

The Magna Carta

“Magna Carta has lived in the hearts and minds of our people. It is an incantation of the spirit of liberty. Whatever its text or meaning, it has become the talisman of a society in which tolerance and democracy reside, a society in which each man and woman has and is accorded his or her unique dignity, a society in which power and privilege do not produce tyranny and oppression”

The Honourable Sir Gerard Brennan AC KBE

An address on the occasion of the naming of Magna Carta Place (Canberra), 12 October 1997

The Magna Carter, also known as *The Great Charter*, is one of the most famous documents in the world. Originally signed over 800 years ago in 1215 by King John of England, together with his barons, after he faced continual crisis over his ruling decisions which impacted the living conditions of his people.

After many years of **crusades**. An English monarch called King John I, ruthlessly collected taxes from the people and the Church in order to pay for the kingdom's numerous conflicts he had been involved in. He had lost great parts of England to wars with France, Ireland and Scotland; therefore, leaving fewer lands to collect enough money from the people. The **feudal** barons of the land became increasingly unhappy with his controlling behaviour but were expected to abide by the King's orders, or harsh penalties would be applied. Some of the things the barons were unhappy about included:

- *Collecting new and increased taxes from the knights and barons, and having to pay more money for wars John lost*
- *Modernising the government and trying to take away the power of barons*
- *Deciding who he wanted as candidates for important and powerful Church positions*
- *Increasing his control by taking away the freedoms of the people of Scotland and Ireland*



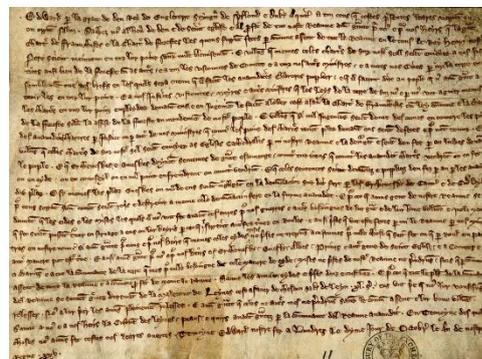
After numerous conflicts, the barons and the Church finally said 'no' to the King. With support from the French, the barons formed an army and marched to overtake London and surrounding areas. Together they presented a document called **Articles of the Barons** which comprised of 63 rules, and King John was made to agree to their terms. This document was signed by all parties in a field at a place called Runnymede in 1215 and became the **Charter of Liberties**.

These rules gave rights to the people, such as:

- ◇ *A limit on the amount of tax the barons had to pay on their lands*
After all, they could not get rich themselves if they had to give all their wealth to the king!
- ◇ *The king could not sell or deny justice to anyone*
- ◇ *The royal forests were to be reduced in size*
Probably so the people could also use the forests for hunting
- ◇ *No one could be arrested on the accusation of a woman*

However, it was short lived as the king soon rejected the agreement. He protested and claimed to the Church that he was **forced** to sign the Charter, therefore making it **invalid**. Pope Innocent III agreed, as he believed it might also question the Church's authority and that wouldn't be helpful to him either. This caused another rebellion and within months King John had returned to warring against the barons. King John's health had suffered greatly as a result of continual conflict over many years and shortly after this, he became very ill with dysentery and died in October 1216. The baron's rebellion would change history for ruling monarchs as they were forced to recognise that no-one would ever have absolute power over the people again.

Within ten years of its first edition 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. By 1217, King Henry reissued it again as part of the peace treaty with many new additions and called it *The Great Charter* (which is Latin for **Magna Carta**) to try and finally end the civil war with the barons.



Things didn't end there..... as is the way of the times, 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! But this time it was entered into **statute** rolls as English Law. This means, if a king wanted to change it, he had to get it approved by **Parliament**.

Many of the Magna Carta's 63 clauses are still relevant today and have become important concepts in other documents for governments and ruling bodies to uphold the rule of law, such as the *American Declaration of Independence* and the *Universal Declaration of Human Rights* (December 1948).

In particular, the Magna Carta guides us when:

-  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)

-  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)

-  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)

-  Access to the courts is blocked
 'To no one shall we deny a right or justice' (clause 40)

-  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)

As an international symbol of liberty, Magna Carta represents one of the main foundation stones of constitutional and parliamentary government for Britain and Commonwealth countries around the world today and reminds governments that no-one in society is above the law.

Magna Carta Activities



What is the Magna Carta?

<https://www.youtube.com/watch?v=7xo4tUMdAMw>



What is a feudal system and how was it used to structure societies through medieval times? (You may want to present your findings in a diagram)



Research more information about the history of King John, the Church and his barons. Create a flow chart, or similar diagram, showing the cause and effect of each group's actions.



Research the origins of **Parliament** and explain how it is linked to democratic rule.

You might want to include different examples of parliamentary systems around the world to support your thinking!



Create a crossword using as many of these terms and words as you can for your answers. Then research each one to create the clues to match them:



CRUSADES

FEUDAL

BARON

ALLEGATION

PARLIAMENT

BAILIFF

CREDIBLE

TRIVIAL

ARTICLES

STATUTE

CHARTER

LIBERTY

FORCED

AMERCED

INVALID

MAGNA CARTA



Research images that tell the story and history of how the Magna Carta came to be. Compile and arrange the images into a digital artwork that you can show your friends and family, or to become part of a display in your classroom.

