

# MAGNA CARTA

## The Magna Carta

On June 15, 1215, King John of England made peace with rebellious barons by putting his seal on the Magna Carta. This document contained the barons' demands for reform. Although many clauses were soon forgotten, the principle that the king had to obey the law of the land was established. The charter eventually became the basis for democratic government in England. The following excerpts are some of the provisions that have protected rights of English people to the present.

### From the Magna Carta

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou; to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, servants, and all bailiffs and his faithful people greeting. . . .

1. In the first place we have granted to God and by this our present charter confirmed . . . that the English church shall be free, and shall hold its rights entire. . . .

We have granted moreover to all free men of our kingdom for us and our heirs forever all the liberties written below, to be held by them and their heirs from us and our heirs. . . .

12. No scutage [a tax paid instead of military service] or aid [tax] shall be imposed in our kingdom except by the common council of our kingdom. . . .

14. And for holding a common council of the kingdom concerning the assessment of an aid . . . we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons. . . . [In addition], we shall cause to be summoned by our sheriffs and bailiffs all [our other vassals] . . . for a certain day . . . and for a certain place. . . .

39. No free man shall be taken, or imprisoned, or dispossessed, or outlawed, or banished, or in any way destroyed, except by the legal judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny, or delay, right or justice.

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Sidebar from p. 20 of Burton F. Beers. *Patterns of Civilization*, Vol. 1. Prentice-Hall, Scarborough, 1984

The Magna Carta is often seen as the chief source of democracy in the English speaking world. It was not originally intended to be this, but it has had the effect of increasing personal freedom. For the Barons who forced their king to sign it, the document was to ensure that they would have a say in how they were governed. For their King, it meant that he would have to obey the law of the land too.

King John was brought to this end because of his brother's bankrupting the country to fight a crusade and to pay his ransom when imprisoned on the way back from the Holy Land. John's own hopeless leadership in fighting over possessions in France made things worse. He lost badly, resulting in no booty for his lords and knights. To pay for his campaigns he turned to increased taxes - which no one ever likes to pay. He made matters worse by picking a fight with the Pope over who should be appointed Archbishop of Canterbury, resulting in his own excommunication and eventual humiliation as the Pope got his way and John eventually declared himself a personal vassal of the Pope.

Ultimately John faced open rebellion. The barons marched on Windsor and John had no choice but to accept their demands, which he put his seal on at Runnymede on June 23, 1215.

Today, we see article 39 as being the key item in the document. It guarantees that no free man can be denied his freedom unless convicted by a court of law.

At the time, the key article was number 61, which ensured that a council of barons be appointed to ensure that the charter provisions were enforced.

Perhaps the real keys were articles 12 and 14, which concerned the king's ability to tax his subjects. From now on, taxes required the consent of at least some of the people paying them. The council of nobles and churchmen who had to give approval of taxes came to be known as Parliament. Eventually this body would come to represent all Englishmen.

1. Why did King John have to accept limits on his power?
2. How did this document limit the power of the English King?