

C. Warren Hollister
LBJ Lecture Nov. 30, 1983

Introduction of Dr. C. Warren Hollister
The Fourth Lyndon Baines Johnson
Distinguished Lecturer
Robert L. Hardesty
President
Southwest Texas State University

It is my great pleasure to welcome you to the fourth of the Lyndon Baines Johnson Distinguished Lectures. We are pleased to have so many of our students and faculty here today as well as so many friends of Southwest Texas. There is a special guest in the audience today whom I want to welcome: the honorable Malcolm McBain, deputy consul general of the British consulate in Houston.

The Lyndon Baines Johnson Distinguished Lecture Series began in April 1982 as a tribute to SWT's most distinguished alumnus. LBJ wanted to bring outstanding national leaders to this campus in such a program, but he died before the project was completed. We are doing it now for him. The tradition of bringing distinguished speakers to the campus for the Lyndon Baines Johnson Distinguished Lecture Series continues this morning. But—and I am sure that President Johnson as well as our distinguished speaker would agree—perhaps the star of this event is an incredibly old, incredibly important document that will be on public display in Strahan Coliseum today and tomorrow.

This gathering today is typical of the ones that have occurred across America since the Magna Carta in America Foundation began touring our country with the document in 1981. And everywhere it travels, thousands of Americans turn out to view it.

Written in Latin, the document is scarcely readable by most of us. Still we, a continent apart from the England of 1215 A D., are eager to learn about it and to inspect it with our own eyes.

Its value to modern America lies not only in its antiquity but also, and most important, in the principles of the document itself, for it set out the rights of individuals and verified that the king himself was subject to the law of the land. Agreed to by a reluctant King John at Runnymede on June 15, 1215, it is the very cornerstone of English and American law.

One particular passage has found its way, with only minor changes in wording, into free constitutions around the world: "No free man shall be taken or imprisoned or dispossessed or outlawed or exiled or in any way destroyed save by the lawful judgment of his peers or the law of the land." This passage is reflected in the Fifth Amendment of the United States Constitution which forbids government from depriving anyone of life, liberty or property without due process of law.

Only four of the twenty original copies of Magna Carta still exist. The copy exhibited here today and tomorrow is the Lincoln Exemplar, entrusted to the bishop of Lincoln for safekeeping shortly after the copies were distributed throughout England in 1215. We hope you will remain to view the exhibit following the lecture this morning.

We are particularly honored to have a renowned historian, Dr. C. Warren Hollister, to introduce us to this treasured document, its history and its significance.

Dr. Hollister, professor of history at the University of California at Santa Barbara, is an internationally respected scholar of medieval history. He is a graduate of Harvard and UCLA. Dr. Hollister is a fellow of the Medieval Academy of America, the Royal Historical Society (London), and the Medieval Academy of Ireland. He has lectured at colleges and universities across America and overseas, from Cambridge and Oxford to Sydney and Auckland to Moscow.

The list of offices held by Dr. Hollister is impressive. He is vice president and president-elect of the North American Conference on British Studies, chairman of the program committee for the 1984 centennial meeting of the American Historical Association, chairman of the Medieval Academy of America nominating committee, and president of the International Charles Homer Haskins Society on Anglo-Norman History. He is the recipient of many honors for his teaching and writing. He has published 47 major books and scholarly articles on medieval history and is co-author with the late Leon Jaworski of the book *Magna Carta*.

It is my very great pleasure to present Professor Hollister.

Lyndon Baines Johnson Distinguished Lecture
C. Warren Hollister
November 30, 1983

Magna Carta

In mid-June, A.D. 1215, King John of England grudgingly came to terms with a group of armed and angry magnates at Runnymede on the Thames. Two monuments now stand there: one built by the British government in memory of John F. Kennedy; the other built by the American Bar Association in honor of Magna Carta. I was at the meadow of Runnymede just four months ago, and as I stood there I fondly recalled a picture in my high school history text of old King John scowling behind his beard as he signed Magna Carta. But alas, as I later discovered, the picture was wrong. John didn't sign Magna Carta. So far as we can tell, he didn't know how to write. But he did, formally and publicly, agree to its sixty-three clauses and issued it in his name, in a number of copies that he sent out to various parts of the kingdom. Four of the originals have survived, three in good condition, and one of these three, preserved at Lincoln Cathedral, is on display at Southwest Texas State University—no more and no less an “original” than the other two. It is 768 years old and opens with these words, which I translate from the Latin:

John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine and count of Anjou, to the archbishops, bishops, abbots, earls, barons, etc. . . . and all his faithful subjects, greeting. Know that we . . . have . . . granted to all free people of our realm, for ourselves and our heirs forever, all the liberties written below . . .

This statement, and the concessions that follow it, express the fundamental concept that the powers of kingship are limited by the rights of subjects. Royal authority is not absolute; it must not transgress law. This conception of limited monarchy was not new in 1215, but it had never before been set forth so explicitly. It has had a dominating effect on the subsequent history of England, and as England later acquired her empire, on which the sun never set, the idea of government under the law spread across the globe—

to Canada, India, Burma, Africa, Australia, New Zealand, and of course America. It is the basic principle of the United States Constitution, and we owe it to medieval England.

Those of you familiar with the dialectic of historical scholarship will realize that sweeping statements of the sort I have just made are standing targets for revisionist debunkers. If a doctoral student in history subscribed to all the traditional views, how could that student possibly produce an original dissertation? And only by writing an original book, garnished with some original articles, can an assistant professor hope to attain the sublime heights of tenure. I'm not necessarily proposing that tenured full professors no longer have need of original ideas (they may be aspiring to Harvard). I am only suggesting that reverential attitudes toward Magna Carta are bound to come under attack—and they have. Bishop William Stubbs, writing in the nineteenth century, saw Magna Carta as the greatest single formative document in English history, the fountainhead of English liberty. Predictably, then, in 1904 Edward Jenks contended that Bishop Stubbs had completely misunderstood the matter. Magna Carta was backward looking, not forward looking. It marked the victory of the old, feudal class over the enlightened Angevin monarchy. It was not so much a landmark as a stumbling block in English constitutional development. Worse yet, the argument has more recently been advanced that Magna Carta was neither good nor bad, but unimportant. "In 1215," writes J. C. Holt, "Magna Carta was a failure. It was intended as a peace and it provoked a war. It pretended to state customary law and it promoted disagreement and contention. It was legally valid for no more than three months . . ."

Before you all leave, let me explain that Magna Carta was important to J. C. Holt. His intention was not to debunk Magna Carta or question its significance but to set up a paradox: given its frail origin, how can we account for its importance? Let me attempt to answer that question by exploring its historical setting.

Magna Carta was a product of a remarkable era in European history centering on the twelfth and thirteenth centuries, a period known as the High Middle Ages. It was preceded by the troubled centuries of Germanic, Nomad and Viking invasions and followed by the so-called Renaissance. The High Middle Ages witnessed the building of the great European cathedrals—Chartres, Amiens, Reims, Cologne, Notre Dame, Paris, Lincoln—vast edifices of stone and shimmering glass that awe us even today. The age of the cathedrals was also the age of the crusades, and of philosopher-theologians such as Anselm, Abelard and Thomas Aquinas. It is often called "The Age of Faith," but I would remind you that cathedrals do not rise on faith alone. They are, among other things, very large, and therefore very expensive. They betoken not only religious devotion and artistic genius but, as well, a buoyant and increasingly urban economy. The rise of cathedrals was concurrent with the rise of towns and commerce, markets and fairs. During the High Middle Ages European civilization was expanding far and wide: across Islamic Spain, Sicily and the Levant; northward into Scandinavia; eastward into Poland and Hungary; and northeastward along the shores of the Baltic Sea. A generation before Magna Carta, William fitz Stephen was boasting of his native London as though he were a member of its Chamber of Commerce:

Among the noble and celebrated cities of the world, London, the capital of the kingdom of the English, extends its glory farther than all others, and

sends its wealth and merchandise more widely into far distant lands. It lifts its head higher than all the rest.

Much the same thing was being said by proud citizens of high-medieval Europe's other rising cities: Paris, Cologne, Venice, Milan, Genoa, Pisa, and many more. In France, Spain and Germany, and the Italian cities, sophisticated record-keeping bureaucracies were developing. The birth of Parliament in thirteenth-century England was echoed by the emergence of similar representative assemblies all across Europe. Indeed, many of the most characteristic institutions of our civilization are rooted in the High Middle Ages, including one of particular importance to us here today: the university. By 1215 universities were flourishing at Oxford, Paris, Bologna, Salerno and elsewhere. Cambridge was just then emerging from the mists. In short, Magna Carta was the product of an era both religious and commercial, of a vibrant, expanding, inventive civilization that gave us not only churches and theology but craft and merchant guilds, windmills, mechanical clocks, eyeglasses and hard liquor — first distilled in late-twelfth-century Salerno. (Ancient Roman orgies, like some modern cocktail parties, 'were fueled by wine alone.)

The political tensions from which Magna Carta emerged were unique to high-medieval Europe. Until then the great majority of states and empires throughout the world, back to the dawn of civilization, had been autocracies. But in the High Middle Ages something different was brewing (or distilling). European civilization had no single, omnipotent king of kings; it was, and remains to this day, a cluster of separate states, great and small, sharing a common culture. Still more striking, every medieval monarch, even if he dreamed of making his authority absolute, had to contend with two other legally-constituted powers within his state: the nobility and the Church. As a consequence of the rise of feudalism in northern Europe during the preceding centuries, monarchs found their authority over their greatest nobles legally defined and limited by the reciprocal principle inherent in the feudal contract—the lord-vassal relationship. The word "feudal," like "medieval," has unpleasant connotations today. The term comes quickly to mind when one wishes to criticize congressional committees or the Iranian or Syrian governments. But there is much to suggest that feudalism, or the reciprocal contract between lord and vassal, ultimately had a liberating effect on human history. Is it sheer coincidence that the two most thoroughly feudal civilizations, Western and Japanese, are today among the most productive and democratic in the world? In medieval Europe, the feudal contract bound both parties—lord and vassal alike. The vassal owed his lord loyalty and service, military service in particular. The lord owed his vassal protection, good justice, and a willingness not to demand services beyond those that his vassal had specifically promised. If the vassal refused to serve his lord, or supported his lord's enemy, the lord was legally entitled to confiscate his estates. If the lord failed in his obligations, the vassal could renounce his allegiance through a legal process known as **diffidatio** (breach of faith, or breach of contract). Fulbert of Chartres, writing in the eleventh century, put it this way:

The vassal shall faithfully give to his lord his counsel and support, if he wishes to appear worthy of his benifice and carry out faithfully the fealty which he has sworn. The lord must also in all things do similarly to the vassal who has sworn fealty to him. If he fails to do this, he will rightly be accused of bad faith . . .

We must of course be wary of excessive legalism in interpreting the lord-vassal relationship. Regardless of rights and wrongs, forfeiture or *diffidatio* usually meant war, and hostilities between princes and nobles have of course been common throughout human history. But in medieval Europe, as nowhere else, such struggles were waged within a well-understood framework of customary law that extended its protection to both parties. In England, the law of the reciprocal feudal contract defined the mutual rights and obligations of the lord king and his aristocratic tenants-in-chief, his oath-bound magnates.

The second major limitation on royal authority was the power of the international church, headed by the Roman papacy. Here again, we are dealing with something unique in Western Civilization. In the words of England's foremost living medieval historian, Sir Richard Southern, the western church in the Middle Ages developed "the most elaborate and thoroughly integrated system of religious thought and practice the world has ever known." All civilizations have had religions, most have had priesthods, but none outside the West has produced an ecclesiastical organization so centralized and autonomous. In Islam, "church" and "state" were fused under a single spiritual-political leader, the caliph, whose authority was not unlike that claimed today by the Ayatollah Khomeini. In Byzantium, the power of the emperor at Constantinople overshadowed that of the Eastern-Orthodox patriarch of Constantinople. In India the priesthood was independent but politically disorganized. Wherever we look we find priesthods either controlled by princes or politically powerless. But in the medieval West the papacy had been growing in strength, and leading an international movement of reform, ever since the eleventh century. Increasingly, a politically independent papacy had been tightening its hold on the Western church: through papal legates presiding over synods across Europe, through a papal court of last resort—a kind of European ecclesiastical supreme court for church-related cases—and through the development of a coherent body of canon law applicable throughout the West. The pope never came close to ruling Europe, but he could confront great monarchs on more or less equal terms. With respect to the individual medieval kingdoms and principalities, the church functioned as a state within a state, with its own hierarchy and its own courts, under the overall authority of the supreme pontiff in Rome. The most powerful and politically successful pope of the High Middle Ages, and one of the wisest and most astute in the history of Christendom, was Innocent III. It was one of King John's great misfortunes that his reign and Innocent III's covered the same years.

In short, then medieval domestic politics were characterized by what might be termed a separation of powers—a triangular tension between the monarchy, the nobility and the church, each with its legally constituted authority. A king who overstepped his authority was in violation of the law. Practically speaking, he risked baronial rebellion on the one hand, and, on the other, such potent ecclesiastical sanctions as excommunication, interdict (that is, the prohibition of all church services within his kingdom), and, at last resort, deposition by the pope and his council. This triangular tension produced various results in various kingdoms. It eventually crippled royal authority in Germany and Poland. In thirteenth-century France, under the revered and beguiling saint-king, Louis IX, the balance tipped toward the crown and France began her long drift: toward the royal absolutism of Richelieu and Louis XIV, ultimately to be shattered by the French Revolution. But England remained finely balanced for centuries and emerged as a limited parliamentary monarchy. The ties of the international church were severed in the sixteenth century by Henry VIII and Elizabeth I, but parliament marched on—and always

will, I sincerely trust, buttressed by 700 years of tradition and now lubricated with North Sea oil.

But here let me modify my Anglophilia by pointing out that high-medieval England was singularly French. At the accession of King John in 1199, the English aristocracy and upper-class townspeople were predominantly French-speaking. They listened to French songs and French romances (though they kept their official records in Latin), and their monarchs ruled not only England but large parts of France—as will have been evident from the several titles claimed by King John. This French connection ran back to 1066, when William the Bastard, duke of Normandy, conquered England, winning for himself a kingdom, a fortune, and a much more dignified name. In a purge worthy of Mao Tse-tung, William the Conqueror replaced the entire Old English aristocracy, lay and ecclesiastical, with his own French-speaking followers, mostly Normans. The fact that he granted English lands to his new nobility in bits and pieces scattered across the kingdom had a determining effect on English politics for centuries thereafter. It ensured that the great magnates would not, as in France, resist royal power by seeking autonomy for their various counties and duchies. The scattered landholdings of post-conquest England forced the aristocracy to adopt a kingdom-wide perspective and strategy. They sought not to reduce the authority of the royal government but to share it, bending its powers to their own advantage. Wise kings—William the Conqueror, Henry I, Henry II—had included great magnates in their administration and had favored them with royal patronage. King John—a moody youngest son—lacked such practical wisdom, so he was compelled by force to grant his barons what his predecessors had given them willingly, selectively and informally.

In time, the Anglo-Norman state resulting from the Conquest of 1066 A expanded through strategic marriages into what has been called the Angevin Empire. King Henry II, Plantagenet, and his sons, Richard I and John, ruled not only England and Normandy but also Anjou, Maine, Touraine, Poitou, Aquitaine and Gascony. Their dominions, stretching from Scotland and Ireland all the way to the Pyrenees, enormously overshadowed the modest territory around Paris and Orleans directly controlled by the kings of France. But the French king had one vital advantage over his anglo-Angevin rival: he was, by ancient tradition, the feudal overlord of all France, to whom all French princes owed homage and fealty. As kings of England, Henry II, Richard and John were subject to no one save God himself. But as dukes of Normandy and Aquitaine and counts of Anjou, they rendered homage and fealty to the kings of France. In practice they exercised vast and autonomous power through the most sophisticated and effective administrative machine in all Europe—chancery, exchequer, itinerant royal justices—a system far in advance of anything one would have encountered in Paris. But in theory, in law, they held their French possessions as vassals of the French crown.

With all this in mind, we turn to King John. He remains to this day a controversial figure. By all accounts he was highly intelligent but afflicted with a suspicious, neurotic personality, not unlike some more recent heads of 1110 state. (A professor of medieval history at Dartmouth, back in the time of Watergate, published an article entitled “John’s Six Crises.”) And King John’s career provides a splendid case-study of the triangular tension of crown, church and baronage. John wanted to be an autocrat: “The law is in my mouth,” he once said. The story is told of how St. Hugh, bishop of Lincoln, tried to

frighten John into changing his autocratic ways by showing him a carving on the portal of Fontevrault Abbey in Anjou depicting tormented souls in hell. But John turned immediately aside to gaze at some carvings of proud kings, telling St. Hugh that he intended to pattern himself after them.

John's inclination toward autocracy has given him a traditionally bad press among English historians. More than a century ago, J. R. Green put it this way:

“Foul as it is, hell itself is defiled by the fouler presence of John . . .” In his inner soul, John was the worst outcome of the Angevin dynasty of English kings I. He united into one mass of wickedness their insolence, their selfishness, their unbridled lust, their cruelty and tyranny, their shamelessness, their superstition, their cynical indifference to honor or truth.

Well, our historical revisionists can hardly have been expected to swallow that one. In the 1930s, when Freud became popular, John was diagnosed as mentally ill. “It is our opinion,” wrote Charles Petit-Dutaillis, “that John . . . was subject to a mental disease well known today and described by modern psychiatrists as the periodic psychosis . . .” Modern psychology shares with medieval penance the happy quality of absolving all sins. By portraying John as a psychotic, we can find him not guilty by reason of insanity.

More recently, historians have become skeptical not only of corrupt inner souls and the foulness of hell, but even of Freud. The insanity defense has aroused controversy not only among lawyers but among historians as well. So efforts have been made to redeem John altogether: he wasn't wicked; he wasn't psychotic; he was just misunderstood. It has been pointed out that John was an admirable administrator, whose reign marked a major advance in bureaucratic record-keeping. It is further argued that various atrocity stories spread abroad by John's enemies are not to be swallowed whole. According to one such story, John ordered his men to seize a certain Geoffrey, archdeacon of Norwich, chain him up, cast him into prison, and torture him to death by slowly crushing him beneath a covering of lead. This dark episode is said to have occurred in 1209, but there is evidence that in 1225 the same Geoffrey of Norwich became bishop of Ely, suggesting that the original story should be viewed with some suspicion. The scholar who made this discovery, the late Professor V. H. Galbraith of Oxford, once told me that he had considered writing a full-scale rehabilitation of John. “But the more I studied the bloke the less I liked him, and finally! I decided to hell with him! Bloody bounder he was, after all!” In my own view, John remains a repellent, unlovable man who killed hostages, starved prisoners, broke his word with careless abandon, and probably murdered his captive nephew, Arthur of Brittany. But here again, we must not be too harsh: John was apparently drunk at the time.

As a youth, John may have been a bit overwhelmed by his family. His father, Henry II, invariably portrayed in movies by Peter O'Toole, has been praised as the father of English common law. His mother, Eleanor duchess of Aquitaine (Katharine Hepburn), was one, of the great women of the High Middle Ages. His elder brother, King Richard the Lion-Hearted (one played to the hilt by the late George Sanders), was a famous warrior and crusader and an accomplished troubadour. John had a great deal to live up to, and a series of dangerous political crises proved too much for him. His failures tell us much about medieval kingship in general and John's character in particular. Let me look

briefly at his three most notable conflicts: with King Philip Augustus of France, with Pope Innocent III, and with the English barons.

Philip Augustus, overlord of John's French dominions, was a crafty, determined monarch. He was determined, in particular, to break up John's Angevin Empire and seize it for the French crown. John played into his hands. In the year 1200, while John was touring Aquitaine, he met a beautiful girl in her early teens, Isabel, heiress of the lordship of Angouleme. Captivated by her fresh beauty, and by the opportunity of tightening his grip on Angouleme, John took her off and married her. But Isabel was betrothed at the time to a neighboring magnate, Hugh the Brown of Lusignon, a short-tempered man who failed to appreciate John's dashing exploit. Following good feudal law, Hugh appealed his case against his immediate lord, King John, to the court of their overlord, Philip Augustus. Philip, likewise following correct feudal procedure, summoned John to Paris to defend his action if he could. John refused to go; he was impulsive but no fool. (Would Andropov appear personally at the World Court to answer charges re the shooting down of the Korean 747?) Philip responded by declaring John a disobedient vassal and laying formal claim to all his French dominions. In the war that resulted, many of John's vassals deserted him. He campaigned half-heartedly for a time (there were complaints that he spent much of his days lolling around with his teenaged wife); then suddenly he panicked and fled to England, permitting Philip Augustus to conquer Normandy, Anjou, and all but the remoter part of Aquitaine. John had suffered a monstrous military and political disaster. His empire was reduced to an island.

John spent the next decade plotting a return to the mainland, building alliances through bribery—or as we would now call it, foreign aid. He continued to use his old mainland titles—duke of Normandy and Aquitaine, count of Anjou—just as Chiang Kai-shek remained officially President of China until his death. But John's plotting and bribing required large sums of money, which he squeezed from his English subjects through ruthless, innovative taxation.

Meanwhile, John became embroiled in a disputed election to the archbishopric of Canterbury. When the dispute was brought to Rome, Innocent III settled it by advancing a candidate of his own choice, a distinguished English churchman named Stephen Langton who had been teaching on the continent for some years. John was furious. Refusing to accept an archbishop whom he regarded as an outsider, he prohibited Stephen Langton from entering the kingdom and accused Innocent III of unwarranted interference in the affairs of the English church. This action has won John some sympathy among modern Anglicans but it was quite unacceptable to Innocent III, who responded by laying England under interdict. John held firm for seven years, and even turned the interdict to his financial advantage: as long as his churchmen remained on strike, he diverted their revenues to his own war chest. Innocent threatened to depose John and suggested to Philip Augustus that should the French decide to invade England the papacy would not object. At length, in 1213, John capitulated. His scheme to reconquer his French empire was moving toward D-Day, and he needed all the support he could get. His surrender was downright flamboyant: not only did he welcome Stephen Langton to Canterbury and promise restitution of all church revenues, in the fullness of time; he also swore fealty to Innocent, declared England a vassal state of papacy, and

promised to go on crusade—once certain immediate problems were settled. Innocent was absolutely delighted.

In 1214 John sprang his trap on Philip Augustus. He led an army northward against France from his remaining possessions in Aquitaine while his allies and employees struck southward from Flanders. The campaign was a fiasco. John's army melted around him at the approach of the French crown prince, and Philip Augustus, on a hot, dusty day near the Flemish village of Bouvines, routed the army of John's allies. Philip's victory was celebrated throughout France and peasants strewed flowers in the path of his triumphant army as it returned to Paris.

There were no flowers for John. Ten years of savage taxation had all been for nothing, and John returned from France to face a hostile baronage. "Softsword," they called him, and in an age of warrior-kings there could be no deeper insult. Many of them rebelled, on the grounds that John was no king but a tyrant. They set about to curb a bad lord, an autocrat who had flaunted the law by twisting feudal customs to his own advantage—to build a war chest for a fruitless war. Unable to cope with the rebellion, John met the barons at Runnymede in June 1215, where they hammered out the terms of Magna Carta.

Kings of England had made promises to their subjects before, customarily on the occasion of their coronation. John's barons pointed in particular to the coronation charter issued by Henry I in 1100, a short list of fourteen points on which Henry I swore to do justice to his church and people. As I have said, the idea of limited monarchy was very old in the West. But Magna Carta's sixty-three clauses, covering the full spectrum of baronial complaints, mapped the limits of royal authority far more precisely than ever before. Baronial rights and grievances are its chief items of business, understandably so under the circumstances. But England in 1215 was more than a polity of king and barons. Small landholders were involved in local government, townsmen in burghal government. Free Englishmen were coalescing into what thirteenth-century writers would call "the community of the realm." Accordingly, John addressed Magna Carta to all free Englishmen—that is, everyone but the serfs, bound to the land. (Thirteenth-century England had no slaves.) Women were included: "No widow shall be compelled to remarry so long as she wishes to live without a husband." "To no one," John promised, "will we sell, deny or delay rights of justice." "No free man may be arrested or imprisoned or deprived of his land . . . except by the legal judgment of his peers or by the law of the land." The concept underlying Magna Carta was given even sharper focus a generation thereafter by the English lawyer, Henry Bracton: "The king should be under God and law."

It will perhaps be obvious from what I have said that Magna Carta is both forward looking and backward looking. It is a hinge connecting the feudal world of customary royal rights and obligations with the modern constitutional idea of limited government. But its authors were looking neither backward nor forward; they were contending with problems of the moment. The barons objected to royal autocracy not because it was "unconstitutional" but because it was emptying their pockets. John's statement, "the law is in my mouth," suggested that he could tax his subjects much as he pleased. Magna Carta provided that taxes be levied "only by the common counsel of our kingdom." It would be misleading to lay too much stress on the underlying principles of this intensely

practical document, concerned as it was with correcting specific abuses of feudal custom. But it would be equally misleading to ignore the implication in Magna Carta, derived from feudal ideology, of an overarching body of law that circumscribed royal authority.

To John, Magna Carta was a temporary concession. He repudiated it at the first opportunity, with the full backing of his papal overlord. The result was a full-scale revolt that ended only with John's death in 1216. Magna Carta might well have died with him, but it did not. It was reissued during his son's minority in 1216, again in 1217, still again in 1225. It became the foundation stone of the vast edifice of English Common Law. It was invoked at the end of the thirteenth century to curb the authority of King Edward I. It was employed effectively and inventively by the parliamentary reformers of the seventeenth century in their struggles with the Stuart kings. As a product of ideas and tensions common to European politics in the High Middle Ages, it had parallels in other lands—in charters of liberties granted by harassed princes in Germany, Italy, Sicily, Hungary, and the Christian kingdoms of medieval Spain. But whereas their charters were aimed at the nobility alone, or at favored towns and districts, Magna Carta was addressed to a whole, free people. And whereas the other charters have become historical relics, Magna Carta has never been forgotten. Across the centuries it has come to be regarded as a document fundamental to the assurance of individual liberty. This was far from the intention of its original drafters, but it is a tribute to the quality of their work. It was adaptable. This was its greatest and most important characteristic.

The barons at Runnymede were wiser than they knew, but we owe something also to the king whose foreign and domestic policies made it all possible. As we approach the 1984 presidential election, apprehensive as to who may be running and who may win, we can perhaps find some comfort in the reflection that really important constitutional progress is often a consequence of really bad government. Bad James II gave England her Glorious Revolution. Bad George III gave us our Declaration of Independence. And bad King John gave us Magna Carta, scowling all the while. I am prepared, reluctantly, to forsake the notion that he signed it, but that he was scowling I shall never doubt.

Lecture transcribed by Benjamin Hicklin, graduate research assistant, 2007-08