

***“Magna Carta and its Importance  
to our Legal Service”***

Sir Robert Worcester<sup>1</sup>

**Introduction**

It is a great honour to be invited to take part in this Keith Tucker Lecture Series which have in the past been given by such a distinguished group of predecessors, Lord Chancellors, Speaker of the House of Commons, DPPs Law Society Chairmen and Bar Council Presidents. It is held in conjunction with the Law School here at the University of Kent. You honour me by your invitation for me to speak, and you honour Magna Carta by your chosen topic of this meeting.

The first time I saw Magna Carta I was seven years old, in 1940, at the New York World’s fair. On my first visit to Britain, in 1957, on my first day in London, I went straight after breakfast to the British Museum to see two things: Magna Carta and the Rosetta Stone. These, to me, represented the two icons of civilised society: the rule of law and communication between peoples of the world.

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, is the Master of the Rolls, head of the civil law in the United Kingdom. I serve as Deputy Chairman of the Trust.

It was the Master of the Rolls, ex officio the Chairman of the Magna Carta Trust, who invited me to chair the Magna Carta 800<sup>th</sup> Anniversary Commemoration and the Trust who voted to endorse the appointment. Over the past several decades on the Magna Carta Trust I have had the privilege of working under six distinguished lawyers, beginning with the late, great, Tom Bingham, then Harry Woolf, Nick Philips, Tony Clarke, David Neuberger, and now John Dyson, hugely talented, very different in character and personality, but all crisply intelligent.

When Tom Bingham’s wonderful book, *The Rule of Law*<sup>2</sup>, was published, he inscribed it for me with the following: “*Bob, with warmest regards (& a shared interest, I hope, in pp 10-13).*”

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Of course, I immediately looked to page 10. I read: *“My point of embarkation is Magna Carta. Everyone has heard of the Great Charter. Some have set eyes on one or more of the three surviving (sic) originals in the British Library or Salisbury or Lincoln.”* And went on to explain it is difficult to decipher, it is in Latin, and even in translation in terms of chapters 39 and 40 have the power to make the blood race. He then quoted Articles 39 and 40. Everyone here I trust knows them, which I ‘short hand’ to ‘due process’, fair trials and ‘justice delayed (or sold, for heaven’s sake) is justice denied’. Everyone didn’t know them, fair to say, on this past Sunday when at the annual High Sheriff’s Justice Service in Rochester Cathedral, so they were read out, in full.

Tom went on to say that they are words which should be inscribed on the stationery of the Ministry of Justice and the Home Office, in place of the rather vapid slogans which their letters now carry.

He wrote: *“...the sealing of Magna Carta was an event that changed the constitutional landscape in this country and, over time, the world.”* It certainly has.

### England 1215

Then, in England there was no freedom of speech; to speak out against the King was treason; the penalty for treason was likely to be beheaded, drawn and quartered, and your body parts distributed and your head on a spike. That was if you were lucky. Common folk were just hanged and thrown into an unmarked grave.

Divine right to rule was the rule of the day in medieval times. There was no freedom of assembly, no right to enter or leave the kingdom without the sovereigns’ permission, or to come or go if he cared to exercise his ‘right’, as every movement, every meeting, every dispute, every deer killed in the forest, every fish taken from the sea or river, every wedding, every burial, every act of any person was subject to the whim of the king. The land was all owned by the king.

There are many who point out that the Charter agreed on the 15<sup>th</sup> of June 1215 was primarily a peace treaty. It was more than that however, it was licence to speak openly and honestly, to assemble, even to make laws that even the king must obey, stems from the ‘strings’ that were attached to that peace treaty.

Magna Carta was the beginning then that “We, the people...” had “Rights”.

How much do you know about Magna Carta? Hands up, those who think that it affected everyone in the land? That it spoke to women’s rights? That there were protections for children’s rights? That it invented the pint of ale as we know it today? There are many myths which abound about The Great Charter. Let me tick a few boxes:

- The English Church had “Rights”: Article 1 in Magna Carta; *the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired.*

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<sup>2</sup> Bingham, Tom; *The Rule of Law*, London, Allen Lane, 2010.

- Children had rights, at least some did... e.g. Articles 2 & 3. Where heirs' payment to inherit property... if under age 'shall have his inheritance without a fine'.
- With rights came responsibilities for heirs' guardians...Articles 4 & 5. The Guardian of the land of heir who is under age 'shall take from it only reasonable revenues...without destruction or damage to men or property...'
- Women had rights; at least a few did...Articles 7 & 8. "No widow shall be compelled to marry, so long as she wishes to remain without a husband."
- Even debtors had rights...Article 9. "So long as the debtor has movable goods to discharge the debt...neither we nor our officials will seize any land or tent in payment of a debt"
- But not Jews, not at least in 1215...Articles 10/11 But they did by 1225, when a revised Magna Carta was issued and became, by 1297, English law.
- Other slices of society are given rights as well:
  - debtors
  - litigants,
  - travellers,
  - merchants,
  - consumers, yes, at Article 35, with the introduction of standard weights and measures of cloth, of wine and ale ("a pint was invented on 15 June 1215" Jonathan Neame, Chief Executive, Shepherd Neame Brewery).

Others say Magna Carta only affected the elite of society and neither serfs nor slaves had any rights at all, nor did women. Clearly they either haven't read it, or deliberately disregard what they've read.

### The World: 2015

During this year of Magna Carta there are we estimate over 1,000 activities in over 50 countries commemorating the principles of Magna Carta, in Chile, Argentina and Brazil, in South Africa, Botswana, and Kenya, in Morocco, Malaysia, India, yes here today, in Amiens and Paris in France, in Germany, Italy and even in Qatar.

Prior to the sealing of Magna Carta, after a civil war between the forces of the Barons and the King, it was primarily a peace treaty, but with strings attached.

The peace treaty failed as King John failed to live up to his promises. King John's seal on Magna Carta was not worth the paper (parchment actually) it was printed on. This led to the second Baron's war, and King John's death a year later.

Although the peace treaty failed, the 'strings' lived on, with the reissuing of the 1215 agreement which was reissued in 1216 under the seal of the guardian of the nine year old son of King John, Henry III and reissued under his own seal in 1225.

**There's been a huge amount of publicity about the 800<sup>th</sup> anniversary of Magna Carta. One newspaper editorial said: *"Someone once said that there is nothing as strong as an idea. That aphorism could well be applied to the origins of Magna Carta.***

*"It is a document forced out of the King of England in an epic showdown at a time when the King was master of all he surveyed, was above the law and was source of executive and legislative functions.*

*"The confrontation which took place almost 800 years ago may seem far removed from us but the truth is that the ideas planted by the actions of that brave collection of barons were as powerful as they were dangerous..."*

*"...the idea that even a monarch could be subject to the law of the land survives as a beacon of light which inflames the democracy that we practise to this very day."*

**That editorial was not written in Dayton or Detroit, or London or Liverpool, or Shanghai or in Guangzhou, but in Barbados on the 2<sup>nd</sup> of June 2015.**

**Magna Carta now touches the lives of nearly two billion people in over 100 countries throughout the world. For centuries it has influenced constitutional thinking worldwide including in many Commonwealth countries, even in France, Germany, and Japan, Poland and Italy, and almost all of Europe, and throughout Asia, Latin America and Africa.**

**Thank you.**

**Attachments:           Book Slides  
                              Survey Results**