

Jill Lepore, "The Rule of History: Magna Carta, the Bill of Rights, and the hold of time," *The New Yorker*, April 20, 2015.

A Note about Sources

N.B. For readers who'd like to read more, or who are undertaking their own research, here is a select bibliography of my sources for this piece. As with all the bibliographies for New Yorker essays that I post on my Harvard faculty website, this brief discussion mentions a good number of works consulted but it's neither an exhaustive inventory of my sources nor a survey of the scholarship in a given field. Instead, I've listed works I found most useful or especially provocative. I have generally only included manuscripts, journal and magazine articles, and books; I haven't listed interviews here at all; I've generally not included things like newspapers, advertisements, patents, legislation, and policy statements; and I've left out citations from specialized bodies of literature in fields like medicine and law. A last caveat: these brief bibliographies are all frozen in time: I do not update them, and they therefore don't include anything written on these subjects after the date on which my essay was published.

The best brief introduction to Magna Carta is Nicholas Vincent, *Magna Carta: A Very Short Introduction* (Oxford: Oxford University Press, 2012). The first full, modern commentary is William Sharp McKechnie, *Magna Carta: A Commentary on the Great Charter of King John* (New York: Burt Franklin, 1958; originally published in 1905 and revised and published Glasgow in 1914). A very brief introduction is A.E. Dick Howard, *Magna Carta: Text and Commentary* (Charlottesville: University of Virginia Press, 1964, 1998). The authoritative scholarly commentary remains J.C. Holt, *Magna Carta* (Cambridge: Cambridge UK, first edition 1964, second edition, 1992). But *Magna Carta* (New York: Penguin, 2015), with a foreword and commentary by David Carpenter, is an invaluable new assessment. A number of books have been published on the occasion of the eight hundredth anniversary, including David Vincent, ed., *Magna Carta: The Foundation of Freedom, 1215-2015* (London: Third Millennium, 2015) and a new biography of King John, Stephen Church, *King John and the Road to Magna Carta* (New York: Basic, 2015). Notable speeches delivered at previous anniversary celebrations include Roscoe Pound, "A Foreword to the Pageant of Magna Carta," *American Bar Association Journal* 14 (1928): 526-529 and E. Smythe Gambrell, "The Magna Carta Memorial Ceremonies," *American Bar Association Journal*, 43 (1957): 900-907. On this year's celebration, and for a wonderful collection of primary documents, see the website of the British Library.

On the English common law, see R.C. Caenegem, *The Birth of the English Common Law* (Cambridge: Cambridge University Press, 1973, 1988). For Glanvill, see *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill*, edited and with introduction, notes, and translation by G.D.G. Hall (Oxford: Oxford University Press, 1993).

The landmark study of Magna Carta in the United States is A. E. Howard, *The Road from Runnymede: Magna Carta and Constitutionalism in America* (Charlottesville: University Press of Virginia, 1968). But an excellent overview is Joyce Lee Malcolm, "Magna Carta in America: Entrenched," in Carpenter, ed., *Magna Carta* (2015): 120-135.

A basic introduction to the U.S. Bill of Rights, from a civics vantage, is Akhil Reed Amar and Les Adams, *The Bill of Rights Primer: A Citizen's Guidebook of the American Bill of Rights* (New York: Skyhorse Publishing, 2013). For a scholarly edition of the full debates, see *The Complete Bill of Rights: The Drafts, Debates, Sources, and Origins*, edited by Neil H. Cogan (New York: Oxford University Press, 1997). On the relationship among Magna Carta, the state constitutions, and the Bill of Rights, see Donald S. Lutz, "The State Constitutional Pedigree of the U.S. Bill of Rights," *Publius* 22 (1992): 19-45. An important collection of essays is Ronald Hoffman and Peter J. Albert, *The Bill of Rights: Government Proscribed* (Charlottesville, VA: University Press of Virginia, 1997). See also Akhil Reed Amar, *The Bill of Rights: Creation and Reconstruction* (New Haven, CT: Yale University Press, 2000). Carol Berkin, *The Bill of Rights: The Fight to Secure America's Liberties* (New York: Simon and Schuster, 2015), is a narrative of the drafting and adoption. An interesting speech delivered at the bicentennial is John Paul Stevens, "The Bill of Rights: A Century of Promise," *University of Chicago Law Review* 59 (1992): 13-38. The scholarship on the history of the due process clause is too massive to mention here but one interesting discussion is William O. Douglas, "Living Under Our Bill of Rights," *Soundings: An Interdisciplinary Journal* 51 (1968): 390-400. For a recent overview, see Ryan C. Williams, "The One and Only Substantive Due Process Clause," *Yale Law Journal* 120 (2010): 408-412.