



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...

12. No scutage or aid shall be imposed in our kingdom unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter, and for these only a reasonable aid shall be levied. Be it done in like manner concerning aids from the city of London.

13. And the city of London shall have all its ancient liberties and free customs as well by land as by water. Furthermore, we will and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

14. And to obtain the common counsel of the kingdom about the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls and greater barons, individually by our letters—and, in addition, we will cause to be summoned generally through our sheriffs and bailiffs all those holding of us in chief—for a fixed date, namely, after the expiry of at least forty days, and to a fixed place; and in all letters of such summons we will specify the reason for the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of those present, though not all have come who were summoned.

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 [i.e., their property seized] 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.

51. As soon as peace is restored, we will remove from the kingdom all foreign knights, cross-bowmen, serjeants, and mercenaries, who have come with horses and arms to the detriment of the kingdom.

61. .... the barons shall choose any twenty-five barons of the kingdom they wish, ... so that if we,... offend in any way against anyone or transgress any of the articles of the peace or the security.... those twenty-five barons together with the community of the whole land shall distrain and distress us in every way they can, namely, by seizing castles, lands, possessions, and in such other ways as they can, saving our person and the persons of our queen and our children, until, in their opinion, amends have been made; and when amends have been made, they shall obey us as they did before.

## **Influence of the Magna Carta**

The significance of the Magna Carta lies in its revival—not once but several times—during English history. 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) directly referred to article 39 of the Charter, as well as containing similar provisions against a standing army in peacetime, and being held in prison without being charged with a particular crime, or put on trial. Additionally, 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 first 10 amendments to the Constitution (the Bill of Rights). In addition to freedoms from arbitrary loss of life, liberty, or property, we see also important precedents set for trial by jury, religious freedom, no taxation without representation, as well as prohibitions of a standing army in peacetime.

## **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 along the Thames River some 20 miles west of London.

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 replied quickly (his bull was dated to mid-August), saying that the barons were wrong to have overthrown their allegiance to their king, and to have refused his offers of mediation. Henry went so far as to tell them that they were in fact fighting against the Roman church, since it had been placed under papal protection, but the barons didn't relent. And so the Pope nullified the Magna Carta—at least for the time being.

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, which this time, received the blessing of the Pope. 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.