

Institution: King's College London		
Unit of Assessment: 28 History		
Title of case study: Understanding How Constitutions Survive and Succeed: The Case of Magna Carta		
Period when the underpinning research was undertaken: 2011–2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
David Carpenter	Professor of Medieval History	From 01/09/1988
Period when the claimed impact occurred: January 2014–2020		
Is this case study continued from a case study submitted in 2014? N		

1. Summary of the impact

In a vitally important area of law and constitution, the significance and reach of Carpenter's research lay in the way, across a broad spectrum of constituencies, national and international, it enriched understanding of Magna Carta. Carpenter showed for the first time how, in its critical first century, the Charter survived and succeeded through becoming a consensual document, owned by the church and wider realm. Equally important was the way its detailed regulations were assiduously studied and extremely well known. In these ways, the Charter established the base in England's polity from which it would later travel across the world. Carpenter's research had a direct impact on how Magna Carta, during the celebrations of its 800th anniversary in 2015, was understood and presented by major UK institutions, including the British Library, Canterbury Cathedral (seat of governance of the Anglican Church), civic society (Canterbury, Bury St Edmunds), the Foreign Office, the Supreme Court and the UK Parliament. His findings changed public awareness nationally and internationally of Magna Carta through numerous media appearances and in talks across Britain and abroad, including in France, Bulgaria, Russia, Abu Dhabi, Dubai, USA, Mexico, India, Japan and China.

2. Underpinning research

Carpenter's research was done under the auspices of the AHRC-funded Magna Carta project, of which he was the joint founder with Professor Vincent of the University of East Anglia and a Co-Investigator. All the research mentioned below, unless stated, was the work of Carpenter alone.

Prior to Carpenter's research, analysis of Magna Carta had largely focused on its causes. (They lay in the oppressive government of kings before 1215 and the tyranny of King John.) Carpenter, by contrast, turned the spotlight onto how the Charter survived and succeeded, a question with contemporary relevance to the survival and success of laws and constitutions in general. At the end of 1215, Magna Carta's survival seemed indeed problematic. King John had issued the Charter, according to its final clause, at Runnymede on 15 June 1215. Conventionally divided into sixty-three separate chapters, it regulated in detail the operations of royal government and subjected the king for the first time to the rule of law. At least thirteen originals were drawn up for distribution round the country, of which four survive. Yet within little more than a month, John had rejected the Charter and persuaded the pope to quash it. By the end of the year, with a civil war raging, Magna Carta seemed a failure without a future. It survived because, on John's death in October 1216, the minority government of his nine-year-old son, Henry III, changed tack completely. In the king's name, it issued new versions of the Charter both in 1216 and 1217. A final definitive version followed in 1225. It is chapters from Henry III's Charter of 1225 that are still on the statute book of the UK today. In understanding why the minority government thus saved the Charter, Carpenter's research is crucial. He has shown, in a new way, how the original Charter was preserved by the church and how the final Charter of 1225 was owned by all the kingdom. The minority government saw the only way to win the war and secure the peace was to accept a document already achieving a place at the heart of England's polity.

In understanding the role of the church in preserving the 1215 Charter, one discovery was crucial. In a Canterbury Cathedral cartulary of the 1290s, Carpenter found a copy had been made of King John's original 1215 Magna Carta [1]. Thanks to the unique knowledge he had acquired

of Magna Carta texts (referred to below), he sensed that, in its idiosyncrasies, this copy was very close to one of the two surviving originals of the 1215 Charter preserved in the British Library (BL). A word-for-word textual comparison proved this was indeed the case, making it almost certain that the Canterbury cartulary version was copied from the original held by the BL. The latter was thus at the Cathedral in the 1290s. Almost certainly it had been deposited there in 1215 itself. Canterbury Cathedral, therefore, had received an original of the 1215 Magna Carta, given the Cathedral's status, the most important original of all. This finding confirmed the hypothesis that the original Charters in 1215 were sent to the cathedrals where they were far safer than had they gone, as often supposed, to the king's sheriffs — the very men under the Charter's attack. Canterbury's possession of Magna Carta dovetailed with another discovery (here, Carpenter working with his colleagues Professors Vincent and Webber), namely that the surviving originals of the 1215 Charter at Lincoln and Salisbury Cathedrals were very probably written by cathedral scribes. The church therefore played a vital role in producing as well as preserving the Charter.

A further discovery [1,2] related to how the final definitive Magna Carta of 1225 was understood as a consensual document commanding general support. The 1225 Charter, unlike its predecessors, was witnessed by all the great and good of the land. That contemporaries appreciated how this placed the Charter on a new footing was clear from the way, in copies Carpenter discovered (eg in the cartulary of Cerne Abbey, Dorset [2]), the witness list was set out in elaborate fashion, thus providing a visual celebration of the Charter's ownership by all the realm.

By 1225, therefore, the Charter had become a consensual document, but the form of its survival was far from settled. Would it be, as historians have often supposed, no more than a vague symbol of good government with little practical application? In the second strand of his research, Carpenter showed this was emphatically *not* the case. Carpenter demonstrated for the first time that equally crucial to Magna Carta's survival and success, in its first century, was the way it was widely copied, carefully studied and thus, in terms of its details, very well known. Carpenter was the first historian to set about collecting the surviving unofficial copies made of Magna Carta between 1215 and c1315 [2]. The results were truly astounding, with more than a hundred copies being unearthed. Many of these were unprinted and scattered in depositories throughout Britain and abroad, including ones in the USA and Japan [F]. Some copies (like that at Canterbury) were made from originals, but equally copies were made from copies. Knowledge of the Charter ranged across society for just as many copies were found in secular registers (including London's) and in collections of legislation made by lawyers, as in chronicles and monastic cartularies. A key finding was that the Charter was not just mindlessly copied. Chapters were frequently numbered and marginal comments made indicating their contents. An acute awareness was shown of the differences, in the detailed regulations, between the various recensions of the Charter in 1215, 1216, 1217 and 1225. The conclusion from the research was clear. Magna Carta succeeded in asserting the rule of law because a wide variety of people and institutions knew the contents intimately and were thus all the better placed to exploit them. The Charter was the reverse of being just a vague symbol of good government. It had teeth.

Carpenter's research also covered the events leading up to the Charter. In the face of much previous scepticism, he showed that the crucial meeting of the barons, when they decided to rebel against King John, took place at Bury St Edmunds in 1214. He also showed, against similar scepticism, that the true date of Magna Carta was indeed 15 June 1215, as stated in the Charters themselves. The dignitaries celebrating with the queen at Runnymede on 15 June 2015 thus did so on the correct date [1]! Crucial to the success of the rebellion against King John was the participation of Alexander, king of Scots. Here Carpenter made an extraordinary discovery. In a monastic cartulary he found the hitherto unknown text of the treaty King John forced on the king of Scots in 1209 [1]. It revealed for the first time that John was subjecting Scotland once more to English overlordship. It was now possible to understand the king of Scots' role in the rebellion and the way the Scottish chapters in the Charter were designed, in effect, to restore Scotland's independence. Truly Magna Carta was a British document.

3. References to the research

1. Carpenter, D. (2015). *Magna Carta*. Penguin Classics: London. Pages 19–21 and 430–5 on copies of Magna Carta; 15–17 and 477–80 on the Canterbury Magna Carta; 11–12, 376–7 on the writing of Magna Carta; 238–42, 352–3, 473–5 for the 1209 treaty with Scotland; 290–5, 363–6, for events at Bury St Edmunds and the date of the Charter; and 417–29 for the consensual nature of the 1225 Charter.

2. 'Copies of Magna Carta in the Thirteenth Century'. 30k+ word census/analysis of the 91 copies discovered by Carpenter. Freely available on the open access website of the Magna Carta project. https://magnacarta.cmp.uea.ac.uk/read/magna_carta_copies

4. Details of the impact

During the celebrations of Magna Carta's 800th anniversary year in 2015, Carpenter's research had a major impact on the way in which the Charter was understood and presented by the British Library, the cathedral and town of Canterbury, Bury St Edmunds, the UK Parliament, the Supreme Court and the Foreign and Commonwealth Office. Through talks and broadcasts, his research had a significant and demonstrable impact on diverse national and international audiences.

British Library exhibition: Magna Carta: Law, Liberty, Legacy

Carpenter's discovery of the Canterbury Magna Carta played an essential role in shaping the British Library's 2015 Magna Carta exhibition, for which he was on the advisory committee. It continues to shape the subsequent presentation of the document in the Library's permanent collection [J A1]. Hitherto, the provenance of the two originals of the Charter preserved by the BL was unknown. Thanks to Carpenter, one of these was now presented at the climax of the exhibition as the Canterbury Magna Carta. As exhibition organiser, Dr Claire Breay, attests: Carpenter's research *"was embedded in the interpretation of the exhibition ... and directly supported public understanding of the history of Magna Carta"*. She continues: *"Throughout the British Library's collaboration with David on the exhibition, his work was key to communicating to a wide public audience the central idea that Magna Carta survived because it was [a] consensual document whose detail was known and valued"* [A]. The reach of the exhibition can be judged from its attendance by over 126,000 people (well over the 80,000 target), then the most visited ticketed exhibition at the Library. 7,500 children visited the exhibition, as part of 375 school groups, while 11,869 children came with their families and friends. The website had been viewed over 2.5 million times by the end of 2018 and the exhibition catalogue, with sections by Carpenter, sold over 8,500 copies. The Magna Carta programme at the Library, through media coverage, reached an estimated 521,300,000 people and the exhibition generated over 1,000 articles in the press [A].

Canterbury's status as a Magna Carta town

Carpenter's discovery of the Canterbury Magna Carta has allowed the city and cathedral of Canterbury to present its place in the Magna Carta story for the first time in a convincing light. Whereas previously its claim to be a town closely associated with the Charter had been nebulous, now it could celebrate the fact that an original of the 1215 Charter had been sent to Canterbury Cathedral. Dr Cressida Williams, Head of the Cathedral's and City's Archives writes that *"the identification of the Canterbury Magna Carta has transformed the way in which we tell the Magna Carta story here at Canterbury"*, showing Canterbury and the church under Archbishop Stephen Langton were central both to framing and to preserving the Charter [B]. One resulting action was the purchase for display at the Cathedral of a 1733 engraving of the Canterbury Charter, now the best witness to the text, the original being much defaced. This features prominently in the Cathedral's online exhibition and helps shape the Cathedral's ongoing reworking of its displays and outreach programs, including the tours offered to schools. The story of the Canterbury Magna Carta will also have a major place in the new exhibition space, due to open in 2021 as part of the £25m Lottery-funded Canterbury Journey Project [B].

Bury St Edmunds and the road to Magna Carta

Secure in the knowledge, thanks to Carpenter's research [2], that the barons had indeed met there to plot against King John, the town of Bury St Edmunds has been able to vindicate its often-challenged status as a 'Magna Carta town'. Having given two talks in Bury, Carpenter had the honour of unveiling in the Abbey gardens the Magna Carta memorial commissioned by the town to mark its place on the road to the Great Charter. The Council heritage operations officer stated that Carpenter's *"findings provide us with a compelling new argument and important new text, which are both hugely important and exciting for the town"*. The chair of the town's '800 committee' (a former mayor) concluded that Carpenter's research *"fully justifies Bury's status as a Magna Carta town [and] is incredibly exciting."* [J A5].

The UK Parliament's marking of the anniversary

Carpenter was a member of the Speaker's Committee advising the UK Parliament on how to mark the 800th anniversary. He gave two addresses about Magna Carta to MPs and staff and these

were twice broadcast by BBC Parliament. Introduced by the Speaker, he also gave an address to a group of ‘young parliamentarians’ gathered in the chapter house of Westminster Abbey [J A3]. Lord Cormack [C] pays tribute to Carpenter’s talks and his “*conscientious*” and “*constructive*” work on the committee. The importance of the Canterbury discovery, he adds, was highlighted when all four surviving originals of the Charter were displayed at the House of Lords as part of a Public Unification Day. As the speaker of the House of Commons and Lord Speaker declared, “*recent research shows that this [BL original] was in the Archives of Canterbury Cathedral in the late thirteenth century and was probably sent there in 1215*” [G p.5]. Carpenter was joint author of the booklet *Magna Carta and Parliament* prepared for the event (of which 2,000 copies were distributed freely) [G]. Over 44,000 people from 61 countries joined the ballot for tickets to the Public Unification Day at the House of Lords and its repeat at the British Library [A].

The Supreme Court and the Trial of the Magna Carta Barons

Carpenter’s work influenced the way the anniversary of Magna Carta was marked by the UK’s Supreme Court, most notably in the public staging of a re-enactment, ‘The Trial of the Magna Carta Barons’ (were they guilty of treason?) in Westminster Hall. As Lord Neuberger, then President of the Supreme Court, wrote: “*without your advice and suggestions, the script would have been far less interesting, and far, far less accurate*” [D]. The video of the trial (with Carpenter acting as script adviser and playing the barons’ leader, Robert FitzWalter, to Clive Anderson’s King John) has been viewed over 26,000 times [J A2]. In the verdict, delivered by Lord Neuberger and a panel of international jurists, the barons were acquitted and the rule of law vindicated.

Talks across the world for the Foreign and Commonwealth Office (FCO)

As Philip Parham, then the UK’s ambassador to the United Arab Emirates, explains, in 2015 “*the FCO encouraged British Diplomatic missions around the world to mark the 800th anniversary of Magna Carta as a way of celebrating and promoting the rule of law.*” [F] As a key part of these efforts, Carpenter gave talks in St Petersburg (introduced by the Consul General), Sofia (introduced by the British Ambassador and the chair of Bulgaria’s supreme court of cassation), Dubai, Abu Dhabi (introduced by Parham) and Guadalajara (introduced by the UK’s then Secretary of State for Culture, Media and Sport) [J D5 p.8]. At Reuter’s London he spoke twice to groups of Russian journalists [J D6]. Parham describes the talks in Abu Dhabi as given to a mixture of students, academics, government officials, lawyers and business men. “*From their questions and the discussions afterwards, it was clear how they were much taken by Carpenter’s exposition of the significance of Magna Carta and its survival*”, with the Canterbury Magna Carta testifying to how the Charter was supported by the church and the copies to how its detail was valued and well known. “*As well as stimulating intellectual enquiry*”, Carpenter’s talks, “*reinforced the importance of the rule of law and protection of individuals against the arbitrary exercise of state power, and the historic British role in the development of those principles. This was excellent, enjoyable and instructive public diplomacy*” [F]. The Russian lawyer, Sergey Golubok, writes that Carpenter’s talk to lawyers in St Petersburg (repeated to students at St Petersburg University) demonstrated that “*in order to be effective and long lasting*” constitutions needed to be “*jointly ‘owned’ by those who benefited from them, read, re-read, and widely studied*”. It “*encouraged the Russian lawyers in the audience to promote the human rights ideals inherent in the Russian Constitution and underlined the value of the rule of law for the development of advanced society to the common benefit*” [E]. At Sofia, where Carpenter’s lecture was part of wider celebrations, including an exhibition in the Bulgarian Parliament, the talk was translated into Bulgarian and appeared both online and in a leading Bulgarian newspaper, *Capital* [J D7]. Under different auspices, Carpenter gave talks in Dublin, Paris, the USA, Japan, China (with a team of historians from the Institute of Historical Research for a conference at Peking University) and India (where, in 2017, he went to the Jaipur Literary Festival with a scaled down version of the BL’s exhibition). Before an audience of many hundreds, he discussed the significance of the Charter with Claire Breay and Dame Helena Kennedy [J D1 p.9].

UK talks and broadcasts

Alongside his visits overseas, Carpenter, in 2015 alone, gave over 70 talks across the length and breadth of Britain, from Edinburgh and Carlisle in the north to Sidmouth and Cerne Abbas in the west, speaking at schools (including Barnet borough schools assembled in Hendon Town Hall), literary festivals, cathedrals, record offices and local historical associations and societies [J C1 p.74]. The feedback from these talks was “*universally adulatory*” and deeply appreciative [H]. One

representative reflection from an attendee at the East Sussex Record Office event stressed its revelatory impact: “*I didn’t know about it before ... Magna Carta is the beginning of our rights!*” [H].

During and after the octocentenary year, Carpenter also reached large and diverse audiences through the print and broadcast media. His discovery of the 1209 treaty subjecting Scotland to English overlordship aroused considerable interest, leading to an interview with BBC Radio Scotland and an article in *The Times* (5 February 2015). As the article said, it was now clear that Magna Carta and its surrounding rebellion were vital in preserving Scottish independence. Reinforcing his stress on Magna Carta as a British document, Carpenter spoke about the chapters dealing with the grievances of the Welsh rulers both on BBC Wales and in a talk, Wales and Magna Carta, to members and staff of the National Assembly for Wales [J B5, C p.57]. During the Magna Carta commemorative year, Carpenter was interviewed several times for BBC News, BBC Wales and BBC Hereford and Worcester. He wrote an article for *BBC History Magazine* and an extended piece for *The Guardian* (2 January 2015) [J B6 pp. 9–11]. He appeared on multiple Radio 4 programmes, including the *Today* programme (1 January 2015) and *Beyond Belief* (with the Dean of Salisbury). With Professor Vincent, he was one of two authorities speaking in a four-part series on Magna Carta presented by Melvyn Bragg. In 2019, in a programme *The Battles That Won Our Freedoms*, Carpenter discussed with the exiled Saudi human rights activist, Ghanem Almasarir, how constitutions can be used to challenge absolutist regimes, the more so when, like Magna Carta, their detail is known and valued. According to BBC audience research, the programme is likely to have reached around 1 million listeners [J B2 p.4]. Carpenter’s book *Magna Carta* (published in the Penguin Classics series) has sold over 12,600 copies to date and, according to Ferdinand Mount in the *London Review of Books* (23 April 2015) “*deserves to replace Sir James Holt as the standard authority*” [J B1].

The Magna Carta Project website (with Carpenter’s section about the copies of Magna Carta [2]) to 16 June 2020 has received over 43,000 visits from 28,000 individuals [I]. Carpenter made two podcasts about Magna Carta, one for the Historical Association, the other (in December 2020) for the *BBC History Magazine*. In its first week, the latter was downloaded 67,000 times [J B16]. The impact of Carpenter’s work has thus continued post 2015.. In 2016, he spoke in Dublin and Paris, in 2017 in Jaipur and in 2018 in Tokyo and Kansai. Thanks to a suggestion from a member of the audience he discovered a unique copy of Magna Carta in a Japanese archive [J D9 p.10].

Without Carpenter’s research and his extensive efforts presenting it to national and international audiences, the public understanding of Magna Carta during and after the 800th anniversary would have been greatly diminished. Carpenter’s new findings about how Magna Carta came about, survived and succeeded had a major impact on the British Library exhibition and enabled institutions in Canterbury and Bury to commemorate in a convincing way their place in the Magna Carta story. In Britain and abroad, audiences better understand the importance of Magna Carta and how it established itself and endured through being both a consensual document and one valued in all its detail. This was how, in its first century of existence, the Charter established the base from which it would later spread across the world. Carpenter has demonstrated that both then and now, Magna Carta is no mere symbol of good governance but a document actively securing rights and freedoms: something with clear relevance for contemporary understanding of how constitutions can best succeed in asserting the rule of law.

5. Sources to corroborate the impact

- A. Testimonial from Dr Claire Breay, Head of Ancient, Medieval and Early Modern Manuscripts at the British Library.
- B. Testimonial from Cressida Williams, Head of Archives and Library at Canterbury Cathedral.
- C. Testimonial from Lord Patrick Cormack.
- D. Testimonial from Lord David Neuberger, President of the UK Supreme Court 2012–17.
- E. Testimonial from Dr Sergei Golubok, Member of St Petersburg Bar Association.
- F. Testimonial from Philip Parham, FCO Commonwealth Envoy.
- G. Magna Carta and Parliament Exhibition Booklet for Houses of Parliament.
- H. East Sussex Records Office Magna Carta Workshop, 12 November 2015.
- I. Google Analytics for Magna Carta Website, 1 February 2014 – 2 December 2020.
- J. Collated Impact Document detailing all talks, lectures, media appearances and exhibitions given by David Carpenter on Magna Carta, 2014–2020.