



Written by [Joe Wolverton, II, J.D.](#) on June 15, 2019

## Happy Anniversary, Magna Carta!

June 15 marks the anniversary of the signing of the Magna Carta at Runnymede, England. The “Great Charter,” now more than 800 years old, contained an enumeration of liberties considered so fundamental by the noblemen who drafted it that they placed those liberties beyond the prerogative of the king.



Colonists in America would look to that list of liberties as justification for their vehement opposition to the policies and privations of King George III.

Thomas Jefferson used the Magna Carta as source material for his “long train of abuses and usurpations” delineated in the Declaration of Independence. John Adams claimed that the king violated the Magna Carta [“thirty times.”](#)

A decade before the Declaration was delivered to an outraged George III, the ill-fated though imminent lawyer James Otis delivered [a famous speech](#) in a case challenging the general writs being issued by George’s father and executed upon the American-born Englishmen in Boston.

Otis pointed to the Magna Carta as a source of rights enjoyed by Americans as the descendants of those whose liberty was protected from tyranny. Specifically, Otis invoked paragraphs 12 and 63 of the [Magna Carta of 1215](#).

Paragraph 12 forbids the king from levying any tax on the people without their “common counsel.” This provision would be reworked into the most famous phrase of the rebellion in America: “No taxation without representation.”

The final paragraph of the Magna Carta declares that all Englishmen “have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places forever, as is aforesaid.”

Americans considered themselves to be the heirs of those alive in 1215 and they considered 560 years to be included within the “forever” time limit put on the life of the enjoyment of those liberties, and they considered the British colonies in America to be included in the “all places” clause of Paragraph 63, as well.

Simply put, Americans believed that they were being routinely deprived of rights that they and their ancestors had been taught for centuries had no expiration date. Furthermore, the Magna Carta expressly granted Englishmen put in such a position by a tyrant the authority to consider any such acts to be “void and null,” as set out in Paragraph 61.

As historian Simon Schama explained in his BBC television documentary series *A History of Britain* broadcast between 2000 and 2002, Englishmen did not consider the Magna Carta as the “birth certificate of liberty,” but rather as the “death certificate of despotism.” This was a view shared by the generation of Englishmen that would become the American Founding Fathers.



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While admittedly the concessions obtained from King John by the barons in 1215 had more to do with their baronial privilege than with the rights of of common Englishmen, the principle upon which these prerogatives were established was of immeasurable importance to everyday Englishmen in 13th century England and to their posterity in 18th century America. That principle is known as the rule of law.

The rule of law basically requires that both the governors and the governed are bound by the same dictates of natural law, that all men are created equal, and that not even a king can place himself above the ultimate sovereign — God, who is the source of all truth and gave unto men their agency.

In 2015, 800 years after the June 15, 1215 signing of the Magna Carta, celebrations were held on both sides of the pond to commemorate this seminal document in the dossier of liberty.

More important than spectacles and speeches, however, would be a rededication by modern Americans to pledge our “lives, fortunes, and sacred honor” to the restoration of the rule of law as the guiding principle in the Republic whose liberty our Founders sacrificed so much to secure.

*This article, slightly edited to bring it up to date, was originally published on June 4, 2015 under the title, “1215 Magna Carta: Rule of Law and Death Certificate of Despotism.”*



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