

Magna Carta
Symbol of Freedom Under Law
May 1, 2015
Judge Leo Diana

For people to have freedom the Government cannot have unlimited power.

In the year of 1215 in Medieval England feudalism was the system of government. King John of England had absolute power over his subjects to take what he wanted whenever he wanted, as much and as often as he wished and to imprison or kill at will and he did, he was a terrible King. The King ruled with a strong army and gave land to Barons (the nobility) in return for taxes paid. If taxes were not paid or if he was not satisfied the King would take the Barons land and lock them up or execute them. The Catholic Church was the predominant religion in Europe at that time and the church controlled people by fear, convincing them that they would go to hell if they did not follow the ways of the Catholic Church. This religious domination over the masses made the Pope very powerful.

The Pope and the King were engaged in a power struggle which resulted in the banning of church services in England after the King did not allow the proposed Archbishop of Canterbury to come to England. This insult was a challenge to the authority of the Pope, it caused chaos and unrest from the masses and the Barons as they believed the only way to enter heaven was through the Catholic Church. The King was excommunicated by the Pope which meant he was not getting into heaven. To resolve this dispute between the Pope and the King, the King accepted the authority of the Catholic Church and granted the Church many powers over the people.

Thereafter the Pope would demand money and the King would pay up, between needing money to fund the war with France and having to pay the Pope the King levied heavy taxes that were extortionate. The Barons took up arms and revolted against the King, they captured London

forcing King John to negotiate. This is the backdrop for the Magna Carta which means “The Great Charter” - The Magna Carta was a peace treaty between an unpopular king and rebel barons to resolve their grievances. This was a solution to a political crisis; the king needed men and money (taxes) to pay for his war that he was losing and the barons/ aristocrats demanded limits on the Kings power to tax, they demanded their rights be recognized, written down and validated with the royal seal. This document meant to protect the rights of a few but its legacy would expand over time.

The Great Seal of King John of England was affixed to signify his assent to the Magna Carta in 1215 at Runnymede. However, the King had no intention of honoring the Charter, the peace did not survive the year, civil war resulted and Pope Innocent III annulled the Charter. King John died in 1216 and the Charter was reissued by a nine year old King Henry III. Over the next eight centuries the Charter has been revised, repealed, modified and renewed many times.

The Magna Carta established for the first time the principle that everyone, including the king, was subject to the law. No one was above the law, not even the King. This 40 page document consisted of a series of 63 written promises between the King and his subjects; it dealt mostly with specific grievances of the Barons relating to his rule. Buried within were a number of fundamental values that both challenged the autocracy of the king and proved highly adaptable in future centuries. Most famously, the 39th clause gave all “free men” the right to justice and a fair trial. It read:

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 other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement 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.

However, the term “free men” in 1215 comprised only a small proportion of the population in medieval England. The majority of the people were unfree peasants ruled over by their land owners.

The Magna Carta also had a clause that was given no particular prominence in 1215, but its intrinsic adaptability has allowed succeeding generations to reinterpret it for their own purposes. In the 14th century Parliament saw it as the way to having a parliament approve taxation . . . it promised the protection of church rights, protection for the barons from illegal imprisonment, access to swift justice- due process, right to travel & guaranteeing trial by jury.

The Magna Carta is the symbolic power as an ancient defense against arbitrary and tyrannical rulers, a guarantor of individual liberties, the most significant influence in the evolution of constitutional governance and the rule of law - This document was used by our forefathers in drafting our Constitution - inspiring basic rights American's hold dear, such as core principles in the United States Bill of Rights (1791) and in many other constitutional documents around the world, as well as in the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950).

Please join me today on Law Day, May 1, 2015 in commemorating the Magna Carta, this Great Charter of Liberties and rededicate ourselves to its symbol of freedom under law advancing its principles and the rule of law values here and abroad.