Salvation by Statute: Magna Carta, Legislation, and the King’s Soul

Thomas J. McSweeney

The preamble to Magna Carta states that King John issued it, in part, “for the salvation of our soul and those of all our ancestors and heirs.” Generations of lawyers and scholars have commented on Magna Carta, but none have recognized just how remarkable this language is. It appears regularly in documents produced by the king’s chancery, the close rolls, the patent rolls, and the liberate rolls, which recorded the king’s correspondence and gifts. When it appears, it signals that the king is making a gift of alms, which could atone for his own sins or the sins of his relatives. This language remained in all of the subsequent reissues of Magna Carta, even as the preamble was heavily revised. Why did the drafters of Magna Carta think that text could atone for the king’s sin and the sins of his ancestors and heirs? There are several possible explanations, but this paper will examine the possibility that the amendment and improvement of the laws, by itself, could be viewed as an act of spiritual significance in the thirteenth century. When the king issued new legislation, at least some contemporaries perceived that legislation as constituting a gift of alms. It was one of many ways in the thirteenth century that the administration of justice, although it was becoming routinized, was still closely connected with the king, reaching to the very depths of his soul.