

THE RELEVANCE OF THE MAGNA CARTA IN THE 21ST CENTURY

Sir Robert Worcester¹ KBE DL

Good evening, and thank you for the opportunity to speak to you this evening about something close to my heart.

- **Why me, why now?**
- **Why commemorate Magna Carta, agreed in 1215, at all?**
- **What's going to happen?**

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 Saxons and Jutes, then 1066 and all that, 1215 Magna Carta (included in the Declaration of Independence and the American Constitution you know), 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'. 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, our system of justice, customs, and values stemmed from our British forefathers.

It isn't necessarily like that today in some parts of America with the influx of Spanish-speaking immigrants, still in New England and Eastern seaboard, in Virginia and the Southern States, and in most families across America (and Canada) where English is the first language, perhaps excepting Irish-Americans, acknowledge their country's heritage is first and foremost British, especially in justice and the law.

This is 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..."

¹ Professor Sir Robert Worcester KBE DL, Chairman, Magna Carta 800th Anniversary Commemoration Committee, sirrobertworcester@magnacarta800th.com, www.magnacarta800th.com, @RobertWorcester Allington Castle, Kent, ME16 0NB, United Kingdom

“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 Now?

A week or two ago I was emailed by a young man who had an assignment for school to write about Rights and Responsibilities. He asked six questions; and these are my responses.

- 1) Q. *“What words pop into your mind when I say the word Magna Carta?”*
 - 800th Anniversary. That’s why now.
 - Rule of Law
 - Human Rights
 - Barons, King John and Runnymede
- 2) Q. *“What are your thoughts on the Magna Carta?”*
 - Foundation of Modern Democracy
 - Overthrow of King John and end of divine right to rule
- 3) Q. *“Do you think the Magna Carta was a significant event in the world? If so why?”*
 - One of the most significant ever (see # 2)
- 4) Q. *“How many lives do you think the Magna Carta changed or had had a slight impact on? Why do you think that many lives?”*
 - Billions, as over 100 countries now operate under the Rule of Law
- 5) Q. *“After answering these questions did your opinions change about the Magna Carta? If so how?”*
 - NO!
- 6) Q. *“Do you feel that this is one of the best topics for the theme, Rights and Responsibilities. If so why?”*
 - Certainly is, on the eve of the 800th anniversary

In 1957 on my first visit to Britain, 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 serve as Deputy Chairman of the Trust. So that’s why I’m here, and why now. But...

Why are you here tonight?

Perhaps you are lawyers (hands up)? When I mention Magna Carta to lawyers, 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 real democracy, not 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 quoted²: "*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...?

And it was the foundation of human rights, under threat now as we consider how to cope with the threats which face us in the 21st Century.

Magna Carta: Relevant in the 21st 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 15th 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 13th 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.

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

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 20th 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 800th Anniversary Commemoration Committee's 'Aspirations'

The Magna Carta Trust's 800th 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.

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 15th of June 2015 for the 800th 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.

It will be the biggest ever exhibition the British Library has ever held, where their own 1215 versions, two of the four extant, will be on display.

Other exhibitions planned include the British National Archives and the London Guildhall and at the American National Archives in Washington, and at the Library of Congress in November and in Boston, Los Angeles, in Houston, Texas, right now, and in Canberra in Australia. all of which 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*"), cantata, books and plays ("*The Great Charter*"), a "LiberTea" day throughout the world,

“LiberTrees”, native oak trees which we hope will be 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 800th 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.

We’d hoped to see Parliament’s Westminster Hall, as was the case fifty years ago when in all its splendour assembled the Speaker and Lord Speaker, MPs and Peers, Supreme Court Justices and Ambassadors and High Commissioners, 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 handover 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.

But this time the plan is to have a Supreme Court organised moot court with judges, jury and advocates, mainly from Commonwealth countries, judging barons and bishops in the dock on the charge of treason, broadcast by the BBC World Service. The Supreme Court Exhibition will be open in 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 in the United States Post Office.

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 800th by signing up to the MC Newsletter at our website and tell us if you’d like to get involved, at www.magnacarta800th.com.

Thank you; questions?

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