta.
- The Magna Carta was reluctantly agreed to by King John and was issued under his royal seal on June 15, 1215, after negotiations at a location between London and Windsor Castle called Runnymede.
- We are not going to get into the details of what is in the Magna Carta in this episode. We will cover some of that in the next episode. However, the most controversial and baron-friendly clause was #61, the so-called "Security Clause". Key portions read:
 - "...We give and grant to the barons the following security: The barons shall elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them by this charter... If we... transgress any of the articles of the peace or of this security...the twenty-five barons, ,, may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children, until they have secured such redress as they have determined upon... We will not seek to procure from anyone, either by our own efforts or those of a third party, anything by which any part of these concessions or liberties might be revoked or diminished. Should such a thing be procured, it shall be null and void and we will at no time make use of it, either ourselves or through a third party.
- The charter was doomed to fail with this provision. King John got the answer that he wanted from Pope Innocent III just two months later in August where the Pope stated that the charter was "not only shameful and demeaning but

also illegal and unjust [since John had been] forced to accept it, ... and was null, and void of all validity for ever.”

- A civil war, known as the First Barons War (yes, there will be another) broke out that summer with the barons appealing to France and inviting Prince Louis, son of King Philip II, to come and take the English throne from John. By May of 1216, a fleet of ships carrying Prince Louis and his army landed in Kent. In June, they took London. Nearly surrounded, paranoid, and giving in to his excesses, King John contracted dysentery and died in October 1216. King John's oldest son was Henry--just a 9 year old boy. The nobility now had a decision, pass the crown to the 9 year old Henry or place the French prince on the throne.
- William Marshal, who had remained part of the royalist forces against the barons, was named protector of young Henry. The church still backed the royalists which led to the coronation of King Henry III in late October. The Magna Carta was edited and reissued with the Security Clause being one of the provisions stripped from the charter. When Louis returned to France for reinforcements, the papal legate (a diplomat with the ability to speak on behalf of the Pope) declared the royalist cause to be a Crusade as, after all, the barons were attacking the king of England, a feudal vassal to the Pope. Barons began to defect due to William Marshal's reputation, the re-issue of the Magna Carta, and the position of the church. In the spring of 1217, Marshal led the royalist forces to victories against the French and rebels leading to a truce and peace negotiations in the summer. The war was over with the Treaty of Lambeth in September of 1217.
- King Henry III started his reign under a civil war and was led by the steady hand of Earl William Marshal acting as regent. Marshal would die in 1219 at the age of 72. King Henry III would be coronated again in 1220 and re-issue the Magna Carta “of his own free will” in 1225 as a young king ruling in his own right.
- In our next episode, we will look at the rest of the reign of King Henry III, The Second Barons' War, and the development of law and Parliament in England under King Edward I.

Reading List

Podcasts

- The British History Podcast - <https://www.thebritishhistorypodcast.com/>
- The History of England - <https://thehistoryofengland.co.uk/>

Video

The Plantagenets and the War of the Roses -

<https://www.youtube.com/playlist?list=PLFcX45YI0E4pTNrKiWgiSETQr4DMT9IFc>

Books

Meigs, Samantha A, and Stanford E Lehmborg. 2016. **Peoples of the British Isles : A New History. From Prehistoric Times to 1688**. New York, N.Y.: Oxford University Press. -

<https://amzn.to/2SPYPIG>

Loades, D M. 2013. **The Kings & Queens of England : The Biography**. Gloucestershire:

Amberley. - <https://amzn.to/3jszorf>

A Very, Very Short History of England Series by Ed West - <https://amzn.to/3jsz2Rr>

The History of England Series by Peter Ackroyd - <https://amzn.to/3t19Ip9>

The Plantagenets: The Warrior Kings and Queens Who Made England by Dan Jones -

<https://amzn.to/3gl3aqb>

Jones, Dan. 2016. **Magna Carta : The Birth of Liberty**. New York, N. Y.: Penguin Books. -

<https://amzn.to/3n1tJJj>

Jones, Dan. 2020. **Crusaders : The Epic History of the Wars for the Holy Lands**. New York:

Penguin Books. - <https://amzn.to/3DNxol2>

Starkey, David. 2016. **Magna Carta : The True Story behind the Charter**. London: Hodder. -

<https://amzn.to/3C2xuot>

Others

Danzinger, Danny, and John Gillingham. 2003. 1215: The Year of the Magna Carta. New York, Ny: Touchstone.

Thorne, Samuel E, American Council Of Learned Societies, and Magna Carta. 1965. The Great Charter; Four Essays on Magna Carta and the History of Our Liberty [by] Samuel E. Thorne [and Others]. New York, Pantheon Books.

James Clarke Holt. 1992. Magna Carta. Cambridge: Cambridge University Press.

Linebaugh, Peter, and University Of California Press. 2008. The Magna Carta Manifesto : Liberties and Commons for All. Berkeley: University Of California Press.

Church, S D. 2015. King John : And the Road to Magna Carta. New York: Basic Books, A Member Of The Perseus Books Group.

Stringham, Raymond B. 1966. Magna Carta, Fountainhead of Freedom,. Rochester, N.Y., Aqueduct Books.

Morris, Marc. n.d. King John : Treachery and Tyranny in Medieval England : The Road to Magna Carta.

Jones, Dan. 2016. Magna Carta : The Birth of Liberty. New York, N. Y.: Penguin Books.

Ackroyd, Peter. 2013. Foundation : The History of England from Its Earliest Beginnings to the Tudors. New York: Thomas Dunne Books/St. Martin's Griffin.

Richardson, H G, and G O Sayles. 1974. The Governance of Mediaeval England : From the Conquest to Magna Carta. Edinburgh: Edinburgh University Press.

Levy, Leonard W. 1999. Origins of the Bill of Rights. New Haven, Ct: Yale University Press.

Bailyn, Bernard. 2017. The Ideological Origins of the American Revolution. Cambridge, Mass. Etc.: The Belknap Press Of Harvard University Press.

Hayek, Von, William Warren Bartley, and Ronald Hamowy. 2011. The Constitution of Liberty : The Definitive Edition. Chicago, Ill. Univ. Of Chicago Press.

Monk, Linda R. 2015. The Words We Live by : Your Annotated Guide to the Constitution. New York: Hachette Books.

Graber, Mark A, and Howard Gillman. 2015. The Complete American Constitutionalism. Oxford: Oxford University Press.

Spalding, Matthew, and David F Forte. 2014. *The Heritage Guide to the Constitution*. Washington, Dc: Regnery Publishing.

Magna Carta Comes to America. By: Howard, A. E. Dick, *American Heritage*, 00028738, Spring/Summer2008, Vol. 58, Issue 4

Magna Carta: Myth and Meaning.” 2015. YouTube. 2015. <https://youtu.be/jm1FrTO2aOg>.

Conversations on the Enduring Legacy of the Great Charter: American Law & the Great Charter. 2015. “Conversations on the Enduring Legacy of the Great Charter: American Law & the Great Charter.” YouTube. May 20, 2015. <https://youtu.be/EPBR5Gxp1vg>.

Magna Carta’s Legal Legacy: Conversation with Chief Justice Roberts & Lord Judge. 2014. “Magna Carta’s Legal Legacy: Conversation with Chief Justice Roberts & Lord Judge.” YouTube. November 14, 2014. <https://youtu.be/45Y7bN7ZwaY>.

Starkey, David. 2015. “Magna Carta and Modern Controversies from Multiculturalism to Political Correctness (David Starkey).” YouTube. September 21, 2015. https://youtu.be/qK7iDHALf_Q.

Alfred’s Doombook: The Anglo-Saxon Foundations of Magna Carta.” 2019. *Litera Scripta*. December 2, 2019. <https://www.law.ua.edu/specialcollections/2019/12/02/alfreds-doombook-the-anglo-saxon-foundations-of-magna-carta/>.

Byrne, Francis John. "Tribes and Tribalism in Early Ireland." *Ériu* 22 (1971): 128-66. Accessed November 16, 2020. <http://www.jstor.org.proxy.ulib.uits.iu.edu/stable/30007606>.

Mark Stuart Weiner. 2013. *The Rule of the Clan : What an Ancient Form of Social Organization Reveals about the Future of Individual Freedom*. New York, N.Y.: Farrar, Straus And Giroux.

Tacitus, Cornelius, Harold Mattingly, and J B Rives. 2009. *Agricola ; Germania*. London ; New York: Penguin.

“Romans 8:31 What Then Shall We Say in Response to These Things? If God Is for Us, Who Can Be against Us?” n.d. Biblehub.com. Accessed November 17, 2020. <https://biblehub.com/romans/8-31.htm>.

England, King Richard I. of. n.d. “I Am Born in a Rank Which Recognizes No Superior but God.” Wikisource. Accessed November 17, 2020. https://en.wikisource.org/wiki/I_am_born_in_a_rank_which_recognizes_no_superior_but_God.

Niles, John D. "The Myth of the Feud in Anglo-Saxon England." *The Journal of English and Germanic Philology* 114, no. 2 (2015): 163-200. Accessed November 17, 2020. doi:10.5406/jenglgermphil.114.2.0163.

"Alfred's Doombook: The Anglo-Saxon Foundations of Magna Carta." 2019. *Litera Scripta*. December 2, 2019. https://www.law.ua.edu/specialcollections/2019/12/02/alfreds-doombook-the-anglo-saxon-foundations-of-magna-carta/#_ftn1.

"English Translation of Magna Carta." n.d. The British Library. Accessed November 18, 2020. https://www.bl.uk/collection-items/~/link.aspx?_id=36B2EFB911E04465A9EC8A22CD06655A&_z=z.

Jones, Dan. 2014. *The Plantagenets : The Warrior Kings and Queens Who Made England*. New York: Penguin Books.

Lepore, Jill. n.d. "The Myth of Magna Carta." *The New Yorker*. <https://www.newyorker.com/magazine/2015/04/20/the-rule-of-history>.

Nicholas, Michael. n.d. "The Histories King Henry II and His Legal Reforms." https://digitalcommons.lasalle.edu/cgi/viewcontent.cgi?article=1179&context=the_histories.

Wikipedia Contributors. 2019. "John." *Wikipedia*. Wikimedia Foundation. May 1, 2019. <https://en.wikipedia.org/wiki/John>.

"Henry II of England." n.d. *Ancient History Encyclopedia*. https://www.ancient.eu/Henry_II_of_England/.

Wikipedia Contributors. 2019. "Third Crusade." *Wikipedia*. Wikimedia Foundation. June 11, 2019. https://en.wikipedia.org/wiki/Third_Crusade.

Boyle, David. 2005. *Blondel's Song : The Capture, Imprisonment and Ransom of Richard the Lionheart*. London ; New York: Viking.

BBC News. 2014. "Why Are There so Many Magna Cartas?," September 12, 2014, sec. London. <https://www.bbc.com/news/uk-england-london-29101774>.

The British Library. 2014. "English Translation of Magna Carta." *The British Library*. <https://doi.org/https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

Garnett, George. "Sir Edward Coke's Resurrection of Magna Carta." In *Magna Carta: History, Context and Influence*, edited by Goldman Lawrence, 51-60. London: University of London Press, 2018. Accessed November 18, 2020. doi:10.2307/j.ctv5136sc.11.

Sir Edward Coke Explains One of the Key Sections of Magna Carta on English Liberties (1642) - Online Library of Liberty." n.d. Oll.Libertyfund.org. Accessed November 18, 2020. <https://oll.libertyfund.org/quotes/307>.

Parliament, The History of. 2015. "Sir Edward Coke, Magna Carta, and 17th Century Rebellion." The History of Parliament. June 3, 2015. <https://thehistoryofparliament.wordpress.com/2015/06/03/sir-edward-coke-magna-carta-and-17th-century-rebellion/>.

Roos, Dave. 2019. "How Did Magna Carta Influence the U.S. Constitution?" HISTORY. September 30, 2019. <https://www.history.com/news/magna-carta-influence-us-constitution-bill-of-rights>.