

Copy of First Constitution Sold for \$21 Million

A 700 year-old copy of the Magna Carta, which is widely recognized as a forbearer of modern constitutionalism,[1] recently sold at auction for a stunning \$21.3 million US dollars.[2] David Rubenstein of The Carlyle Group purchased the 1297 version of the renowned document.

The Magna Carta, or Great Charter, arose out of a thirteenth century conflict between King John of England and his landholding Barons. The Barons resented attempts by the crown to extend government control to all corners of the kingdom.[3] Furthermore, following a critical military defeat in France, the King sought to rebuild his finances by imposing new taxes on the Barons.[4] In the spring of 1215, the Barons rebelled and, ultimately, forced King John to negotiate a truce. In affixing his seal to the Magna Carta on 15 June 1215, at Runnymede Meadow, the King reluctantly accepted lawful restrictions on his sovereign powers.[5]

The Magna Carta marked “one of earliest attempts to impose the limitations of law on a ruler’s sovereign authority”.[6] Although the document was originally a practical solution to feudal issues, over time, it came to symbolize the rule of law and the protection of personal liberty from arbitrary use of state power.[7] These principles are most evident in chapters 39 and 40 of the 1215 Magna Carta (chapter 29 of the 1297 Magna Carta). Chapter 39 states “[n]o freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way victimized...except by the lawful judgment of his peers or by the law of the land”.[8] Chapter 40 states that “[t]o none will we sell, to none deny or delay right or justice”.[9] Essentially, chapters 39 and 40 mandate that the exercise of executive power must proceed according to law of the land (i.e. according to legal or due process). As a result, these chapters imply that everyone, no matter their position, is subject to the law.

With the spread of the British Empire, these important principles were echoed in modern constitutions around the world.[10] For example, the Fourteenth Amendment to the United States Constitution, paraphrasing the Magna Carta, states that “[n]o State shall deprive any person of life, liberty, or property, without due process of law”.[11] Similarly, section 7 of the Canadian Charter of Rights and Freedoms recognizes that “[e]veryone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice”.[12] In essence, the Magna Carta’s enduring themes, the rule of law and restriction of the arbitrary use of government power, are widely accepted, at least in principle, by the UN and the world community.[13]

[1] Ralph V. Turner, *Magna Carta Through the Ages* (London: Pearson, 2003) at 5-6 [Turner, “Magna Carta”].

- [2] "Copy of the Magna Carta sold for \$21.3M", The Associated Press (December 18, 2007)
- [3] Turner "Magna Carta" at 52.
- [4] "Magna Carta and Its American Legacy", online: National Archives and Records Administration.
- [5] Turner "Magna Carta", at 63. (Although King John revoked his acceptance of the new charter within months of his agreement, sparking a civil war, his son, King Henry III, subsequently revised and reissued it 1217 and in 1225. While no substantive changes were made following 1225, it is the 1297 Magna Carta, re-issued by King Edward I upon his coronation, that remains on the British Statute Books today. However, only three of the more than 60 original chapters remain in force.)
- [6] Turner, "Magna Carta", at 1.
- [7] Turner, "Magna Carta", at 1 and 6.
- [8] Turner, "Magna Carta", at 231.
- [9] Turner, "Magna Carta", at 231.
- [10] Turner, "Magna Carta" at 1.
- [11] U.S. Const. amend. XIV, §1.
- [12] Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c.11.
- [13] Turner "Magna Carta" at 6.