

Magna

Magna Carta in Context

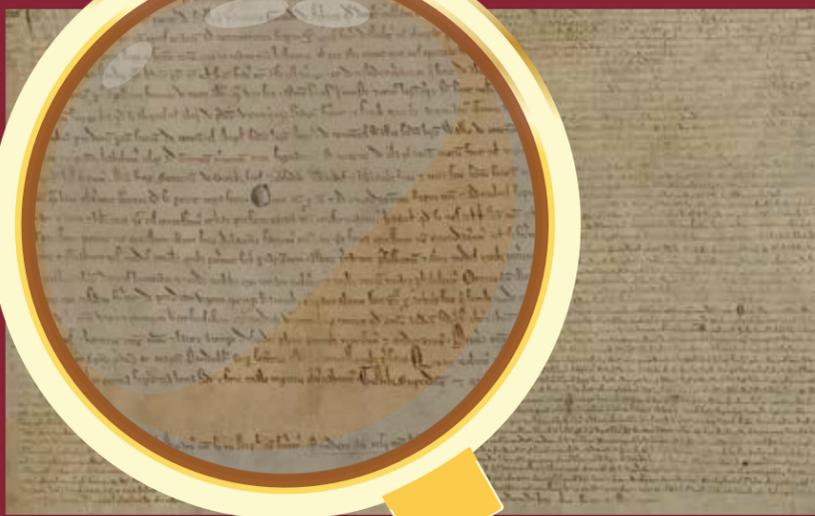
The barons who drafted Magna Carta were reacting to abuses of power by the King and viewed the document as the product of a political crisis. As a result, many of their demands were principally meant to regulate the King's feudal rights and the revenues that he derived from his tenants-in-chief.

In fact, several of Magna Carta's clauses required the King to summon and consult with the barons and clergy before levying the tax of scutage or demanding other fiscal aid – an early reference to the need for consent to taxation and an important step towards limiting the King's powers under feudalism.

Magna Carta was granted to all free men in the realm and among the document's 63 clauses were provisions that impacted society more broadly. Topics covered included the Church, inheritances, the rights of widows, money lending and debt, the privileges of towns and cities, trade, property rights and the management of forests. Notably, the large number of unfree citizens on the lowest rungs of feudal society were unlikely to derive much benefit from the provisions of Magna Carta in 1215.

The final clauses of Magna Carta outlined how it would be enforced. It was agreed that the barons would "elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them" in Magna Carta – including by using force against the King, if necessary.

Excerpt from
Magna Carta,
1215



Did you know?

Among its more lofty and enduring clauses, Magna Carta also made provisions for a number of more mundane issues impacting medieval life at the time, such as the need to standardize measurements for wine, ale and corn across the kingdom.

Carta

Enduring Principles of Magna Carta

Since 1215, two clauses have been enshrined in history as the defining principles of **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 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.” (Clause 39)

“To no one will we sell, to no one deny or delay right or justice.” (Clause 40)

In the original Latin, clause 39 referred to the necessity for *legem terrae*. In later centuries, this came to be interpreted as due process of law and the basis for *habeus corpus* – protection against unlawful imprisonment. Taken together, these two clauses affirmed that all free men had equal protection under the law of the land and that no one – not even the King – was above the law.

Today, only three clauses from the 1215 Magna Carta still have legal effect in England. The first two relate to the freedom of the English church and the customary rights of London and other towns. The third is clause 39, which has shaped the evolution of common law and justice for the past 800 years.



Did you know?

In the seventeenth century, King Charles I attempted to govern without the advice or consent of parliament, effectively rejecting the limits on royal authority enshrined in Magna Carta. Following the English Civil Wars, he was executed for high treason.