

'Sir Edward Coke and the Norman Conquest'

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George Garnett (PhD, Cambridge) studied History as an undergraduate and graduate at Queens' College, Cambridge (1977-83), after which he was a Research Fellow of St John's (1983-87), where he completed his doctorate. After a teaching Fellowship at Magdalene (1987-90), he became a Fellow and Tutor in History at St Hugh's College and a University Lecturer in Modern History at Oxford in 1990. Between 2008 and 2010 he held a Leverhulme Research Fellowship, devoted to the history of the Norman Conquest from the eleventh century to the eighteenth.

Selected Publications

Books

- *Conquered England. Kingship, Succession and Tenure 1066-1166* (Oxford, 2007)
- *The Norman Conquest. A Very Short Introduction* (Oxford, 2009)
- *Marsilius of Padua and 'the Truth of History'* (Oxford, 2006)
- *Vindiciae, contra tyrannos, or concerning the legitimate power of a prince over the people, and of the people over a prince* ed. and translation, (Cambridge, 1994)

Articles

- "'Ducal' succession in early Normandy' in *Law and Government in Medieval England and Normandy*. (Cambridge, 1994) pp. 80-110
- 'The Origins of the Crown' in *Proceedings of the British Academy*. Vol 89 (Oxford, 1996) pp. 171-214
- 'Conquered England' in *Oxford Illustrated History of Medieval England*. (Oxford, 1997)
- 'Law in the Vindiciae, Contra Tyrannos: A Vindication', *The Historical Journal*. Vol 49 (3) (2006) pp. 877-891

Introduction to the Paper

The late sixteenth and early seventeenth centuries are one of the most important periods in the history of the Norman Conquest: it was then that the great histories and legal compilations of the early twelfth century were edited and published for the first time. When Dr Garnett began work on the period, it quickly became clear that the most important channel of transmission was the law. This meant that for the seventeenth century the key figure was likely to be Sir Edward Coke, whose stature in English common law might be compared to that of Shakespeare in English literature, or of Thomas Aquinas in Catholic theology. Yet Coke had received but cursory treatment from Professor Pocock, in his *Ancient Constitution and the Feudal Law*, even though Pocock by and large saw him as a personification of what is now conventionally termed 'the common law mind'. This meant that a much more detailed examination of Coke's vast output was required, in order to establish whether the brief characterization presented by Pocock, and subsequently accepted (or rejected) by historians was a plausible one.

Dr Garnett has concentrated on the prefaces to Coke's *Reports*, which are designedly (and expressly) addressed to a wide lay audience. But Dr Garnett amplified his analysis by reference to the texts of the *Reports* and the *Institutes*, and to unpublished writing in the British Library and at Holkham Hall. He examined the use which Coke made of the medieval sources he cited, and realised that Coke exploited them in a profoundly unhistorical, and legal, way. In Coke's hands, the effect was to reaffirm in a novel form the attempts of the historians and legal antiquarians of the twelfth century, to (in William of Malmesbury's characteristically felicitous phrase) 'mend the broken chain' of English history, which had in turn been shaped by the Norman regime's mantra of continuity with pre-Conquest England. Coke's use of history was therefore a novel reinterpretation of a characteristic innate to English common law. Dr Garnett concludes that Pocock's view of Coke – the received wisdom on the subject – is a caricature. The implicit contrast Pocock draws between Coke on one side, as the embodiment of 'the common law mind', and of Selden, Spelman, *et al.*, on the other, is an illusory one. These scholars collaborated and, by and large, co-operated in their opposition to what they saw as the dangerous innovations of James I and Charles I. Their arguments were primarily legal. The unique character of English common law meant that historical evidence had to be adduced. That it was used in ways which non-lawyers might deem tendentious did not diminish the importance of those arguments, for contemporary politics and future scholarship.

Suggested Reading

- John G.A. Pocock, *The Ancient Constitution and the Feudal Law. A Study of English Historical Thought in the Seventeenth Century* (Cambridge, 1957; reissue with a retrospect, 1987). Esp. Chs II – III.

- Herbert Butterfield, *The Englishman and his History* (Cambridge, 1944)
- J.H. Baker, 'Coke's Note-Books and the Sources of his Reports', *Cambridge Law Journal* (1972)
- S.E. Thorne, 'Sir Edward Coke: 1552-1952', Selden Society Lecture (1952)
- J.C. Holt, *Magna Carta* (Second Edition, Cambridge, 1992), Ch. 1
- J.C. Holt, 'The Origins of the Constitutional Tradition in England', in his *Magna Carta and Medieval Government* (London 1985)
- J.C. Holt, 'The Ancient Constitution in Medieval England', in E. Sandoz, ed., *The Roots of Liberty* (Columbia, Mo., 1993)
- G.S. Garnett, *The Norman Conquest. A Very Short Introduction* (Oxford, 2009)