

The Influence of the "Magna Carta" on British Constitution

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Abstract. The constitutions of most countries in the world are established by specific institutions at particular historical moments after bourgeois revolutions or reforms, and therefore usually take the form of complete written codices. However, the British constitution is different, having been gradually formed over several centuries through continuous amendments and accumulation. This paper, based on previous literature and charter ordinances, delves into the influence of the "Magna Carta" on the British constitution, covering aspects such as limiting the power of the monarchy, the supremacy of law, human rights protection, and the parliamentary system. As an important milestone in history, the "Magna Carta" has made significant contributions to the shaping and evolution of the British constitutional system, defining the basic features of the British political system.

Keywords: Magna Carta; Limited Monarchy; Rule of Law; Human Rights Protection; Parliamentary System.

1. Introduction

The constitutions of most countries in the world are typically established by specific institutions at particular historical moments after bourgeois revolutions or reforms, usually taking the form of complete written codices. However, the British constitution is an exception. It was gradually formed over several centuries through continuous revisions and accumulation [1]. As such, the origin of the British constitution is not standardized by the establishment of a single written codex, but rather influenced by written constitutional laws, unwritten constitutional conventions, and case law related to the constitutional system, gradually establishing itself.

Since the Norman Dynasty, centralization has gradually increased, and the power of the monarchy has been continuously consolidated. However, this simultaneously deepened contradictions between the king and the feudal nobility [2]. In the early 13th century, upon the ascension of King John, a series of policies were adopted, including the imposition of a "scutage" on domestic residents, which increased the tax burden of British citizens. Additionally, extra taxes were levied, vassals' lands were confiscated, and the rights of feudal courts were interfered with. These measures violated traditional feudal customs and disrupted the feudal system. Concurrently, John's failures in his struggles against the Pope damaged the king's reputation, leading to widespread dissatisfaction within the kingdom. Furthermore, his repeated defeats in wars against France resulted in England losing most of its territories on the European mainland. With challenges both domestically and internationally, tensions continued to escalate. Against this backdrop, some nobles, whose interests were harmed, opposed the king's authority and gained the support of the citizens [2]. On June 15, 1215, facing the threat of armed rebellion, King John and the nobility reached a "reconciliation" and signed the "Magna Carta".

The "Magna Carta" consists of a preamble and 63 clauses, with its main content aimed at protecting the rights of the nobility and the church from royal encroachments [3]. Since its initial promulgation, this charter has undergone numerous modifications and re-promulgations. In the Middle Ages, every English king saw the re-promulgation of the "Magna Carta" as a commitment to obeying the law. Due to its multiple revisions, later generations regarded it as a written declaration of the British people's pursuit of freedom, as well as a protection of law and justice. The "Magna Carta" holds a special status in British history. While some of its fundamental principles, such as limiting the power of the monarchy, still remain, some of its content and principles have been interpreted differently as society has evolved.

Scholars generally consider the "Magna Carta" as one of the earliest elements of the British constitution, with some even deeming it as the foundation of the British democratic system [1,2,3]. As British history evolved, the British constitution gradually took shape, constituted by laws, regulations, and traditions of various eras. Born against the backdrop of feudal society, the "Magna Carta" had a profound influence on the evolution of British constitutional theory and political regime, laying a solid foundation and casting an immeasurable impact [4].

Although there have been studies analyzing the influence of the "Magna Carta" on the British constitution [1,2,3,4], few have systematically combined specific clauses for study. Therefore, this paper will delve deep into the influence of the "Magna Carta" on the British constitution by focusing on aspects such as limiting the power of the monarchy, the rule of law, human rights protection, and the parliamentary system, in conjunction with specific charter clauses and subsequent legal amendments.

2. The Magna Carta Laid the Foundation for Limiting Monarchical Power and Upholding the Supremacy of Law

After William the Conqueror's invasion of England, royal power was constantly evolving. Especially after the judicial reforms of King Henry II, the authority of the monarchy was further strengthened, and the power of the nobility gradually diminished. In that era, the king's authority superseded the law. Many issues could not be resolved without a special decree from the king. However, the signing of the Magna Carta changed this dynamic. This constitutional document clearly delineated the limitations of monarchical power and the principle of the supremacy of law, with an overarching theme of restricting the monarch's authority.

The nobles drafting the Magna Carta universally recognized that governance should not be dominated by the autocracy of an individual, and that the law must stand above the king. The charter frequently used phrases like "we shall not" and "we can only" to restrain the king's power, with the term "we shall not" appearing 13 times within the document[5]. The charter specified restrictions on the king, such as forbidding the king from demanding extra labor from knights and other free landowners; the king could not strip nobles of their land, property, and privileges without judgment from their peers and was required to restore them immediately. The king could not penalize nobles at his own discretion and could not infringe upon their personal and property rights[5].

If the king engaged in illegal actions, the Magna Carta stipulated that force could be used to compel the king to correct his behavior. For instance, the nobles could elect a special committee of 25 members responsible for overseeing the enforcement of the Magna Carta. If four members of this committee found that the king or his ministers violated the charter's provisions, they should immediately request the king to rectify it. If no correction was evident within 40 days, these four members should report to the 25-member committee. After receiving approval from the majority of the committee, they could join the general public in taking any measures, including seizing the king's castles, lands, and properties, to force the king to rectify his errors[5]. This provision aimed to transfer the judgment of whether the law was breached from the king to a committee independent of royal power, essentially establishing a regular power oversight mechanism, ensuring the king abided by the law and using force as a last resort. It reflected the constitutional principle that citizens had the right to compel the king to obey the law.

This legislation had a profound influence on subsequent English constitutional governance. In 1258, led by Simon de Montfort, Earl of Leicester, a group of nobles convened the Oxford Parliament and drafted the Provisions of Oxford to ensure the regular convening of the parliament, making it a forum for national opinions, and to place the king under its oversight. In comparison to the Magna Carta, the Provisions of Oxford were more detailed and specifically emphasized the rights and interests of the resident community, signifying substantial progress. This regulation deeply impacted the evolution of English constitutional governance, laying the groundwork for the establishment of the parliamentary system and a decentralized political framework.

In summary, the Magna Carta's restriction on monarchical power marked the triumph of law over despotism. It established the idea of limited power, emphasizing that law stands above power and monarchy. This historical event inspired the concept of limited government. Limited government means that the power, functions, and scale of the government are strictly constrained by law. Precisely because the government is subordinate to the law, its powers are limited, ensuring the further protection of the rights of ordinary free individuals.

3. The Magna Carta: The Beginning of Human Rights Protection

The Magna Carta was not just about safeguarding the rights of the great nobles; it also defended some rights of ordinary free people. Firstly, the Magna Carta recognized the freedom of the church, subjects, and cities. For example, it ensured the freedom of the English Church, preventing the king from interfering in ecclesiastical affairs and protecting the church's rights from being violated. Additionally, it prohibited anyone from being illegally detained or deprived of their liberty, except according to the law and the judgment of the court. It also guaranteed that English cities and citizens could enjoy their traditional rights and freedoms, including inheriting and maintaining their customs and privileges, free from illegal interference[5].

Secondly, the Magna Carta explicitly stated the inviolability of subjects' property rights. It specifically detailed inheritance rights, rights to debts, and protections for debtors, limiting actions infringing upon property. For instance, the king's officials, such as sheriffs, bailiffs, and law enforcement officers, could not forcibly levy anyone's grain or other properties. They also could not seize any horses or carriages for transportation purposes or commandeer timber for the construction of castles or for private purposes. Nobles were prohibited from levying tributes from free citizens. Those who provided knightly service and held fiefs or other free lands were not to be forced into additional labor. Furthermore, the king was prohibited from imposing exorbitant inheritance taxes, levying taxes unreasonably, or arbitrarily detaining or depriving subjects of their property without due process[5].

Moreover, to ensure the realization of the aforementioned rights, the Magna Carta confirmed that free citizens have procedural rights to a trial and fair judgment. It decreed that the king could not obstruct or delay people's access to the courts, ensuring that everyone could be tried according to the law. The king could not withhold or delay trials but had to ensure they proceeded as swiftly, fairly, and legally as possible[5].

Additionally, there was a strong emphasis on the protection of families, women, and children, with at least ten specific provisions. For example, upon the death of a husband, a woman should not face oppression and should be allowed immediate access to her dowry and inheritance. Widows who chose to remain unmarried could not be forced to remarry. To protect the interests of children, provisions were made for inheritance and guardianship. Whether or not there was a will, the handling of estates was clearly defined. Even if the deceased had debts, sufficient inheritance should be retained for the use of his wife and children[5].

In conclusion, the Magna Carta was the first constitutional document in history that laid out the freedoms of the subjects. It propagated the concepts of human rights and freedom among the common people, pioneering the protection of human rights and having profound global implications. Emphasizing the principle of human rights, it laid the foundation for British political and social systems, becoming a crucial element of the rule of law and the judicial system.

4. The Magna Carta and the Establishment of the Parliamentary System

The parliamentary system is an integral part of the British constitution, and the Magna Carta played a pivotal role in its establishment. Initially, the Magna Carta laid the legal groundwork for the emergence of the English Parliament. In its early days, the English Parliament consisted of bishops, earls, and other nobles and served merely as a consultative body to the king, with the monarch's will

dominating its proceedings. The Magna Carta transformed this assembly's character. Article 14 of the charter stipulated that, apart from the customary levies, if the king wished to collect taxes or duties, he must issue a royal edict, sending it to major bishops, abbots, earls, and prominent barons, specifying the time and place for a national consultation. This effectively proclaimed the principle that major national issues should be decided in consultation with the people [5]. This provision gradually established the principle of "consultation with the nation through Parliament." The Parliament progressively gained the power to intervene and influence government decisions. For instance, when King Henry III did not strictly adhere to the Magna Carta's promises, he faced Parliament's discontent. When he sought the assembly's support for expeditions to the continent and Scotland, the Parliament did not immediately respond positively but demanded that the king first demonstrate his commitment to the Magna Carta. They also sought detailed plans of the expeditions before considering aid. Thus, Henry III had to postpone his expeditions until he secured parliamentary support.

Additionally, Article 61 of the charter stipulated that the British people could even resort to force to compel the king to adhere to the law [5]. Throughout British history, there were indeed instances where citizens, including knights and city dwellers, took up arms multiple times against kings who violated the law. These groups formed a distinct class and joined the Parliament. The active participation of these citizens and knights in Parliament contributed to its refinement and a more rational distribution of state power [6], weakening the monarchy and strengthening Parliament. Hence, the Magna Carta solidified Parliament's critical position in the British constitution.

Furthermore, the Magna Carta provided a legal foundation for Parliament's taxing authority. Following the 12th century, given the increasing complexities of domestic governance and frequent external wars, government expenses grew. The personal income of the king was insufficient to cover these expenses, necessitating coercive taxation through meetings, leading to tensions between societal classes. The aforementioned Article 14 clarified that taxation must have the national citizens' consent, legally anchoring the Parliament's right to tax [5]. In 1297, King Edward I issued the "Confirmation of Charters," changing the requirement from "must be agreed by all citizens" to "must be approved by Parliament." From the 14th century onward, Parliament employed the Magna Carta to further expand its taxing rights, even influencing royal decisions. For example, the king couldn't tax wool exports without parliamentary consent. Subsequently, tonnage and poundage taxation rights also fell under Parliament's control. By continuously exerting pressure until the late 14th century, Parliament further entrenched its taxation rights, laying the groundwork for the establishment of the modern British constitutional system [6].

In conclusion, while the Magna Carta did not establish the parliamentary system itself, it provided foundational principles and a backdrop for the evolution of Britain's political structure, aiding the gradual formation and development of the parliamentary system. By the 14th century, the joint participation of nobles and knights in Parliament became the norm, with even city freemen joining the ranks. Ultimately, Parliament emerged as one of the pivotal institutions in the British political framework.

5. Conclusion and Discussion

Although the Magna Carta is essentially a feudal contract rather than a comprehensive constitutional document, it laid the foundational principles and values for the evolution of the British constitution. These encompass the limitations on royal power, the supremacy of law, protection of human rights, and the development of the parliamentary system, all of which are fundamental elements of constitutional development. Through an analysis of previous studies and the charter's clauses, this paper finds that the Magna Carta restricted the power of the king and provided support for the concept of checks and balances. It emphasized that the monarch should not abuse his power and needed to consult with other institutions, paving the way for the development of the parliamentary system. The Magna Carta underscored the rights of free men, including the right to trial and fair judgment,

inheritance, property, and protection from unlawful detention. These rights have been further developed and upheld in the British constitution. The Magna Carta also established principles concerning taxation, highlighting taxpayers' rights to have a say in tax policies. This influenced the subsequent balance of financial powers and parliamentary oversight of fiscal policies. Thus, the aforementioned principles and values of the Magna Carta have inspired subsequent constitutional developments and even influenced the constitutional and political constructions in other Western countries.

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