

Shaanzy Chaudhry
Business Law
Professor Reinig

Legal Research Paper- The Magna Carta
History

Feudalism was the law of the land in England during medieval times. Which ranged from the 5th to 12th centuries.¹ This label was actually given the name long after the period had actually passed, nearing the 18th century. The feudal system was a military hierarchy in which the ruler, or, the lord would offer a unit of land to control in turn for military services. The individual who accepted the offer became a vassal and the party offering up the land became known as the liege (lord). This land was in turn then worked on by peasant farms known as serfs. Who were restricted to the land to the point where they could not move or change their jobs without their lord's consent.

Precedent to Magna Carta

During the year 1215, the king of England was King John. He had ruled over the country for almost two whole decades. He was referred to as “one of the worst kings in history.”² He imprisoned his own wife, starved his opponents to death and had allegedly killed his own nephew. “He also earned the hatred of his nobles and court by seducing their wives and daughters. Anyone who spoke out against him was imprisoned or executed.”³ In addition to which, he would often engage in unnecessary wars and apply heavy taxes on his subjects, known as barons, to pay for them. If they

¹ <https://www.britannica.com/topic/feudalism>

² <https://www.youtube.com/watch?v=7xo4tUMdAMw>

³

<https://www.etownschools.org/cms/lib/PA01000774/Centricity/Domain/629/The%20Magna%20Carta2.pdf>

failed to pay, John would take their land away or punish them severely. “Most of England's kings didn't exercise all of their feudal rights, such as the power to control who their tenants married. That wasn't the case, however, with King John, the ruler fictionalized as the bad guy in "Robin Hood.”⁴ He had abused the feudal system various times. This continuous cycle along with the heavy taxation angered the barons and they began a rebellion.

Establishment of the Magna Carta

In May of 1215, the barons captured London which forced King John to negotiate with this group of individuals belonging to the higher classes of the hierarchy. Fearing the start of the civil war and his need for the barons to fight his wars and collect his taxes, he decided to compromise. Creating a peace treaty between the two parties led to the creation of one of the most famous documents in the world. The Magna Carta is also referred to as the Great Charter. At the time, it was called the Articles of the Barons. This was the first time the authority of the king was challenged. The main goal of the document was to bind the king to rule according to laws that protected his people from feudal abuse. The Magna Carta was the first official contract constructed between the nobles and the king. It was the first written constitution.

What the Magna Carta Is/ How Successful It Was

The document itself was written fully in Latin. It included 63 clauses. Four of the main themes that were involved in the document included “restrictions on the power of the government”, respect for traditions & property ownership, established courts / legal

⁴ <https://www.livescience.com/2458-magna-carta-changed-world.html>

practices , and freedom to conduct business.”⁵ Establishing rule of law, fairness of the law, due process of the law and respect for economic rights. “Clause 61 of the 1215 charter called upon the barons to choose 25 representatives from their number to serve as a “form of security” to ensure the preservation of the rights and liberties that had been enumerated.”⁶ This clause raised questions as to whether it was established to create a limited monarchy or to ensure the barons the right to retaliate if the king broke this contract. Even though the king did not have great relations with the church at the time, after getting the barons to fight for him in the war against France, he went to the Pope and got the document voided and declared null. “The Pope called the Magna Carta “illegal, unjust, harmful to royal rights and shameful to the English people”. He then declared the charter “null and void of all validity for ever.”⁷ Although the document was established to hinder a civil war, this action led the war to take place. After King John died in 1216, Henry III came to power and reinstated the Magna Carta. Its original 63 clauses were cut down to 27.

Legacy of Magna Carta

It was reissued several times before it become a permanent part of English law. The main aspects of the documents that are still visible in the European government “ grant freedom to the Church of England, guarantee the customs and liberties of the

5

<https://www.etownschools.org/cms/lib/PA01000774/Centricity/Domain/629/The%20Magna%20Carta2.pdf>

⁶ <https://www.britannica.com/topic/Magna-Carta>

7

<https://www.independent.co.uk/news/uk/magna-carta-what-is-it-and-why-is-it-still-important-today-10017258.html>

city of London and—most importantly—forbid arbitrary arrest and the sale of justice.⁸

One of the most prevalent rights set forth by the document which is still around today in the United States as well is, *"No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled ... except by the lawful judgment of his equals or by the law of the land."*⁹ Which created due process of the law. Even though the Magna Carta stands up for rights of citizens and is highly praised till date, it too had its flaws back in the day. It stood for the rights of the "free man" which excluded women and the serfs who were lower class farmers. Those who worked the lands of the noble.

The Magna Carta in 1215, asserted two significant precedents, in addition to other things: It allowed the king the privilege to apply taxes just through assent from the Great Council and also, that in spite of the fact that the king remained the "Chief Government Officer," his exercises might be founded just on the arrangements conceded inside law and established in equity. It did significantly more than reestablish old freedoms to a human advancement that was under oppressive rule, the Magna Carta's persuasions rose above past what the noblemen could have imagined.

The unprecedented document which was put in place to calm a rebellious class of nobles to prevent a civil war did more than just that. It set up the system of law which highly emphasized the ideology that no one, including the King was above it. Due to which, a system of checks and balances was put into place. It also was one of the first contractual documents which dismantled the feudal system and set the

⁸ <https://www.history.com/news/6-things-you-might-not-know-about-the-magna-carta>

⁹ <https://www.livescience.com/2458-magna-carta-changed-world.html>

foundation towards a more democratic political system. One which had a limited government and protected fundamental individual rights. Although at the time, the Articles of the Barons was only referring specifically to the rights and freedoms of the noble class of the barons. The Magna Carta's echoes have been seen in the United States Constitution and the Universal Declaration of Human Rights. Both the U.S Constitution and the Bill of Rights have elaborated on freedoms originally set forth in the Magna Carta. "Just as Magna Carta was seen as an agreement which held the arbitrary exercise of power by a king in check, many felt that the Constitution required statements limiting the power of the federal state."¹⁰

Conclusion

One of the most important legacies of the Magna Carta is the fact that all leaders must obey the law. The complaints of the noble class of barons put up in front of King John have set the precedent for many of the rights many citizens have now. "It has turned into an international symbol of liberty."¹¹ The principles set forth in the Charter have influenced almost, if not all, commonwealth nations including Great Britain and the United States of America.

¹⁰ <https://www.bl.uk/magna-carta/articles/early-america-and-magna-carta>

¹¹ <https://www.youtube.com/watch?v=7xo4tUMdAMw>

Bibliography Page

- Barksdale, Nate. "6 Things You May Not Know About the Magna Carta." *History.com*. A&E Television Networks, 15 June 2014. Web. 20 May 2019.
<https://www.history.com/news/6-things-you-might-not-know-about-the-magna-carta>
- Dir. The British Library. *YouTube*. YouTube, 10 Mar. 2015. Web. 21 May 2019.
<https://www.youtube.com/watch?v=7xo4tUMdAMw>
- Stenton, Doris Mary. "Magna Carta." *Encyclopædia Britannica*. Encyclopædia Britannica, Inc., 09 May 2019. Web. 20 May 2019.
<https://www.britannica.com/topic/Magna-Carta>
- "The Magna Carta and Issues With Monarchs In England ." *Etownschools.org*,
www.etownschools.org/cms/lib/PA01000774/Centricity/Domain/629/The%20Magna%20Carta2.pdf.
- Wheeler, L. Kip, Dr. "Feudalism." *Feudalism*. N.p., 2018. Web. 21 May 2019.
<https://web.cn.edu/kwheeler/feudalism.html>
- Whipps, Heather. "What Is the Magna Carta?" *LiveScience*. Purch, 09 Feb. 2012. Web. 21 May 2019.
<https://www.livescience.com/2458-magna-carta-changed-world.html>