

## The Magna Carta- 1215

Under the feudal system, it became a custom or tradition for the royalty to share some of its powers with the nobility. As a result, the nobles became used to having certain rights and powers. When King John tried to take back some of these rights, the nobles rebelled.

The nobles were powerful enough to force the king to sign an agreement with them. This agreement, signed by King John in 1215, became known as the **Magna Carta** or Great Charter. It said that the nobles would obey the king only as long as he protected their rights.

The Magna Carta was a major step in the growth of English constitutional government. It contained two very important ideas.

1. Governments are based on an agreement or contract between the ruler and people to be ruled. In the case of the Magna Carta, this was a contract between the king and the nobility.

Most of the people in England were not a part of this agreement. But it was an early step in establishing the idea that government should be based on a contract which includes all the people. You may recognize this as the same idea as the social contract discussed hundreds of years later by the natural rights philosophers.

A government by contract means that both sides of the agreement are responsible for fulfilling its terms. In the Magna Carta, the king was responsible for not depriving the nobility of their rights. The nobility, in turn, was responsible for supporting the king and obeying the laws of England.

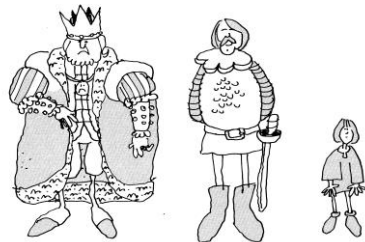
A government by contract also includes the idea that if either side breaks the contract it is no longer valid.

2. The Magna Carta also includes the idea of the rule of law. This means that both the government and the governed must obey the law. The law limits the powers of the government. For example, the king could not take away the property of a noble without following agreed-upon procedures and rules.

The rule of law also meant that if the king broke the laws, the nobles had the right to overthrow him. They could place a new king on the throne. This idea became part of the natural rights philosophy. It is also included in our Declaration of Independence.

The early English customs and traditions, and the Magna Carta protected certain basic rights. These rights were not given to all the people of England. Men who owned property were given far more rights than other people. Men without property, and women and children had fewer rights. However, the Magna Carta was an important step in protecting the rights of the people and limiting the power of the government.

**What changes occurred  
in the distribution  
of power when the  
Magna Carta was signed?**



## THE MAYFLOWER COMPACT

IN THE NAME OF GOD, AMEN. WE WHOSE NAMES ARE UNDERWRITTEN, THE LOYAL SUBJECTS OF OUR DREAD SOVEREIGN LORD, KING JAMES, BY THE GRACE OF GOD, OF GREAT BRITAIN, FRANCE AND IRELAND KING, DEFENDER OF THE FAITH, ETC.

HAVING UNDERTAKEN, FOR THE GLORY OF GOD, AND ADVANCEMENT OF THE CHRISTIAN FAITH AND HONOR OF OUR KING AND COUNTRY A VOYAGE TO PLANT THE FIRST COLONY IN THE NORTHERN PARTS OF VIRGINIA, DO BY THESE PRESENTS, SOLEMNLY AND MUTUALLY IN THE PRESENCE OF GOD, AND ONE ANOTHER, COVENANT AND COMBINE OURSELVES INTO A BODY POLITIC, FOR OUR BETTER ORDERING AND PRESERVATION AND FURTHERANCE OF THE ENDS AFORESAID: AND BY THE VIRTUE HEREOF TO ENACT, CONSTITUTE AND FRAME SUCH JUST AND EQUAL LAWS, ORDINANCES, ACTS, CONSTITUTIONS AND OFFICES FROM TIME TO TIME, AS SHALL BE THOUGHT MOST MEET AND CONVENIENT FOR THE GENERAL GOOD OF THE COLONY: UNTO WHICH WE PROMISE ALL DUE SUBMISSION AND OBEDIENCE.

IN WITNESS WHEREOF, WE HAVE HEREUNDER SUBSCRIBED OUR NAMES AT CAPE COD, THE 11 OF NOVEMBER, IN THE YEAR OF THE REIGN OF OUR SOVEREIGN LORD KING JAMES; OF ENGLAND, FRANCE AND IRELAND THE EIGHTEENTH, AND OF SCOTLAND THE FIFTY-FOURTH. ANO. DOM. 1620.

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Period: \_\_\_\_\_

## The Establishment of Parliament

Important changes in the English government resulted in the establishment of other basic ideas you have studied. These are the separation of powers and the beginning of representative government. In 1258, the nobles forced King Henry III to create a new council called Parliament to advise the monarch. Parliament was made up of two houses which represented the most powerful groups in the kingdom. The House of Lords represented the nobles. The House of Commons represented people who owned large amounts of land but were not members of the nobility.

For hundreds of years after the creating of Parliament, the royalty, nobility, and commons struggled for power. No one group was able to control all the power for very long. The struggle became so intense during the 17<sup>th</sup> century that a civil war resulted. The nobles won and in 1649, Parliament ordered the execution of the king. By the time of the Glorious Revolution of 1688, the balance of power had shifted in favor of Parliament.

## The English Bill of Rights- 1689

In 1689, Parliament passed an important law, the English Bill of Rights. This law gave certain rights to Englishmen and further limited the powers of the monarch. The Bill of Rights gave Parliament the balance of power in the English government.

What did the Bill of Rights guarantee? It said that elections to Parliament must be free and that the people have the right to keep and carry weapons. It said that kings and queens were not allowed to:

- collect taxes without the consent of Parliament
- interfere with the right to free speech and debate that went on in Parliament,
- maintain an army in times of peace (since it might be used to take over the government).
- require excessive bail or administer cruel punishment for those accused or convicted of crimes,
- declare that laws made by Parliament should not be obeyed.

By the end of the 17<sup>th</sup> century, the British government became increasingly limited in what it could do. During this same period, the government was establishing colonies in North America. The colonists brought with them the English system of constitutional government.

## Common Sense- 1776

In these excerpts from the famous pamphlet *Common Sense*, Thomas Paine makes the case for independence from Britain. The alleged benefits of British rule, Paine asserts, are actually liabilities; he cites unfair trade policies and American entanglement in Britain's foreign wars. Published anonymously on January 10, 1776, the work spread quickly through the colonies (120,000 were said to have been distributed within three months), and went on to become one of the most famous documents of the American Revolution.

*In the following pages I offer nothing more than simple facts, plain arguments, and common sense. . . .*

*I have heard it asserted by some, that as America has flourished under her former connection with Great-Britain, the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert that because a child has thrived upon milk, that is never to have meat, or that the first twenty years of our lives is to become a precedent for the next twenty.*

*But she has protected us, say some. . . . We have boasted the protection of Great Britain, without considering, that her motive was interest not attachment. . . . Small islands not capable of protecting themselves, are the proper objects for kingdoms to take under their care; but there is something very absurd, in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet, and as England and America, with respect to each other, reverses the common order of nature, it is evident they belong to different systems: England to Europe, America to itself. There is something absurd, in supposing a Continent to be perpetually governed by an island. . . .*

*Europe is too thickly planted with Kingdoms to be long at peace, and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin, because of her connection with Britain. . . . The next war may not turn out like the last, and should it not, the advocates for reconciliation now will be wishing for separation then, because neutrality in that case would be a safer convoy than a man of war. Every thing that is right or reasonable pleads for separation.*

*The Sun never shined on a cause of greater worth. 'Tis not the affair of a City, a County, a Province, or a Kingdom; but of a Continent — of at least one-eighth part of the habitable Globe. 'Tis not the concern of a day, a year, or an age; posterity are virtually involved in the contest, and will be more or less affected even to the end of time, by the proceedings now.*

*Where, say some, is the king of America? I'll tell you, Friend, he reigns above, and doth not make havoc of mankind like the royal brute of Great Britain.... So far as we approve of monarchy. . . in America the law is king. . . . A government of our own is our natural right. . . . Ye that oppose independence now, ye know not what ye do: ye are opening the door to eternal tyranny. . . .*