

**THE HISTORY OF ENGLISH PODCAST  
TRANSCRIPT**

**EPISODE 97:  
LET'S PUT IT IN WRITING**

## **EPISODE 97: LET’S PUT IT IN WRITING**

Welcome to the History of English Podcast – a podcast about the history of the English language. This is Episode 97: Let’s Put It In Writing. In this episode, we’re going to look at the events leading to Magna Carta, one of the most important documents in the history of the English-speaking world – even though it was composed in Latin. Though most of the provisions were directed at feudal concerns and became antiquated over the centuries, the charter established a basic idea that the king was subject to the law, and those laws could be spelled out in a written document. In fact, Magna Carta was really the product of a period in which the use of official documents was exploding. So this time, we’ll look at the growing role of the written word and the rise of the bureaucratic state.

But before we begin, let me remind you that the website for the podcast is [historyofenglishpodcast.com](http://historyofenglishpodcast.com). And you can sign up to support the podcast at [Patreon.com/historyofenglish](https://Patreon.com/historyofenglish). And as always, you can reach me by email at [kevin@historyofenglishpodcast.com](mailto:kevin@historyofenglishpodcast.com)

So let’s turn to this episode, and let’s explore the road to Magna Carta. Our story actually begins in New York City of all places on April 30, 1939. That was the day when the World’s Fair opened in New York. One of the themes of the fair was the world of the future. Many new inventions were featured, and visitors were invited to take a look at the “World of Tomorrow.” To mark the occasion, the RCA pavilion introduced television to the mass public, and Franklin Roosevelt’s opening address was not only broadcast over the radio, but also on television. About a thousand people saw that broadcast one of the 200 or so televisions sets that were available at the time in New York City.

The theme of the exhibition may have been the future, but the British Pavilion contained something very old – something that was produced over seven centuries earlier. It was one of the four surviving copies of the original Magna Carta. It was the first time an original copy had been displayed outside of Europe.

By the time the fair ended the next year, Britain was at war with Germany in World War II. But the United States was not – at least not yet. So rather than risk a perilous journey back across the Atlantic in wartime, the British government decided to let the document stay in the United States until the war was over. The document was soon moved to Washington where it was displayed in the Library of Congress beside the US Constitution and the Declaration of Independence. For many the U.S., the old charter was considered a foundational document of the United States as well. During the American Revolutionary War, the rallying cry “No taxation without representation” was based in part on arguments stemming from Magna Carta. In 1775, the colony of Massachusetts adopted as its seal a Patriot carrying Magna Carta in one hand and a sword in the other. Though technically not part of U.S. law, it has been cited as authority by the United States Supreme Court in over 100 Supreme Court decisions.

Now back in 1941, the British government was so eager to get the United States to go ahead and join the Second World War that it even considered letting the U.S. keep that copy of Magna Carta. They wanted to show the important values that were at stake in the war, and Magna Carta was seen as a symbol of that shared democratic history. That gift never happened. The events at Pearl Harbor ended America's neutrality, and as it turned out, the copy of the Magna Carta being exhibited in the U.S. didn't belong to the British government anyway. It belonged to Lincoln Cathedral where it was later returned and where it is still maintained today.

One of the other four copies is maintained at Salisbury Cathedral. The other two surviving copies are part of the British library, and they were both received from Sir Robert Cotton's famous library in London. I talked about Cotton's library in earlier episodes of the podcast. It housed the great collection of Old And Middle English manuscripts that Cotton had collected during his lifetime. But you might remember that the library caught fire, and many of those manuscripts were destroyed. The only copy of Beowulf was damaged in that fire, and one of his two copies of Magna Carta was severely damaged. Most of it was destroyed in the fire, but fortunately, the other copy avoided any major damage.

These four surviving copies were not the only original copies. No one is sure exactly how many there were. But we are told that copies were made and sent out to every shire. It has been estimated that there may have been around 40 original copies. All of them were written on parchment. And all of them were copied by an unknown number of scribes who worked quickly to produce the documents so the king's seal could be attached to them before they were sent out to the four corners of the country.

All of this reflects an era in which official documents held a special and important place. The fact that so many copies were produced so quickly shows how the English bureaucracy had grown by the early 1200s. And in fact, the story of Magna Carta is ultimately a story about the power of the written word – the legal power, the political power and the economic power. So in this episode, we're going to look at the nexus between money, power and the written word.

And let's start with the material that was used for the written word in the Middle Ages. That material was parchment. At one time, in ancient history, people had used natural objects like stone and tree bark and clay. But one of the earliest man-made writing materials was papyrus – produced from the papyrus plant. But papyrus didn't grow in Europe. In fact, it was mostly grown in Egypt. And as writing spread from the Mediterranean into Europe, a new type of writing material was needed.

The story of parchment really begins in modern-day Turkey in a city called Bergama today, but which was known as Pergamum in the Second Century BC during the era of Classical Greece. It had one the great libraries of the ancient world, so it imported a lot of papyrus. But the people of Pergamum were finding it increasingly difficult to get papyrus from Egypt. They soon learned that animal hides could be used as an alternative. They developed a technique whereby animal hides could be cleaned and processed and used as a writing material.

Unlike papyrus, scribes could write on both sides of this new material. It was also more durable and, most importantly, you didn't need access to the papyrus plant. This material soon spread to Rome where it was called *pergamum* after the city where the technique had originated. That word passed into Old North French as *parcamin*. But as we've seen before, the French of Paris tended to pronounce the C-A – /ka/ sound – as /cha/. So around Paris, *parcamin* became *parchimin*, and the word passed into early Middle English as *parchment*.

During the Middle Ages, parchment became the primary material for writing. It was made from various animals, including sheep, goats and cows. As I've noted before, the parchment made from calfskin was called *vellum* from the same Latin root as the word *veal*.

Parchment had another advantage of papyrus. It could be folded. Papyrus didn't last very long if it was folded. The crease would break and tear. So papyrus documents were stored for safe-keeping by rolling them up. And initially, that traditional method was used for parchment as well.

These were called *rolls* – a word which entered English in the early 1200s from Latin and French. They were also called *scrolls*, which entered English about a century later also from French.

Now today, you might 'scroll' up or down on a computer screen or tablet, and that is actually a brand-new use of the word *scroll* having only appeared in the past few decades. And it shows how history has a funny way of repeating itself sometimes. At one time, a long document was attached to a roll at each end. The reader would hold one roll in the right hand and the other roll in left hand. He or she would then unwind the document from the first roll and wind it or gather it around the second roll. The advent of books made this process unnecessary. But in the computer age, it became common to compose an entire long article on single page – a digital page. So rather than flipping through pages, we have once again reverted back to scrolling though a long narrow page. And the word *scroll* has found a renewed application in Modern English.

Now the process of winding and turning those scrolls to read a document led the Romans to coin another word for this type of document. They sometimes called it a *volumen*, which became *volume* in Old French. It literally meant 'something that was rolled,' and we have that same root word in a word like *revolve* meaning 'the process of going round and round.' The word *volume* entered English in the 1300s, and it was later applied to large written document, typically a large book. And that gave us the modern sense of the word as a large book.

The word *volume* was later used to refer to the specific size of a book. So you might speak of a book with great volume. And that led to the sense of the word as the 'volume' of liquid in a container or the 'volume' of sound coming out of a stereo.

So *roll*, *scroll* and *volume* all originated as terms for Medieval documents – rolled-up and bound for storage and safe-keeping. Again, that was true for papyrus and parchment. But parchment scrolls were bulky and not very efficient. And the entire method of using a scroll was sometimes tedious. If you wanted to read a small portion of the document, you might have to unroll the entire scroll to get to the portion you were looking for. And this is where parchment really had an advantage over papyrus.

As I noted, parchment could be folded. And several pieces could also be sewed together. It was durable and flexible. This eventually allowed the Romans to create the book format that we have today – what they called a *codex* at the time. And books were more efficient because you could flip through the pages without having to unwind and wind a scroll.

But not all parchment was bound together in a book. Sometimes it was simply folded in half. And that's how many official documents were prepared, even during the Roman period. For example, when officials traveled to other regions, they carried an official document allowing safe passage, and that document was usually written on a piece of folded parchment. Because it was folded, it was double the thickness of a normal piece of parchment. It was sort of like those commercials for two-ply paper towels. They're double the thickness, so they absorb better.

Well, the Roman term for these documents was based on a Greek word that meant 'two-ply' – in fact, it literally meant 'two ply.' It used the Greek word for 'two' which was *di*, and the Greek word *ploos* which meant 'fold.' In fact, *ploos* is an Indo-European word that's cognate with that Latin word *ply*. And thanks to the 'p' to 'f' sound change in the Germanic languages, it is also cognate with the English word *fold*. So this word meaning 'two-fold' or 'two-ply' was *diploos*. And that produced the word *diploma* which was literally 'a folded document,' but it came to mean 'an official document,' especially those used when traveling to other nations.

After the term entered English, the people who carried these folded documents or *diplomas* were called *diplomats* – literally 'the people who carried folded parchment.' And when they negotiated with other countries, they were said to engage in *diplomacy*. Most of these words have retained their original meanings in English, but *diploma* has become more restricted to the paperwork you receive when you graduate from school. Those early university diplomas were usually written on parchment – often on the skin of a sheep – which is why a diploma is also known as a *sheepskin* in Modern English.

So when we think back to official Medieval documents, we had *rolls*, and *scrolls*, and *volumes*, we can now add in *diplomas* as well. They all referred to parchment documents. Now, I've talked about papyrus, which was replaced by parchment, but you may be wondering about paper. By the way, the word *paper* is actually derived from the word *papyrus*, even though paper is a completely different material made through a completely different process. Paper has been used in China for around 2,000 years, and it spread into the Arab world in the 700s. And by the current point in our story, it was being used and produced in parts of Italy and Spain in southern Europe. But it would take another couple of centuries for paper to find its way to Britain and most of northern Europe. So I'll deal with paper in a future episode when it starts to arrive in Britain in the late 1300s. But for now, we're mostly dealing with parchment.

I said that the word *paper* is derived from the word *papyrus*. Well, the Greeks had another word for papyrus. They sometimes called it *khartes*. And *khartes* literally meant a piece or page of papyrus, and that word was soon borrowed by the Romans. Since the Greeks and early Romans used a lot of papyrus for their official documents, the word *khartes* came to mean an official document in Latin. And Greek *khartes* became Latin *carta*.

Once again, the Latin C-A – or /ka/ sound – was often pronounced as /cha/ around Paris. So in early French, *carta* became *charter*. And around the early 1200s, that French version *charter* was starting to pass into Middle English. Old English had been using the native word *book* for most types of written documents – including charters.

In addition to *carta* and *charter*, French also had a shortened version of those words, which were *carte* and *chart*. *Carte* passed into English as *card*, and *chart* also passed into English. So English ended up with *charter*, *chart* and *card* – all variations of the same word. So it's probably not surprising that English speakers soon found ways to distinguish those words. *Chart* started to be restricted to documents that contained illustrations, especially maps. *Card* came to be used for small single page documents, especially playing cards when they started to appear in Britain in the next century. And *charter* was used for official government documents.

Now charters were used in England before the Norman Conquest. Again, they were sometimes called a *boc* – or 'book' – using the native English word. The granting of a charter was called *bocian* from the same word. A single page of parchment was called *leaf* – or 'leaf' – again using a native word. By the way, I mentioned that a folded piece of parchment was called a *diploma* back on the continent – literally a 'two-ply document.' Well, it was called a *cine* in Old English. Obviously, that word has disappeared over time.

Now just like in Continental Europe, the Anglo-Saxons composed their charters in Latin. It was an elaborate form of Latin, and they typically involved some type of grant. So for example, they were used in Anglo-Saxon England for land grants. Kings also used charters whenever they needed to grant permission or authority for something to be done.

After the Norman Conquest, it became a common practice for new kings to issue a charter when they were crowned in order to formally recognize the laws and traditions of the kingdom. For example, if we think back to the sons of William the Conqueror, there was William Rufus who was king, but he was shot with an arrow and killed while hunting. So his younger brother Henry rushed and had himself crowned as the new king, even though his older brother Robert was Duke of Normandy and had a better claim to the throne. In order to secure his position with the nobles, Henry issued a Charter when he was crowned.

I actually mentioned that Charter way back in Episode 72. Henry promised to rule as a good king and to avoid the abuses of his older brother. He also made some concessions to the leading barons. He forgave certain debts and past offences, and he agreed to stop claiming excessive fees and fines from them. Henry's idea was to put his promises in writing to give the barons something tangible, so they would have a good reason to support him. And it worked. The

Charter was called the Charter of Liberties. And make a mental note about that Charter because it's going to become very important a little bit later in this story.

Now you might remember that Henry I was a great tax collector, and he initiated the office of the Exchequer to help collect taxes. And he also started to keep permanent records of the Exchequer's accountings. Those records were called the Pipe Rolls. And that really marked the beginning a new era, where the government bureaucracy was used to generate revenue for the crown.

But if we go back to Henry's time – in the early 1100s, we would find that charters were different from those produced in King John's day a century later. Those earlier charters were usually undated, and they typically referred back to some grant or transaction that had already happened. So they weren't used to document a transaction as it was taking place. They were used as a record 'after the fact.' In part, this was because a literate scribe was required to compose a complicated Latin charter. And there weren't a lot of those around in the early 1100s. So a king or baron had to wait until a scribe was available to record a grant or transaction at a later date. For some transactions, the charter might be prepared weeks or months after the fact.

But by the time we get to the early 1200s – about a century later – that had started to change. Now, around the time of King John, those charters were being prepared at the time the grant or transaction was made. They no longer referred back to events that had already taken place. They now referred to acts that were done at the time the charter was executed. Now this may seem like a technical distinction, but it reveals how much the bureaucracy had grown. Thanks to all of those burgeoning universities that I discussed a few episodes back, there were now lots of trained scribes who could quickly prepare charters and other documents.

The best example of this change can be found in the evolution of property deeds. And in fact, it is also revealed in the word *deed* itself. *Deed* is an Old English word, and it meant an act or transaction or something done. In fact, it's related to the words *do*, and *did* and *done*. So if you 'did' something honorable, you performed a 'good deed.' And if you 'did' something dishonorable, you performed a 'bad deed.'

Well at a time before charters were immediately available, how did you transfer a piece of land? There was no document to be signed or sealed. Well, you did it by 'deed' – in the original sense of the word. You performed an actual deed. You 'did' something. If you were the person receiving the land, you would bring some witnesses to the land, and you would meet the owner. The owner would acknowledge you as the new owner in front of the witnesses. You might give him something in return – like a knife or a hunting dog. That helped to confirm the transaction. The old owner would then leave and you would take physical possession of the property.

At some later date, a charter might or might not be prepared to record what had happened. Even if a charter was prepared, it was only some evidence of the transaction. It didn't really prove anything. After all, anyone could make up a charter at a later date. So the charter itself didn't prove ownership. To prove the case, the witnesses had to be called to testify.

Well by the time we get to the early 1200s, it was common for a charter to be prepared ‘at the time’ the property was transferred. And it was common for the parties to put their seal on the charter at that time. So the nature of the charter changed. Now, it became proof of the actual transaction. In fact, in the year 1234, a court case in the royal courts called *Dun vs Basset* established a rule that a land grant could be proven by either witnesses or by a charter. So if the witnesses were no longer living or available, the charter itself was sufficient to prove title. So the ‘deed’ was no longer limited to some physical action – something you ‘did.’ It could now include the document itself. And by the 1300s, that type of document was being called a *deed*. So the sense of the word *deed* was extended from an action to a written document. This shows how the culture was changing – from an older society governed by memory and recollections and physical actions – to a new society governed by the written word.

One of the keys to this change was the increased use of seals to make documents official. Seals had been around since the earliest civilizations, but their use had almost always been confined to royalty and the highest government officials. Throughout history, most leaders were illiterate, so rather than signing a document, they authorized documents by attaching the official seal. Also, documents and signatures could be easily forged, but once a seal was attached, everyone knew it was the real thing.

The late Anglo-Saxon kings had also used seals, but in the century or so after the Norman Conquest, the use of seals spread throughout the aristocracy, and by the early 1200s, towns and free landholders had their own seals. Over the next century, even merchants, tradesmen and artisans started using seals. Seals helped to authenticate documents and give them validity, so as more and more people used them, it allowed the use of official documents to spread throughout society.

By the time John became king in 1199, the English government was producing so many documents that it had to find a way to keep track of all of them. I’ve already mentioned the Pipe Rolls of the Exchequer. Those detailed financial records had been maintained for several years. And now the Chancery started to keep records of the other documents that were being generated.

In the same year that John became king, charters started to be kept as permanent records. These were the so-called Charter Rolls. Sometimes the Chancery issued less formal documents. They were instructions or orders sent to local officials on small pieces of parchment. Just like with charters, the royal seal was attached to them. But some of them were deemed to be private and confidential. These confidential documents were called *letters close* because they were folded and closed so no one could read them. The year after John became king, the Chancery started to keep a record of those letters in what was called the Close Rolls.

If the letters were not confidential, they were left open for anyone to read. These were called *letters patent*. *Patent* was a Latin and French word that meant ‘open,’ but it was ultimately an Indo-European word that meant ‘to spread far and wide.’ It has the same root as the word *pass*, as well as *passage* and *expand*. So a letter patent was open and available for anyone to read. And in the year 1201, the Chancery started to keep a record of those letters as well in the so-called Patent Rolls.



Now I should note here that this type of open letter – or letter patent – eventually became known as simply a *patent* during the 1300s. These letters usually granted some right or privilege, and by the 1600s, it had come to mean an exclusive right to an invention or innovation. So today, when we talk about someone applying for a ‘patent’ for some invention, the term goes back to the letters patent issued by the Medieval Chancery, and *patent* literally meant open for anyone to read.

By the way, the word *letter* also entered English around this time from French. The Latin root also gave us the words *literate* and *literacy*. And in French the word *letter* could refer to either an individual letter of the alphabet or a written document. And both senses of the word were borrowed into English in the early 1200s, and of course the word *letter* still has both of those meanings today.

Now in addition to these official letters and charters, the English Chancery also started to keep a variety of other records. So who was responsible for all of this record-keeping and all of this bureaucracy? Well, even though it began during the reign of King John, it wasn’t really John that brought about this innovation. It was the man who John appointed as Chancellor – named Hubert Walter. At least, it appears that he was the person who directed these records to be kept. And Hubert wasn’t just John’s Chancellor. He had another loftier title. He was also the Archbishop of Canterbury. And it was his death in the year 1205 that led to the dispute with the Pope over his successor that I discussed in the last episode.

Now we can start to see why John was so adamant about the selection of Walter’s successor. He wanted another Archbishop that he could work with. Walter had been a government administrator and a bureaucrat. He was no Thomas Becket. He hadn’t tried to put the interest of the Church over the interest of the king. And if John had any say, the next Archbishop would follow the same approach.

But as we saw last time, that didn’t happen. Pope Innocent III ultimately selected Stephen Langton as the new Archbishop. And John’s refusal to accept that appointment led to England being placed under interdict, and ultimately led to John being excommunicated. John retaliated by kicking out clerics and confiscating Church property.

As I noted in the last episode, all of this actually made John richer, so he wasn’t really all that concerned about the stalemate. Certainly people grumbled, but there wasn’t much they could do about it.

And this really brings us to one of the main causes of the upcoming break with the barons – money. The barons could tolerate John’s cruelty. And they could tolerate the break with the Church. And they could even tolerate paying taxes and fees for war and other reasons. But what John was doing in terms of taxation and confiscations went beyond anything they had ever seen. It went beyond raising government revenue, and it started to look like outright robbery and plunder. And much of that plunder was done with the official seal of the king.

John used his expanding bureaucracy to rake in money on an unprecedented scale. In fact, one of the few positive things that historians have to say about John is that he was great administrator. But for John's subjects, that was precisely the problem. The one thing John really excelled at was using that administration to take people's money and property.

Some of John's efforts to raise money were innocent enough. I noted a few episodes back that John issued a license to the organizers of the Donnybrook fair in Ireland very early in his reign. In order for a town to hold a fair, it had to get a charter from the king. The king had to grant permission for the fair. And the town had to pay for it. The same thing was true for a simple market. If you wanted a market in your town, you had to go buy a charter from the king. And all of those charters had to be renewed at regular intervals – for a fee of course.

In fact, it went beyond fairs and markets. John saw the value in actually creating new towns. And when I say that he saw the value, I mean he saw the economic value. In order for a town to be established, guess what you needed? A charter. The king had to grant permission for the land to be used for a town. But that initial fee for the charter was small potatoes compared to what followed.

The town charter granted the townspeople their “liberties and free customs.” That meant that people who moved to the town didn't have to perform labor services for their land – like peasants on the farm did. And they were free to sell, and lease and pass on their property to their heirs. They did have to pay rents to the king or other lord, but the rents were usually set very low to attract settlers.

So the king collected rents from the people who lived in his towns. And as the towns grew, that meant he got more rents. And as the towns grew, there was an increased need for markets and even occasional fairs. So John could charge for those charters too. When Domesday Book was compiled in 1086, the country of Oxfordshire had just two markets. By the end of John's reign, it had nearly a dozen.

John didn't just establish his new towns anywhere. He preferred to establish them along the coast so they could function as ports. John then imposed a duty on all goods entering and leaving the country, so by establishing more port towns, it meant that more goods were subject to import and export duties.

One of the towns that John founded was Liverpool near the northwestern coast of England. It was established on an empty site along a tidal creek in the Mersey estuary. The *pool* part of the name is obvious because *pool* meant a body of water. The meaning of the first part – *liver* – is uncertain. It has been the subject of many different theories. The word *lifer* was sometimes used in Old English to mean ‘thick or muddy water,’ so that may have been the source. Some theories suggest that the word is derived from a Celtic word that meant ‘a flood or current of water.’ Either way, the town was established by a letter patent issued by John in the year 1207.

At least 57 new towns were established in the 50 year period between 1180 and 1230. And some historians have seen these town charters as a preliminary step toward Magna Carta. Towns

received their “liberties and free customs” in exchange for certain agreed-upon payments to the king. And this agreement was set forth in writing in a royal charter. So these were basically contracts between the king and the townspeople. And it wasn’t that much of a stretch to extend that same idea to the country as a whole. Maybe the king could be compelled to sign a charter concerning the rights and privileges of the entire country.

If some of the barons were starting to make these connections, it would be understandable because most of John’s taxes and fees were aimed directly at them. And John exploited every legal loophole to gouge them.

For example, consider what happened when an older baron died. He usually left his land holdings to one or more of his children. But that didn’t happen automatically. This was still the feudal system. The baron held his lands from the king. So technically, the lands reverted back to John, and John would then grant them back to the heirs. But of course, he did that for a fee. It was sort of like an early version of an inheritance tax or estate tax. But in feudal Europe it was called a *relief*. In terms of etymology, the ‘relief’ was the relief of the heir from disinheritance. For a fee, the heir was placed back in the position of the deceased parent. This feudal sense of the word *relief* once existed side-by-side with the more modern use of the term. But the feudal sense died out with the end of feudalism.

Now the standard rate of the relief – or inheritance tax – was typically 100 pounds, which was a lot of money in the early 1200s. But John raised the rate up to as high as 400 pounds – so quadruple the usual rate. Sometimes it was higher than that. To put this in to some perspective, the average baronial income was only about 200 pounds a year. So the relief could be double the average annual income which meant that the heirs ended up going into debt and owing money to John whenever they received their inheritance.

The problem for heirs didn’t end with the payment of the relief. If there was a surviving widow or daughter who inherited landholdings, they couldn’t just remarry. Their husband effectively controlled the lands, and a feudal lord had a say in who controlled his vassal’s lands. So that meant that the king had to consent if a widow or daughter wanted to marry. Of course, John often sold that consent to the highest bidder. Very often the widow or daughter had little or no say in the whole process. John would force a marriage to another noble or child of another noble.

If a child who inherited the property was a minor, John had the right to appoint a guardian to manage the estate until the child was an adult, but this feudal guardian didn’t really have any obligations to the child that a modern legal guardian does. The feudal guardian was entitled to possession of the property and all income that it produced. So once again, the guardianship was usually sold to the highest bidder, and the property was exploited for every penny until the child got older.

Now these problems weren’t just the concerns of the barons’ wives and children. They were also the concerns of the barons themselves because they didn’t want their wives and children to be exploited in this manner. And they didn’t want their children having to live their entire lives indebted to the king for various payments.

And these were just the problems encountered when a baron died. During his lifetime, a baron had other problems to deal with. And the biggest one was something called *scutage*. This funny-sounding term was another type of feudal tax or fee. It literally meant the ‘shield fee’ or ‘shield money.’ The term *scutage* is actually related to the word *squire* which was a knight’s assistant. The Latin word *scutum* meant ‘a shield.’ In French, the young man who carried the knight’s shield was called an *esquire* which meant a shield carrier – from the same root. That word was later shortened to just *squire*.

Now when a baron received property from the king, he had an obligation to provide the king with a certain number of knights in return. But sometimes, the baron didn’t have access to enough knights, so he was allowed to pay the king the money equivalent. In French, this was called *escuage* from the same Latin root. It literally meant the ‘shield money,’ and in English, it was Anglicized to *scutage*.

Over time, it became standard practice for the barons to just pay scutage rather than providing actual knights. The king could use that money to go out and hire mercenaries if he needed soldiers. Sometimes, John just kept the money.

Now the king had a right to levy scutage whenever military service was needed. But this is where John found his loophole. He levied the tax over and over again without actually going to war. John’s father, Henry II, and his brother, Richard, had ruled England for 45 years. And they demanded scutage 11 times total in that 45 year period. Then John became king. And in the 16 years before Magna Carta, he also collected it 11 times. So it went from about once every 4 years to once every 18 months.

John’s fees and taxes weren’t limited to the aristocracy. In the year 1207, he levied a massive tax on all lands, goods, revenues and moveable property. This tax was called a *thirtieth* because the tax rate was literally 1/30th of the value of all of those goods. It raised an incredible amount of money.

Now the barons had already been stretched thin before John came to power. They had to pay for Richard’s Third Crusade, and then they had to pay an exorbitant ransom when Richard was taken hostage on his way back home. Then John got hold of the Exchequer and started squeezing more and more money out of them.

Frankly, it was more money than most barons could pay. They had to give John an IOU, and John was just fine with that, because it gave John control over the barons. They were left in perpetual debt to him. If a baron got out of line, John could call all of his debts due, and if couldn’t pay up, John would declare default and seize all of the baron’s lands. So there wasn’t much the barons could do without risking everything.

The dilemma of the barons is represented by the case of William de Briozé. William was a Marcher Lord from the Welsh border region. He came from a prominent Norman family in the region, and he became indebted to John over time. Much of the debt was acquired when William sought the lordship of Limerick in Ireland. John granted him the title in exchange for 5,000

marks. John also granted him other properties, including some property that had been confiscated from the Church during the Interdict. Of course, William had to agree to large payments for those properties. William soon became the most powerful English baron in southern Wales. He and John were close for many years, but eventually, they fell out with each other. No one is sure what the cause of the disagreement was. But afterwards, John called William's debts due, and William couldn't pay.

John then seized William's properties – eventually forcing William and his family into exile. William ended up in France, but his wife and young son fled to Scotland, where John's men detained them. John then threw the wife and the young boy in prison – where they were both starved to death. The barons were appalled at John's actions. John had established that he was willing to drive them into bankruptcy and exile – and even kill their wives and children. More and more barons started to reach their breaking point.

In 1211 and 1212, John had to deal with occasional uprisings in Wales. He led an expedition there in 1211 which helped to subdue the rebels. He was back again in 1212. Once again, he cracked down on the rebels, but then his men discovered several anonymous letters in Nottingham. The letters were addressed to John, and they warned that if he continued the war in Wales, he would either be slain by his own nobles or delivered to his enemies for destruction. Suddenly, John realized that some of his own barons were plotting to murder him.

By all accounts, John became paranoid after discovering the plot. He used his bureaucracy to compose letters to all of his barons demanding that they deliver him hostages to ensure their good behavior. The opposition was especially strong in the north. So John marched to the north of England and forced a couple of rebel barons into exile. He traveled with armed body-guards everywhere he went.

But John had even bigger problems. He soon discovered that Pope Innocent had made an alliance with the French king Phillip. They were plotting to take John out. The Pope was going to sanction an invasion of England by Phillip. That was bad enough, but now John started to realize that some of his own barons might join with Phillip. The primary Welsh leader had already formed an alliance with Phillip. And having lost most of his French lands to Phillip, John now realized that he might lose the British Isles as well.

But this is where John showed how shrewd he could be. Late in 1212, John reached out to the Pope and agreed to give in. And John went further than anyone expected – even the Pope. John agreed to recognize Stephen Langton as the Archbishop of Canterbury, and he agreed to restore the Church property and to reinstate the banished priests. And then he proposed that all of England and Ireland be submitted to the Pope. Technically, they would be turned over to the Pope, and the Pope would grant them back to John who would hold them as the Pope's vassal. So the Pope would become the feudal lord of England and Ireland. Furthermore, John agreed to pay 1000 marks a year to the Holy See. It was an incredible turnaround. But it worked.

The Pope agreed to rescind John's excommunication. The Interdict remained in effect - but there were discussions to have it withdrawn if John went through with his promises. In May of 1213, John issued a charter to the Pope to confirm the arrangement.

The Pope was completely won over. He now became John's closest ally, and he withdrew his support for the French invasion of England. After all, England was now a papal fiefdom. Meanwhile, John managed to destroy much of the French fleet that had gathered at Flanders. Together, these two events prevented the French invasion.

England's status as a papal fiefdom continued for the next century and half, and for the remainder of John's reign, he could count on the Pope for support – even when he went to war with his barons.

John had managed to save himself, but many in England thought he had gone too far. He had given up too much. Even the new archbishop, Stephen Langton, thought John had made a bad deal by allowing papal authority to extend to England. And the barons weren't happy either. For years, they had backed John against the Pope. Now they were technically vassals of both John and the Pope.

About three months after John issued his charter to the Pope, a great meeting was held at St. Paul's Cathedral to discuss the lifting of the Interdict and to get the Churches back open again. The new Archbishop, Stephen Langton, attended the meeting, as did many of the barons.

A chronicler named Roger of Wendover wrote an account of this period. And he wrote that Langton used the meeting as an opportunity to address some of the barons directly. He pulled them aside and addressed them in secret. Then he pulled out a copy of that coronation charter issued by Henry I. Remember that? That was that charter that John's great-grandfather had issued when he became king to win the support of the barons back in the year 1100.

According to Roger's account, the Archbishop told the barons that the old charter had come to light, and if they wished, they could use it to recover their lost liberties. He placed the charter before the barons and had it read to them. Among other provisions, Henry's old charter specifically stated that his subjects should be allowed to inherit their estates on payment of a "lawful and just" relief. It also agreed to protect widows, and to fix the financial penalties for crimes at an ancient rate. Henry also agreed to abide by the traditional laws of Edward the Confessor. Roger reports that the barons heard all of this, and they rejoiced. All they had to do was to get John to sign a similar charter. They just needed him to agree to uphold the terms of his great-grandfather's charter. Supposedly the barons in attendance agreed to force the issue by taking up arms against John if they needed to.

Meanwhile, John was starting to feel confident in his position again. With the Pope now on board, and with coffers that were overflowing, John decided that it was time to turn the tables on Philip. In late 1213, he made preparations for another massive invasion of France to take back his lost territories. The mission would also include an expedition to Poitou in southern France.

To pay for that mission, John levied another scutage. It was a whopper – three times the traditional rate. For the first time, many barons outright refused to pay. Much of the opposition was centered in the north of England. The northern barons argued that they had no obligation to fight across the Channel in France – and certainly not all the way down in Aquitaine.

Now at this point, we have evidence that some of the barons were already working on a draft of a charter to hold John's feet to the fire. In the 1800s, a parchment document was discovered in the royal archives of France. It was unknown prior to that point, and it was published in the 1860s. It turned out to be a rough draft of the Magna Carta. It doesn't have a date on it, so no one is absolutely certain when it was drafted. Today, it is known as the "Unknown Charter of Liberties."

The document is really a blend between Henry I's Coronation Charter and the final draft of Magna Carta, so most historians agree that it was a preliminary draft. It begins by reciting the parts of Henry's Coronation Charter that I mentioned earlier. It then includes specific provisions limiting the king's ability to assess fees and taxes. It also required the king to protect the rights of widows and underage heirs. And then it had a provision which didn't make it to the final draft. It said that the king could not compel military service outside of England, except for missions to Normandy and Brittany. So no forced expeditions in southern France. Now given this particular provision, most scholars think this draft was put together after the northern nobles refused to support John's invasion of southern France. This indicates that a charter was being negotiated over a year before Magna Carta.

Despite the refusal of several barons to support the French expedition, John moved ahead anyway. Most of the barons were still on board. So in February of 1214, John headed across the Channel to take back what he had lost a decade earlier. John's English force headed down to Poitou, while a separate group of continental allies invaded Flanders with plans to advance into Normandy. The plan was for the two forces to link up with each other in northern France.

John actually had some early success in Poitou, but his forces were defeated as they started to head north. Meanwhile, the northern force got tied up in Flanders and were soundly defeated at a battle known as the Battle of Bouvines. It was a crushing defeat for John and his allies.

The loss at Bouvines settled John's fate. He limped back to England with his tail between his legs. Everything John had been planning for a decade had completely fallen apart. Ten years of outrageous taxation had come to nothing, Now even more barons joined the opposition. They had had enough and were ready for rebellion.

It's important to note than many barons continued to remain loyal to John. Initially, about one-third joined the rebellion. The other two-thirds continued to side with John.

At Christmas of 1214, several of the opposition barons met with John and demanded that he issue a charter based on Henry I's Coronation Charter. John said he would get back to them. A follow-up meeting in January ended in deadlock. Another meeting was scheduled for April but John never showed.

By this point, the rebel barons in the north had been joined by several prominent barons in the east of England. And the citizens of London were showing their support for the rebels as well. John tried to keep the Londoners on board by issuing a new charter in May giving them a right to elect their own mayor every year. But the concession didn't work. The rebels soon marched into London, and with the loss of London, John realized that he would have to give in.

At this point the rebels were merely asking for a charter, with specific terms still being negotiated. John probably thought it would buy him some time to just go along with the demands and put something in writing. In retrospect, it seems likely that John never had any intention to abide by it because he ended up renouncing it as soon as he signed it.

Nevertheless, the two sides met at Runnymede just up river from London in June of 1215. The two sides soon reached a preliminary agreement on the terms of the charter. The working draft was set forth on a piece of parchment and the king's seal was affixed to it. But this was not the final document. It was a preliminary document called the Articles of the Barons, and it still exists today in the Canterbury Cathedral archives.

This working draft had removed many of the provisions from Henry I's charter, but it set out the basic terms of the agreement. It also stated that a charter would be drafted to codify the agreed-upon terms. On June 15, John and the barons met face-to-face and swore oaths to each other to abide by the terms of the agreement. This was really the execution of the Charter. Remember that bit about deeds? It was the performance of the deed that mattered – in this case the swearing of oaths. The charter was just evidence of what they had agreed to.

The actual charter were then prepared, and it is generally agreed it took about four days for the scribes to complete it. On the 19<sup>th</sup>, the parties met again, and it was on that date that the two sides re-confirmed the agreement, and John's seal was actually attached to it. No one knows what happened to copy that was present on that day. But John's bureaucrats immediately produced several more copies – perhaps as many as 40. They were drawn up on sheepskin parchment, and the king's seal was attached to each of them. These copies were then sent out to various cathedrals and royal officials in different parts of the country to let them know that peace had been restored between John and his barons. As I noted at the beginning of this episode, four of these copies still survive today, though one is heavily damaged by fire. That also happens to be the only one that still retains its original seal, though the seal itself is also burned and damaged.

Now when the copies were sent to the shires, they were read out loud at meetings of the local county courts. But the charter was composed in Latin – not English. So most people probably had no idea what it said when it was read aloud.

It is almost certain that the charter was translated and read in French for the benefit of local nobles who spoke French. French was still used as an official language in England. In fact, its use as an official language was actually increasing during this period. Property deeds were still drafted as Latin charters, but around this time, those deeds also started to be composed in French. In fact, the oldest surviving property deed in French is dated to this same year – 1215. So as a



second official language, John's charter was probably read in French as well as Latin in most county courts.

Scribes actually produced French translations of the charter around this time. And we know that because at least one of the French copies has survived. It appears that this particular French copy was commissioned by the sheriff of Hampshire in the south of England. And that's because the scribe who wrote it out included a note that his version was based on the copy addressed to the 'sheriff of Southamptonshire' – which was an old name for the county of Hampshire.

So if the charter was composed in Latin and translated into French, what about English? Well, the short answer is that we don't know. It seems very likely that the document would have been read aloud in English since most of the audience would have only understood English. But there are no reports of the document being read in English at the time, and there are no surviving English translations from this period.

About a century later, in the year 1300, John's grandson King Edward I issued a proclamation that Magna Carta be read aloud in Westminster Hall. The proclamation was written in Latin and it said that Magna Carta was to be read in its original Latin and also in the "lingua patria" – which translates as 'the language of the country.' That has been interpreted by many scholars as English, but it doesn't actually say English. French was still the language used for parliamentary and legal records. So it could have meant French. In fact, there is no surviving English translation of Magna Carta from the entire period of Middle English.

The first known English translation of the entire charter didn't appear until the 1500s – three centuries later. So that should tell you something about the relative state of English as an official language during this period.

The first full English translation appeared in 1534 – shortly after the introduction of the printing press in England. The translation was made by a Tudor courtier and poet named George Ferrers and was published by a printer named Robert Redman. It was titled "The Booke of Magna Carta" because the word **book** still retained its original Old English meaning as a document – especially a legal document or charter.

It was only after the advent of the printing press – when books in the modern style were mass produced – that the term **book** came to be restricted to its current meaning. This also means that the oldest surviving English copy of Magna Carta appears on paper – not parchment.

Now you might assume that this marks a larger trend – the gradual disappearance of parchment in the face of cheap and plentiful paper. And that's true. But parchment didn't disappear from the English government bureaucracy.

Centuries of parchment scrolls are still maintained by the British government. And in fact, English law still requires that all Acts of the British Parliament have to be printed on vellum for safekeeping because it is more durable than paper. Ireland has a similar rule.

Now this fact actually made the news in Britain last year. In February of 2016, the House of Lords announced that it was going to stop printing laws on vellum to save money. This would have ended a tradition going back to the Anglo-Saxon period. The shift from parchment to paper would have saved about 80,000 pounds a year. But a few days later, the Cabinet Office stepped forward and offered to pick up the costs to maintain the use of vellum. So at least for now, the tradition of using parchment continues.

I'm going to conclude this episode on that note. Next time, we'll look at why Magna Carta became such an important document in Western history. We'll look at the what the document actually says, and what it doesn't say. And we'll see how John's death a short time later actually preserved the legacy of the Charter. We'll then look at the early reign of John's 9-year old son and how that reign shaped the role of the French language that was being spoken in England. The old Norman dialect was on its way out, and the standard Parisian dialect was on its way in. This change actually affected English in some interesting ways. So we'll look at those developments as well.

Until next time, thanks for listening to the History of English Podcast.