

IS THE CHARTER GREAT? AN ANALYSIS OD THE MAGNA CARTA

Learning Objective(s): The student

1. Analyze the key provisions of the Magna Carta.
2. Identify point of view
3. Compare provisions of the Magna Carta with the U.S. Constitution

TEKS: 8.15A; WH.19B; WH.20B

Materials Needed: Copies of the worksheet and U.S. Constitution for each student

Teaching Strategy:

1. Give each student the first page of the worksheet and have them complete question
2. Conduct a class discussion to define all unfamiliar words, the three limitations to the king's power highlighted, and then answer the students prepared questions.
3. Have the students identify a comparable idea in the U.S. Constitution.
4. Hand out page 2 of the worksheet and have the students complete questions 1 and 2 and then discuss their answers.
5. Have the students then answer question 3 on the second handout for a final evaluation.

Answers to U.S. comparison

Magna Carta Provision 1- Amendment 1

Magna Carta Provision 12- Article I-Section 8

Magna Carta Provision 14- Article I-Section 4

Magna Carta Provision 29 Amendment 5

Magna Carta Provision 30 Article I-Section 9

Extension for GT/AP: Students can use the entire text of the Magna Carta to find additional correlations to the U.S. Constitution

1. Read the excerpts from the Magna Carta and complete the following:
 - Underline unfamiliar words.
 - Write two questions you would like to have answered.
 - Highlight three limitations to the king's power.

Magna Carta

“To none will we sell . . . deny . . . delay right or justice.”

More than seven hundred years have passed since that dramatic moment in 1215 when a group of bold English barons, determined at any cost to limit the power of *King John*, forced him to sign the Magna Carta. This ancient document, brittle and yellow with age, has been preserved as a priceless treasure, cherished not only in England, not only in the *Western World*, but by *all* men everywhere who believe that only under law can men be truly free.

In the *Great Charter*, the king agreed to certain limitations on his powers. Although the document did not protect the common people, it *did* represent a milestone in the history of human rights, for it served as a precedent for the growth of constitutional government. Evidence of how greatly American thinking was influenced by this document can be found in an examination of its provisions for due process of law,^o freedom of movement, and taxation only with the consent of the legislature.

June 15, 1215

John, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou: to his archbishops, bishops, abbots, earls, barons, justiciaries [royal judiciary officers], foresters, sheriffs, governors, officers, and to all bailiffs [sheriff's deputies], and his faithful subjects – ***Greeting.***

Know ye, that we, in the presence of God, . . . have confirmed [given assurance], for us and our heirs forever:

1. That the English Church shall be free, and shall have her whole rights and her liberties inviolable [safe from sudden change]; . . .
12. No scutage [tax for military purposes] nor aid^o shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem [ransom] our person, to make our eldest son a knight, and once to marry our eldest daughter, and not for these unless a reasonable aid shall be demanded . . .
14. And also to have the common council of the kingdom, we will cause to be summoned the archbishops, bishops, abbots, earls, and great barons, individually by our letters . . .
29. No Freeman shall be taken, or imprisoned, or be disseised^o of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.
30. All Merchants (if they were not openly prohibited before) shall have their safe and sure

Conduct to depart out of England, to come into England, to tarry in, and go through England, as well by Land as by Water, to buy and sell

- **due process of law:** in this case, freedom from arbitrary arrest and unreasonable searches and seizures.
- **aid:** a tax or payment paid by a vassal to a feudal lord.
- **desseised:** in this case, have property taken away

2. Read introduction about the importance of the Magna Carta to history on page 1 of the worksheet and then answer the question that follows:

Summarize the main reasons the author thinks the document is important and deserves to be called "Great?"

3. Read the next passage, the introduction from "The Great Charter," in *The Western Tradition*, 1999.

Richard I (the Lionheart) reigned over England but hardly in it (he spent nearly all his time warring abroad) from 1189-1199. his brother John, who succeeded him and reigned until 1216, inherited the wars and debts that were the results of French enmity and Richard's spendthrift brawling. John also blundered into more trouble of his own: trouble with France, with the pope, and with the English church and barons, eventually made his situation untenable, until June 15, 1215, at Runnymede, he was forced to sign an agreement with his rebellious vassals that granted most of their demands.

The Magna Carta, or great charter, is sometimes presented as a forward-looking document because it appears as the basis of English liberties. In effect, it looked back to a feudal situation that already was becoming obsolete and tried to restore the anarchic conditions that had existed before royal power started to encroach on traditional feudal rights. There is little evidence that any of the signatories believed the instrument would be effective. The barons mistrusted the king-and with good reason, since he had no intention of keeping promises that tended to whittle away his power. It is this mutual suspicion that serves to explain the covenant, which follows, as a form of reinsurance, and perhaps also the strange provisions of paragraph 61.

An yet the great charter survives-not only a prominent factor when interpreted or misinterpreted in the cause of further English liberties, but also as a illustration of its day, the forms and intentions and aspirations of an unfamiliar age.

How is this interpretation different from the other?

4. With which interpretation do you agree? Defend your choice.