

10 The Rights of Englishmen

It was during King John's reign that Robin Hood was said to have lived in England's Sherwood Forest, robbing the rich to help the poor. The rhyme on this page is from an anonymous old English ballad.



King John tried to make the barons pay for his wars. They didn't like that at all.

*An ancient story I'll tell you anon,
Of a notable prince, that was called King John
He ruled over England with main and might,
But he did great wrong, and maintained little right.*

Just what were those English rights the Americans kept demanding for themselves?

To understand that you need to know there was a time when kings in England could do anything they wanted to do: they could kill people, or take all their land and money, or lock them in dungeons and keep them there.

In 1628, Parliament adopted a Petition of Right that condemned unlawful imprisonments and said there should be no tax "without common consent of parliament." (The American colonists believed they should have those same rights.) In 1689, Parliament adopted a Bill of Rights. Among other things, it banned excessive bail and cruel and unusual punishment. Americans would want—and get—those guarantees too.

Some English history will help you understand. Way back in the 13th century, in England, there was a wicked king named John. King John believed he should have total power over everyone. He is said to have arranged for the murder of his own nephew, Arthur, to make sure he would never be king. John even quarreled with the Pope (who was head of the Catholic church and lived in Rome, in Italy). The Pope finally got so angry he closed all the churches in England. That was bad news, especially at a time when the Roman Catholic church was the only Christian church in much of Europe. With the churches closed, no Christian child could be baptized, no one could be legally married, and the dead could not be given a proper burial. Finally the Pope threatened to put another man on the throne of England—popes were powerful enough to do that then—and the king gave in.

But John was a mean sort, and now that he wasn't fighting the Pope he started picking on the English landholders, especially the barons and other noblemen. John, you see, felt that kings had been put on earth by God for men and women to serve.

This copy of Magna Carta was handwritten 100 years or so after the barons forced King John to agree to it. John Gutenberg's printing press didn't arrive for another 100 years, in the mid-15th century.

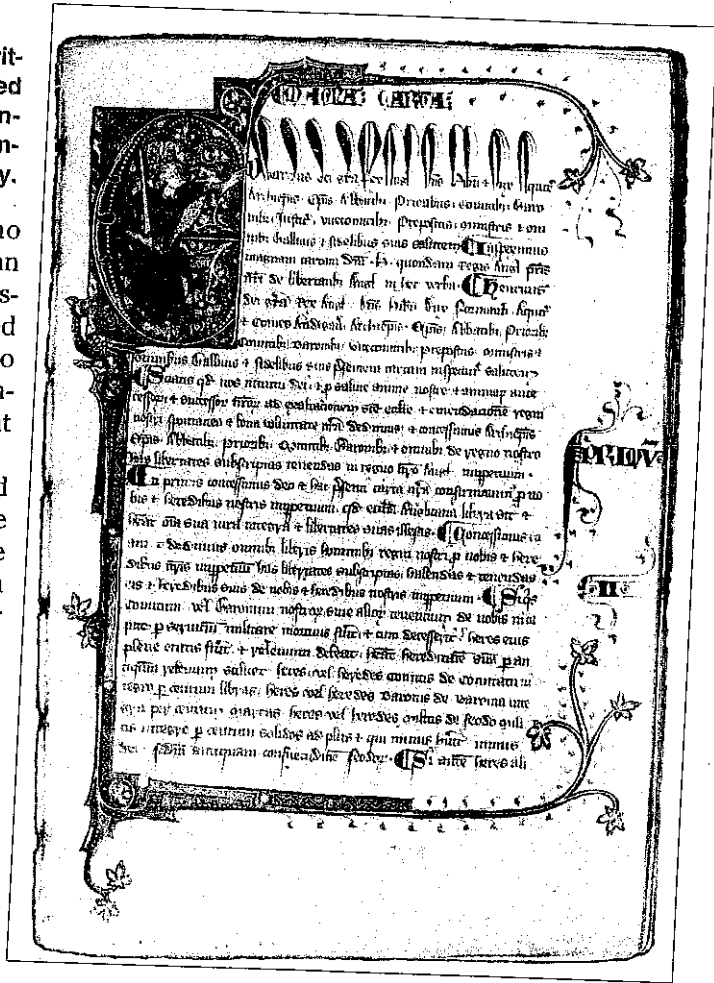
At last the barons could stand no more. In 1215, they captured King John and took him as a prisoner to a tiny island in the Thames (TEMZ) River called Runnymede. There they forced him to sign an agreement that gave Englishmen some basic rights. (No one thought much about women's rights then.)

The agreement said the king could not take land and money from people without Parliament's permission. The agreement also said that no person could be put in jail unless he had a fair trial "by the lawful judgment of his peers, under the law of the land." It granted other rights, too. The idea behind that great agreement was that the king's power brought responsibilities. After King John signed his name at Runnymede, kings were no longer free to do anything they wanted.

It was the lords and the wealthy landowners who made the agreement with the king, and they were the ones who, at first, benefited most, but it turned out to be a big step forward for all people. (Before long, men and women were saying that kings were meant to serve the people, not the other way around.)

That document was written in Latin, and its name means great charter; in Latin that is *Magna Carta*. I don't expect you to remember many historic dates, but try to remember 1215. That year is important to people all over the world. Magna Carta is one of the world's greatest documents of freedom. It provided the foundation for many of the rights we enjoy today.

Another very important right the English got for themselves is called "the right of habeas corpus." Now *habeas* and *corpus* are two more Latin words. You might be able to guess that *corpus* means "body." It's similar to our word for a dead body—a corpse. In Latin



Peers are equals, people just like you. Your classmates are your peers. The English barons' peers were other barons.



King William and Queen Mary. She was the niece of Charles II, who gave William Penn the land that became Pennsylvania.

You can read more about the Glorious Revolution in Chapter 37 of Making Thirteen Colonies, Book 2 of A History of US.

corpus just means a body—dead or alive. And *habeas* means “have,” so *habeas corpus* means “have the body.” That is what the police must do if they arrest you. They can’t lose you (and your body) in a jail. They used to do that. In the old, old days someone could get arrested and thrown in jail, and no one would tell him what he had done wrong. Sometimes the police arrested the wrong person. Sometimes a person got put in jail, and everyone forgot he was there. Sometimes he died in jail without ever knowing why he had been arrested.

If ever you are arrested, the first thing to do is ask for a “writ of habeas corpus.” Then you will be brought before a judge, and he will tell you why you are being held. If there is no good reason for your arrest, you can go home. That is a very important right! In many countries today, people still get thrown in jail for no good reason.

Another English right guarantees that your own words can’t be used against you in court. Does that sound silly? Why would you say bad things about yourself? Well, if you were tortured you might. You might even say you did something that you didn’t do, just to stop the torture. So that, too, is a very important right.

Now, on with history: the English kept adding to their rights and then, in 1688, something revolutionary happened. That something was called the Glorious Revolution, because Parliament got King William and Queen Mary to sign a Bill of Rights that made Parliament more powerful than the king and queen. Since Parliament represented the English people, the people were now more powerful than the monarchs! (Well, maybe not more powerful, but they were headed in that direction. England was on the road to constitutional monarchy.)

All this was especially glorious because no one’s head got chopped off during the Glorious Revolution (as had King Charles I’s head in 1649).

The English people were very proud of the rights they had won. They had a right to be proud. The American colonists expected those same rights. They were right to insist on them.

The Americans thought of themselves as English citizens living in the colonies. They believed that English rights were their rights. Then things happened that made them think they were losing their precious rights, so they went to war. After the war they wrote a great constitution. It gave the American people basic English rights,

and then went even farther and guaranteed freedoms that no country had ever before given its people.

It took a fight to be free to write that constitution. It didn't have to happen that way, but the British leaders just couldn't see the Americans as equals. They thought they could treat us like little children. But the more they tried to spank the colonists, the tougher we Americans grew.

Magna, the Latin word for *great* or *big*, is the root of some English words connected with greatness or bigness, too—*magnify*, *magnificent*, and *magnate*, for instance. If you do very well in college, you may be awarded a degree *magna cum laude*—which means “with great praise.”

The Ladder of Rights

Think of perfect equality and fairness as goals way up on top of a high ladder. Life at the foot of the ladder is awful. Do you see that mean king over there? He can have you strangled if he wants to. And look at that slavemaster with a whip. Watch out, or he will beat you. You want to get on that ladder, but it isn't easy. The first step is named *Magna Carta*. The next is labeled *Glorious Revolution*. Then there is a rung called *Declaration of Independence*, another marked *Constitution*, another marked *Bill of Rights*, and three that are the *Thirteenth*, *Fourteenth*, and *Fifteenth* amendments.

Notice that between those solid ladder rungs there are others that are broken. This isn't an easy climb. We have a long way to go to get to the top. But we're fortunate; there are still places in the world where people are stuck and suffering at the bottom of the ladder. If you look back, you can see how far we have come.

When you read the Constitution, you will see that it was not so magnificent, or great, for the slaves. It did not guarantee their freedom. But it did provide a method for its own improvement. You'll soon learn about that amendment process.