

## **THE RELEVANCE OF THE MAGNA CARTA IN THE 21<sup>ST</sup> CENTURY**

**Sir Robert Worcester<sup>1</sup> KBE DL**

Good evening, colleagues.

My topic of the evening: The Relevance of the Magna Carta in the 21<sup>st</sup> Century and Plans for its Commemoration on the 800<sup>th</sup> Anniversary.

I would share with you three sections of my talk:

- **Why me, why now?**
- **Why commemorate Magna Carta, agreed in 1215, at all?**
- **What's going to happen from now through the end of next year?**

### **Why me?**

Growing up in America I had a pretty thorough schooling in English history, English literature and not least English cinema (that was before television), which began with the Angles, Saxons and Jutes, then 1066 and all that, in 1215, the Great Charter, later *Magna Carta*.

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From an early age it was "Good" King Richard the Lionhearted, "Bad" King John "Lackland" (and Robin Hood and his merry men, Little John, Friar Tuck, Will Scarlet and all), Henry VIII and Elizabeth the Virgin Queen, Shakespeare, 18th C. Georgian elegance in costume, in architecture and music.

I grew up with the belief that 'the sun never sets on the British Empire'. And did I collect stamps from all over the British Empire!

All Americans knew then that George Washington, John Adams, John Jay, Benjamin Franklin and nearly all the Founding Fathers were Englishmen (Alexander Hamilton was a Scot). As President Obama observed recently in a speech to the British Parliament: "*our system of justice, customs, and values stemmed from our British forefathers*".

More recently, that is 57 years ago, on my first visit to Britain, in 1957, I was a serving officer in the US Army Corps of Engineers, returning to America to be discharged after serving in Korea, my tour of duty completed.

Having nearly circled the globe, I flew into Northolt in West London, and checked into the USAF Officers Club on the Bayswater Road in the late afternoon.

I had an early night, and a good American breakfast on my first day in London. I had planned already my first outing, to the British Museum to see two things, the Magna Carta and the Rosetta Stone, which to me represented the two icons of civilised society: the rule of law and communication outside the village.

I became a Trustee of the Magna Carta Trust 21 years ago (when I became Chairman of the Pilgrims Society), the Chairman of the Trust, by Charter was the Master of the Rolls, first the late great Tom Bingham, Lord Bingham, then Lords (Harry) Woolf, (Nicholas) Phillips, (Anthony) Clarke, (David) Neuberger and now (John) Dyson, all distinguished jurists. First under Lord Neuberger and now Lord Dyson, I now serve as Deputy Chairman of the Trust.

## **So that's why I'm here, and why now.**

This is also largely the reason for the existence of the 'Special Relationship' that bonds my two countries, Britain and America.

As President Obama said at Parliament in 2011:

*"Ours is not just a Special Relationship, it is an essential relationship - for us and for the world. It is founded on a deep emotional connection, by sentiment and ties of people and culture.*

*"But the reason it thrives, the reason why this is such a national partnership, is because it advances our common interests and shared values..."*

***"Our relationship is special because of the values and beliefs that have united our people throughout the ages. Centuries ago, when kings, emperors, and warlords reigned over much of the world, it was the English who first spelled out the rights and liberties on man in Magna Carta."***

## **Why are you here tonight?**

You're lawyers. When I mention Magna Carta to lawyers anywhere in the world, eyes light up.

There are many myths which surround the Magna Carta. That it was only a fight between the barons and the King. It certainly was, but not only that.

**It was the beginning of the spread of modern democracy**, building on the Athenian model. Magna Carta was the overturning for the first time of 'divine rule' (King John, and somewhat later, King George III's power over the American colonialists), the beginning of representative democracy, and as the Lord Chief Justice of the United Kingdom recently quoted<sup>2</sup>: "*Nullum scutagium vel auxilium ponatur in regno nostro, nisi per commune consilium regni nostri*", which very roughly translated into American means 'No taxation without representation'. Now where have we heard that phrase before...?

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<sup>2</sup> The Lord Judge, *1215 and All That*, Irish Legal History Society Lecture, Belfast, Northern Ireland, 26 March 2012

**And it was the foundation of human rights,** under threat now at home and abroad, as we consider how to cope with the threats which face us in the 21<sup>st</sup> Century.

Magna Carta matters still today. It is the foundation stone supporting the freedoms enjoyed today by hundreds of millions of people in more than 100 countries.

**Magna Carta enshrined the Rule of Law.** It limited the power of authoritarian rule. It paved the way for trial by jury, modified through the ages as the franchise was extended.

**It proclaimed certain religious liberties, "*The English Church shall be free*".**

**Magna Carta defined limits on taxation;** everyone remembers "*no taxation without representation*" was the cry of American colonists petitioning the King for their rights as free men which led to the United States of America.

For centuries it has influenced constitutional thinking worldwide including in many Commonwealth countries, even in France, Germany, and Japan, and throughout Asia, Latin America and Africa.

Over the past 800 years, denials of Magna Carta's basic principles have led to a loss of liberties, of human rights and even genocide.

It is an exceptional document on which democratic society has been constructed, described by the former German Ambassador as "The Foundation of Democracy".

The original Great Charter was agreed (sealed, not signed) by King John on 15<sup>th</sup> June 1215 when he acceded to barons' and bishops' demands to limit his powers and directed that it be sealed. This version of Magna Carta was revised several times in the 13<sup>th</sup> Century. The 1297 version became part of English law following the establishment of parliament.

In addition to the 17 XIII Century copies, there are six, perhaps seven, 'final' copies of the 1297 version, which were issued in 1300.

More than five hundred years later it was central to both the American Declaration of Independence and the Constitution of the United States. The newly-independent United States included many of its concepts in the 1791 Bill of Rights.

In 1870 Bishop William Stubbs asserted

*"the whole of the constitutional history of England is a commentary on this Charter."*

In 1965 Lord Denning, the most celebrated English judge of the 20<sup>th</sup> Century, described Magna Carta as

*"the greatest constitutional document of all times – the foundation of the freedom of the individual against the arbitrary authority of the despot."*

It has been described as 'England's greatest export'.

Another lasting legacy is seen in the UN Declaration of Human Rights adopted in 1948. Speaking at the UN General Assembly as she



submitted the UN Declaration, Mrs. Eleanor Roosevelt argued that *"we stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere"*.

The 800th anniversary of Magna Carta is an occasion to deepen understanding of the crucial role it has played in our development. It is a time to commemorate the individual rights we enjoy today. It is an opportunity to strengthen human rights around the world.

### **The Magna Carta 800<sup>th</sup> Anniversary Commemoration Committee's 'Aspirations'**

The Magna Carta Trust's 800<sup>th</sup> Anniversary Commemoration Committee is charged by the Magna Carta Trust to co-ordinate commemoration activities, raise the profile of the anniversary and deliver a number of key national and international aspirations. These and much else of the history and planning is at [www.magnacarta800th.com](http://www.magnacarta800th.com).

Our prime ambition was to recruit the Queen as the Patron of the Magna Carta Trust, which she readily agreed, including her intention to be at

Runnymede on the morning of 15<sup>th</sup> of June 2015  
for the 800<sup>th</sup> anniversary Commemoration.

The British Government has recently announced  
its plans to hold a Global Legal Forum 23-25  
February 2015 with its theme the Magna Carta.

The British Library is holding the biggest exhibition  
it's ever held, and in fact, thanks to the generosity  
of the New York Public Library the Declaration of  
Independence of the American colonists, the text  
that which Thomas Jefferson copied in his own  
hand, incorporating changes by John Adams and  
Benjamin Franklin.

It even shows passages subsequently excised by  
Congress such as Jefferson's lengthy  
condemnation of slavery, and the Bill of Rights will  
be included in the British Library's exhibition.

And thanks to the US National Archives in  
Washington, one of the 14 copies made in 1789,  
one each for Congress and the original 13 states  
of which 12 survive (the one on show in the British  
Library Exhibition is that which Delaware  
received).

It will be the first time anywhere that these  
American historic documents will join their  
genesis, the Magna Carta, in the world.

The British Library's copies of Magna Carta (1215) and later 'editions', from 1216, 1217, 1215, 1297 (brought into law) and 1300, will all be on display from 13 March 2015 to 1 September. During 2-4<sup>th</sup> February next year it will have the four existing 1215 copies together for the first time since 1215.

Other exhibitions planned include the British National Archives and at the London Guildhall, at the American National Archives in Washington, and at the Library of Congress in November and in Boston now with the 1215 copy, one of four, in Houston now with the Hereford Cathedral copy, 1216, and in Canberra in Australia. All will have on display one or more of the original copies.

All the Magna Carta towns are organising their commemorations next year with Salisbury and Lincoln Cathedrals' 1215 Magna Cartas, and Durham and Hereford Cathedrals plus London's, and Faversham's, all having original copies from 1215 to 1300 on display.

There will be evensongs and congregations at Cathedrals, anthems ("*The Glorious 800th*"), a cantata ("*1215: Magna Carta: Foundation of Modern Democracy*"), books and plays ("*The Great*

*Charter*"), a "LiberTea" day throughout the world, I'd like to see "LiberTrees", native oak trees planted in every school in Britain, and essay, poetry and debating society competitions. The British Council is organising commemorations and contests in over 100 countries.

The American Bar Association, International Bar Council, and the Bar Council and the Law Society here have all set up their own Magna Carta 800<sup>th</sup> Committees and are planning observations of the Anniversary, sponsoring moot courts. Rule of Law days at their well-attended conferences; academic symposiums are planned in British, America, France, and Poland and in the Caribbean with speakers commemorating Magna Carta from many countries, sharing their commitment to its principles.

Thirty-eight years ago in all its splendour the House of Common's Speaker and House of Lords Lord Speaker, MPs and Peers, Law Lords, Ambassadors and High Commissioners, the Archbishops of Canterbury and York, met with the senior members of the American Congress and Senate assembled in the 1,000 year old Palace of

Westminster's Westminster Hall to hand over the Lincoln 1215 Magna Carta to the Library of Congress in the Autumn of 2014, to be displayed in the Rotunda of the Congress of the United States. I was there.

This time the plan is to have a Supreme Court organised 'mock trial' with judges, jury and advocates, mainly from Commonwealth countries, judging barons and bishops in the dock on the charge of treason, telecast and broadcast on BBC World.

This will be on 31 July, the night before the Supreme Court Magna Carta Exhibition opens for August and September next year.

Both Lincoln and Salisbury Cathedrals are undergoing renovation, restoration and building new facilities to house safely and display widely their 1215 copies and both will be on display next year.

We have Magna Carta commemorative coins planned for circulation by the Royal Mint. A set of Magna Carta stamps is another 'aspiration' in Britain, in Gibraltar, the Isle of Man, in many Commonwealth countries, but to date, no interest from the United States Post Office. Who is here that will volunteer to see if that decision can be reversed?

These are just a few of the hundreds of events already planned. It is our hope over 100 countries will be commemorating the importance of what began on an open plain virtually unchanged from 800 years ago to this generation and many generations to come.

You can follow the commemoration of the 800<sup>th</sup> by signing up to the MC Newsletter at our website and tell us if you'd like to get involved, at [www.magnacarta800th.com](http://www.magnacarta800th.com).

I know American and Americans. In fact, after 45 years, some folks here say I'm nearly bi-lingual.

When Yanks see that something needs doing, they do it. Alexis de Tocqueville recognized this in his wonderful book "Democracy in American" written during his trip to America in 1836-40.

To conclude: a view expressed with feeling was emailed to me recently:

***"As we discussed, I am passionately keen on reemphasising the principles of Magna Carta in a form appropriate to 800 years later. We, and the Anglo Saxon world and countries which adopted our legal system or values of freedom and fairness in justice, have a much different approach from Continental and large far eastern regimes. We need to boost the values of individual freedoms in the North American, UK and several Commonwealth countries.***

***It is so sad and, in my view outrageous, that HMRC and UK security services have a Putin style lack of following the rules. It is too easy for UK and US" governments to follow the easy route of denying individuals' rights for flimsy "national interest" reasons, something that we did not, by and large, even do in the 2nd world war time."***

Thank you; questions?

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