

## 2.1 Magna carta

Magna Carta, or “Great Charter,” signed by the King John of England in 1215, was a turning point in human rights. The Magna Carta, or “Great Charter,” was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world. England had owned land in France for some years. The barons had provided the king with both money and men to defend this territory. Traditionally, the king had always consulted the barons before raising taxes (as they had to collect it) and demanding more men for military service (as they had to provide the men). This was all part of the Feudal System. So as long as English kings were militarily successful abroad, relations with the barons were good. But John was not very successful in his military campaigns abroad. His constant demands for more money and men angered the barons. By 1204, John had lost his land in northern France

In response to this, John introduced high taxes without asking the barons. This was against feudal law and accepted custom. John made mistakes in other areas as well. He angered the Roman Catholic Church. The pope, vexed by John’s behaviour, banned all church services in England in 1207. Religions, and the fear of Hell, were very important to the people including the barons. The Catholic Church taught the people that they could only gain entrance to Heaven if that they were good enough to get there. How could they show their goodness and love of God if the churches were shut? Even worse happened for John was the fact that the pope excommunicated him in 1209.

This meant that John could never get to Heaven until the pope withdrew the excommunication. Faced with this, John climbed down and accepted the power of the Catholic Church, giving them many privileges in 1214. 1214 was a disastrous year for John for another reason. Once again, he suffered military defeat in an attempt to get back his territory in northern France. He returned to London demanding more money from taxes. This time the barons were not willing to listen. They rebelled against his power. The barons captured London. However, they did not defeat John entirely and by

the spring of 1215, both sides were willing to discuss matters. The result was the Magna Carta.

In 1215, after King John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights. They aimed to protect the monarchy and nobility from any one king. The boldest of the barons and churchmen met at Runnymede, they had prepared a short document, which would become known as the Article of the Barons. The Charter did not solve the problems of the day. The barons were at war with each other and also war with the King.

There are four original drafts of the Magna Carta, the very parchment that was at Runnymede. Two are in the British Museum, one in Salisbury Cathedral and one in Lincoln Cathedral. Magna Carta contains 63 clauses written in Latin. Among them was;

- The right of the church to be free from governmental interference
- The rights of all free citizens to own and inherit property and to be protected from excessive taxes
- The right of widows who owned property to choose not to remarry
- Equality before the law
- It also contained provisions forbidding bribery and official misconduct

Widely viewed as one of the most important legal documents in the development of modern democracy, the Magna Carta was a crucial turning point in the struggle to establish freedom. The Magna Carta was in essence an agreement between the barons of England and King John that consisted of a series of written promises between the king and his subjects. It has been viewed by historians as being important as it was one of the first times an attempt had been made by the barons to stop a king, in this case John, abusing his power with the people of England suffering as a result.

This is extremely relevant for us today as it was one of the first times laws were promised to be fair to everybody and not just the rich and powerful. With the events we are currently seeing in Syria and in the Ukraine this attempt at limiting power of the

powerful elite seems as relevant today as it did all those years ago at Runnymede. The Magna Carta contained some 63 articles that were divided into various sections, with the most famous stating that everyone should have access to courts regardless of wealth or background. The articles also included mention that;

- No-one will be imprisoned or punished without first going through the proper legal system
- Article 39 of the Magna Carta famously states "No freeman shall be taken or imprisoned or exiled or in any way destroyed, nor will we go upon him nor will we send upon him except upon the lawful judgment of his peers or the law of the land."
- To no one will we sell, to no one deny or delay right or justice."

From these first steps of the Magna Carta, the path to Universal Human Rights continued with the first Bill of Rights in history, which Britain passed in 1689 and established the civil and political rights of all men, not just the lords and barons. It amongst other things, granted freedom from taxation by royal prerogative, freedom to petition the monarch, freedom to elect members of parliament without interference and freedom of speech. Magna Carta was being quoted with relevance in one of the most important documents of its time and that everyone could readily understand the ideas behind it.

A key point that has been made here is that the actual historical and political record suggests that the document was not considered anywhere near as revolutionary in contemporary times as it later came to be seen. At the time, it was simply a peace treaty issued by a king in trouble, as a pragmatic tactic to keep hold of his own power; it was not meant as an ideological declaration of the rights of man. However, when the time came later for people, especially in the United States, to actually make an ideological declaration of the rights of man, they found inspiration and precedent in certain aspects of the Magna Carta. There is nothing wrong with this, and perhaps the Magna Carta itself should feel honored for having been able to serve this purpose.