

*Archbishop Langton and Magna Carta: His Contribution, His Doubts and His Hypocrisy**

AFTER King John's settlement with the pope in 1213, his archbishop of Canterbury, Stephen Langton, was at last able to enter England. That he then played a major part in national affairs is undisputed. What is disputed is his precise contribution to Magna Carta. At one extreme, historians have ascribed to Langton all that was best in the charter: the way it asserts the fundamental principle that the ruler is subject to the law, and the way too it reaches out to a wide constituency and is not just a selfish baronial document.¹ At the other extreme, led by J.C. Holt, they have argued that Langton contributed little to the charter's fundamentals, and was a mediator and moderator rather than an originator. These divergent views reflect contemporary testimony. In the (often challenged) account of the St Albans abbey chronicler, Roger of Wendover, Langton seems very much the *fons et origo* of Magna Carta. In the accounts of Ralph of Coggeshall and the Barnwell chronicle, in contrast, he is far less prominent and appears essentially as an intermediary between the sides.² This article will seek to reveal a Langtonian role in the shaping and survival of the charter very different from that found in previous accounts; it will relate that role to the archbishop's doubts about the validity of the 1215 charter, doubts only removed in the final and definitive version of 1225; and, lastly, using evidence hitherto ignored, it will expose the seeming hypocrisy of Langton's conduct when set against the principles of the charter and the canons of his own academic thought.

*This article is developed from talks given at Canterbury Christ Church University, Cardiff University and at the European Medieval Seminar at the Institute of Historical Research. I am also most grateful to Nicholas Vincent for commenting on a draft of the article, as will be evident at several points.

1. Holt himself sets out the debate very fully, citing particularly Kate Norgate as an example of the maximum view of Langton's role: J.C. Holt, *Magna Carta* (2nd edn., Cambridge, 1992), pp. 268–70, 280–87; K. Norgate, *John Lackland* (London, 1902), p. 234. Powicke's account, as Holt points out (p. 270), has strands of both views: F.M. Powicke, *Stephen Langton* (Oxford, 1928), ch. 5. The most recent full-scale contribution to the debate is J.W. Baldwin, 'Master Stephen Langton, Future Archbishop of Canterbury: The Paris Schools and Magna Carta', *ante*, cxliii (2008), pp. 811–46. I will discuss Baldwin's ideas in what follows. The article on Langton in the *Oxford Dictionary of National Biography* is by Christopher Holdsworth. The most recent account of Langton's career is N. Vincent, 'Stephen Langton, Archbishop of Canterbury' in L.-J. Bataillon, N. Bériou, G. Dahan and R. Quinto, eds., *Étienne Langton: Prédicateur, Bibliste, Théologien* (Brepols, 2010). Vincent's view (p. 97) is that 'the archbishop's hand lay heavily both upon the preliminary negotiations and upon the final terms of Magna Carta'.

2. J. Stevenson, ed., *Radulphi Coggeshall Chronicon Anglicanum*, R[olls] S[eries] (1875), pp. 166–7, 172. Ralph was abbot of the Cistercian monastery at Coggeshall in Essex. The Barnwell chronicle, perhaps the most acute and informed of the period, is known from a text that was preserved at Barnwell abbey in Cambridge, but it was not written there: W. Stubbs, ed., *The Historical Collections of Walter of Coventry*, ed., Rolls Series (2 vols., 1872–3), ii, 213, 219–21. Wendover's account, with the additions of Matthew Paris, is best found in H.R. Luard, ed., *Matthaei Parisiensis Chronica Majora*, RS (7 vols., 1872–83), ii, 550–51, 582–6.

All historians would agree that Langton's thought, as displayed in his sermons and biblical exegesis, chimed well with many aspects of the charter. In his lectures ... in Paris on the book of Deuteronomy, he had criticised 'the avarice ... of modern kings, who collect treasure not in order that they may sustain necessity but to satiate their cupidity'. Many clauses of the charter could be seen as restraining avarice of just that kind.³ Langton also commended Deuteronomy's injunction that kings should set down for themselves a summary of the law and read it assiduously, securing an exemplar from the priests, all of which might seem both to foreshadow the law as set down in Magna Carta, and indeed Langton's role in begetting it.⁴ Langton also wrestled with the question of obedience; here 'the absence of the judicial process became his principal justification for political resistance'.⁵ Kings, therefore, should act against individuals only after due legal process, which was precisely the principle proclaimed in Chapter Thirty-Nine of the charter: 'no free man shall be taken, imprisoned, disseised or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgement of his peers or the law of the land.' And then there was Langton's view of the church as the congregation of the clergy and people from which temporal authority derived, and in whose interests kings should rule. Might not this have a connection with 'the baronial notion of the community of the realm', and the way 'the commune of all the land' was expected to support Magna Carta and by implication benefit from it?⁶

Langton's thought, therefore, sat well with the charter, but that hardly means he played a leading part in shaping the baronial demands. The first point here, often made, is that it hardly needed Langton's intervention to introduce the principles of the charter, or indeed the idea of a charter itself, into political discourse. Both were already commonplace. Henry I, Henry II and John, at the start of their reigns,

3. D. d'Avray, 'Magna Carta: its Background in Stephen Langton's Academic Biblical Exegesis and Its Episcopal Reception', *Studi Medievalii*, 3rd series, xxxviii (1997), pp. 426–7, 436.

4. d'Avray, 'Magna Carta', pp. 428–9, 347–8; Baldwin, 'Master Stephen Langton', p. 813; P. Buc, *L'Ambiguïté de Livre: Prince, Pouvoir, et Peuple dans Les Commentaires de la Bible au Moyen Age* (Paris, 1994), pp. 282–3. Buc (pp. 281–2) also cites a remarkable passage from a commentary (not by Langton) from the last quarter of the twelfth century on 1 Kings (Samuel) 10, 25: 'Samuel announced the law of the kingdom, that is to say what [the king] ought to exact from the people and what the latter ought to give him, and he laid down the writing [*scripturam*] before the lord, that is to say in the holy place, in order that if the king came to demand more from his subjects, he would be condemned by this writing drawn up by the holy prophet under the dictation of God.' Buc translates '*scriptura*' as 'charte'. N. Fryde, *Why Magna Carta? Angevin England Revisited* (Münster, 2001), ch. 8, 'The Intellectual Roots of Magna Carta', pp. 100–11, argues that Langton derived his ideas about rulers being subject to the law from John of Salisbury. This chapter reprints her: 'The Roots of Magna Carta. Opposition to the Plantagenets' in J. Canning and O.G. Oexle, eds., *Political Thought and the Realities of Power in the Middle Ages* (Göttingen, 1998), pp. 53–66.

5. Baldwin, 'Master Stephen Langton', pp. 813–20 with the quotation at p. 820.

6. J.W. Baldwin, *Masters, Princes and Merchants. The Social Views of Peter the Chanter and his Circle* (2 vols., Princeton, 1970), p. 166; Baldwin, 'Master Stephen Langton', p. 822.

had all issued charters promising to abolish evil customs. John's proclaimed his desire both to provide for 'the liberty and safety' of clergy and people, and to extirpate evil customs that had arisen from bad counsel, arbitrary action and 'cupidity' (no Langtonian lecture necessary about that). John thus hoped to promote 'the honour of God and Holy Church' (words that reappeared in Magna Carta) and 'the peace and tranquillity of clergy and people'. In a sense, all that happened in 1215 was that John was made to fill out the details, not surprisingly since, in the view of his enemies, he had greatly increased the evil customs. The 1199 proclamation also paralleled Langton's thought about the origins of temporal authority, stating that John had come to the throne through 'the unanimous consent and favour of clergy and people'.⁷ Later, in 1205, John anticipated the 'commune of all the land', formed to support Magna Carta, when he set up in each county 'the commune of all the county' to defend the realm from invasion. In both cases, the 'commune' was formed by oaths taken by everyone.⁸ As for the principle of due legal process, that was as old as it was widely known. In 1101, 'judgement by peers' had featured in Henry I's agreement with the count of Flanders.⁹ In 1189–90, it featured again in Earl Roger Bigod's agreement with Richard I: he was not to be deprived of his land 'unless by judgement of the court of the lord king made by his peers'.¹⁰ Similarly, in Henry II's assize of novel disseisin, the question the jury had to answer was whether the plaintiff had been disseised of his free tenement 'unjustly and without judgement'. Since knights and freemen brought this legal action in large numbers, and also staffed the juries that gave the verdicts, the principle of 'judgment' was as familiar throughout the counties of England as it was to Langton's audiences in the Paris schools, and was far more part of lived experience. Of course, there was a world of difference between the idea of 'judgment' as espoused by a baron and as espoused by Langton. For the former, it just seemed a good and obvious thing. For the latter, it was part of a complex and biblically referenced discussion about obedience. But the end result, belief in the principle, was the same.

Nor did it need Langton to force concerns about the wider community into the charter against the opposition of 'selfish' barons. As Holt pointed out, and as much of his work demonstrated, the barons did not rule England in lordly isolation commanding a loyal body of

7. T. Rymer, ed., *Foedera, Conventiones, Litterae et Acta Publica*, new edn. vol. I, part i, ed. A. Clark and F. Holbrooke, Record Comm. (1816), pp. 75–6. John's concession was in charter form but he described it grandly as a 'constitution'. The specific concession he offered was on the issue of chancery fees. John also ascribed his accession to divine mercy and hereditary right.

8. W. Stubbs, ed., *The Historical Works of Gervase of Canterbury*, Rolls Series (2 vols., 1879–80), ii. 96–7; Holt, *Magna Carta*, pp. 470–71.

9. P. Chaplais, ed., *Diplomatic Documents* (London, 1964), p. 2.

10. D.M. Stenton, ed., *Pipe Roll 2 Richard I*, Pipe Roll Soc., new series, i (1925), p. 101.

tenants who did just as they were told.¹¹ Instead, they had to reach out to the knights and freemen, taking positive measures to win their support. If they failed to do so, they could be absolutely sure that John would be grabbing for the same constituency. The charter, therefore, in harnessing the energies and meeting the concerns of knights and those below them, was reflecting the balance of power in English society.

There is one further argument against Langton's role in shaping the charter, one that, while it covers familiar ground, has never been made with much force. The Articles of the Barons, as is well known, are a fairly full draft of the document that was to become Magna Carta. Probably, they were agreed between the king and the barons as a basis for the final negotiations on 10 June, while the Charter itself was promulgated on the 15th.¹² The Articles contain everything in the charter that has been most associated with Langton; yet there is compelling evidence that he had nothing to do with their making. Indeed, they had clearly been drawn up without consulting him.

First, the Articles completely lack the clause on the liberties of the Church, which five days later was to appear right at the start of Magna Carta: strange if Langton had been involved with the document. Secondly, the Articles include a remarkable role for Langton himself. He appears in no fewer than five clauses. At first sight, this might appear game set and match for the argument that he played a major role in shaping the document. In fact, it tells in exactly the reverse direction, for every single one of the clauses had to be modified in Magna Carta itself.¹³ It might be argued that Langton had volunteered for the roles assigned him and had then been stood down by other hands. It is much more likely that he had played no role in making the Articles and engaged with the document only after it was accepted by John on 10 June. It was then that he modified the clauses relating to himself. The most significant of Langton's appearances in the Articles is the most devastating for any view that he had been involved in their conception. It comes in the demand that John give the barons security, through the charters of archbishop Langton, the bishops, and Pandulf, the papal envoy, that he would seek nothing from the Pope by which the concessions might be revoked. There was absolutely no way Langton could have countenanced, let alone suggested, this barrier between John

11. Holt, *Magna Carta*, p. 295; J.C. Holt, *The Northerners: A Study in the Reign of King John* (Oxford, 1961), especially chs. 3 and 4 on the barons and knights. This is one of the great works of twentieth-century history.

12. I naturally prefer the sequence of events as argued for in D. Carpenter, 'The Dating and Making of Magna Carta', ch. 1 of *The Reign of Henry III* (1996). For the Articles and their date, see Holt, *Magna Carta*, pp. 245–52, 429–40. They are translated in H. Rothwell, ed., *English Historical Documents III: 1189–1327* (1975), pp. 311–16. This volume also has translations of Magna Carta 1215, 1216, 1217, 1225, and the 1217 and 1225 Forest Charter (pp. 316–49).

13. For Holt's discussion, see his *Magna Carta*, pp. 286–9.

and the papacy.¹⁴ Innocent after all was John's feudal overlord. He was also, in the words of Jeremiah he used when quashing the charter, 'set over the nations and over the kingdoms, to root out, and to destroy, to build and to plan'.¹⁵ Langton and his fellow ecclesiastics must have known there could be no quicker way to destroy the charter and themselves, in some great papal explosion, than to assent to this clause. And sure enough, in the charter itself, they excluded it altogether, substituting the innocuous stipulation that they were to issue letters patent testifying to the charter's concessions and security clause.¹⁶

The omission of the clause on the church, and inclusion of the barrier between John and the papacy, both then argue against Langton's involvement with the Articles. The other roles assigned him are easily seen in the same light, hence the way they too are excised or modified in the charter. Chapter Twenty-Five of the Articles laid down that those disseised by Henry II or Richard I should receive judgment of their peers without delay in the king's court; if, however, the king was entitled to 'the term of other crusaders', then Langton and the bishops were to give judgment on a certain day, without appeal. The meaning of this clause seems to be that, if John received the crusader's term (which could have delayed legal action in secular courts till his return), then it would be Langton and the bishops who would sit in judgment on the disseisins committed by Henry II and Richard I. This breach of crusading privilege was too much for Langton, and in the charter his role was eliminated and it was left to John to give full justice on the disseisins of his brother and father merely on his return from or

14. As Cheney observes, 'they [the archbishop and the bishops] would (and could) do nothing in derogation of the pope's right to entertain King John's complaint': C.R. Cheney, *Pope Innocent III and England* (Stuttgart, 1976), p. 378.

15. C.R. Cheney and W.H. Semple, ed., *Selected Letters of Pope Innocent III Concerning England* (London, 1953), pp. 216–17. See Cheney, *Innocent III and England*, p. 385. Adam Chambers has pointed out to me an apparently remarkable passage in Langton's sermon of 1213 in which, as translated by Baldwin ('Master Stephen Langton', p. 827), he declares that 'If someone, even the king through his messengers, approached the Roman curia to obtain that objective [the lifting of the Interdict], we could not nor should we relax the sentence until the stolen property was fully restored'. This does not deny John access to Rome, but nonetheless suggests it would be of no value. A rather different translation (which I owe to Lesley Boatwright) would run as follows: 'Nor did any of us approach the Roman curia when that clause [about the lifting of the Interdict] was being granted. Nay, rather, the lord king asked that, and gained his request through his messengers'. The Latin is 'Nec aliquis nostrum Curiam Romanam adit cum illud impetraretur capitulum, ut non relaxaretur interdictum donec restituerentur ablata; immo dominus rex illud postulavit et per nuntios suos impetrauit': P. Roberts, ed., *Selected Sermons of Stephen Langton* (Toronto, 1980), p. 48. The first editor of the sermon, George Lacombe, drew attention to the passage and observed that 'There is something astonishing about this zeal for restitution manifested by the unscrupulous John': G. Lacombe, 'An Unpublished Document of the Great Interdict', *Catholic Historical Review*, xv (1930), pp. 408–20, at 410. In fact, of course, it merely confirms just how unscrupulous John was. He had no intention of acting in accordance with his request nor did he.

16. Holt, *Magna Carta*, pp. 440 (cap. 49), 472–3 (cap. 62), 491–2.

abandonment of his crusade.¹⁷ The 'judgment' of Langton 'and of others who he will wish to call with him' was also dropped when it came to deciding about the return of Scottish and Welsh hostages.¹⁸ Finally, Chapter Thirty-Seven of the Articles laid down that all fines and amercements imposed unjustly and against the law of the land were to be either pardoned or judged by the twenty-five barons of the charter's security clause 'one with the archbishop and others whom he wishes to call with him'. In Magna Carta Chapter Fifty-Five, this was watered down and Langton was only to be there 'if he can be present'; if he could not be, judgment was to proceed without him.¹⁹ It is surely likely that this change came from Langton himself. One can see him perusing the Articles and penning in the rather obvious point that he might not always be able to attend the twenty-five's judicial sessions. Had he been involved in the actual production of the document, the qualification would have been there from the start rather than having to wait for Magna Carta.²⁰

The way the Articles engaged Langton in the work of the twenty-five provides a final reason for thinking he had nothing to do with shaping the document. Had he helped conceive the idea of the twenty-five, he would have been mixing himself up in the most radical and revolutionary features of the baronial programme. He would have been in effect in rebellion against the king. There is nothing in the record of 1215 to suggest this was the case. John's complaints against Langton, echoed by the Pope, were sins of omission in failing to condemn the insurgents, not commission in actually concocting or pressing their demands.²¹ At Runnymede itself Langton was named in the charter as one of the loyalist councillors (none of whom had been rebels) on whose advice

17. *Ibid.*, pp. 435, 464–7. I am following here what Holt (p. 286 and n. 102, and see pp. 341–2) thinks is the 'obvious construction' of the Latin in the Articles. However, as he says, it could mean that the archbishop and the bishops were to decide whether John should have the respite, and the clause was thus altered in Magna Carta because by then Langton had decided that he should. Whichever is the correct reading (and I think it is the first one), the point remains. If Langton had been involved with the Articles, he could have said at once that John would enjoy the respite, and the chapter in the Articles could have appeared as it does now in Magna Carta. As William Stewart-Parker points out to me, Langton here (which ever is the correct reading) was involved in making a change very much in John's favour.

18. Holt, *Magna Carta*, pp. 438 (caps. 45, 46), pp. 468–9 (caps. 58, 59).

19. *Ibid.*, pp. 437, 466–7.

20. Holt, *Magna Carta*, p. 288, suggests that in distancing himself from these demands in the Articles, Langton was trying to preserve the distinction between the temporal and spiritual, but I am not clear that was always the reason. After all, Langton did agree in principle to sit in judgment on illicit fines and amercements.

21. Cheney and Semple, ed., *Selected Letters of Pope Innocent III*, pp. 196–7, 207–9. Even as it was, Langton's refusal to condemn the rebels, of which John complained, was qualified. As John acknowledged in his letter of 29 May, Langton did offer to excommunicate and resist them, if John sent home his foreign mercenaries. Presumably, his hope was that the insurgents would then abandon their rebellion, making any excommunication unnecessary: *Foedera*, I, i, 129. Here, Langton was clearly acting as peacemaker not a partisan. See the wise comments of Richardson and Sayles about the baselessness of the charges against Langton: H.G. Richardson and G.O. Sayles, *The Governance of Medieval England* (Edinburgh, 1964), pp. 359–60.

John had acted. Shortly afterwards, he and his fellow bishops, at John's behest, issued two proclamations critical of the barons.²² As late as 20 August, he received 2000 marks from John in payment of a debt.²³ It was only after that their relations irretrievably broke down when Langton, so John alleged, refused to surrender him Rochester Castle.²⁴

This record hardly seems compatible with Langton having helped develop a feature of the Articles which John must have regarded with intense hostility. More likely, the barons, banking on Langton's sympathy for limited and lawful monarchy, placed him in this clause and the others without his contributing to their conception or consenting to their final form. The barons were not entirely wrong. After all, Langton did agree to work with the twenty-five. On the other hand, once he engaged with the Articles after John's acceptance of them on 10 June, he altered all the clauses in which he was involved. Before that, for reasons we will discuss later, he had not played a part in the evolution of the Articles of the Barons.

Of course, it remains possible that Langton, while not involved with the Articles of the Barons, had contributed to the evolution of baronial demands at some earlier stage, and precisely this has been argued by John Baldwin in an important article.²⁵ Baldwin first sets out Langton's political ideas, along the lines outlined above, and then looks more closely at his career in England after John's submission to the Pope in 1213. Here, all historians would agree that Langton was concerned with the good government of the realm, and was probably associated with an oath to that effect which John took on his absolution.²⁶ Baldwin goes further than this in two key areas, one familiar, the other novel. First, Baldwin takes more seriously than do many historians Roger of Wendover's story that it was Langton who revealed to the barons the Coronation Charter of Henry I, this at a council held at St Paul's in August 1213.²⁷ Langton certainly possessed a copy of the Coronation Charter in his Canterbury archives,²⁸ but, given there were other copies around, he was hardly

22. Holt, *Magna Carta*, pp. 498–9.

23. T.D. Hardy, ed., *Rotuli Litterarum Patentium*, Record Comm. (1835), pp. 144b, 153b.

24. I.W. Rowlands, 'King John, Stephen Langton and Rochester Castle, 1213–1215', in C. Harper-Bill, C.J. Holdsworth and J.L. Nelson, eds., *Studies in Medieval History Presented to R. Allen Brown* (Woodbridge, 1989), pp. 267–79. Rowlands observes that Langton's failure to obey John's courteous request of 9 August to surrender the castle is difficult to explain (p. 276). It may partly be that Langton had no power to expel the constable of the castle, Reginald of Cornhill. It was only after the quarrel over Rochester that John stigmatised Langton as a 'notorious and manifest traitor'. He asked Hubert de Burgh to try and discover evidence from the captured garrison of Langton's dealings with the barons. There is no sign he found any. See V.H. Galbraith, *Studies in The Public Records* (London, 1948), pp. 161–2, 136–7.

25. See above, n. 1. Although I criticise Baldwin's views in what follows, I have profound respect for his work. No one has done more to illuminate the thought world of the Paris scholars from which Langton sprang.

26. Holt, *Magna Carta*, pp. 218–19.

27. Baldwin, 'Master Stephen Langton', pp. 827–8, 830–31; contrast Holt, *Magna Carta*, pp. 222–6; see also pp. 406–11.

28. A.J. Collins, 'Documents of the Great Charter of 1215', *Proceedings of the British Academy*, xxxiv (1948), p. 245 n.1.

needed to introduce it into the debate. Ralph of Coggeshall, the Barnwell annalist, and the *History of the Dukes of Normandy* did not think he had done so, for they all bring the charter into their narrative without mentioning him.²⁹ Wendover's story, moreover, as he himself says, is merely, 'ut fama refert', 'as rumour says', and when Wendover, of all historians, says that, alarm bells should be ringing. His uncertainty contrasts sharply with the precise date and place he gives for the meeting, 25 August at St Paul's. Beyond that, the direct speech he puts into Langton's mouth, is clearly made up, as one suspects is Langton's statement that he would give 'most faithful aid' to the barons, who had just sworn to fight for the liberties in the Coronation Charter to the death.³⁰ As we have seen, nothing else in the contemporary evidence suggests that Langton took open sides in this way. Wendover clearly knew that the Coronation Charter came on the scene sometime between 1213 and 1215. He himself possessed a copy of the text, which he transcribes, a copy that, it may be noted, derived not from Langton but simply from the original sent to his home county of Hertfordshire.³¹ Quite probably, he did not know when the charter first emerged and made an arbitrary decision to pin it on Langton and the council of 1213. One needs to remember that this is the historian who, in copying out the 1215 Charter, conflated it with the later versions of Henry III, and also ascribed to John, rather than to Henry, the Charter of the Forest.³²

The entry of the 1100 Charter into the debate was manifestly important because, unlike the charters of John and Henry II, it contained a detailed list of concessions and thus set a pattern for Magna Carta. There was, however, still a long way to go from the former, which runs to a little over two printed pages, to the latter, which runs to around eleven.³³ It is here that Baldwin's second (and novel) line of argument comes in because he associates Langton with a document that reveals the development of baronial demands, a document known to

29. Stevenson, ed., *Radulphi Coggeshall Chronicon Anglicanum*, p. 170; Stubbs, ed., *Walter of Coventry*, ii, 218; F. Michel, ed., *Histoire des Ducs de Normandie et des Rois d'Angleterre* (Paris, 1840), pp. 145–6. For copies of the charter, see C. Johnson and H.A. Cronne, ed., *Regesta Regum Anglo-Normannorum II; 1066–1154* (Oxford, 1956), pp. 1–2, and Baldwin, 'Master Stephen Langton', p. 828 and n. 53.

30. Luard, ed., *Chronica Majora*, ii. 552–4.

31. *Ibid.*, ii. 552. Vincent ('Stephen Langton Archbishop of Canterbury', p. 93) notes that it was not the Canterbury version of the Coronation Charter but a London version that served as the basis for texts put into circulation after 1213. As evidence, nonetheless, of Langton's close engagement with the charter, he draws attention (pp. 94–5) to the first clause on ecclesiastical vacancies, which was also an issue in 1213–15. The clause seems to have had little impact in the later period, however, for the issue was treated very differently. In 1100, the king resigned all claims to revenues from vacancies. In 1213, the Pope said that John was only to lose them if he failed to honour his agreement with the church: Cheney and Semple, eds., *Select Letters of Innocent III*, 133–4. In the charter in which John granted free elections, he actually retained his right to the custody of vacancies: W. Stubbs, ed., *Select Charters ... of English Constitutional History* (9th edn., rev. H.W.C. Davis, Oxford, 1913), pp. 283–4.

32. In general, see J.C. Holt, 'The St Albans Chroniclers and Magna Carta', *Transactions of the Royal Historical Society*, 5th series, xiv (1964), pp. 67–88.

33. Stubbs, ed., *Select Charters*, pp. 117–19, 292–302.

historians as 'the Unknown Charter'.³⁴ The only surviving copy of the Unknown Charter survives in the Archives Nationales in Paris where it appears on a single sheet membrane following a copy in the same hand of the Coronation Charter of Henry I. The first clause of the Unknown Charter demanded that John should not 'take a man without judgment, nor receive anything for justice or do injustice', thus anticipating Chapters Thirty-Nine and Forty of the eventual charter. 'That the Unknown Charter', Baldwin comments, 'bears [Stephen Langton's] signature', in thus forbidding action without judgment, 'exemplifies the influence of his Paris teaching on the reforms that resulted in Magna Carta'. Indeed, Baldwin suggests that Simon Langton, as chancellor of his brother in 1213–14, 'would have been responsible for drafting the copies [of the Henry I Charter and the Unknown Charter] that were ultimately brought to France'. Simon, that is, took them with him when he was expelled from England in 1217, following the defeat of Louis of France for whom he had equally acted as chancellor.³⁵

This is certainly an ingenious hypothesis, but also one hard to sustain. Whatever the route of the two charters into the French royal archive, it is difficult to believe that Langton and his circle had responsibility for the one, any more than they discovered the other. Langton, in his dealings with John, may well have stressed the necessity of 'judgment', especially when trying to restrain him from taking punitive measures against the Northerners, but, as we have said, the principle was universally known.³⁶ There are, in any case, clear indications that Langton had nothing to do with the Unknown Charter, for it makes not a single reference to the church and churchmen. Indeed, it conspicuously omits such references in places where Magna Carta and the 1217 Charter of the Forest include them. Chapter Five of the Unknown Charter laid down that if one of John's barons or men died intestate, then his family could distribute his money for the good of his soul. The corresponding chapter in Magna Carta added that this was to take place 'under the supervision of the church'.³⁷ Likewise, in the Unknown Charter, it was 'knights' who were to enjoy privileges within the king's forests. A clause in the Forest Charter, by contrast, was to benefit 'archbishops, bishops, abbots, priors, earls, barons, knights, free tenants'.³⁸ Baldwin's hypothesis would thus seem to require that Langton introduced the

34. Baldwin, 'Master Stephen Langton', pp. 829–32, 845–6; Holt, *Magna Carta*, pp. 418–28.

35. *Ibid.*, pp. 845–6. It is not quite clear what Baldwin means here by 'drafted'. The usual sense of the word is surely that of 'composed', but clearly Simon did not compose the Coronation Charter and here 'drafted' must just mean 'copied out'. In contrast, he could have 'drafted' the Unknown Charter in the usual sense of the word. Holt points to several scribal errors in writing out the Coronation Charter: *Magna Carta*, p. 418.

36. Holt, *Magna Carta*, p. 220.

37. *Ibid.*, pp. 427, 458–9 (cap. 27). The same clause is in the Articles (p. 434, cap. 16).

38. *Ibid.*, p. 428 (cap. 10); Stubbs, ed., *Select Charters*, p. 345 (cap. 4). Other clauses in the 1217 Charter, far more Langtonian in spirit than that in the Unknown Charter, gave privileges to 'men' and 'freemen' rather than just to knights (pp. 344–8.)

principle of 'judgment' into the Unknown Charter, an untutored baronage having not thought of it before, and then took absolutely no interest in the rest of the document, even where it concerned the church and churchmen. This does not seem a very likely scenario.³⁹

Langton, therefore, on the evidence so far adduced, approved the principle of the Charter, but did little to shape baronial demands. This does not mean that he had no input into the document. Quite the reverse. His input, however, was very different from that usually imagined. Langton did not introduce the idea of judgment and force the barons to reach out to the knights and freemen. What he introduced was the clause dealing with the sectional interests of the church. The Articles of the Barons of 10 June totally lacked such a clause, as we have seen. By 15 June in the charter, it features as Chapter One.⁴⁰

In the first place, *in primis*, [We] have granted to God and by this our present Charter have confirmed for us and our heirs in perpetuity, that the English church shall be free, and shall have its rights undiminished and its liberties unimpaired: and we wish it thus observed, which is evident from the fact that of our own free and spontaneous will, before the discord between us and our barons began, we conceded and confirmed, by our charter, freedom of elections, which is reputed to be of the greatest necessity and importance to the English church, and obtained confirmation of this from the lord pope Innocent III, which we will observe and wish our heirs to observe in good faith in perpetuity.

This was Langton's great work. We are so used to the clause being there, that we just take it for granted. Historians thus usually ascribe it to Langton but in perfunctory fashion, before moving on to other more exciting things, as though the inclusion of the church was as routine as it was insignificant. It was neither. In the next great political crisis to shake England, in 1258, churchmen conspicuously failed to put the church into 'the baronial plan of reform'.⁴¹ Instead, they held their own councils and drew up their own schedules of grievances. The same nearly happened in 1215. It was, after all, only at a very late stage, between 10 and 15 June, that the church was included, for the clause was absent from both the Articles of the Barons and the Unknown Charter, as we have seen.⁴² Until

39. Langton's association with the Unknown Charter is also weakened by the fact that the copy of the 1100 Charter to which it is linked is not the version found in the Canterbury archive: Vincent, 'Stephen Langton Archbishop of Canterbury', p. 93 and nn. 140, 141. See Baldwin, 'Master Stephen Langton', p. 828.

40. Holt, *Magna Carta*, pp. 448–51.

41. The church's role in the crisis of 1258 is being illuminated by Sophie Ambler, who is working on a doctorate on the church in the period between 1258 and 1267.

42. So Cheney (*Innocent III and England*, p. 377) notes how the clause appeared 'in the last stage of the negotiations'.

Runnymede, the church had pursued its own agenda and secured its own concessions, the most striking being John's charter of November 1214 conceding free elections to which Magna Carta referred. In January 1215, John issued the Charter again and this time sent it to the Pope for confirmation.⁴³ Langton, therefore, was perfectly capable, quite properly, of going it alone when it came to the interests of the church. Indeed, had it not been for the secular revolt in 1215 he would have done so, leaving John's charter on freedom of elections as the only achievement of the period.

In the end, if at a late stage, this was not the route Langton followed. Instead, he made the crucial decision to put the church into the charter. He did so, however, in a new and remarkable way, which served almost to decouple church and realm. The preamble to the charter stated conventionally enough that John had acted 'for the honour of God, and the exaltation of Holy church and the reform of our realm',⁴⁴ but when it came to Chapter One, the phraseology suggested that the church and realm were very separate. The concessions for the church were thus given not to the realm but, as the clause stated, to God.⁴⁵ Then, the charter started all over again and announced 'We have also granted to all the free men of our realm for ourselves and our heirs for ever, all the liberties written below, to be had and held by them and their heirs from us and our heirs'.⁴⁶ The division made here between concessions made to God and concessions made to the free men of the realm had no precedent. The Coronation Charters of Henry I and John, and John's charter over freedom of elections, had announced their benefits without naming any specific recipients.⁴⁷ John's charter making England a papal fief had granted the kingdom to God and the papacy, but here, of course, there was no question of any parallel concession to the realm.⁴⁸ The division in 1215 also ran clean contrary to the model provided by the Coronation Charter of Henry II where the concessions were made to 'God, holy church and all my earls and barons and all my men',

43. Cheney and Semple, eds., *Select Letters of Innocent III*, pp. 198–201.

44. Holt, *Magna Carta*, pp. 448–9, and see the discussion on p. 518, which has a different emphasis from what follows.

45. That the concessions to the church were given to God is noted in Vincent, 'Stephen Langton Archbishop of Canterbury', pp. 95–6.

46. Holt, *Magna Carta*, pp. 450–51. In the letters testimonial to the charter issued by Langton and the bishops, churchmen are distanced from it in a different way, for the grantees are exclusively laymen, namely 'the earls, barons and freemen of England'. Under this umbrella, the church and laity are then kept separate, the charter being said to concern 'the liberty of holy church and their liberties and free customs conceded to them', 'their' and 'them' being the earls, barons and freemen: Holt, *Magna Carta*, p. 491. The emphasis on the charter being granted to the king's secular subjects was partly because it was at their behest that the letters testimonial were being issued.

47. Stubbs, ed., *Select Charters*, pp. 117–18, 283–4; Rymers, ed., *Foedera*, I, i, 75–6. The confirmations in Stephen's first charter were given to 'all my barons and men of England'. What is called his 'second charter' had no specific beneficiaries although he returned the areas made forest by Henry I 'to churches and the kingdom': *Select Charters*, p. 144.

48. Stubbs, ed., *Select Charters*, pp. 279–80.

which meant there was no separation, as there was in 1215, between church and realm or realm and God.⁴⁹

Despite this deliberate decoupling, Magna Carta in 1215 nonetheless put the church into the charter, and this in a fashion both emphatic and novel. The Charter of Henry I had also begun (*in primis*) by setting the church free, but made no attempt to confer on the ecclesiastical concessions an eternal status by giving them to God. Indeed, as we have said, the concessions, ecclesiastical and secular, in the 1100 Charter, were not, in so many words, given to anyone at all.⁵⁰ In the charter of Henry II, God, the church and the barons were all linked together as beneficiaries, instead of church and God forming their own unique union.⁵¹ The chapter in Magna Carta, moreover, embraced not the issue of episcopal and abbatial vacancies, as did the Charter of 1100, but Langton's great victory over free elections of bishops and abbots by chapters—'of the greatest necessity and importance to the English church'—which John confirmed and cited as testimony to his good faith. Thus the concerns of the church, which in 1214 had been dealt with in its own charter, were now, all be it in semi-detached fashion, brought within a charter that dealt also with the concerns of the realm.

Why then did Langton act in this way, having nothing to do with the Articles of the Barons, and introducing the church into the charter at the last minute, in a way both so detached yet so emphatic? The answer to all these questions lies in one overarching fact, never, I think, before appreciated, namely that Langton had grave doubts about the political morality of the rebellion that produced Magna Carta, and thus doubts too about the validity of the charter itself. This is made virtually explicit in the first clause on the church where John states that his desire to set the church free 'is evident from the fact that of our own free and spontaneous will, before the discord between us and our barons began, we conceded and confirmed, by our charter, freedom of elections'. 'Before the discord between us and our barons began.' This striking clause meant there was a clear qualitative difference between the liberties conferred on the church and those conferred on the rest of the realm. John had granted the former spontaneously before 'the discord between us and our barons'. The inevitable implication was that the latter, coming after the discord, had not been freely given, indeed had been extracted by force. These doubts over the rebellion fit with Langton's wider thought. It is true that at the start of John's quarrel with the Pope, in a famous letter to England, he had said that fealty was sworn to kings saving loyalty to God. The bond was dissolved if the king persisted in schism. He also reminded knights that they should protect

49. *Ibid.*, p. 158.

50. *Ibid.*, p. 117.

51. *Ibid.*, p. 158.

the church with their swords.⁵² But that was 1207. The situation was very different in 1215 with John now a crusader, a papal vassal and a faithful son of the church. While in his biblical exegesis, Langton argued that disobedience to an unjust command might sometimes be legitimate depending on the circumstances, he never sanctioned outright rebellion. At the very most he averred that if the king wished to kill someone unjustly and without judgment, then, if the people knew it, they were bound to liberate the prisoner, an injunction that could hardly stretch to justifying the insurgency of 1215. In other comments, given the Pauline stress on obedience to secular powers, Langton was almost hilariously cautious. A soldier was bound to answer the summons to an unjust war, but then should either retire or remain without taking up arms.⁵³ Langton's ideas thus reinforced the obvious conclusions to be drawn from the actual situation. He must have known that the consequences of taking sides would have been both devastating and futile. Such a step would destroy his role as a peacemaker and quickly bring about his deposition by the Pope. Once, therefore, the barons threatened resort to force, as they did long before their formal defiance of the king on 5 May, he could still ferry their demands to the king, but there was no way he could give them open countenance, let alone volunteer for a role in their support.⁵⁴ Hence, as we have seen, he had nothing to do with the Articles of the Barons.⁵⁵

Langton's difficulty in engaging with the demands of rebels helps explain why a copy of the Articles (in fact the only known copy) ended

52. Stubbs, ed., *Historical Works of Gervase of Canterbury*, ii. lxxxii–iii. For commentary, see Powicke, *Stephen Langton*, pp. 96–8; Fryde, *Why Magna Carta?*, p. 100; Vincent, 'Stephen Langton Archbishop of Canterbury', pp. 84–7, which brings out for the first time the range of biblical references in the letter.

53. Baldwin, 'Master Stephen Langton', pp. 817–19.

54. Luard, ed., *Chronica Majora*, ii. 585–6. Richardson and Sayles rightly observe, 'The position of the bishops, and especially of Langton, as mediators was quite incompatible with their participation in the formulation of the baronial demands upon the king': Richardson and Sayles, *The Governance of Medieval England*, p. 358. Their final conclusion (p. 363) was characteristically forthright: 'In truth, there is not, nor did Stubbs produce, a vestige of evidence that Langton was one of the architects of the Great Charter, let alone the principal architect, and to cast him for such a role is an absurdity'. Elsewhere, however (p. 337), Richardson and Sayles were rather fairer to Stubbs, who saw Langton as important in 1215 but also gave credit to the barons: W. Stubbs, *The Constitutional History of England* (5th edn., 3 vols., Oxford, 1891), i. 571. Powicke himself observed that although Langton sympathised with baronial demands, 'he was with equal certainty out of sympathy with the appeal to force'. Thus Powicke sees his influence with the barons as waning from the end of 1214. 'During the next six months the archbishop was at John's side'; Powicke, *Stephen Langton*, pp. 124–5, 128.

55. It follows from what I have said that I do not think Langton was involved in any detailed negotiations over baronial demands, which may have taken place, under cover of truce, between 27 May and 10 June, for which see Holt, *Magna Carta*, pp. 242–4. I also doubt whether the Articles of the Barons are the product of such negotiations. They are couched as a series of baronial demands under the heading 'These are the Chapters which the barons seek and the king has conceded—*Ista sunt Capitula que barones petunt et dominus rex concedit*': Holt, *Magna Carta*, pp. 432–40. I take John's 'concession' to mean he had conceded the Articles as the basis for negotiations which then took place between 10 and 15 June, and in which Langton certainly was involved.

up in the Canterbury archives.⁵⁶ Clearly, Langton had obtained it during the final negotiations and had taken it away with him. The striking fact about Langton's copy is that it was sealed by King John. Holt suggested that the reason for such sealing was so that the baronial envoys could prove to a sceptical audience that John was now negotiating in good faith.⁵⁷ That may well be so, in which case there was probably more than one sealed copy since it seems unlikely that the version received by the envoys would have ended up with Langton. Langton wanted his own sealed copy, but for a different reason. It was to prove not so much John's good faith as his agreement that the Articles could be the basis for the final negotiations. The sealed Articles thus acted as a kind cover note for Langton proving that he had John's licence to proceed. They thus served a similar function to the letters patent that some of Henry III's ministers secured in 1258 giving them permission to begin the reform of the realm.⁵⁸ Should John ever turn round and blame Langton for his involvement, he had his reply in the king's seal on the Articles of the Barons.

For all John's compliance, Langton must still have wondered whether to involve the church in the charter. After all, he knew there might be challenges to the validity of a document that John had been 'forced to accept by violence and fear', as Innocent III fulminated when quashing it later. Indeed, the way it had been extracted by force was Innocent's main reason for his doing so.⁵⁹ Yet on the other hand Langton was desperate to do the best he could for the church. The charter might succeed and become fundamental to English law and government. There was the model of the Coronation Charter of 1100 with its first clause on the church. There was his view of clergy and people together forming the congregation of the faithful from whom secular authority derived, which argued that both should feature in the same charter. And finally, Langton did believe in the charter as a whole, as his willingness to be involved with the work of the twenty-five clearly shows. Langton, therefore did not act like the bishops in 1258 who withdrew from the parliament that saw the coercion of the king and never afterwards introduced the church into the reforms.⁶⁰ His problem was how to include the church in as powerful and privileged a way as possible, while at the same time insulating it from the charge that it owed its freedom

56. Holt, *Magna Carta*, p. 245; Collins, 'Documents of the Great Charter of 1215', pp. 233–79, at 234–8.

57. Holt, *Magna Carta*, p. 246.

58. *Calendar of Patent Rolls 1247–58*, p. 637.

59. Cheney and Semple., eds., *Select Letters of Innocent III*, pp. 215, 218; Cheney, *Innocent III and England*, p. 384. Note the stress in John's concession of the kingdom to the Pope that he was acting neither induced by force nor coerced by fear: Stubbs., ed., *Select Charters*, p. 279. Langton would have been aware here of the force that made Becket accept the Constitutions of Clarendon, a point I owe to Nicholas Vincent: see A. Duggan, *Thomas Becket* (London, 2004), p. 44.

60. H.R. Luard, ed., 'Annales de Theokesberia', in *Annales Monastici*, Rolls Series (5 vols., 1864–9), i. 163.

to force. The answer was the masterly formula that we have seen. The freedom of the church was stated explicitly to have had nothing to do with the 'discord' between the king and the barons, and was given to God, which ipso facto separated it from the concessions given to everyone else. The doubt cast on the validity of the secular reforms was regrettable but in the circumstances it was necessary. The church must come first.⁶¹

It was not till 1225 that Langton was able to free the charter from the taint of its violent origins. He had played no part in the versions of the charter issued by Henry III's minority government in 1216 and 1217 since he was out of the country. Had he been present, he would surely have protested about the decision of the legate, Guala, in 1216 to omit John's promise on free elections from the chapter on the church—in the circumstances of the time, Guala doubtless felt, freedom to elect might just mean freedom to elect opponents of the king.⁶² By contrast, Langton played a major part in shaping the 1225 Charter, the final and definitive version. The 1225 Charter made clear that it was not the product of coercion, removing, therefore, Langton's doubts about the 1215 Charter, and by extension its successors. The need to do this had been graphically demonstrated at a great council in 1223. Then to Langton's demand that the king confirm the charter, William Brewer, doyen of John's government, had declared that 'the liberties which you seek, since they were violently extorted' should not be observed.⁶³ The 1225 Charter exploded such claims for, as the last clause stated, it had been freely conceded in return for a grant of taxation: 'For this concession and gift of these liberties and other liberties contained in our charter of liberties of the forest, the archbishops, bishops, abbots, priors, earls, barons, knights, free tenants and all of our kingdom have given us a fifteenth part of all their movables.'⁶⁴ That the liberties had thus been spontaneously bestowed by the king in return for a grant in which everyone in the realm was involved could not have been more clearly expressed. It was also the truth since the tax in question was indeed paid by everyone, or at least everyone above a minimal property qualification.⁶⁵ By the same token, according to the best Langtonian principles, everyone could share in the charter's benefits. Any idea that the king had conceded the charter unwillingly was finally laid to rest.

61. 'Certaines voix se sont élevées pour limiter les ponctions sur les laïcs, mais l'immunité cléricale était naturellement l'objet principal des sollicitudes des exécutés': Buc, *L'Ambiguïté de Livre*, p. 245.

62. D.A. Carpenter, *The Minority of Henry III* (London, 1990), p. 23.

63. Luard, ed., *Chronica Majora*, iii. 76; Carpenter, *Minority*, pp. 296–7.

64. Holt, *Magna Carta*, p. 510.

65. S.K. Mitchell, *Studies in Taxation under John and Henry III* (New Haven, 1914), pp. 159–69. Langton justified the taxation (in a letter to the bishop of Salisbury) on the grounds of the king's 'necessity', exactly in line with his biblical exegesis: F.M. Powicke and C.R. Cheney, eds., *Councils and Synods II 1205–1213* (2 vols., Oxford, 1964), i. 162–3; d'Avray, 'Magna Carta', pp. 431–2, 437; Buc, *L'Ambiguïté de Livre*, pp. 283–6.

With the taint of coercion removed, it became possible for churchmen, as they had not in 1215, to stand behind the charter with solemn sentences of excommunication against those who contravened its terms. The charter also had a new preamble in which the king said he had granted 'the below written liberties' to 'archbishops, bishops, abbots, priors, earls, barons, and all of our kingdom'. At last, churchmen and laymen, separated in 1215, were brought together as beneficiaries of the charter.⁶⁶ Langton, of course, remained keen to privilege the church, and its freedom was still given to God, while the other liberties were granted 'to all free men', but this now took place under the wing of the charter's liberties being granted to everyone.

In 1215, such unity had not been possible, which made Langton's decision to put the church into the charter all the more visionary and important. He thereby gave ecclesiastics a stake in its survival right from the start, and thus helped to secure its future. One can see that stake in the account of Magna Carta in Langton's 'home' chronicle of Christ Church Canterbury, which went into detail about the first clause on the church and hardly said anything about what followed.⁶⁷ In contrast, the lay author of the *History of the Dukes of Normandy* set out some of the secular concessions (not altogether accurately) and ignored the church altogether.⁶⁸ With a clear stake in its success, the bishops thus played a vital role in distributing and preserving the 1215 Charter.⁶⁹ Thereafter, the fact that the charter protected the liberties of the church was central to its ecclesiastical backing and thus to its survival. When Master Thomas de Cantilupe, future bishop of Hereford and saint, drew up a critique of Henry III's rule in 1264, he began with the way the king had contravened the clause in Magna Carta giving freedom to the church, both by exploiting ecclesiastical vacancies and by impeding free elections.⁷⁰ Langton's own regret was that the 1225 Charter had not done more for the church's freedom. Probably, without success, he had tried to restore to it the confirmation of John's charter about free elections.⁷¹

66. There was also a new preamble on the same lines to the 1225 Charter of the Forest. The 1217 Forest Charter had not been granted specifically to anybody. The 1216 and 1217 versions of the charter maintained the basic form of the Charter of 1215.

67. Stubbs, ed., *Gervase of Canterbury*, ii. 109–110.

68. The passage is translated in Holt, *Magna Carta*, p. 271.

69. See I.W. Rowlands, 'The Text and Distribution of the Writ for the Publication of Magna Carta 1215', *ante*, cxxiv (2009), pp. 1422–31.

70. R.F. Treharne and I.J. Sanders, eds., *Documents of the Baronial Movement of Reform and Rebellion*, (Oxford, 1973), pp. 268–71. This was the schedule of baronial grievances taken out to Louis IX for his arbitration at Amiens. Thomas de Cantilupe was one of the baronial delegation and by far the most likely author of the document: D.A. Carpenter, *The Reign of Henry III* (1996), p. 294.

71. Langton was probably referring to this when he told the bishop of Salisbury that he had consented to the taxation of 1225, 'although through that there was little or no benefit to us, or to bishops and abbots in terms of new liberties' (Cheney and Powicke, eds., *Councils and Synods*, i. 162–3). The papal confirmation of John's charter, which Langton secured in January 1228, near the end of his life, shows how strongly he felt about the issue: *Foedera*, I, i, 188. I am grateful to Katherine Harvey, who is working on a doctorate about episcopal appointments in the thirteenth century, for bringing this to my attention. For Langton's last phase, see F.A. Cazel, 'The Last Years of Stephen Langton', *ante*, lxxix (1964), pp. 673–97. That Langton petitioned for the confirmation is my speculation. It is not stated in the papal instrument.

But even without that, the promise of freedom of the church was enough to commit churchmen to the charter. David d'Avray has written that Langton's role in the minority of Henry III 'seems to have started a tradition of the use of Magna Carta by English bishops as a symbol of limited monarchy (not merely of the freedom of the church)'.⁷² We can equally turn the aphorism round, and say that Langton's actions in 1215 meant that English ecclesiastics ever afterwards regarded the charter 'as a symbol of the liberty of the Church (not merely of limited monarchy)'.⁷³ In truth, like Langton, they believed in both together, hence the charter's survival. The bringing of both together was Langton's great achievement in 1225.

Nothing that has been said so far challenges the usual view of Langton as a man of clear conscience and high principle. Where then the accusation of double standards, even of hypocrisy? The starting point here is one of King John's most notorious acts, namely his extraction from Geoffrey de Mandeville, in January 1214, of a promise to pay 20,000 marks (£13,333) for having Isabella, countess of Gloucester, as his wife.⁷⁴ Isabella had been John's first wife, and, since the annulment of their marriage in 1200, her estates had been in royal hands. Now, Geoffrey was to have them, a rich prize worth perhaps 800 marks a year, and including the county of Glamorgan.⁷⁵ Had payment of the 20,000 mark fine been staged over many years, the sum would have been reasonable enough. In fact, it was utterly unreasonable since Geoffrey was to pay it within ten months, which was quite impossible. Yet Geoffrey was made to issue a charter stating that John could take possession of all his lands if he failed to keep the terms. John certainly intended to make a lot of money from Geoffrey. He also intended to have him completely in his power. There was one other feature of the agreement that made it even more noxious. There was no release in the event of Isabella's death. If she produced a child by Geoffrey, her death, in purely material terms, did not matter to him, for he could, under the law of England, retain her lands for his own lifetime. But Isabella was now in deep middle age and could never be fruitful. On her death, her lands would pass to her heirs who were the Clare Earls of Hertford. Geoffrey'

72. d'Avray, 'Magna Carta', p. 432.

73. Reviewing the history of the charter in the reign of Henry III, John Maddicott writes: 'They [the bishops of 1234] and their successors saw it not only as a guarantee of good government, as did the whole political community, but as offering specific liberties to the church': J.R. Maddicott, *The Origins of the English Parliament 924–1327* (Oxford, 2010), pp. 195–6.

74. T.D. Hardy, ed., *Rotuli de Oblatis et Finibus*, Record Comm. (1835), pp. 502–3; T.D. Hardy, ed., *Rotuli Litterarum Clausarum*, Record Comm. (2 vols., 1833–4), i. 162b.

75. For this estimate, see S. Painter, *The Reign of King John* (Baltimore, 1949), pp. 283–4.

possession, therefore, could be snuffed out at any moment, yet he would still be left paying the 20,000 marks.⁷⁶

Why then did Geoffrey agree to this terrible bargain? The answer is that he was forced to by an even more appalling prospect, namely the loss of virtually all his lands. For at this very moment, doubtless with John's encouragement, Geoffrey de Say was reviving his claim to the whole of the Mandeville inheritance. Doubtless John made it very clear to Geoffrey de Mandeville that if he did not agree to marry Isabella and pay 20,000 marks, the case would make rapid progress; if he did agree, it would run into the sand. And sure enough, soon after John's departure for France in 1214, the Say case was dismissed, although the prospect of it being revived was kept very much alive.⁷⁷

The gruesome consequences of all this, as far as Geoffrey de Mandeville was concerned, are described in the well-informed annals of Dunstable priory. Geoffrey, we are told, married Isabella 'although unwillingly. For which marriage he gave security to the king for paying 10,000 marks and more, which he was never able to pay, and for the payment of which his woods were destroyed and his manors pawned'.⁷⁸ A later account in the pipe rolls, credited Geoffrey, before the outbreak of the civil war in 1215, with making no less than ten payments totalling some £3,582 or 5,373 marks, and doubtless much of this was harried from him.⁷⁹

John, of course, was well aware that the great Mandeville debt might prove toxic, for it was bound to be challenged if political circumstances changed. So he tried to do, what many then and now try to do with a toxic debt, namely pass it on to someone else. And the someone else whom John fixed on, with a devilish cunning worthy of Mefistofele, was none other than his Archbishop of Canterbury, Stephen Langton! At some time before Magna Carta in 1215, John offered Langton a full half of the debt—10,000 marks or

76. I wish I could put all this as eloquently as Holt: 'He was now being forced to accept a great earldom, true, but at enormous cost and through an heiress who was too old to provide him with heirs. He was being shunted into a genealogical cul-de-sac, velvet-lined but none the less a cul-de-sac, at the end of which was a trap: if his wife died he could not continue in possession of her lands ..., and waiting at the end of the trap-door was Richard, earl of Clare, husband of Amice, Isabella's sister, to whose son, Gilbert of Clare, the earldom of Gloucester ultimately descended.' J.C. Holt, 'The *Casus Regis*: The Law and Politics of Succession in the Plantagenet Dominions', ch. 16 of his *Colonial England 1066–1215* (Woodbridge, 1997), at p. 322.

77. *C[uria] R[egis] R[olls]*, vii, 110–11; Hardy, ed., *Rotuli Litterarum Clausarum*, i. 166. Geoffrey in fact failed to make the first payment and the Gloucester lands were taken back into the king's hands but they were restored later in the year: Hardy, ed., *Rotuli Litterarum Clausarum*, i. 163b, 209b. Discussion of the Say claim to the inheritance includes *Complete Peerage*, v. 120–30; Holt, 'The *Casus Regis*', pp. 310–16, pp. 321–2; Holt, *Magna Carta*, pp. 321–2; and R.V. Turner, 'The Mandeville Inheritance 1189–1236: Its Legal, Political and Social Context', ch. 16 of his *Judges, Administrators and the Common Law in Angevin England* (Woodbridge, 1994).

78. H.R. Luard, ed., 'Annales Prioratus de Dunstaplia', *Annales Monastici*, iii. 45. A likely reason why the sum is given as 10,000 maks rather than 20,000 marks will emerge in the discussion below.

79. T[he] N[at]ional A[rchives], P[ublic] R[ecord] O[ffice], E372/69, m. 16.

£6,666—‘in part payment of the losses of clerks in the time of the Interdict’.⁸⁰

What was Langton to do? Did he agonise over the proffered deal, as he agonised over so many questions in the mazy world of his academic thought, coming up with all kinds of distinctions and refinements? On the one hand, there was the overwhelming need to compensate the church for John’s depredations during the Interdict. To secure that compensation had been one of Langton’s pre-occupations since his return to England in 1213. Without an agreement, the Interdict could not be lifted. Did Langton also feel that the misdemeanours of the Mandevilles took the edge off the extortion from which he was about to profit? Geoffrey fitzPeter, father of Geoffrey de Mandeville, after all, had acquired the Mandeville inheritance through questionable means, hence the claim of the Sais. He had also been an oppressor of Walden abbey, and John’s justiciar in the time of the Interdict.⁸¹ Yet, on the other hand, the Mandeville debt clearly arose from one of those fines made ‘unjustly and against the law of the land’, with which Magna Carta later sought to deal. By the same token, it surely qualified as an egregious example of ‘the tyrannical exactions’ of ‘modern kings’, which Langton stigmatised in his commentary on Deuteronomy. Although, moreover, as Nicholas Vincent has pointed out to me, Langton, in one area of his academic discourse, justified the spending of bad money in a good cause, the discussion told more in favour of refusing than accepting the Mandeville debt. In his consideration of whether prostitutes might give alms from earnings ‘unjustly acquired through mortal sin’, Langton argued that they could, but he added that such alms were to be given privately to the bishop so as to avoid scandal. There can have been little private about John’s gift of the Mandeville debt to his archbishop. The underlying assumption behind accepting alms from prostitutes, moreover, was that they ‘were not held to do restitution for their ill-gotten gains in an open court of law (*ius fori*)’, as Baldwin puts it, which was precisely, as we will see, what John *was* held to do in 1215 in respect of the Mandeville debt.⁸² The injustices suffered by the Mandevilles over the fine, as well as the injustices they had committed (if such they were) were surely matters

80. Hardy, ed., *Rotuli Litterarum Clausurarum*, ii. 110b. As far as I know, what follows has never been examined before by historians. It is mentioned in passing by Holt: *Magna Carta*, pp. 209–10 and ‘The *Casus Regis*’, pp. 323–4.

81. I owe the point about fitzPeter and Walden abbey (founded by the Mandevilles) to Nicholas Vincent. For the whole story from Walden’s point of view, see D. Greenway and L. Watkiss, eds., *The Book of the Foundation of Walden Monastery* (Oxford, 1999), pp. xxvii–xxxii, 116–23, 126–49, 152–3. Geoffrey de Mandeville adopted the Mandeville surname. Powicke, however, imagines good relations between fitzPeter and Langton: *Stephen Langton*, p. 115.

82. Baldwin, *Masters and Princes*, i. 133–7, with the quotation from Baldwin at 134, and ii, 92 n. 124, and 94 n. 140 where the quotation from Langton is found. For a discussion in Matthew Paris critical of spending bad money in a good cause, see Luard, ed., *Chronica Majora*, v. 171–2. Isaiah 61/8 is quoted although it does not deal directly with the issue.

crying out for the 'judgment' to which Langton was so attached. The Mandevilles would certainly have given a different version of the Walden abbey affair and have pointed out their generous benefactions to other houses.⁸³ Should not then Langton have replied, when offered the Mandeville money, that the church must be compensated, yes, but not from the proceeds of an imposition that ought to be subject to judicial redress?

Whether Langton paused and puzzled over accepting the debt, we will never know. What is certain is that when the bait was flicked towards him, he eventually rose, like a great salmon from the water, and swallowed it.⁸⁴ How John must have laughed, if he ever did laugh. He had got rid of a bad debt, compensated the church, and compromised the archbishop all in one go. The cynicism with which he doubtless regarded pietistic and prating prelates such as Langton had proved amply justified. They were no better than anyone else.

If Langton was troubled over the Mandeville debt, he soon had the opportunity to put things right, for as the crisis developed in 1215, Geoffrey pushed his grievance onto the political agenda and demanded redress. On 10 May 1215, John, struggling to contain the rebellion, agreed that Geoffrey could have the 'judgment of our court concerning the debt which is exacted from him from the fine he made with us to have Isabella countess of Gloucester as his wife'.⁸⁵ A month later, the Articles of the Barons, with Geoffrey now a leader of the revolt, dealt exactly with his case in laying down that 'fines made for dowers, marriages and inheritances ... unjustly and against the law of the land, are to be wholly pardoned, or they shall go to the judgement of the twenty-five barons, or to the judgment of the greater part of them, one with the archbishop and others whom he will wish to call with him'.⁸⁶

83. Geoffrey fitzPeter's grievances against Walden are clear from the abbey's own account of the quarrel. He did make some attempt at a settlement: Greenway and Watkiss, eds., *The Book of the Foundation of Walden Monastery*, pp. 116–23, 126–49, 152–3, 154–7, 160–61, 184–6. For his benefactions to other houses: R.V. Turner, 'Geoffrey fitzPeter' in id., *Men Raised from the Dust: Administrative Service and Upward Mobility in Angevin England* (Philadelphia, PA, 1988), pp. 63–7.

84. The writ of 1226, which granted William de Mandeville, who had now succeeded Geoffrey, allowances against the debt, said he had paid the 10,000 marks to Langton 'by our order' that is the order of Henry III. But when he came to account at the exchequer, the allowance for the amount given to Langton was conceded 'by writ of the king' and 'by testimony of Peter bishop of Winchester justiciar at the time of the payment': Hardy, ed., *Rotuli Litterarum Clausarum*, ii. 110b; TNA, PRO, E372/69, m. 16. Peter was justiciar in the period between February 1214 and June 1215. The 'payment' was in fact an assignment. There was no way Geoffrey could have paid the whole amount at once, nor did he do so, as we will see. It seems impossible to give an exact date to when the bargain was sealed. By the agreement under which the Interdict was eventually lifted in June 1214, John was to pay 40,000 marks, which was reduced to 13,000 marks after previous payments were taken into account. He was then to pay 12,000 marks a year until the sum to be determined by a future inquiry had been met: Cheney and Semple, eds., *Letters of Innocent III*, pp. 188–90; Luard, ed., *Chronica Majora*, ii. 575.

85. T.D. Hardy, ed., *Rotuli Litterarum Patentium*, Record Comm. (1835), p. 141.

86. Holt, *Magna Carta*, p. 437 (cap. 37).

The chapter made clear that members of the twenty-five could not sit in judgment on their own cases, although I doubt if that would have excluded Langton from sitting on the Mandeville debt, especially if he intended altruistically to quash it. Certainly, he was now well placed to help right the injustice, after which he could have sought his own compensation from another source. Yet it was this very clause, as we have seen, that Langton distanced himself from in the negotiations after 10 June, so that in Magna Carta, he was to be associated with the work of the twenty-five only 'if he can be present'. Of course, that could just have been because Langton might be otherwise engaged. In another way, moreover, he did indirectly help the twenty-five since he agreed to hold the Tower of London until their work was completed; only then would John recover the fortress and London itself.⁸⁷ Even here, however, there was a curious subtext for Geoffrey de Mandeville was seeking from the twenty-five not merely the abrogation of his debt but also the vindication of inherited claims to the Tower.⁸⁸ Did Langton indicate he would facilitate the second claim, if Geoffrey backpedalled on the first?

Probably, we will never know Langton's attitude and actions at this time with regard to the Mandeville debt. The drift into civil war, and Langton's suspension and departure for the papal court in any case soon ended his direct involvement in the matter, on which there is no evidence the twenty-five ever gave a verdict. What, however, we do know is that Langton remained very keen to hold on to the debt and exploit it. This takes us on to the events after 1215.

Geoffrey de Mandeville was killed in a tournament in 1216, leaving as his heir his brother, William, who was also in rebellion. On the restoration of peace next year, the minority government of Henry III allowed William to enter the Mandeville inheritance and soon recognised him as Earl of Essex. It also saddled him (no account as yet being taken of any payments and assignments) with the whole of Geoffrey's 20,000 marks debt for the hand of Isabella of Gloucester. Taken narrowly, this was perfectly legal, for Geoffrey's original fine had not merely offered no release in the event of Isabella's death. It had also offered none to his heirs in the event of Geoffrey's. The debt, however, had become all the more extraordinary, for William found himself liable for a vast sum from which he had received absolutely no benefit. He had no connection with the Gloucester estates, which had passed, on Isabella's death in October 1217, to her heir, Gilbert de Clare, Earl of Hertford.

This did not bother Langton. Sometime after his return to England in May 1218, he reached an agreement with William de Mandeville under which the latter was to liquidate the 10,000 marks debt at the rate of 150 marks a year. To be sure about this, the money was to be drawn

87. *Ibid.*, pp. 490–91.

88. *Ibid.*, pp. 208.

annually from the revenues of two Mandeville manors in Essex, Debdon and Walden (now Saffron Walden). The procedure was that four knights were to receive the revenues and give the 150 marks to Langton and any surplus to William.⁸⁹ Just why Langton fastened on these two adjoining manors, we do not know, but perhaps it was due to the proximity of Walden abbey, which already held part of Walden from the Mandevilles, and doubtless might help Langton exercise effective control over the rest. The actual text of the agreement does not survive, but the arrangement continued after Langton's death, and by 1235 the debt had been reduced by 2,840 marks to 7,160 marks.⁹⁰ If the agreement had run from 1218 itself, then that would account for 2,550 marks of the 2,840 marks, suggesting that Langton had already exacted around 300 marks (or £200) from the hapless Geoffrey before the war. Of course, this paled before the £3,582 John had exacted in the same period, and Langton might claim that he had set up orderly and reasonable procedures for repayment, though by the same token these meant the Mandevilles would be deprived of the bulk of the revenues from two of their most valuable manors for over fifty years. William de Mandeville had the more reason to feel aggrieved since he had, through generous benefactions, restored relations with Walden abbey.⁹¹ He was, however, in no position to resist for, if the agreement was made around 1218, he was at that very time facing a renewed attempt by the Sais to recover the Mandeville inheritance.⁹²

In all this, Langton was far more successful in exploiting the debt than was the king's government, which did not extract it from William at all. It was not till 1226 that he came before the exchequer to account. Then the payments made by Geoffrey before the war and the assignment to Langton were allowed him, all of which brought the debt down to £3,084. It was then rolled up into other debts he owed, the grand sum, after further payments and allowances had been credited, being £3,788. This William was to pay off at £100 a year, which meant, taking it as a proportion of the whole, that the Gloucester debt was to be reduced by £69 a year as opposed to Langton's £100.⁹³ In practice, William made no payments before his death in January 1227.⁹⁴

89. *C[lose] R[olls] 1227–31*, p. 67.

90. *C[alendar of] C[harter] R[olls] 1226–57*, p. 196. I can find no trace of the agreement in the Canterbury cartulary Lambeth Palace Library, MS. 1212.

91. Greenway and Watkiss, eds., *Book of the Foundation of Walden Abbey*, pp. xxxii, 186–9.

92. *Complete Peerage*, v. 131 note (f). I owe this point to Tony Moore.

93. Hardy, ed., *Rotuli Litterarum Clausarum*, ii. 110b; TNA, PRO, E372/69, mm. 16, 16d. Although in the 1224–5 pipe roll, the date of the writ giving the allowance, shows the account cannot have been heard before May 1226.

94. For his debts, see P. Dryburgh, B. Hartland, A. Ciula and J.M. Vieira, *C[alendar of] F[ine] R[olls of the Reign of Henry III] 1216–1242* (3 vols., Woodbridge, 2007–9), 1217–18, no. 187; 1218–19, nos. 58, 101; 1226–7, no. 77. (The fine roll calendar is cited by regnal year and is also available on line: <http://www.finerollshenry3.org.uk>). It is possible that this leniency over the debt owed something to William de Mandeville's relations with Hubert de Burgh, which led to the latter acquiring Hatfield Peverel. Again, I owe this point to Tony Moore.

On William's death, his heir was his sister Matilda, widow of the Earl of Hereford, who was now due to become countess of Essex in her own right. She had, however, made an imprudent second marriage to the Wiltshire knight, Roger of Dauntsey, and difficulties were made over her entering the Mandeville inheritance. To overcome them, she enlisted the help of William Marshal, Earl of Pembroke, the king's brother-in-law. If successful, he was to receive her Warwickshire manor of Compton. She also made promises to the justiciar, Hubert de Burgh.⁹⁵ One hopes that Langton himself came to the aid of this widow in distress. What he certainly did do was make quite sure his money from Debden and Walden was secure, as hitherto unknown material on the fine rolls shows. On 28 January 1227, three weeks after William's death, he secured a writ from the king, recorded on the fine rolls, which gave him actual possession of Debden and Walden, although he was to account for any surplus above his annual £100 at the exchequer.⁹⁶ The grant was made during the king's pleasure and did not mention Matilda's claims, so it looks as though Langton was making a bid for possession of the manors in case these did not succeed. In the event, however, Matilda, having purchased powerful backers, was successful and, in October 1227, as the fine rolls again show, she gained possession of the Mandeville inheritance.⁹⁷ At this point, the arrangement with regard to Debden and Walden reverted to what it had been under William de Mandeville, with the four knights giving Langton his £100 and any surplus going to Matilda and her husband.⁹⁸

Langton himself died next year in July 1228, and for a while the Mandeville payments continued to his executors, before reverting to his successors as archbishop.⁹⁹ Then, in 1235, Matilda de Mandeville, now separated from her second husband, reached a more comprehensive settlement. In a move foreshadowed by Langton's possession of the manors in 1227, she granted Debden and Walden to Edmund, Archbishop of Canterbury, in return for 180 marks (£120) a year being deducted from the debt, now put at 7,160 marks. Edmund then granted the manors to Walden abbey in return for it paying him and his successors the equivalent amount.¹⁰⁰ Once the debt was liquidated (which would have been in 1275), the manors were to return to the

95. *CRR*, xiii, nos. 1167, 1812; *CCR 1226–57*, p. 108; *CFR 1233–4*, no. 2. I owe Matilda's deal with William Marshal to the discovery of Susanna Annesley, who is working on a doctorate on the countesses of thirteenth-century England.

96. *CFR 1226–7*, no. 84. See also *The Book of Fees* (3 vols., 1920–31), ii, 1349.

97. *CFR 1227–8*, nos. 4, 5, 10, 11.

98. John fitzGeoffrey, however, claimed the surplus from Debden, which was not part of the Mandeville inheritance, but was 'lands of the Normans' granted to his father, Geoffrey fitzPeter (a point I owe to Tony Moore). John was the son of Geoffrey by his second marriage, while Matilda was the only surviving child of his first and thus the Mandeville heir. For John and Debden, see *CR 1227–31*, pp. 2, 67, 153–4 and R.E.G. Kirk, ed., *Feet of Fines for Essex*, i (Colchester, 1899), pp. 75, 87–8; *CFR 1226–7*, nos. 246–52.

99. *CR 1227–31*, pp. 153–4.

100. *CCR 1226–57*, pp. 196–7. I have found nothing about the transaction in the Walden cartulary: B.L. Harley 3697.

Mandeville heirs. At last, Walden abbey, which presumably could still make a profit on the deal, was revenged on Matilda's father, Geoffrey fitzPeter.¹⁰¹

Meanwhile King Henry and his government were doing little to match the church's acquisitiveness. Initially, as the fine rolls show, Matilda and her husband, far more vulnerable than William de Mandeville, had been told to pay the debt of at £200 a year, as opposed to William's £100 (which in any case he had never met). This, however, was quickly reduced to £100 a year, £40 10s and 10d annually being set against the payment due to Matilda for the earldom of Essex. Thus she only had to come up with an annual £59 9s and 2d in terms of actual cash.¹⁰² Matilda died in 1236 and was followed by her son, Humphrey de Bohun, who thus added the earldom of Essex to his Bohun earldom of Hereford. He cannot have welcomed inheriting the Mandeville debts as well, but, again as the fine rolls show, his payments were reduced first to £50 a year, and then, during the Poitevin expedition of 1242, to £40 10s and 10d. This sum was set against the money to which he was entitled annually as Earl of Essex.¹⁰³ Since Henry III made this concession for himself and his heirs, Humphrey had no need ever again to make actual payments to the king. He may well have reflected that the church, thanks to Langton's initiative, was being far more extortionate and was depriving him of two of his best manors worth well over £120 a year.

Perhaps diplomatically, many of the documents of the 1220s and 1230s never referred to how the Mandeville debt had arisen. But the Mandevilles and their Bohun successors did not forget, which is a measure of their bitterness. It was thus almost apologetically that Henry III, in 1242 referred to 'the remainder of all the debt which he [Humphrey de Bohun] owes us of the 20,000 marks through which Geoffrey de Mandeville, once earl of Essex, his uncle, made fine with the lord King John, our father, to have Isabella, once countess of Gloucester, as his wife'.¹⁰⁴ Almost certainly, this passage reflects the terms in which Humphrey de Bohun spoke to Henry about the debt, if with expletives deleted.

Langton had accepted the revenues from Debden and Walden as compensation for the losses of the church, and he may well have used them directly for that purpose.¹⁰⁵ Yet even here there was another side, for his stake in the manors also came to fit in well with his private interests. Having

101. There appears no evidence that Langton himself diverted money to the abbey. I have not researched the question of just when the manors did return to the Bohuns, but it seems, in respect of Walden at least, to have been earlier than the arrangement would suggest: see *Book of Fees*, ii. 1409; Kirk, ed., *Feet of Fines for Essex*, i, 238–9; *Calendar of Inquisitions Miscellaneous*, i, no. 2114.

102. *CFR 1227–8*, nos. 4, 5, 10, 11, 74; *CCR 1226–57*, pp. 68–9; C. Robinson, ed., *Pipe Roll 14 Henry III*, Pipe Roll Soc., new series, iv (1927), p. 151.

103. *CFR 1234–5*, no. 101; 1238–9, no. 67; 1240–41, no. 142; 1241–2, no. 556. For terms granted for another debt, see 1241–2, no. 129; H.L. Cannon, ed., *Pipe Roll 26 Henry III* (New Haven, 1918), 278, 349.

104. *CFR 1241–2*, no. 556. I have slightly adjusted the translation of the passage.

105. Nicholas Vincent points out to me that Canterbury's shrine account for 1214 shows £1,000 received from John's compensation to the church.

established himself in Essex, he busied himself setting up his kinsmen as landholders in the surrounding area. In 1223, partly through marriage and partly through purchase, he acquired two-thirds of the Essex barony of Aveley for his nephew Stephen Langton.¹⁰⁶ Two years later, he secured the marriage of his brother, Walter, to the heiress of the Anstey barony, whose castle at Anstey was less than ten miles from Debden and Walden.¹⁰⁷ One wonders indeed, whether, Langton also used the revenues from the two manors to finance his programme of acquisitions. There were mixed views within the contemporary church as to whether bishops and abbots could use their revenues to advance lay relatives, but many did, and no doubt Langton could have found something in his biblical exegesis to justify the practice.¹⁰⁸

At the end of this long and murky story, opinions may differ as to the morality of Langton's conduct. One can see his point of view. The church needed compensation. The Mandevilles hardly came with clean hands. Yet one may also think that his actions contravened the principles of the charter and are not easily squared with the canons of his academic thought. He is indeed open to the charge of double standards, even of hypocrisy. That conclusion has wider implications that cannot be pursued here. To what extent did other scholar bishops leave their principles in the schoolroom when their own interests, or the interests of the church, were at stake? Would Grosseteste have set a higher standard and refused the Mandeville deal?¹⁰⁹ Whatever the answers to these questions, one thing is certain. However compromised, Langton remains a key figure in the history of Magna Carta. While not involved in the development and detail of the baronial demands, his general sympathy with the cause must have been clear. Although hard to quantify, the insurgency might have gained less momentum, had he acted more as a royal partisan. In 1215, itself, despite his doubts about its validity, he put the church emphatically into the charter, and thus ensured that ecclesiastics were involved from the start in its proclamation and preservation. Then, in 1225, he freed the charter from its tainted origins in an act of coercion and enabled churchmen to underpin it for the first time with sentences of excommunication. For the first time, churchmen could support the charter as a whole without qualification and constraint. In these ways, Stephen Langton was central to the form and survival of Magna Carta.

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106. I.J. Sanders, *English Feudal Baronies* (Oxford, 1960), p. 4; *CFR 1220–1*, no. 318; Hardy, ed., *Rotuli Litterarum Clausarum*, i. 563; Kirk, ed., *Feet of Fines Essex*, i. 67; E. Amt, ed., *Pipe Roll 8 Henry III*, Pipe Roll Soc., new series, liv (2005), p. 100. I owe this point to Tony Moore.

107. Hardy, ed., *Rotuli Litterarum Clausarum*, ii. 57. Both these marriages were in the king's gift and Langton seems to have got them free of charge.

108. For such a dispute at St Albans, to which Michael Clasby has drawn my attention: H.T. Riley, ed., *Gesta Abbatum Monasterii S. Albani*, Rolls Series (3 vols., 1867–9), i. 252–3. Michael Clasby is working on a doctorate on St Albans abbey in the age of Matthew Paris.

109. I owe these questions to discussion with Philippa Hoskin.