



Maria Sofia Corciulo
Opening speech London ICHRPI 2015

Magna Carta Libertatum (and my mentor, Antonio Marongiu, never stopped insisting on “Carta” without the “h”), whose eight-hundredth anniversary we are celebrating here today, has always been surrounded by a sort of myth, created by the great literature of nineteenth-century English Romanticism (Sir Walter Scott and his *Ivanhoe*, for one). Within this myth, the Magna Carta shone as the founding document of a straight-line path of freedom, which through William of Orange’s Glorious Revolution, laid the groundwork for our future Parliamentary democracy.

With the Magna Carta, the sovereign who “graciously” granted it – John Lackland, son of Henry II and Eleanor of Aquitaine – limited his royal prerogatives with respect to the feudal aristocracy.

Some historical clarifications will help us frame the events of those times, allowing us to understand the historical context in which they were set.

This sequence of events has its background not only in English history, but in French history as well.

With their vast fiefs in France, the kings of England were vassals of French King Philip II (Philip Augustus), who had inherited from his father Louis VII a kingdom consolidated by the reorganization of government apparatus. John, who had sought to dethrone his brother Richard the Lionheart, ascended to the throne upon Richard’s death (1199); through his irresponsible policy, he managed to make enemies of the lay nobility and the church hierarchies, from which he confiscated assets, thus earning excommunication from Innocent III, with whom – fearing the worst – he later made peace.



John's inability to keep order in the English kingdom led the French sovereign to declare him guilty of "felony" (a crime that subjected him as a disloyal vassal to forfeiture of possessions), thus dispossessing him of his feudal rights.

To repel Philip Augustus's accusations, John had no choice but to resort to arms: and he did so by allying with Otto IV of Brunswick, a pretender to the imperial crown, against Frederick of Swabia (the future Emperor Frederick II), the Pope's favourite candidate, who had taken the field alongside the king of France.

This Franco-Anglo-Germanic European war ended on 7 July 1214 with the battle of Bouvines, a town not far from Lille (as recounted in Georges Duby's excellent book).

The English sovereign was then forced to pay feudal homage to Philip Augustus, and to bow before the rebellious barons led by the Archbishop of Canterbury Stephan Langton, recognizing all those prerogatives and *libertates* of both the Church and the lay nobility that he had attempted to violate.

In particular, he had to give up the right to levy new taxes without the consent of his nobles meeting in a *Magnum Consilium* (defined as *Parlamentum* starting 1242) and to accept that, at trial, they would be judged by a court of their peers.

Therefore, in juridical terms, the Magna Carta represented the re-establishment and guarantee of the ancient customs violated by the King.

As has occurred on other occasions in English history, revolutions break out not in order to violently change the established order but, to the contrary, to restore it when it is violated by incautious sovereigns (as the Stuarts were to be, for example).

The French Crown, with its strong impetus towards centralizing powers and with the consequent subjection of feudalism, laid the foundations for the modern state, from which, through the French Revolution, it was to attain democracy.

In the English kingdom, on the other hand, the historical and institutional path was a different one: the sovereign, bowing to the traditional rights claimed by the barons,



maintained and consolidated the characteristics typical of “bourgeois” freedoms. These, too, were to lead to democracy, following a path that, although perhaps less interesting from the standpoint of historiography, was certainly less bloody and violent.

In my opinion, this is the immeasurable value of the institutional order established 800 years ago by Magna Carta Libertatum.