



Tracy Warner | Magna Carta, seeds of liberty

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Commentary

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Here is a law which is above the King and which even he must not break. This reaffirmation of a supreme law and its expression in a general charter is the great work of Magna Carta; and this alone justifies the respect in which men have held it.

— **Winston Churchill**

Pause for a brief history lesson. There was a time, in our recent past, when we were ruled by kings. These kings felt, or just knew, that they had been made king by God himself. Kings still think this way. Being a divine appointee gave them the right to do as they wished, to treat people kindly or badly, as they desired. If this meant throwing someone in prison for no reason, taking their land and property and doing away with their families, why, that was fine. They didn't need a reason. They were appointed by God, after all.

Then there was a king of England named John, of the Plantaganet family from Normandy. John liked war and taxes and throwing people in dungeons, which made him unpopular, and so the local barons rose up and worked King John into a corner. They pulled out some old records signed by his grandfather, beefed them up and embellished, and forced him to sign. The ceremony took place in field near the Thames on June 15, 1215, or 800 years ago Monday. Eventually, the document was named Magna Carta, the great charter.

The significance: The ruler agreed that his power, divinely granted or not, had limits. It could not be used arbitrarily or without cause. There were fundamental laws the monarch could not change. His subjects had what we have come to call liberty.

"Those barons who pressured a king to give his seal to a document in an English field 800 years ago could not have imagined the extraordinary impact it would have on human affairs, reshaping not just England but also America and France and even inspiring activists as far afield as Africa and China. This shows that once it had been expressed, the fundamental idea contained within Magna Carta — that restraints are required to limit officialdom's power — could not be suppressed. The genie could not be forced back in the bottle," wrote Brendan O'Neill, editor of spiked magazine.

The great charter was repudiated almost immediately by the no-good King John, quashed by the pope, and fought over for the next 750 years or so. It is mostly a medieval document convenient for the barons, but it contains the seeds of the freedom we now enjoy. Clause 38 says: "In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it." Clause 39 has been called one of the most powerful sentences in history: "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 judgment of his equals or by the law of the land." It is still law in Britain. It is the obvious precursor to our Bill of Rights. When our ancestors rebelled against the British king in 1775, they had the Magna Carta on their mind. Words that applied only to barons in 1215 were steadily expanded over the centuries, to include us. This happened only with great effort and sacrifice. Magna Carta planted the seed.

At noon Monday the Washington Supreme Court will host a state celebration of the Magna Carta on the Capitol Campus in Olympia. We all are invited. Retired Chief Justice Gerry Alexander will host, and no doubt remind us that the roots of liberty and rule of law stretch back just 800 years, and the struggle goes on.

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