



The Making of a Monster: King John in fiction from Bale to the Victorians[☆]

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ABSTRACT

The modern reputation of Magna Carta is built upon series of contingencies and myths. The present paper explores various ways in which Victorian writers, taking their lead from Sir Walter Scott, transformed the image of King John and with it popular understanding of the purpose and effects of what John was obliged to do at Runnymede.

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Is the past best studied as a system determined by outcomes, or as a collection of events whose contingency is rarely beyond dispute? Those most in touch with the archival or contemporary evidences tend to mistrust systematization, whether imposed by medieval theologians, by economists or by social scientists. Certainly, there is a suspicion that Aquinas, Marx, Weber, and those perched upon their shoulders, offer solutions that distort as much as they illuminate. In what follows, I attempt to explain the totemization of Magna Carta in the Victorian and post-Victorian age. Even by using such concepts as 'totem' or 'age', of course, I acknowledge the power of abstraction. In the celebration of Magna Carta, nevertheless, I remain profoundly sceptical of any approach that abstracts King John's charter into a blue-print, a thought experiment or an example of archetypal law in action. Teleology and determinism, whatever their role in the social sciences, are by historians viewed as enemies of truth. Those seeking to systematize the charter, I suggest, merely repeat the mistake that Sir Edward Coke made in viewing it as the embodiment of an 'Ancient Constitution' lying beyond the reach, if not of reason, then of rational historical enquiry.¹

As the example of Coke demonstrates, there are further risks when systematization is elided with moral or political value judg-

ments. Coke assumed his Ancient Constitution to be an absolute good, albeit that this 'Constitution' was itself very largely Coke's invention, compounded from a mixture of medieval make-believe and the determination of English common lawyers to oppose the 'absolutism' of their new Scots King, James I and VI. In much the same way, various modern jurists or political scientists consider it axiomatic that Magna Carta has helped bring stability and economic prosperity to those parts of the world that venerate the rule of law. In such a reading, we ourselves, and the institutions of our western liberal democracy, become the outcomes after which mankind has been striving, perhaps since apes first walked upright, certainly since King John met with his barons at Runnymede. There are pitfalls here. To those raised within the Anglophone or Whig tradition, it may be self-evident that due process brings stability and prosperity, and that those who flaunt the rule of law suffer the consequences. Amidst a host of organic metaphors (of roots and trees and the flourishing of British liberty) Britain's Prime Minister, David Cameron, rehearsed precisely these arguments in speeches and newspaper articles in 2015.² In this 800th anniversary year, a great deal has been written about Magna Carta as freedom's 'foundation stone', as the 'first step' on the road to constitutional democracy, and so forth. I myself have employed such rhetoric.³ Yet there are at least two reasons why it is best avoided.

In the first place, it is simplistically smug. It assumes that the way we do things is best, and that all other systems are merely

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¹ Despite much subsequent refinement, the foundational studies of the 'Ancient Constitution' remain Thompson (1948), and Pocock (1957, 2nd ed. 1987). For Magna Carta's role in this debate, see also Pallister (1971), and Simmons (1998).

² See, for example, the speech delivered by Cameron on the field of Runnymede on 15 June 2015, including his claim that 'All over the world, people are still struggling to live by the rule of law and to see their governments subject to that law. The countries that have these things tend to be the long term successes. Those who don't, tend to be the long term failures': reported officially at <https://www.gov.uk/government/speeches/magna-carta-800th-anniversary-pms-speech>.

³ Vincent (2015a), a collection of celebratory essays, albeit with a sting in its tail.

failed attempts to arrive at a perfection that western democracy has achieved. At the same time it distorts our understanding of the past. Britain obtained neither constitutional stability nor internal peace as a result of Magna Carta. In 2015, the Anglophone world could properly congratulate itself on Magna Carta's 800th anniversary, having only small wars to fight in Iraq, Afghanistan, Syria and various other faraway places of which the British and American publics appeared to know little and to care rather less. But things were very different for the 500th, 600th and 700th anniversaries. In 1715, 1815 and 1915, the British were either at war with themselves (the Jacobite rebellion, pro-revolutionary or Irish sedition) or were threatened by powerful foreign enemies (Louis XIV, the Pope, Napoleon, the Kaiser). Even in 1965, celebrations of the 750th anniversary of Magna Carta were overshadowed by the disintegration of Empire, the escalation of post-colonial strife, and a general sense of malaise. This was most poignantly symbolized by the way in which, in 1965, the funeral of Winston Churchill, and the cult of the late President Kennedy, eclipsed both Magna Carta and the anniversary of Simon de Montfort's Parliament.⁴

Furthermore, and as the instance of 1965 suggests, it is far from clear that British 'liberty' or the British 'rule of law' can (or should) be celebrated globally in quite the way that they continue to be celebrated both in Britain and, oddly enough, in America. The American veneration for Magna Carta derives from the uses made of it by the revolutionaries of the 1770s. Thanks to this, the charter was incorporated into American law, not least (though in practice, by no means indiscriminately) through the Bill of Rights (Howard, 1968). Elsewhere, however, those resisting British rule, in India, in Ireland, in the West Indies, and across large parts of the British Empire, paid little lip-service to Magna Carta but instead expressed deep mistrust for a legal system in which colonists enjoyed liberties from which colonial natives were excluded. In this system, the rule of law was too often either suspended, or defined as whatever best suited narrow British interests.⁵

Just as Coke's Ancient Constitution subverted the liberties of Welshmen, Scotsmen and Irishmen, challenging the prosperity of France (and, dare one say, America), so the British Constitution of the nineteenth century, of Stubbs, Gladstone or Dicey, commanded less than universal respect when exported from Britain to the Empire. Meanwhile, as Peter Linebaugh has demonstrated, in America, Magna Carta was more often cited in defense of the power of the state, private property and corporate capitalism, than in any sense as a 'liberty' document protective of the interests of the private citizen (Linebaugh, 2008). In all of this, there is a risk of our viewing Magna Carta as in some sense an absolute good whose adoption beyond the British Isles distinguishes successful nations from history's losers.

In reality, King John's Magna Carta was an important medieval peace treaty, by the time of its definitive reissue in 1225 transformed from treaty into primitive statute. In due course, and largely thanks to its reinvention in the seventeenth and eighteenth centuries, it came to be seen as a primitively 'democratic' act establishing the rule of law and to some extent the sovereignty of the people against their kings. In reality, it says nothing about democracy (a concept abhorrent to most of those who appealed to Magna Carta before the nineteenth century), and is framed as a royal act of grace ('We the King have granted ...') with no allowance for popular sovereignty (nothing here of 'We the people ...'). Adjudication of what is or is not lawful (1215 c.39 (1225 c.29) 'lawful judgment by peers or the law of the land') is here tacitly entrusted to the sovereign authority of the king. Veneration for Magna Carta's

antiquity should not blind us to the limitations of its effect. As Sir Ivor Jennings (one of the great constitution makers of the former British Empire) put it, writing of the 750th anniversary celebrations in 1965:

'The celebration of an anniversary, whether of a person, an institution or an event, tends towards exaggeration of his or its importance In celebrating the 750th anniversary of King John's charter of 1215 we do well to remind ourselves that most of the mistakes in the practice of government which could be made have at some time or other been committed in England or the United Kingdom'⁶

According to a senior British civil servant, K.W. Blaxter of the Colonial Office, writing in February 1947, there was even a risk that Magna Carta might be interpreted by ungrateful 'colonial peoples' not as a symbol of British authority, but as in some way a guarantor of popular rights. As Blaxter pointed out:

'In some Colonies where ill-disposed politicians are ever on the lookout for opportunities to misinterpret our good intentions, its celebration might well cause embarrassment, and in general there is a danger that the Colonial peoples might be led into an uncritical enthusiasm for a document which they had not read but which they presumed to contain guarantees of every so-called "right" they might be interested at the moment in claiming'⁷

And so we come to the particular (though unashamedly unsystematic) thought experiment that forms the subject of this article. As a rhetorical device, Magna Carta owes much of its success to the reputation of King John. Magna Carta is to King John as white is to black, good to evil, or the achievements of Sherlock Holmes to the cunning of Professor Moriarty. Given that such binary distinctions continue to divert both the general public and academia, how are we to explain the rise of Magna Carta as a totem of right and justice, brandished against the absolute tyranny of John? For things were not always so.

King John has not invariably been consigned to the role of pantomime villain. Such may have been the intention of the contemporary chroniclers, especially those of St Albans Abbey, who first recorded John's life-story in the 1220s and 1230s. Amongst these, the very earliest accounts, myths already abound, intended to prove that the King's failures, in warfare, in politics and ultimately in his dealings with the barons, were the punishment for his immorality and lack of piety. Much of this prejudice was transferred at one or more removes, filtered through the late medieval reworkings of the St. Albans chroniclers (especially via Higden's *Polychronicon*), to Raphael Holinshed and the standard narratives that Tudor historians supplied of their past. Here, however, there was one significant proviso. As a King who had defied both Rome and the French and for a period governed the English Church in isolation from the Pope, King John had irresistible appeal to those of the era of Henry VIII keen once again to declare the English Church an independent, albeit now entirely Protestant entity. In particular, and depending upon a deliberately warped misreading of the medieval chronicles, William Tyndale's *Obedience of a Christian Man* (1528) sought to recast the image of King John, no longer as villain but as proto-Protestant hero. As a result, in fictions such as John Bale's or Shakespeare's plays of 'King John', the King himself emerges as a tragi-heroic figure, a great reformer of the law,

⁴ For 1965, see Vincent (2015b), 119–23.

⁵ Vincent (2015b), 109–10, relying to a large extent upon the essays collected by Greene (2009).

⁶ Jennings (1965a, 42–3), and for Jennings's subtle understandings of the difficulties caused by 'foisting' solutions derived from Magna Carta upon former colonial territories, cf. Jennings (1965b).

⁷ London, The National Archives FO 371/61073, letter of 4 February 1947, quoted in Vincent (2015b, 138–9), reproduced in Breay and Harrison (2015, 206).

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