



## Magna Carta (1215)

### Various articles from the Magna Carta:

[1] In the first place have granted to God, and by this our present charter confirmed for us and our heirs for ever that the English church shall be free, and shall have its rights undiminished and its liberties unimpaired; and it is our will that it be thus observed; which is evident from the fact that, before the quarrel between us and our barons began, we willingly and spontaneously granted and by our charter confirmed the freedom of elections which is reckoned most important and very essential to the English church....

[18] Recognitions of novel disseisin, of mort d'ancestor, and of darrein presentment, shall not be held elsewhere than in the counties to which they relate, and in this manner—we, or, if we should be out of the realm, our chief justiciar, will send two justices through each county four times a year, who, with four knights of each county chosen by the county, shall hold the said assizes in the county and on the day and in the place of meeting of the county court.

[28] No constable or other bailiff of ours shall take anyone's corn or other chattels unless he pays on the spot in cash for them or can delay payment by arrangement with the seller.

[35] Let there be one measure for wine throughout our kingdom, and one measure for ale, and one measure for corn, namely "the London quarter"; and one width for cloths whether dyed, russet or halberget, namely two ells within the selvedges. Let it be the same with weights as with measures.

[38] No bailiff shall in future put anyone to trial upon his own bare word, without reliable witnesses produced for this purpose.

[39] No free man shall be arrested or imprisoned or disseised or outlawed or exiled or in any way victimised, neither will we attack him or send anyone to attack him, except by the lawful judgment of his peers or by the law of the land.

[40] To no one will we sell, to no one will we refuse or delay right or justice.

**In addition to the individual rights presented, this document created a precedent that the king is not above the law. This is a definite blow at royal absolutism, and tyranny in general.**

### **Background of this document in feudalism, and in King John's need for tax funds**

Earlier kings of England—Henry I, Stephen, and Henry II—had issued charters, making promises or concessions to their barons. But these were granted by, not exacted from, the king and were very generally phrased. Moreover, the steady growth of the administration during the 12<sup>th</sup> century weakened the barons' position vis-à-vis the crown. But the need for heavy taxation for the Third Crusade, and for the ransom of Richard I after his capture by the Holy Roman emperor Henry VI, increased his successor's difficulties. John's position was further weakened by a rival claim to the throne and the French attack upon John's Duchy of Normandy. In 1199, 1201, and 1205 John's barons had to be promised their "rights"; his financial exactions increased after his loss of Normandy (1204), and, during his quarrel (1208–13) with Pope Innocent III, he taxed the English church heavily. By 1204, however, he had lost his possessions in northern France, including his family's ancestral lands in Normandy and Anjou, to the French king Philip II. Consequently, John imposed high taxes without the barons' consent, which was a violation of feudal law and custom.

John also alienated the Roman Catholic Church by quarreling with Pope Innocent III over the appointment of the archbishop of Canterbury. The pope responded by placing England under an interdict in 1207 which halted all public church services in England. In 1209 John was excommunicated, or denied the services of the Church. Facing rising unrest, he attempted to strengthen his position by making peace with the Church. In 1213, John accepted the pope's nominee, Stephen Langton, as archbishop of Canterbury. In 1214 he issued a charter granting concessions and liberties to the Roman Catholic Church in England. As a further pledge of loyalty, John also became a vassal of the pope and surrendered England to him. The pope then returned the kingdom to John as a feudal fief.

John lost any advantage he might have gained by his reconciliation with the Church when he lost the Battle of Bouvines in 1214, in what is now Belgium. He had spent the years since the loss of Normandy and Anjou in preparation for a large-scale military campaign to recover those lands from Philip II. To raise money for the campaign, John demanded more taxes and services from his subjects than ever before. In addition, he ruled them very harshly because he feared disloyalty from the English barons. But his campaign to recover his lands in France failed

disastrously. When John returned to England to collect even more money, many of the English barons revolted. The rebel lords captured London but did not defeat John's forces decisively. By the spring of 1215, a stalemate approached and the two sides began to negotiate. The Magna Carta was the result of these discussions, and John agreed to it in 1215 at Runnymede, a meadow near Windsor.

It is, therefore, not surprising that after 1213 Stephen Langton, archbishop of Canterbury, directed baronial unrest into a demand for a solemn grant of liberties by the king. The document known as the Articles of the Barons was at last agreed upon and sealed by John on June 15, 1215, at Runnymede (beside the River Thames, between Windsor and Staines, now in the county of Surrey). During the next several days the document went through further modifications and refinements, and the final version of Magna Carta was accepted by the king and the barons on June 19. It was reissued with minor revisions in 1216, 1217, 1225, 1264, and 1297.

Almost immediately, John applied to the pope in Rome to invalidate the document. John argued that his promise to uphold the agreement had been extorted by force. The pope agreed and nullified the Magna Carta. The significance of the Magna Carta lies in its revival—not once but several times—during English history.

When news of the annulment of the Magna Carta reached England in the autumn of 1215, the barons revolted again and with greater success. During the conflict, John died in October 1216 and was succeeded by Henry III, his nine year-old son. Several barons who remained loyal to John established a council to rule for Henry III. In an attempt to end the rebellion and as a gesture of good government, the council reissued the Magna Carta. However, they removed from it the clauses that concerned King John alone. In 1217 they reissued the charter with additional changes. Finally, in 1225, Henry III reissued the Magna Carta in his name. The text of the 1225 version differed little from that of the 1217 document and has since become the legally binding version.

Henry III periodically pledged to abide by the Magna Carta as a promise to his barons that he would rule fairly. Later kings also pledged to uphold the Magna Carta as a way of improving relations with their barons. Between 1450 and 1600, however, the Magna Carta ceased to be an influential document or a factor in political debates or public discussion.

It covers nine general topics: (1) the church; (2) feudal law in regards to the holding of royal fiefs; (3) the rights of subtenants of royal fiefs; (4) towns and merchants; (5) reform of law and justice; (6) behavior of royal officials; (7) royal forests; (8) immediate issues (such as the dismissal of John's foreign mercenaries; (9) royal security for adhering to the charter.

Councillors for John's young son Henry III reissued the charter in 1216 and 1217, omitting all matters relating only to the political situation of 1215. In 1217 clauses relating to the forests were transferred to a separate forest charter. The great reissue of 1225, given by Henry III himself after his coming of age, differed little from that of 1217, and it was probably already realized that efforts to keep the charter up to date were impracticable. Thus the charter of 1225, again reissued by Henry III in 1264 and "inspected" and enrolled on his new statute rolls by Edward I in 1297, gradually became less a statement of current law than a sourcebook of basic principles. There are four extant "originals" of the charter of 1215, one each in Lincoln Cathedral and Salisbury Cathedral and two in the British Museum. Durham Cathedral possesses the charters of 1216, 1217, and 1225.

### **Influence of the Magna Carta**

The solemn circumstances of its first granting have given to Magna Carta of 1215 a unique place in English history; quite early in its history it became a symbol and a battle cry against oppression, each successive generation reading into it a protection of its own threatened liberties. In England the Petition of Right (1628) and the Habeas Corpus Act (1679) looked directly back to clause 39 of the charter of 1215, which stated that "no free man shall be...imprisoned or disseised [dispossessed]...except by the lawful judgment of his peers or by the law of the land." The English Bill of Rights, issued in 1689, looked back to many of these treasured freedoms. Its influence in the United States can be seen in such early documents as the Massachusetts Body of Liberties (1641) as well as the Bill of Rights. Both the national and the state constitutions show ideas and even phrases directly traceable to Magna Carta.