

Magna Carta

Introduction Magna Carta is one of the most celebrated documents in English history but later interpretations have tended to obscure its real significance in 1215. This iconic document was not intended to be a lasting declaration of legal principle. It was a practical solution to a political crisis which primarily served the interests of the highest ranks of feudal society by reasserting the power of custom to limit despotic behaviour by the king. The majority of the clauses in Magna Carta dealt with the regulation of feudal customs and the operation of the justice system, not with legal theory and rights. It was King John's extortionate exploitation of his feudal rights and his ruthless administration of justice that were at the core of the barons' grievances. All but three of Magna Carta's clauses have now become obsolete and been repealed, but the flexible way in which the charter has been reinterpreted through the centuries has guaranteed its status and longevity.

Legacy Only three of the original clauses in Magna Carta are still law. One defends the freedom and rights of the English church, another confirms the liberties and customs of London and other towns, but the third is the most famous:

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled . nor will we proceed with force against him . 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.

This statement of principle, buried deep in Magna Carta, was given no particular prominence in 1215, but its intrinsic adaptability has allowed succeeding generations to reinterpret it for their own purposes and this has ensured its longevity. In the fourteenth century Parliament saw it as guaranteeing trial by jury. Sir Edward Coke interpreted it as a declaration of individual liberty in his conflict with the early Stuart kings and it has resonant echoes in the American Bill of Rights and the Universal Declaration of Human Rights. But the real legacy of Magna Carta as a whole is that it limited the king's authority by establishing the crucial principle that the law was a power in its own right to which the king was subject.

Why is Magna Carta hard to read? The scribes who produced Magna Carta wrote in medieval Latin using the typical handwriting found in English documents in the early 13th century. The scribes also followed the usual practice of abbreviating words to save space on the parchment, because it was so expensive to produce. If you go over to the interactive in the opposite corner of the room you can use its magic magnifier to look at the Latin text in detail as well as an English translation.

What is Magna Carta written on? Magna Carta was written on parchment, not on paper. Parchment was the normal writing material in England until the end of the Middle Ages. It was made from sheepskin which was soaked in a bath of lime, then stretched on a frame to dry under tension. When it was dry, the skin was scraped with a curved knife to produce a smooth writing surface for the scribes, who wrote their text with a quill pen.

Where did King John sign Magna Carta? Like other medieval royal charters, Magna Carta was authenticated with the Great Seal, not by the signature of the King. In fact there is no evidence that King John could write at all. Three of the four surviving copies of Magna Carta have lost their wax seals over the centuries. The only one which still has its seal is the burnt copy on display here. Unfortunately the seal was destroyed when the charter was burnt by fire in 1731, but the Great Seal

on display with the Articles of the Barons shows what the seal on Magna Carta would originally have looked like.

Why is there more than one Magna Carta? There is no evidence that a single Magna Carta was written up and sealed when King John met the barons at Runnymede in 1215. Instead, once the terms of Magna Carta had been finalised, the barons renewed their oaths of allegiance to the king. In the days that followed, the terms of the agreement were retrospectively written up into a grant by scribes working in the royal chancery. Many copies of this grant, which later became known as Magna Carta, were sent out to bishops, sheriffs and other officials throughout the country. We don't know exactly how many were issued, but four now survive, one in Lincoln, one in Salisbury and two here in the British Library.

Why is one copy of Magna Carta burnt? Both copies of Magna Carta in the British Library came from the enormous collection of manuscripts amassed by Sir Robert Cotton who died in 1631. Exactly a century later, in 1731, there was a disastrous fire at Ashburnham House in Westminster where his library was then housed. Many rare and valuable manuscripts were destroyed or damaged in the fire, and unfortunately one of Cotton's two copies of Magna Carta was caught up in the blaze.

What does 'Magna Carta' mean? 'Magna Carta' means 'The Great Charter'. In 1215 it was known as the Charter of Liberties, but when it was confirmed in 1217, the clauses dealing with the law of the royal forest were taken out and put into a separate document known as 'The Charter of the Forest'. After that, people began to refer to the Charter of Liberties as Magna Carta to distinguish it from the shorter Charter of the Forest.

What does Magna Carta say? Despite what many people expect, Magna Carta includes very few statements of legal principle. In fact, the majority of the 63 clauses in the charter deal with the detail of feudal rights and customs, and the administration of justice. It was King John's excessive and arbitrary exploitation of his feudal rights, and his abuse of the justice system, which more than anything else had fuelled the barons' rebellion in the first place. So it isn't really surprising that the regulation of feudal rights and the justice system dominate the content of Magna Carta.

How much of Magna Carta is valid today? Only three of the 63 clauses in Magna Carta are still valid today. These are the first clause guaranteeing the liberties of the English Church; the clause confirming the privileges of the city of London and other towns; and the most famous clause of all which states that no free man shall be imprisoned, dispossessed, outlawed or exiled without the lawful judgement of his equals or by the law of the land. The other 60 clauses were either left out of the early confirmations of Magna Carta or have become redundant and been repealed in modern times.

Why is Magna Carta important? Magna Carta was the first grant by an English king to set detailed limits on royal authority. Through its statement of liberties, it sought to prevent the king from exploiting his power in arbitrary ways and it made clear that the king was subject to the law, not above it.

Please have a look at the following websites:

http://www.bl.uk/treasures/magnacarta/virtual_curator/vc1.html (you can watch a video clip for each of the "paragraphs" listed above)

http://www.bl.uk/treasures/magnacarta/shockwave/magna_carta_broadband.htm (you can hear the curator's explanations and you can see what the documents looks like).