A revised edition of J. C. Holt’s classic study of Magna Carta, the Great Charter, offering the most authoritative analysis of England’s most famous constitutional text. The book sets the events of 1215 and the Charter itself in the context of the law, politics and administration of England and Europe in the twelfth and thirteenth centuries. Additionally, a lengthy new introduction by two of Holt’s former pupils, George Garnett and John Hudson, examines a range of issues raised by scholarship since publication of the second edition in 1992. These include the possible role of Archbishop Stephen Langton; the degree of influence of Roman and canon law upon those who drafted the Charter; other aspects of the intellectual setting of the Charter, in particular political thinking in London; the continental context of the events of 1212–15; and the legal and jurisdictional issues that affected the Charter’s clauses on justice.

SIR JAMES HOLT FBA was Professor of Medieval History, University of Cambridge, and Master of Fitzwilliam College, 1981–8. He died in 2014.


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MAGNA CARTA

Third Edition

J. C. HOLT

1922–2014

REVISED AND WITH A NEW INTRODUCTION BY

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Preface to third edition

Dear Jim,

There used to be a myth current here that Goronwy Edwards was the bastard son of Stubbs – because he knew so well Stubbs’ Charters. Having read your book I am inclined to think posterity may see in you Stubbs’ grandson – for both of you hail from Yorkshire, and your book reminds me, in its massive detail and its judicious comment, more of the Constitutional History than any single book written since.¹

In February 2014 we were approached and asked if we would prepare this now classic work, first published to accompany the seven hundred and fiftieth anniversary of Magna Carta, for republication at the beginning of the eight hundredth anniversary.² Since 2011 Jim Holt had been so physically in firm that he was no longer capable of revising his book himself. We had both visited him frequently during the period of his infirmity, and knew well that he continued to reflect on these matters and still relished discussing them. ’Bloody rubbish!’, he exploded when one of us had the temerity to suggest that the true identity of ’Glanvill’ might just conceivably be Samson, abbot of Bury St Edmunds. If anything, medieval history grew in intensity and immediacy because his circumscribed, house-bound existence provided little alternative stimulation.

¹ Undated letter (c. 1964) from V. H. Galbraith to Holt, commenting on a draft of Magna Carta: Holt papers, Department of Mediaeval History, University of St Andrews.
² We should like to thank David Bates for instigating the project, and David Carpenter, Dick Helmholz, Peter Maxwell-Stuart, George Molyneaux, Helen Pike, Richard Sharpe and Nicholas Vincent for information and criticism. In addition to the new Introduction, this edition revises the translation of Magna Carta in Appendix 6 (quotations in the main text retain the unrevised translation), adds new translations of the second part of the Unknown Charter and the Articles of the Barons in Appendices 4 and 5 respectively, makes minor corrections to the text of the Second Edition and expands the References section.
Neither of us hesitated for a moment about accepting the invitation, both out of filial piety and because we were confident that the book which Jim had greatly expanded for the Second Edition in 1992 was not going to be surpassed in the deluge of publications which would inevitably swamp 2015. It deserved to be brought up to date, to take account of what had been published since 1992, and also to explain how and why Jim had rethought so much for the Second Edition – the magnitude of the rethink is evidenced by the fact that the Second Edition is 175 pages longer than the First. But we did so with a scintilla of trepidation, because we were all too aware that he knew we were at work. He had approved of our taking on the job, but we could sense his critical eye skimming over what we had just written, and we wrote in the expectation that he would soon be taking us to task about it. The tone we adopted was therefore one of current debate, not valedictory summing up. We were due to go and see him with a preliminary draft of our Introduction on Friday 11 April. Then, as we were making last-minute revisions to it in preparation, came the news – an e-mail message flashing up in the corner of the screen, as is the way of things nowadays – that he had died suddenly, on Wednesday 9 April. It is always later than you think.

This is not the place for an obituary, or an assessment of Jim as an historian – probably the greatest historian of medieval England of the later twentieth century. We trust that there will be opportunities enough for these. But his death has forced us to adjust the tone of our draft, because it can no longer aspire to secure his imprimatur as a living contributor to the debate. That he nevertheless has an authoritative contribution to make has been clear to us as we have weighed his book, and the recent attempts of others to build on it and disagree with it, with an even keener intensity. His death has also prompted us to write at somewhat greater length, because this Introduction seems likely to constitute the most substantial assessment of his work on Magna Carta, and will mark his vicarious last word on the subject.

Amongst his papers – which will henceforth be lodged in the Department of Mediaeval History at St Andrews – we found a very long hand-written letter commenting on a typescript of the First Edition. It was written by Jim’s own, greatly revered, doctoral supervisor – ‘the Old Man’, as he referred to him – who had encouraged him to write the book. Fifty years on, its opening sentence seems to us accurately to estimate Jim’s place in the Pantheon of historians of medieval England. Who
could be better qualified to pronounce such a judgement than Galbraith? In 1964 his words were to some degree prophetic; but the prophecy came to pass, in Jim Holt’s development of his work on Magna Carta and on many other subjects. Like his book’s subject, ‘It set no mean standard.’

GEORGE GARNETT
JOHN HUDSON

Preface to second edition

This new edition differs from the first in various respects. First, a new chapter entitled Justice and Jurisdiction has been added. This fills a gap in the First Edition, for in 1965 I felt that on this topic there was little to be added to what others had done. I hope also that it will fill a gap in much that has been written in the last twenty years or so about the legal history of England in the late twelfth and early thirteenth centuries, for it is concerned with barons as litigants, not as holders of courts. Secondly, I have added some new appendices. Some of these deal with completely new evidence or with problems which have emerged since 1965; some are concerned with difficult and debatable matters best discussed outside the main body of the book. I have not tried to discuss all current debates in this way. On the ‘price revolution’, ‘heritability’, and a few similar matters I have simply directed the reader to a reasonable sample of the work of the participants and referred to Holt (1991a) where I discuss them briefly, but more directly. Thirdly, I have revised the text throughout, adjusting it here and there to recent work and adding a few short sections which reflect my own fresh thinking or research. The references in the footnotes have been brought up to date; I hope that I have included all the relevant work which has been done in the last quarter of a century. Finally, the book is provided with a completely new and more comprehensive index.

At the same time I have tried to reduce changes to the minimum, for this, like any other book, is a product of time and place. At one stage I intended to include a clause-by-clause commentary, but it soon became apparent that this would require almost encyclopaedic bulk. Too much work has now been done on the later history of the Charter, on the Crown’s feudal incidents, for example, to incorporate anything more than a passing reference. Even more still needs to be done. Much that has been written on a theme as central as the later history of nullus liber homo, for example, now needs serious revision; I touch on this in a short addition in chapter 1. In any case such a commentary would have involved...
so much repetition of material in chapters 8 and 9 that it would have
distorted the original shape of the book. It would, in short, have become a
different book. So it remains thematic in structure, as it was first designed.

Over twenty-five years many have helped. Thanks to some can now only
be a matter of record: Helen Cam, whose postcards always brought fresh
ideas or information: Professor C. R. Cheney and Professor V. H.
Galbraith, both of whom shared my zest for the subject and on whose
contributions I call at several crucial points; and Professor S. B. Chrimes
whose down-to-earth questions led me to think a little further, and I hope a
little deeper, about events at Runnymede. I am grateful to Professor J. A.
Guy for mentioning the preliminaries to the Act of Heresy of 1534, and to
Mr D. E. C. Yale for drawing my attention to an original of the charter of
1215 which was still extant in the seventeenth century. Dr Martin Brett was
particularly generous in presenting me with the problem of the collection
of royal charters in B.L. Harleian MS 458. On the script of this enigmatic
document, which came to be known affectionately among us as ‘the thing’,
I benefited from the advice of the late Mr N. R. Ker and of Dr Pierre
Chaplais and Dr Malcolm Parkes. On the more general linguistic problems
which arise from it and from the Anglo-Norman text of Magna Carta,
Professor William Rothwell gave generous and valuable guidance. Dr
D. A. Carpenter helped me to correct some errors which were still buried
deep in the first edition, and Dr David Crook answered appeals for urgent
assistance from time to time. Finally I am particularly indebted to Dr Paul
Brand. He read a draft of chapter 5 and suggested several improvements in
detail and enabled me to correct a number of errors. He is to be excused of
any responsibility for the argument I develop. To all these I express warm
thanks.

My wife, to whom this book is dedicated, has helped in correcting the
proofs and compiling the new index. She has meticulously and rigorously
eliminated that happy variation in the rendering of names which results from
work done at long intervals. She has also contributed in many other ways
beyond record, as it was when the First Edition was completed in 1965.

J. C. H.
Fitzwilliam College
Cambridge
January 1991
Preface to first edition

The seven hundred and fiftieth anniversary of Magna Carta is not the sole reason for the publication of this book. The last comprehensive study of the Charter was McKechnie’s, published in 1905 and revised in 1914. Since McKechnie wrote, much work has been done, both in studying the Charter and in publishing the records of the Exchequer and the Curia Regis which are essential to its proper comprehension. One object of this present book, therefore, is to provide an up-to-date study of the subject. But it does not follow the pattern of the previous work. The commentary to which McKechnie devoted nearly three hundred pages is no longer practicable. Furthermore, it embodied the approach of the lawyer concerned with pursuing the provisions of the Charter through subsequent legal developments. The result was a learned work of scholarship, but it was not always closely related to the circumstances in which the Charter was produced. For example, McKechnie allotted more space to cap. 36 of the Charter which concerned the relatively trivial matter of the writ of life and limb, than to caps. 52, 53 and 55 which provided for the restoration of property to those disseised by the Crown. These last clauses were among the most crucial issues between King John and his baronial opponents. Their execution led England into civil war.

The approach of the present work is different from McKechnie’s, for it is the work of a historian not a lawyer. Its object is to present the Charter in a context of the politics, administration and political thought of England and Europe in the twelfth and thirteenth centuries. I have discussed some aspects of the Charter’s later history in the first and last chapters, but the book is mainly about the Charter of 1215 and its immediate re-issues, for its later history cannot be understood without a proper grasp of its origins and contemporary significance.

Such a project cannot be an individual effort. It has depended on the work of many scholars, in particular of Lady Stenton, Professor C. R. Cheney, the late Professor Sidney Painter, Mr H. G. Richardson and all
Preface to first edition

those who have edited the relevant volumes of the Pipe Roll Society, the Selden Society and the state papers. I was encouraged to write this book in the first place by Professor V. H. Galbraith. He and Lady Stenton have read the work in typescript and I am indebted to both of them for their comments, suggestions and corrections. Over many years I have enjoyed and benefited from discussions with Professor J. S. Roskell. I have also been helped on particular points by Dr Patricia Barnes, who supplied me with some valuable references to documents in the Public Record Office, Dr R. A. Brown, Professor C. R. Cheney, Mr W. R. Fryer, Mr B. E. Harris, Dr W. D. McIntyre and Miss Anne Pallister.

Dr R. L. Storey read the work in proof and Mr B. E. Harris has helped in correcting proofs.

I owe thanks to the staff of the University Library, Nottingham, for their helpful attention, to Miss Rosemary Hunt, who typed the manuscript and to Mr P. G. Hunter, who compiled the index.

My final debt is to my wife, who has helped in preparing and correcting the final typescript. Without her encouragement this book might have been begun, but it would certainly never have reached completion.

J. C. H.

NOTTINGHAM

August 1964
Acknowledgements

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Abbreviations

Annales Monastici  Annales monastici, ed. H. R. Luard, 5 vols. (Rolls Series, 1864–9)
B.J.R.L.  Bulletin of the John Rylands Library
B.L.  British Library
B.N.  Bibliothèque Nationale
Bracton’s Note Book  Bracton’s Note Book, ed. F. W. Maitland, 3 vols. (London, 1887)
Brevia Placitata  Brevia Placitata, ed. G. J. Turner and T. F. T. Plucknett (Selden Society, 76, 1951)
Cal. Inq. P.M.  Calendar of inquisitions post mortem and other analogous documents preserved in the Public Record Office, i, Henry III (H.M.S.O., 1904)
List of abbreviations


Coggeshall  *Radulphi de Coggeshall chronicon Anglicanum*, ed. J. Stevenson (Rolls Series, 1875)

Curia Regis Rolls  *Curia Regis Rolls, Richard I–Henry III*, 16 vols. (H.M. S.O., 1922–)

Dialogus  *Dialogus de Scaccario*, ed. C. Johnson (London, 1950)

Diplomatic Documents  *Diplomatic Documents preserved in the Public Record Office*, 1, 1101–1272, ed. P. Chaplais (H.M.S.O., 1964)

Early Registers of Writs  *Early Registers of Writs*, ed. Elsa de Haas and G. D. G. Hall (Selden Society, 87, 1970)


Econ. H.R.  *Economic History Review*

E. E. A.  *English Episcopal Acta*

E.H.R.  *English Historical Review*


Gesta Henrici  *Gesta Regis Henrici secundi Benedicti abbatis*, ed. W. Stubbs, 2 vols. (Rolls Series, 1867)


Herrschaftsverträge  *Herrschaftsverträge des Spätmittelalters (Quellen zur Neueren Geschichte*, xvii, Berne, 1951)
List of abbreviations

Histoire des ducs de Normandie, ed. F. Michel (Société de l’histoire de France, 1840)
H.M.C. Reports and Calendars issued by the Royal Commission on Historical Manuscripts
H.M.S.O. Her Majesty’s Stationery Office
Honors and Knights’ Fees, William Farrer, Honors and Knights’ Fees (London, Manchester, 1923–5)
Hoveden, Chronica Rogeri de Hovedene, ed. W. Stubbs, 4 vols. (Rolls Series, 1868–71)
Lincolnshire Assize Rolls, ed. Doris M. Stenton (Lincoln Record Society, xxii, 1926)
M.C.C.E. Magna Carta Commemoration Essays, ed. H. E. Maiden (London, 1917)
Memorials of St Edmund, ed. T. Arnold, 3 vols. (Rolls Series, 1890–6)
M.G.H., Const. Monumenta Germaniae Historica, Constitutiones et Acta Publica Imperatorum et Regum, ed. L. Weiland, 2 vols. (Hanover, 1893, 6)
Ordonnances des Rois de France de la Troisième Race, vol. 1 (Paris, 1723)
Pedes Finium sive Finales Concordiae in curia domini regis, ed. Joseph Hunter, 2 vols. (Record Commission, 1835, 1844)
Pleas before the King or his Justices, ed. Doris M. Stenton, 4 vols. (Selden Society, 67, 68, 83, 84, 1948–67)
P.R.O. Public Record Office
Procès des relations entre les rois et les barons, ed. J. Guiraud (Bibliothèque des écoles françaises d’Athènes et de Rome, 1901–6)
Rolls of the Justices in Eyre for Gloucestershire, Warwickshire and Staffordshire 1221–2, ed. Doris M. Stenton (Selden Society, 59, 1946)
List of abbreviations

Rolls of the Justices in Eyre for Lincolnshire 1218–19 and Worcestershire 1221, ed. Doris M. Stenton (Selden Society, 53, 1934)
Rolls of the Justices in Eyre for Lincolnshire 1218–19 and Worcestershire 1221, ed. Doris M. Stenton (Selden Society, 56, 1937)
Rolls of the Justices in Eyre for Yorkshire 1218–19, ed. Doris M. Stenton (Selden Society, 56, 1937)

Rot. Chartarum Rotuli chartarum in turri Londinensi asservati, ed. T. Duffus Hardy, vol. 1 (Record Commission, 1837)

Rot. Curiae Regis Rotuli curiae regis, ed. Sir Francis Palgrave, 2 vols. (Record Commission, 1835)

Rot. de Dominabus Rotuli de Dominabus et Pueris et Puellis de XII Comitatibus, ed. J. H. Round (Pipe Roll Society, xxxv, 1913)

Rot. de Ob. et Fin. Rotuli de oblatis et finibus in turri Londinensi asservati, ed. T. Duffus Hardy (Record Commission, 1835)

Rot. Lib. Rotuli de liberate ac de misis et praestitis, ed. T. Duffus Hardy (Record Commission, 1844)


Royal Writs Royal Writs in England from the Conquest to Glanvill, ed. R. C. Van Caenegem (Selden Society, 77, 1959)

Select Cases in the Court of King’s Bench Select Cases in the Court of King’s Bench under Edward I, ed. G. O. Sayles, 3 vols. (Selden Society, 55, 57, 58, 1936–9)

Select Cases of Procedure without Writ Select Cases of Procedure without Writ, ed. H. G. Richardson and G. O. Sayles (Selden Society, 60, 1941)


Stubbs’s Charters Select Charters and other illustrations of English constitutional history from the earliest times to the reign of Edward the First, ed. William Stubbs, 9th edn, rev. H. W. C. Davis (Oxford, 1921)

T.R.H.S. Transactions of the Royal Historical Society

V.C.H. Victoria County History