

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 democracy in recognising 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 I 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, enforcing his orders by imposing harsher penalties and imprisonment - often without any reason.



Some of the king's demands the barons were unhappy with included:

- Increasing current taxes and introducing new ones to re-supply his war campaigns
- Changing arrangements in his reign to remove power from the barons
- Deciding who he wanted as candidates for important and powerful Church positions, increasing his influence and control
- Taking away the freedoms of the people of Scotland and Ireland and forcing them to live under English law.

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 giving rights to the barons, such as:

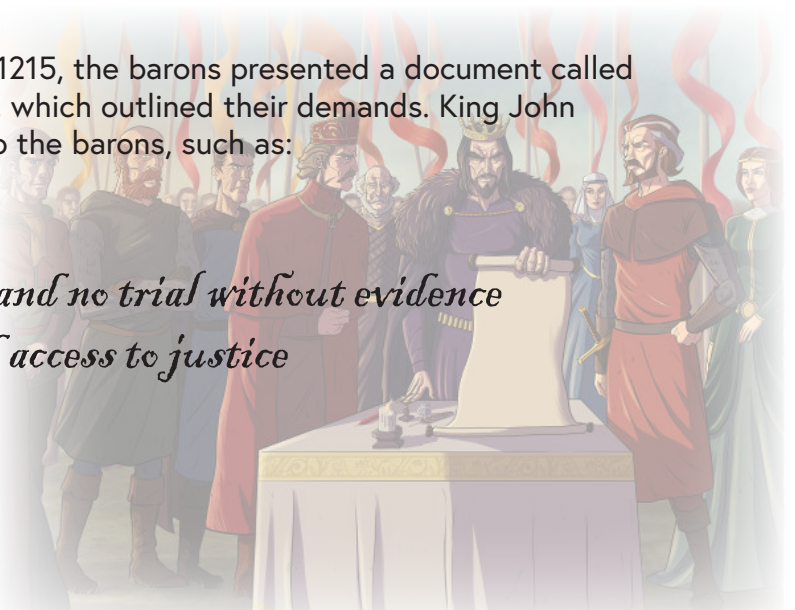
No taxation without consent

Punishment should fit the crime and no trial without evidence

Everyone will have the right, and 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 demands. He protested and claimed he was forced to sign the Charter, 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 became very ill with dysentery and died in October 1216.

The baron's 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 substantially changed and many of its clauses had been deleted or rewritten to try and finally end the civil war with the barons. By 1217, it had become known as the Magna Carta.

However, things didn't end there. In 1297, Henry's son King Edward I had to reissue a new Magna Carta to raise money to fight and regain territories he had lost to the Scots, the Welsh... and the French.

During this time, 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* and the *Universal Declaration of Human Rights* (December 1948).

The Magna Carta guides us when:

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

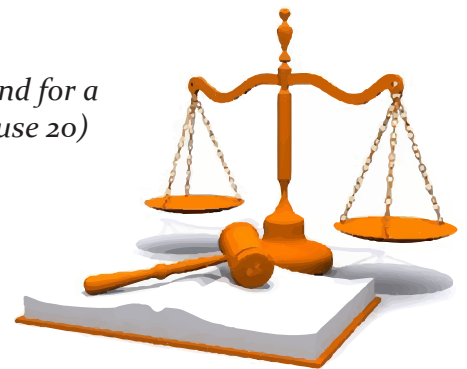
A free man shall not be amerced for a minor or trivial offence, and for a serious offence he will be amerced according to its severity (clause 20)

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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