

The Magna Carta

In Europe, the feudal system underwent changes as time went on. Kings became more powerful. Lesser lords lost some of their powers and privileges. But kings too sometimes had to accept limits on their power.

In England, a “revolt of the barons” that began in 1214 succeeded in placing limits on what a king could do. The barons forced King John to agree to a document later called the Magna Carta, or “Great Charter.” This charter guaranteed the rights of English nobles and placed both the king and nobles under the rule of law. While the Magna Carta applied mainly to England’s nobles, it marked an important milestone in the development of English freedoms. Later, some of the rights that applied originally to nobles were extended to all English people. Eventually, they became a basic part of the justice system in the United States.

The first document tells of events that led up to the signing of the Magna Carta. After taking the throne in 1199, King John had imposed heavy taxes and other fees on the nobles in order to pay for a series of foreign wars. His actions became so burdensome that his nobles rebelled.

A. The Barons Rebel

About this time (November 1214) the earls and barons of England assembled at St. Edmunds, as if for religious duties, although it was for another reason; for after they had (talked) together secretly for a time, there was placed before them the charter of King Henry the First (ruled 1100-1135)...This charter contained certain liberties (rights) and laws granted to the holy Church as well as to the nobles of the kingdom, besides some liberties which the king added of his own accord. All therefore assembled in the church of St. Edmund,...and, commencing with those of the highest rank, they all swore on the great altar that, if the king refused to grant these liberties and laws, they themselves would withdraw from their allegiance to him, and make war on him until he should, by a charter under his own seal, confirm to them everything that they required. And finally it was unanimously agreed that, after Christmas, they should all go together to the king and demand the confirmation of the liberties to them, and that they should in the meantime provide themselves with horses and arms, so that if the king should endeavor to depart from his oath they might, by taking his castles, compel him to satisfy their demands; and having arranged this, each man returned home.

In Easter week of 1215, the above-mentioned nobles assembled at Stamford, with horses and arms. They had now persuaded almost all the nobility of the whole kingdom to join them, and constituted a very large army; for in their army there were computed to be two thousand knights, besides horse-soldiers, attendants, and foot-soldiers, who were variously equipped...The king, when he heard, said, with the greatest indignation, “Why, among these unjust demands, did not the barons ask for my kingdom also? Their demands are vain and visionary, and are unsupported by any plea of reason whatever.” And at length he angrily declared with an oath that he would never grant them such liberties as would render him their slave.

When the nobles heard what John said, they appointed Robert Fitz-Walter commander of their soldiers, giving him the title of “Marshal of the Army of God and the Holy Church.”

They marched the whole night and arrived early in the morning at the city of London, and, finding the gates open, on the 24th of May...they entered the city without any tumult while the inhabitants were at church; for the rich citizens were favorable to the barons, and the poor ones were afraid to murmur against them. The barons, having thus got into the city, placed their own guards in charge of each of the gates, and then arranged all matters in the city at will. They then...sent letters through England to those earls, barons, and knights who appeared to be still faithful to the king (though they only pretended to be so) and advised them with threats to abandon the king. The greatest part of these, on receiving the message of the barons, set out to London and joined them, abandoning the king entirely.

King John, when he saw that he was deserted by almost all, so that he retained scarcely seven knights, was much alarmed lest the barons should attack his castles and conquer them without difficulty, as they would find no obstacle in their so doing. He sent a request to the barons; that they appoint a suitable day and place to meet. They in their great joy appointed the 15th of June for the king to meet them, at a field lying between Staines and Windsor. Accordingly, at the time and place agreed upon the king and nobles came to the appointed conference, and when each party had stationed itself some distance from the other, they began a long discussion about terms of peace and the aforesaid liberties. At length, after various points on both sides had been discussed, King John, seeing that he was inferior in strength to the barons, without raising any difficulty, granted the following laws and liberties.

The document to which King John attached his seal (he did not actually sign) was in part a restatement of rights granted by previous kings. Much of it concerns aspects of feudal law that have no relevance to modern life. But the Magna Carta quickly became a symbol of English freedoms. In later centuries, people who sought greater freedoms for themselves looked back to its main ideas for inspiration.

B. The Magna Carta (“The Great Charter”)

What it says

John, by the grace of God, king of England, lord of Ireland, duke of Normandy, Aquitaine, and count of Anjou, to his faithful subjects, greeting. Know ye, that we, in the presence of God, and for the salvation of our soul, and the souls of all our ancestors and heirs, and unto the honor of God and the advancement of Holy Church, have, in the first place, granted to God, and by this our present Charter confirmed, for us and our heirs forever:

1. That the Church of England shall be free, and have her whole rights, and her liberties inviolable.

2. We also have granted to all the free men of our kingdom, for us and our heirs forever, all the following liberties, to be held by them and their heirs, of us and our heirs forever. If any of our earls, or barons, or others who hold of us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owe a relief, he shall have his inheritance by the ancient relief—that is to say, the heir of heirs of an earl, for a whole earldom, by a hundred pounds; the heir of heirs of a knight, for a whole knight’s fee, by a hundred shillings at most; and whoever oweth less shall give less, according to the ancient custom of fees.

12. No scutage or aid shall be imposed in our

What it means

John’s promises will be binding on his successors (his heirs).

John gives extensive rights to the church of England. In the rest of this article, John repeats a promise he had made to let the church choose its own bishops.

This article applies only to freemen—not to serfs. It limits the reliefs (inheritance taxes) that earls, barons, and others who are direct vassals of the king can be forced to pay to the king. John had charged vastly higher amounts that his predecessors in order to finance expensive foreign wars.

This article restricts the king’s right to charge

kingdom, unless by the general council of our kingdom; except for ransoming our person, making our eldest son a knight, and once for marrying our eldest daughter; and for these there shall be paid no more than a reasonable aid. In like manner it shall be concerning the aids of the City of London.

14. And for holding the general council of the kingdom concerning the assessment of aids, except in the three cases aforesaid, and for the assessing of scutage, we shall cause to be summoned the archbishop, bishops, abbots, earls, and greater barons of the realm, singly by our letters. And furthermore, we shall cause to be summoned generally, by our sheriffs and bailiffs, all others who hold of us in chief, for a certain day, that is to say, forty days before their meeting at least, and to a certain place. And in all letters of such summons we will declare the cause of such summons. And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.

15. We will not in the future grant to any one that he may take aid of his own free tenants, except to ransom his body, and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall be paid only a reasonable aid.

36. Nothing from henceforth shall be given or taken for a writ of inquisition of life or limb, but it shall not be granted freely, and not denied.

39. No freeman shall be taken or imprisoned, or outlawed, or banished, or in any way destroyed, nor will we use force against him, unless by the lawful judgment of his peers, or by the law of the land.

40. We will sell to no man, we will not deny to any man, either justice or right

41. All merchants shall have safe and secure

scutage (a payment made in place of military service) or aid (a special fee or tax). Only in the three circumstances named can the king impose these charges. At all other times, the general council (a feudal body made up of lords who were the king's direct vassals) would have to approve.

The general council included greater lords and clergy and lesser lords. They were to receive due notice of coming meetings. There was no quorum (minimum number of people in attendance) required.

The same rules about special taxes that applied to the king applied to other lords. They too were restricted in the amounts of fees they could charge their free tenants.

A writ of inquisition was a document that required a public official to conduct an investigation. Someone who was in prison awaiting trial for murder, for example, might seek such a writ to speed up the legal process or to be allowed free on bail. This provision stopped King John's practice of charging high fees to people who wanted such writs.

This article hints at the later right of trial by jury—a jury of one's peers. In feudal times, a baron's peers were other barons. All this article did was to assure nobles that they would be tried by other nobles.

This article means that people would not have to pay bribes to obtain justice in the courts.

This provision marked a step toward freer

conduct to go out of, and come into, England and to stay there and to pass as well by land as by water, for buying and selling by the ancient and allowed customs, without any unjust tolls, except in time of war, or when they are of any nation at war with us.

42. It shall be lawful, for the time to come, for any one to go out of our kingdom and return safely and securely by land or by water, saving his allegiance to us (unless in time of war, by some short space, for the common benefit of the realm), except prisoners and outlaws, according to the law of the land, and people in war with us

60. All the aforesaid customs and liberties, which we have granted to be holden in our kingdom, as much as it belongs to us, all people of our kingdom, as well clergy as laity, shall observe, as far as they are concerned, toward their dependents.

61. Willing to render all these pledges firm and lasting, we do give and grant our subjects the following, namely, that the barons may choose five and twenty barons of the kingdom, whom they thing convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them.

63. It is also sworn, as well on our part as on the part of the barons, that all the things aforesaid shall be observed in good faith, and without evil duplicity. Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runnymede, between Windsor and Staines, the 15th day of June, in the 17th year of our reign

commerce and trade. However, it did not prevent cities from charging their own fees or tolls.

Anyone who was loyal to the king would be allowed to leave or enter England. This right could only be suspended in time of war, and then for a limited period. Later in 1382, this right was restricted to lords, merchants, and soldiers.

The same rules that applied to the king would apply to the barons, clergy, and others who had feudal rights over people under them.

This article sets up a commission of 25 barons to make sure the king keeps his word.

In effect, the king and the barons said: "We mean what we say. Really."

Review Questions:

1. What did the barons demand of King John?
2. How did King John react to the barons' demands? Why did the king react in this manner?
3. How were the barons able to force King John to agree to their demands?
4. What effect did signing the Magna Carta have on the king's powers?
5. Explain three ways in which the Magna Carta affected the king's powers.
6. How did the Magna Carta benefit all English freemen?
7. What do you think the legacy of the Magna Carta has on the United States today?