

In 1215, England was a nation led by a king but managed by lords and barons. The lords owned much of the land, and each lord had his own military force. The lords rebelled when King John I raised taxes, suffered military defeats, and seized land and goods by force. Threatening civil war, the lords forced King John to sign a document called the Articles of the Barons. A few months later, the document was renamed the Magna Carta, or Great Charter. This document was revised several times, and the final version is now recognized as one of the most important legal agreements ever written.

### What Was in the Magna Carta?

The Magna Carta is mostly comprised of long lists of rules that were important to the lords. Some of these rules were made up just for individual men or their families. For example, clause 50 reads:

*We will entirely remove from their bailiwicks, the relations of Gerard of Athee (so that in future they shall have no bailiwick in England); namely, Engelard of Cigogne, Peter, Guy, and Andrew of Chanceaux, Guy of Cigogne, Geoffrey of Martigny with his brothers, Philip Mark with his brothers and his nephew Geoffrey, and the whole brood of the same.*

However, there are also portions of the charter that discuss a person's rights under the law. Several of these sections have had a profound effect on the development of constitutional governments in the modern world.

### Legal Rights and Habeas Corpus

The Magna Carta was not the first written charter to guarantee rights under the law. It was, however, the most important. Several of its clauses provided a model for modern democratic systems. Among these are clauses ensuring that individuals could not be imprisoned or lose their rights or property without due process of law.

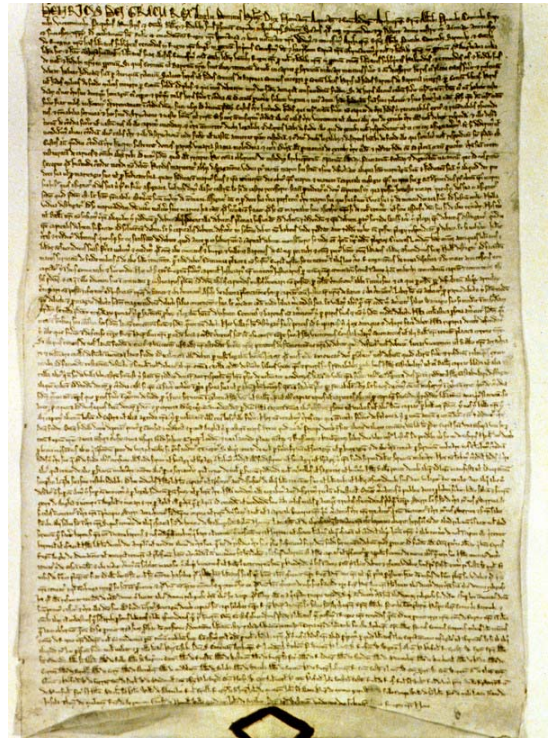


King of England from 1199 to 1216, John I is best known for being forced to sign the Magna Carta in 1215.

Below are three influential excerpts from the Magna Carta:

- *No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.*
- *To no one will we sell, to no one deny or delay right or justice.*
- *In future, no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.*

It is important to note that these protections applied only to free men. They did not extend to women or people in service to the lords. The Magna Carta itself specifically denies particular rights to women and Jewish people, among others. As a result, the rights mentioned were truly available only to a small number of individuals. The founding documents of future governments, influenced by the Magna Carta, also failed to protect the rights of all groups. It has taken hundreds of years for women, people of lower social standing, and people of different racial or religious backgrounds to gain equal rights.



The Magna Carta provided a foundation for both British and American law.

### **The Right of Legal Rebellion**

Throughout English history until the time of the Magna Carta, action against the king was considered to be treasonous. The punishment was imprisonment or death. However, the lords who wrote the Magna Carta wanted the right to act against the king if he ever were to violate their agreement.

In a surprising move, King John signed an agreement that would allow the lords to legally act against him by seizing “castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us.”

While this portion of the agreement did not last very long, it created a new way of thinking about the relationship between the people and the king. It suggested that the king was acting in the service of the people, and not the other way around.

### **The Magna Carta's Role in English Law**

The Magna Carta was widely shared among the people. Although it went through several revisions after it was originally written, its most important clauses and ideas were not abandoned. During the 1500s and 1600s, the document was used to argue against Kings James I and Charles I, who both wanted to overstep their power. The kings argued that they had the right to more power because they had been put in charge by God. The people argued that the Magna Carta put limits on the king's power.

After a rebellion against Charles I, the Magna Carta was used to argue for more individual rights. The Petition of Right of 1628 and the Habeas Corpus Act of 1679 both used clauses from the Magna Carta to ensure rights for common men.

In 1688, the English Bill of Rights was written, passed by Parliament, and signed by King William III. By signing this bill, the king accepted the idea that he reigned over citizens who were guaranteed rights under the law. The Bill of Rights was created as a way to prevent unfair acts by a king whose power had not been limited by law.

### **The Magna Carta's Influence on the U.S. Constitution and Bill of Rights**

The language of the Magna Carta was important to the founders of the United States and the authors of its Constitution and Bill of Rights. It was the Magna Carta that provided Americans with the concept that all people should have legal rights. Several articles and amendments to the Constitution are drawn almost directly from the Magna Carta. Consider the following examples from the Constitution and Bill of Rights:

- Article 1, Section 9: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it."
- The Constitution's Fifth Amendment guarantees that "no person shall be deprived of life, liberty, or property, without due process of law."
- The Ninth Amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

- The Fourteenth Amendment guarantees the same legal rights to all male Americans including freed enslaved people: “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Many elements of the U.S. Constitution that were inspired by the Magna Carta are included in state constitutions as well. They help ensure the rights of all citizens as free people under the law.

After reading the passage, answer the following questions:

1. Which of the following is the **best** definition of “Magna Carta” as it is used in this passage?
  - A. a document defining citizens’ rights
  - B. a document that is no longer relevant today
  - C. a document that all kings were required to sign
  - D. a document explaining why citizens should have rights
  
2. Which of the following **best** summarizes the most significant ideas in the Magna Carta?
  - A. People are created equal.
  - B. People have rights under the law.
  - C. People should be loyal to the king.
  - D. People have the right to create laws.
  
3. How did the Magna Carta shape the world we live in today? Describe the process by which this occurred, including at least two specific events from the text.