

## **VII. The Tradition of English Liberty**

### A. The Magna Carta and the Birth of Constitutional Monarchy (1215)

1. Like other European areas after the fall of Rome, England fell into a Dark Age, and its tribal people slowly organized themselves into a primitive monarchy.
2. As happened everywhere else throughout history, kings were corrupted by power and became tyrants, requiring the people to rise up in periodic rebellions to restore a better life with a new monarchy. Without an injection of new ideas, the pattern simply repeated, however, in an endless cycle.
3. Finally, in 1215, English lords took a positive step that would begin a slow climb towards freedom.
  - a) King John of England was engaged in a struggle with the French king over his lands in France. (This was merely one chapter of that never-ending argument that eventually led to the Hundred Years' War.)
  - b) Having lost Normandy, John intended to summon his lords to war and tax them to support his cause, but he had pushed them too far. They rebelled in a "Baron's War" and captured him.
  - c) They then forced John to sign a charter that said that he would consult with the lords in a "common council" before imposing any taxes.
4. By itself, this step was not revolutionary, but it did create a situation where the power of the king was limited by a set of laws (the charter). *That* in fact proved to be a powerful idea: *the king is not above the law*.
5. In ancient Athens, the idea of having a king had been rejected outright in favor of having a government where the people vote to make the laws (democracy). In ancient Rome, the idea of a king was also rejected, in favor of a set of laws—a constitution—that limited the power of the government and protected people's rights (republic). The English approach was a compromise. Monarchy was retained, but the power of the king was now limited by a set of laws. This is called "constitutional monarchy."
6. Because the charter of 1215 represents the birth of constitutional monarchy, and the beginning of an important chapter of the story of liberty, it is known as the "Great Charter," or, especially, by its Latin name, the *Magna Carta*.

### B. The First Parliament

1. Constitutional monarchy was always a delicate balance. On the one hand, the kings were never satisfied with their power and tried to expand it. On the other, the lords, and later the whole of the people, wished to have their freedom. This led to repeated clashes.
2. John and his successor Henry III both rebelled against the Magna Carta, and in a new struggle in 1265, one of the lords, named Simon of Montfort, leading the fight against

the king, called the people to elect an assembly of representatives to support the cause against tyranny. This was called a “parliament.”

3. This proved to be an important way to manage the balance of a constitutional monarchy. Over time, some kings themselves called parliaments, to show they were benevolent rulers. Other times, rebellions were needed again. But having an assembly that contributed to the making of laws and that sometimes opposed the king’s plans proved to be a relatively good way of preventing tyranny.

### C. Liberty Transplanted

1. No other country in Europe had innovated a constitutional monarchy. Had North America been colonized solely by Spain and France, it would be impossible to imagine the eventual birth of a United States of America. It was only because the tradition of English liberty was transplanted to America that the United States came to be.
2. By the time colonization began, the kings of England were back in an usually strong position of power. James I (after whom Jamestown is named) and his son Charles I believed in the “divine right of kings,” and were such tyrannical kings that English fell into a Civil War and Charles I was killed by Puritan rebels led by Oliver Cromwell.
3. Meanwhile, the early colonies in America, with an ocean between them and the power of the kings, were largely able to manage their own affairs. With the success of the Virginia colony assured, the first parliament was held in the Americas in 1619. It was called the Virginia House of Burgesses.
4. The tradition of “self government” by colonists would continue until the American Revolution. Again, however, there was a delicate balance between the expectation of freedom by Englishmen in America and the desire for power by the kings of England.
5. By the end of the Colonial Wars, the king of England, George III had reached a new aspiration. His empire was *global*. He expected the colonists to be loyal subjects and submit to the authority of the king.
6. In the coming *American Revolution*, the Founding Fathers would build on the tradition of English liberty — the tradition of limiting the power of the kings through laws and parliaments — and finally decide to adopt the ancient historical example of Rome to build a government without a king at all.