

HIGH COURT PUBLIC LECTURE 2015, MAGNA CARTA AND THE DEVELOPMENT OF THE COMMON LAW

Introduced by Justice Kenneth Hayne AC

PROFESSOR PAUL BRAND



HIGH COURT OF AUSTRALIA PUBLIC LECTURE

High Court of Australia
Canberra, Courtroom 1
13 May 2015 — 6pm

*Following the lecture, there will be the launch
of the Rule of Law*

Institute of Australia's Magna Carta Exhibition

RSVP by 4 May 2015 bookings@hcourt.gov.au

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PROFESSOR PAUL ANTHONY BRAND

was an undergraduate at Magdalen College, Oxford and took a BA degree in History from Oxford University in 1967 and a doctorate in 1974. From 1970 to 1976 he was an Assistant Keeper at the Public Record Office in London and from 1976 to 1983 a Lecturer in Law at University College, Dublin. After a period of private research he became a Research Fellow at the Institute of Historical Research in London (1993-9) and then a Senior Research Fellow of All Souls College, Oxford (1999-2014). In 2010 he became a Professor of English Legal History in the University of Oxford. In 2015 he is visiting Australia as a Miegunyah Distinguished Visiting Fellow at the University of Melbourne.

Professor Brand's main publications include *The Origins of the English Legal Profession* (1992), *The Making of the Common Law* (1992)

and *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-Century England* (2003). He is the editor and translator of four volumes of *The Earliest English Law Reports* (1996-2007) published by the Selden Society, of which further volumes are in preparation; of the two earliest volumes of *The Parliament Rolls of Medieval England, 1275-1504* (2005); and of volume VI of *Plea Rolls of the Exchequer of the Jews* (2005).

In 1998 Professor Brand became a Fellow of the British Academy and in 2000 a member of the American Law Institute. He has been a Vice-President of the Selden Society since 2002 and a Vice-President of the Jewish Historical Society of England since 2007. In 2006 he was awarded the Gold Medal of the Irish Legal History Society and in 2014 was made an Honorary Bencher of the Middle Temple, London.

PRECIS

Eight hundred years have passed since King John was compelled by some of his more powerful subjects to grant a 'charter of liberties' to 'all the free men of his kingdom' of England, which within a few years came to be known as Magna Carta (the 'Great Charter'). The 1215 charter was only in force for a very brief period of time. After the death of King John in 1216 it was superseded on an interim basis by a first revised reissue in 1216 and a more permanent revised reissue in 1217, which was reissued in 1225, 1265, 1297 and 1300. This lecture will examine some of the more important of the changes made by these reissues, which created the Magna Carta known to later

generations. It will also look at the different ways in which knowledge of the charter was spread, officially and unofficially, and at how Magna Carta acted as the starting point for much subsequent legislation, as well as the different ways in which individual clauses of Magna Carta were enforced and cited in the courts. The lecture will finish by looking at how and why Magna Carta came over the longer term to be seen as a, and perhaps the, foundational document of the Common Law not just in England but also in the other lands to which the Common Law has spread since 1215. It remains a powerful symbol of our joint Common Law historical inheritance.



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Refreshments to follow
All welcome

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