

## Magna Charta - A Charter and an Ideal

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*The following was a sermon delivered at St. Patrick's Cathedral, New York City, Sunday, June 14, 1957, concurrent with the meeting of the American Bar Association.*

# MAGNA CHARTA — A CHARTER AND AN IDEAL

JOSEPH T. TINNELLY, C.M.\*

**T**WO WEEKS FROM TODAY, July 28, the delegates will assemble on the meadow at Runnymede, some twenty miles west of London, to dedicate a monument which will mark the spot where King John signed Magna Charta, the Great Charter. Orators will there recall the circumstances under which the English barons brought to terms a willful and capricious king. Eminent members of the bar will cite the numerous occasions on which appeals to Magna Charta have since been made to protect the liberty of Englishmen and Americans alike.

Magna Charta has indeed become a symbol of liberty, and it is fitting that a permanent monument be erected to mark the place of its origin. Catholic attorneys, in particular, should help to keep alive the memory of Magna Charta, for it was Catholic in origin and it is Catholic in principle.

To understand the nature of Magna Charta we must recall the circumstances under which it came into being. For one hundred and fifty years, ever since the invasion by William the Conqueror, England had been ruled by strong, self-willed, ruthless kings. Whether by force under Rufus or by ephemeral concessions from Henry I, the nobility, the logical leaders of opposition to royal tyranny, had been bribed or browbeaten into submission.

Only one force, the Church of God, in the persons of three apparently weaponless Archbishops of Canterbury — St. Anselm, St. Thomas á Becket and Stephen Langton — stayed the force of that tyranny.

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When William Rufus claimed to grant not merely feudal rights but spiritual powers to the holders of ecclesiastical office, St. Anselm, a feeble old man, defied him. The efforts of Rufus to depose the Archbishop were in vain, and when the Papal Delegate brought to Canterbury the pallium, symbol of pastoral power, he refused to deliver it to the king but placed it on the altar of the Cathedral for Anselm to assume.

When Henry II imposed on Thomas á Becket the Constitution of Clarendon which purported to limit the freedom of the Church and of ecclesiastics, he released a force with which he could not contend. Unable to bend the Archbishop to his will, he uttered a diatribe which incited four of his knights to violent action. Rushing into the Cathedral of Canterbury, they attempted to drag Thomas á Becket from the altar and when he resisted they slew him where he stood and scattered his brains upon the floor.

Heaven and earth responded to this revolting act. Miracles were worked at the tomb of the martyred Archbishop. A long series of pilgrimages began, and in 1173 Thomas á Becket was canonized.

Henry did penance for his at least indirect responsibility for the murder of the Archbishop and was absolved in 1172. But his power and that of the Plantagenet house was broken.

The final scene began with a renewal of the investiture struggle by King John. As the climax of a dispute over the right of election to the Archbishopric of Canterbury, the monks of Canterbury elected the nominee of Pope Innocent III, Stephen Langton.

The king forbade the new Archbishop to enter England and the Pope countered by

laying England under an interdict. All the normal functions of external religion ceased except those necessary to salvation. Baptism was administered and marriage permitted, but all pomp and solemnity were prohibited. The dying received the last Sacraments but the external religious life of the country came to a halt.

John seized the revenues of the Church and stood firm, even after his excommunication. The pressure was great, however, and soon new pressures were added. If John's demands for money to finance his wars in Normandy were continued, the feudal class would be ruined, and so the barons came to the edge of open rebellion.

Thereupon, John suddenly yielded and proposed to make himself the feudal vassal of the Holy See. Such a move had much to recommend it to both the king and the barons. John desired the Pope as a shield against the ambitions of the French king; the barons welcomed the Pope as a feudal superior to protect them from John's oppressive taxation. Accordingly, on May 15, 1213, John resigned his kingdom to Pandulph, the Pope's legate, and received it back as a fief of the Holy See. Stephen Langton immediately resumed the old constitutional position of the Primate of all England, as keeper of the king's conscience and guardian of the nation's safety, temporal as well as spiritual.

It was soon evident, however, that John had no intention of fulfilling his promises to the Pope. Accordingly, in 1213 Stephen Langton read to the barons the Charter of Henry I and administered to them an oath by which they bound themselves to each other to conquer or to die in defense of their liberties.

Relying upon the aid of Langton, the aggrieved barons went in a body to John

on the Feast of the Epiphany, in 1215, and demanded the fulfillment of the Charter of Henry I. Langton was one of the three sureties for the redemption of the king's promises to the Pope; but now, although he remained at John's side, it was not as a partisan of the king but as an advocate of the king's subjects.

In April of that year Langton carried overtures of reconciliation from John to the barons at Brockley. There he reasoned with them, secured concessions from them, as he had earlier secured concessions from the king, and finally obtained agreement on the articles which were at last formally embodied in the Great Charter which was signed by John on the field of Runnymede, June 15, 1215.

Magna Charta is essentially a feudal document, yet its terms, but for the intercession of Langton, would have made it even more definitely a charter of exclusively baronial liberties. For seven hundred years it has been appealed to as a confirmation of rights and privileges, many of which it guarantees only in embryo. Yet perhaps the very tendency of succeeding ages to make of Magna Charta a symbol of liberty rather than a limited bill of rights has been the chief source of its power and influence.

The Catholic American Lawyer willingly and wholeheartedly joins in the efforts of the American Bar Association to preserve the memory of Magna Charta. For in that memory he sees preserved the spirit of St. Anselm, of St. Thomas á Becket, of Stephen Langton, the great Archbishops of Canterbury, who played such vital roles in the development of the Great Charter; in that memory he sees the clergy as the literal, physical and spiritual guardians of the Char-

ter, copying it with care, preserving it in cathedral archives, contributing to its enforcement by spiritual sanctions; in that memory he sees a fundamental principle of law, a principle greater than king or baron or prince of the Church: a principle that has been repeated down through the ages, declaring in a voice sometimes thundering, though sometimes in a whisper, that the liberty of man comes from God.

The law which safeguards man's liberty has been written on the parchment of Magna Charta and of the Declaration of Independence. But these documents are not the source, they are only the reminders and the specifications of that liberty.

The Charter of Henry I was no protection against the tyranny of John. No more could Magna Charta save St. Thomas More from the tyranny of Henry VIII. True liberty can only be found among peoples who acknowledge man to be a creature of God, made to His image and likeness.

True liberty can only be found among peoples who acknowledge man to be subject to God's law, a law superior to presidents and kings, to congresses and parliaments, a law based on permanent principles which transcend persons and even nations.

And so, this morning, as we unite our intentions with those of the celebrant of the Holy Sacrifice of the Mass, let us thank God for our blessed freedom. Let us pray that America and England may forever cherish the common heritage that is theirs; that they may appreciate and preserve the real source of their strength, their greatness and their liberty. For only a nation which believes in God and respects His law can ever speak confidently of a king or a government under God and the law.