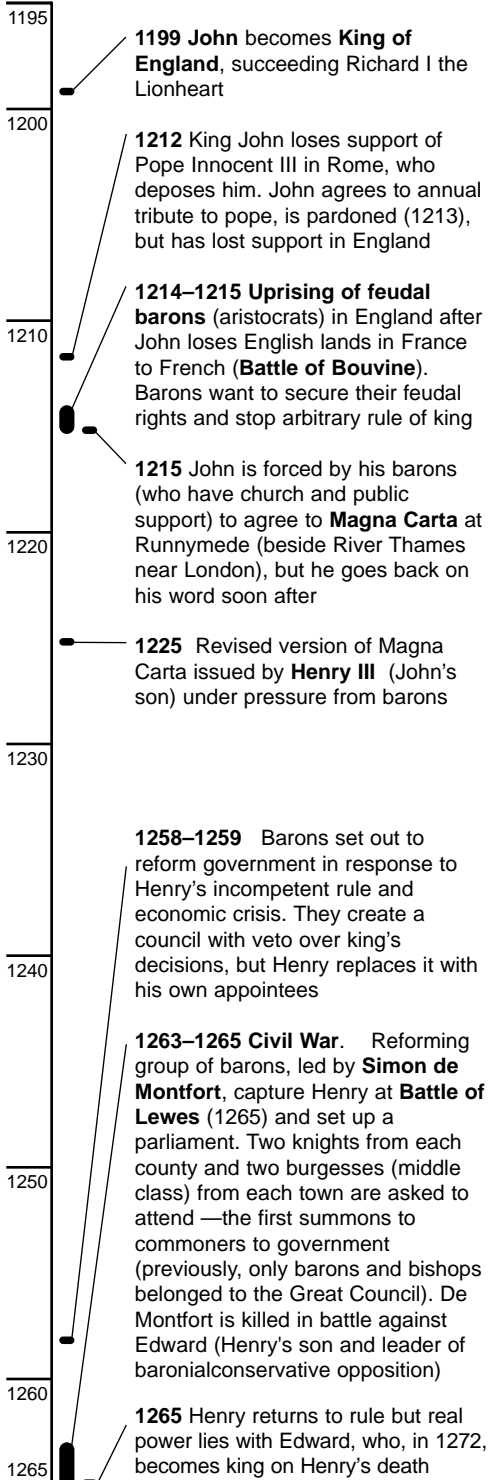


Magna Carta and the Rule of Law 1215

In 1215, civil war in England between powerful barons and King John ended when the barons forced the king to sign a document called Magna Carta (Great Charter). The charter set out the feudal rights of the barons and stated that the king could continue to rule but must keep to the established laws and customs of the land. It was the first written document compelling an English king to act according to the rule of law. Some of the more general rights and liberties in the charter have become part of the English and American constitutions and have influenced democratic government throughout the world.

EVENTS



IMPORTANT PROVISIONS OF MAGNA CARTA

Chapter 12: No aid to be levied without the permission of the Great Council [parliament].

This clause meant that the king could not levy taxes without parliamentary support.

Chapter 39: “No freeman shall be arrested, or detained in prison, or deprived of his freehold, or outlawed, or banished, or in any way molested; and we [the barons] will not set forth against him, nor send against him, unless by the lawful judgment of his peers [social equals] and by the law of the land.”

This clause recognized all freemen of the kingdom (king, barons, and commoners) as equals under the law. The right to a trial based on the law was a change from the old system of judgments and convictions based on the king's absolute authority. The clause is embodied in the 5th Amendment of the US Constitution.



The Great Seal of King John was placed on the Magna Carta in 1215, showing his agreement to the document

LIMITED MONARCHY AND GROWTH OF PARLIAMENT

Magna Carta limited the king's power—he could no longer do just as he wished but must abide by laws based on Saxon, Norman, church, and feudal customs. This was the beginning of limited monarchy in England, at a time when France was moving towards absolute monarchy (where the king has complete power). After the Charter became law and Simon de Montfort had set a precedent of including knights and middle classes in the Great Council, later monarchs found it simpler to do business with a representative body than with a powerful group of aristocrats. This representative body came to be called parliament and was later divided into an upper house of nobles and clergy (House of Lords), and a lower house of knights and burgesses (House of Commons). Eventually parliament gained the power to pass laws.