



Magna Carta

A symbol of individual liberty and supremacy of the law

Magna Carta Day 15 June



RULE OF LAW

EDUCATION CENTRE

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The Magna Carta

The Great Charter of Liberties

'Magna Carta is an incantation of the spirit of liberty... it has become the talisman of a society in which tolerance and democracy reside... a society in which power and privilege do not produce tyranny and oppression.'

The Honourable Sir Gerard Brennan AC KBE 12 October 1997

The foundations of the rule of law recognise individual rights and freedoms

The Magna Carta is one of the most influential documents in history, establishing principles in the rule of law which formed the foundations of many democratic societies around the world today. Sealed over 800 years ago in medieval England 1215, the Magna Carta was an agreement between a king and his barons after they rebelled to force the King to recognise their rights and individual freedoms.

England's King John ruthlessly collected taxes from his people and the Church, to pay for crusades he embarked on during the time. John was in conflict with surrounding countries, including Ireland and Scotland. France had been the main victor in most of the wars and by 1216, had claimed one third of English territory.

Leading up to this time, John imposed cruel demands on his people in collecting increasing taxes to pay for the expenses of war. The feudal barons were very unhappy with his failures and controlling behaviour and they refused to hand over more money. But the King would have none of it. He exercised arbitrary power to enforce his orders by imposing harsher penalties and imprisonment, often without any reason.



The barons became increasingly unhappy with their demanding king, particularly when he:

- increased current taxes and introduced new ones so he could re-supply his war campaigns whenever he chose
- changed the rules of his reign to remove power from the barons, therefore avoiding their attempts to not pay taxes
- decided who he wanted as candidates for important and powerful Church positions, thereby increasing his influence and control

In a field at Runnymede, just outside London in 1215, the barons presented a document called Articles of the Barons, comprising of 63 clauses, which outlined their demands. King John reluctantly agreed to their terms. Their demands included rights, such as:

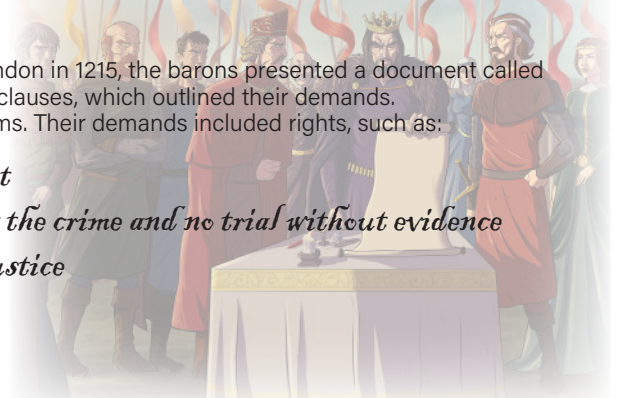
No taxation without consent

Any punishment should fit the crime and no trial without evidence

The right to have access to justice

The right to due process

No one is above the law





Unfortunately, the agreement was short lived as the king soon rejected all the demands outlined in the charter. He protested and claimed he was forced to sign the document, therefore making it invalid. This caused another rebellion and within months, King John had returned to warring against his barons. As a result of continual conflict over many years, King John's health had suffered. He contracted dysentery and died in October 1216.

The barons' rebellion would change history as future ruling monarchs were forced to recognise that no-one would ever have absolute power over the people again.

Under the reign of King John's son, King Henry III, the Charter of Liberties had been amended, with many clauses deleted or rewritten, in a desperate attempt to finally end civil war with the barons. By 1217, it had become known as the Magna Carta.

In 1297, King Edward reissued a new Magna Carta to raise money to fight and regain territories he had lost to the Scots, the Welsh... and the French. But again, the barons fought back. Finally, the Magna Carta was entered into statute rolls as English Law, requiring a king to seek approval from the Parliament if they ever wanted any changes to be made.

Many of the Magna Carta's 63 clauses are still relevant today, as they have become important concepts in other documents for governments and ruling bodies to uphold the rule of law. Examples of this include the American Declaration of Independence (1776), Universal Declaration of Human Rights (1948), and the Australian Constitution (1901).

Though not written in the Australian Constitution, the ideals of Magna Carta set the foundations of the rule of law by recognising:

When someone is wrongly imprisoned

No free man shall be taken or imprisoned or outlawed or exiled or in any way ruined, but shall be lawfully judged by his peers or by the law of the land (clause 39)

Governments interfere with the independence of the judiciary

We shall not make justices, constables, sheriffs or bailiffs who do not know the law of the land and who do not wish to observe it well (clause 45)

Governments introduce mandatory sentences

A free man shall not be amerced for a minor or trivial offence, and for a serious offence he will be amerced according to its severity (clause 20)

Access to the courts is blocked

To no one shall we deny a right or justice (clause 40)

Governments attempt to reverse the onus of proof

No bailiff can put anyone on trial without supported allegation and credible witnesses to the charge (clause 38)



The Magna Carta represents recognition of liberty and provides the foundations of democratic governance in many countries around the world today. Reminding governments that no-one in society is above the law.



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1215 Magna Carta

Handwriting practice lines for the year 1215.

1788 A Time of Discovery and Relocation

Handwriting practice lines for the year 1788.

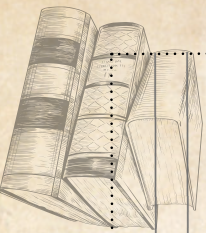
Magna Carta in Australia

Australia Today

Handwriting practice lines for the year Australia Today.

1901 Australian Federation

Handwriting practice lines for the year 1901.



A symbol of individual liberty and supremacy of the law



King John





QUICK QUIZ!

Use the code to access the video on Magna Carta

You'll find all the answers there for this quiz!

1	Magna Carta is Latin for?	
2	When was Magna Carta sealed?	
3	What did Magna Carta establish?	
4	Who is responsible for law-making in Australia today?	
5	What is the name given to clause 39?	
6	How does the rule of law underpin the foundation of Australia's government?	
7	What was one of the most important outcomes from Magna Carta that helped administer justice according to the law?	
8	Why were the people dissatisfied with their king back in 1215?	
9	What is the main idea that defines the rule of law?	
10	What is the main principle of the rule of law?	
11	What is the most important and prominent check on power outlined in the Australian Constitution?	





Don't forget to use the code to access the video on Magna Carta.

You'll find all the information you need to answer these questions!



What are the 3 branches that make up the separation of powers?

- ☐ Executive, managers, clerks
- ☐ Legislature, executive, judiciary
- ☐ Politicians, judges, cafeteria staff

Which statements provide a checklist for a **Fair Trial**



- ☐ Independent judiciary
- ☐ Open to public scrutiny
- ☐ The judge can turn up anytime they choose
- ☐ Justice is delivered without undue delay
- ☐ The accused is considered innocent until proven guilty
- ☐ Jury members get to decide when they want lunch

What is one of the most important principles of the Magna Carta?

- ☐ All the people will be treated equally and fairly by the law, regardless of their position and wealth in society, regardless of race, gender, nationality, or beliefs.
- ☐ The people get to pick who becomes the next king
- ☐ All the women in the village have no rights
- ☐ The Barons could always pay to get out of jail if they were caught breaking the law



Which statements are true?

- ☐ Magna Carta is the foundation of Australia's current legal system
- ☐ The rule of law recognises human rights and individual freedoms
- ☐ In Australia, the law of the land is supreme

Answer code:





Thinking beyond Magna Carta...



1

What was the importance of distributing, and then re-issuing the Magna Carta to all the people of England, many years after the original document was written in 1215?

2

What does freedom of choice mean, and how important is it in your community?

3

What would happen if political leaders were able to sack a judge, determine judicial salaries, or ignored judicial decisions made by the courts?

4

What do you think Australian society would be like if our leaders were able to break the law, without consequences?
