A Discussion Guide for Lawyers, Judges, and Other Community Leaders

Dialogue on Magna Carta

American Bar Association
Defending Liberty Pursuing Justice
Overview

The Dialogue on Magna Carta is designed for use by lawyers, judges, teachers, and other community leaders in the classroom and with youth and community groups.

Perhaps more than any other document in human history, Magna Carta has come to embody a simple but enduring truth: No one, no matter how powerful, is above the law. In the eight centuries that have elapsed since Magna Carta was sealed in 1215, it has taken root as an international symbol of the rule of law and as an inspiration for many basic rights Americans hold dear today, including due process, habeas corpus, trial by jury, and the right to travel. As the world marks the 800th anniversary of Magna Carta, this Dialogue seeks to commemorate this “Great Charter of Liberties” and rededicate participants to advancing the principle of the rule of law here and abroad.

This Dialogue on Magna Carta is an educational resource for presenting the 2015 Law Day theme of “Magna Carta: Symbol of Freedom Under Law.” The three topics selected to represent this theme were developed to inform participants of the historical significance Magna Carta has for constitutional democracy and to encourage substantive discussions on what Magna Carta has come to symbolize regarding the rule of law and individual rights across the globe.

- **Part I, Magna Carta and the American Colonies,** discusses the history of Magna Carta and its influence in the 18th-century American colonies to defend ideas of freedom, rights, and independence.

- **Part II, The Universal Declaration of Human Rights: Magna Carta for All Mankind,** reflects on a quote from Eleanor Roosevelt that connects aspirations of Magna Carta and those of the Universal Declaration of Human Rights.

- **Part III, Magna Carta for the Internet,** engages participants in creating a “Magna Carta for the Internet,” by examining a proposed “digital bill of rights.”

Formats for the Dialogue can vary according to audience and focus on one or more of the parts provided. Step-by-step directions and discussion prompts throughout this Dialogue Resource Guide are intended to help facilitators engage participants in a robust conversation.

The ABA Dialogue Program

The Dialogue on Magna Carta is the thirteenth annual edition of the ABA Dialogue Program. This Resource Guide for Dialogue Leaders can be used for Law Day and throughout the year. The ABA Dialogue Program provides lawyers, judges, teachers, and other civic leaders with the resources they need to engage students and community members in discussions of fundamental American legal principles and civic traditions. Supreme Court Justice Anthony Kennedy introduced the first Dialogue Program, the Dialogue on Freedom, at the 2002 ABA Midyear Meeting in Philadelphia. Subsequent Dialogues have addressed Brown v. Board of Education, the American jury, separation of powers, youth and justice, the rule of law, Lincoln and the law, law in the 21st century, the legacy of John Adams, the role of courts, voting, and the legacy of Dr. Martin Luther King Jr. All Dialogues and supporting resources are available at [www.lawday.org](http://www.lawday.org).
Ask participants:
What do you remember about Magna Carta?
Encourage participants to offer facts, explanations, or ideas about Magna Carta. Explain to participants that Magna Carta is 800 years old in 2015. If necessary, the following background information may be shared with participants:

The document that became known as Magna Carta, “Great Charter” in Latin, was first issued in June 1215. It resulted from negotiations between King John and rebellious English aristocrats on the brink of civil war and culminated in a meeting at Runnymede. The English aristocrats demanded that their rights be recognized, written down and validated with the royal seal. In 1215, Magna Carta was a feudal document meant to protect the rights of a few, but its legacy has expanded over time to represent any declaration of human rights and the understanding that rulers and governments are not above the law.

Unlike any other historical document, Magna Carta symbolizes our deep-rooted tradition of constitutional governance and its associated “rule of law” values. These are commonly understood to mean that “no ruler is above the law” and, often, the granting of political and legal rights in writing. Magna Carta was arguably the most significant early influence in the evolution of constitutional law, and some of the most basic principles of the United States Constitution, including the right to trial by jury, individual rights, and due process, can be traced to Magna Carta.

Ask participants:
Why do you think it was important to the barons in 1215 to have their rights written down, and then to have the king’s seal attached? What is the importance of a written document?
Participants might recognize that recording the rights signifies importance and assures that everyone understands what the rights are. Participants might also recognize that the king’s seal signifies acceptance, respect, and accountability. Make a connection to the use of signatures on documents today to achieve a similar status.

Project or display for participants:
Refer participants to the image of a 1775 Massachusetts forty shilling note. This piece of paper, or shilling note, was designed by Paul Revere and used as currency during colonial times and marked the first time that paper was used as public currency.

Source: Smithsonian National Museum of American History

Timeline of Magna Carta History

1215
A group of English barons rebels against King John in the meadow at Runnymede, England, and persuades him to affix his seal to a document called the “Charter of Liberties.” The articles established a committee of 25 barons to oversee the king’s adherence to the document’s provisions. In all, there are 63 chapters. An unknown number of copies are sent to officials. Three months later, Pope Innocent III declares the document invalid.

1216
King John dies, and his 9-year-old son, Henry III, ascends to the throne of England. In order to avert a war between Henry’s supporters and usurper Prince Louis’s supporters, the charter is reissued, sealed by a papal representative, Guala Bicchieri, and the king’s regent. It substantially revises the 1215 document. This charter has 42 chapters instead of 63. A 12th-century depiction of Henry VI coronation. Source: Wikimedia Commons

1217
Following the First Barons’ War and the Treaty of Lambeth, the Charter of Liberties (known in Latin as carta libertatum) is reissued. The 42 chapters are expanded to 47 chapters. During the same year, a fragment of the Charter of Liberties serves as the basis for a second charter, the Charter of the Forest.

1225
King Henry III is called upon to reaffirm the Charter of 1217, now known as Magna Carta. This document has 37 chapters and is the first version of the charter to be entered into English law.

1225 issue of Magna Carta, now held by the National Archive (UK). Source: National Archive

1227
King Edward reissues the 1225 version of Magna Carta. Constitutionally, this version is the most significant. It is still included today, in part, in English statutes.
**Ask participants:**

What do you notice about the image on the currency?
Encourage participants to study the image. They may comment on the man, his holding a sword as well as Magna Carta, or the words on the page.

What do you remember about the shilling’s creator, Paul Revere? How might his background have shaped the image?
Participants may discuss Paul Revere’s involvement with the American Revolution and connect the shilling image to his political views.

Who do you think the man on this shilling note represents?
The man most likely represents a colonial soldier, or patriot.

What was going on in the country in August 1775, the date on the shilling?
The American Revolution was underway a few months later in December 1775. It was also several months prior to the Declaration of Independence when the colonies declared independence from England.

What is the relationship between the words “in defence of American Liberty” and “Magna Charta”?
Revere seems to be using the Magna Carta as a precedent for the “liberty” that colonists were demanding to be recognized by the English. Share with participants that the Latin phrase shown on the shilling note, “Ense petit placidam sub libertate quietem,” means “By the sword we seek peace, but peace only under liberty.”

**Wrap up discussion with participants:**

In thinking about our U.S. Constitution, what influence do you think Magna Carta had on the constitutional framers following the American Revolution?
Participants might discuss the idea that some rights are fundamental, should be formally written down to provide clarity and uniformity, and should be applied to everyone.

---

**1354**
Under King Edward III, Magna Carta’s benefits are extended from “free [men]” to “[men], of whatever estate or condition he may be,” and the phrases “due process of law” for “lawful judgment of his peers or the law of the land” are introduced.

**1423**
Magna Carta is confirmed by King Henry VI following decades of successive generations petitioning the English throne to reaffirm the document. King Henry VI (1421–1471). Source: National Portrait Gallery, London

**1428**
Sir Edward Coke, the first respected jurist to write seriously about Magna Carta, drafts the Petition of Right, which becomes, along with Magna Carta, part of the uncodified British Constitution.

**1687**
William Penn publishes *The Excellent Privilege of Liberty and Property: being the birth-right of the free-born subjects of England*, which contained the first copy of Magna Carta printed in the American colonies.

**1759**
Sir William Blackstone creates a numbering system that is applied to the chapters of Magna Carta, which is still used today. Sir William Blackstone (1723–1780). Source: National Portrait Gallery, London

**1791**
Thomas Paine, in his book, *Rights of Man*, argues that Magna Carta does not guarantee rights because it was not a properly ratified written constitution.

**1816**
John Whittaker, an English bookbinder, produces a deluxe gold-blocked edition of Magna Carta in celebration of its 600th anniversary (one year later).
Encourages participants to reflect on Eleanor Roosevelt's quote, in which she refers to the Universal Declaration of Human Rights (UDHR) as a “Magna Carta for all mankind.” Facilitators should download and distribute copies of excerpts from the Universal Declaration of Human Rights and U.S. Bill of Rights from www.lawday.org.

Magna Carta & Human Rights

Eleanor Roosevelt & the Universal Declaration of Human Rights

Eleanor Roosevelt was appointed as a delegate to the United Nations in 1946 by President Harry Truman after it was founded in 1945. As head of the Human Rights Commission, she was instrumental in formulating the United Nation’s Universal Declaration of Human Rights. This declaration was created after the world’s experience with the atrocities and aftermath of World War II and the Holocaust. The proclamation and adoption of the UDHR on December 10, 1948, acknowledged the need for international human rights to be protected by the rule of law. The committee that worked together to draft this document included leaders from Australia, Canada, Chile, China, France, Lebanon, the United Kingdom, and the USSR. Since 1948, the Universal Declaration has been translated into more than 200 languages and remains one of the most often cited human rights documents in the world.

Project or display for participants:

“We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere.” —Eleanor Roosevelt

Explain to participants that Eleanor Roosevelt included this quote in her introduction to the newly ratified Universal Declaration of Human Rights. If needed, share the background information included in “Eleanor Roosevelt & the Universal Declaration of Human Rights.” Encourage participants to read and study the quote.

Ask participants:

What is Eleanor Roosevelt referring to when she says “threshold of a great event”?
She is referring to the proclamation and adoption of the UDHR, which marked a significant moment in international law, as well as in the history of the newly assembled United Nations.

Why do you think Eleanor Roosevelt refers to the Universal Declaration of Human Rights as possibly becoming an international Magna Carta?
She signifies that the Universal Declaration of Human Rights is an important document that recognizes the fundamental rights

- 1829 - Chapter 26 of Magna Carta becomes the first chapter to be repealed under English law.
- 1939 - An original Magna Carta travels to the United States for the first time as part of the New York World’s Fair. Visitors at the 1939 World’s Fair view Magna Carta. Image Source: Library of Congress.
- 1941 - Magna Carta is secured at Fort Knox in Kentucky, along with the U.S. Declaration of Independence and Constitution, for most of World War II.
- 1969 - Chapters 1, 9, and 29 are the only three of the 1225 issue of Magna Carta that have not been repealed under subsequent statutes of English law.
- 2007 - The only surviving 1297 copy of Magna Carta in private hands is sold for $21.3 million to American David Rubenstein at auction. It becomes part of a permanent exhibit at the National Archives and Records Administration in Washington, D.C.
- 2015 - The world commemorates Magna Carta’s 800th anniversary with special exhibits, programs, and events.
of mankind throughout the globe. Roosevelt’s quote connects the UDHR to the legacy of Magna Carta, which has become a symbol for freedom under the rule of law. It also foresees the UDHR as an example for future human rights documents, as the Magna Carta has been recognized for defending the rights of people against arbitrary rule.

What are human rights? What are some examples of human rights?
Allow participants to discuss what they think of when they consider human rights. Human rights are generally thought of as the most fundamental rights necessary for human existence, and they may include the right to education, free expression, food, housing, and a fair trial.

Why do you think it was significant in 1948, and still important today, to acknowledge human rights internationally?
It was significant that multiple sovereign nations came together to draft a document that declared the rights all people should have regardless of their citizenship in a particular country. In assembling a group of countries that acknowledge these ideals, more countries are encouraged to extend rights to their populations.

Unpacking the UDHR
Separate participants into three to five working groups. Refer participants to Handout 1 (available at www.lawday.org), which includes the U.S. Bill of Rights and several articles from the UDHR. Assign each group three to four of the UDHR articles for review. Give participants several minutes to read over the sections of these documents before asking them to discuss questions among themselves.

Ask participants:
After reading through the articles from the UDHR on the handout, which rights do you think apply to individual freedoms? Political freedoms? Social freedoms? Economic freedoms?
Participants may identify any of the articles as applying to individual freedoms. Articles 2, 19, and 21 address political freedoms; Articles 2, 24, and 27 address social freedoms; and Articles 4 and 24 address economic freedoms.

What rights listed in the UDHR handout are similar to those listed in the U.S. Bill of Rights?
Articles 3, 5, 10, 12, and 19 are similar to provisions included in the U.S. Bill of Rights.

Reconvene the participants from their small groups to continue discussing the articles that they reviewed.

Is there anything that you find surprising or interesting about the articles?
Participants may identify several things that come to mind. Note that the articles are both very broad (free and equal in dignity, everyone has a right to take part in the government) and very specific (the right to rest and leisure, the right to enjoy the arts.)

What is the value of having human rights acknowledged as they are in the UDHR?
Holding rights formally written down and agreed upon internationally may give them more credibility and permanence. This also fosters a global understanding of the concept of human rights.

Do you think it is necessary for them to be written down? Why or why not?
Participants may argue yes, because this enables rights to be referenced and used as an exemplar for other nations and founding documents. Having them in writing promotes accountability and encourages enforcement. Participants may also argue no, in the belief that humans inherently have these rights whether they are written down or not.

How do you think the idea of international human rights has grown since 1946? Why?
The UDHR has helped to raise awareness, advocacy, funding, and education initiatives for human rights causes. It has also served as the foundation for a growing number of national laws, international laws, and treaties, as well as for a growing number of regional, national, and subnational institutions protecting and promoting human rights.

Wrap up discussion with participants:
The aspirations put forth by the UDHR have continued to help promote an understanding of human rights, yet we still have a ways to go before these rights are fully realized. What efforts do you see by groups of people today, maybe in the news or in social media, to continue to advocate for human rights?
Participants may identify a variety of organizations or causes, including efforts to stop human trafficking, hunger, atrocities of war, and education for young women.

Many people consider the legacy of Magna Carta to be its association with the rule of law. What do you think is the legacy of the UDHR?
Allow participants to offer ideas. Ultimately, the UDHR has fostered a commitment among nations to promote and protect universal human rights.
Dialogue Part III: Magna Carta for the Internet

Discusses recent calls for a “Magna Carta for the Internet” and focuses on a draft “Digital Bill of Rights,” currently being developed through public input (i.e., crowdsourced) by U.S. Representative Darrell Issa (R-CA). Note that a supplemental PowerPoint® to accompany this discussion is available at www.lawday.org.

Project or display for participants:

Explain to participants that they will be viewing a 2014 TED talk in which Tim Berners-Lee discusses the state of the Internet and a need for a “Magna Carta for the Web.” Participants may need background on Berners-Lee, who is widely acknowledged as the creator of the World Wide Web. Participants may also need background on Magna Carta, which is available in Part 1 of this Dialogue. Note, in particular, 6:02–6:21 in the video, during which Berners-Lee calls for a “Magna Carta, a bill of rights for the Web.”

Project or display for participants:
The Digital Bill of Rights

1. Freedom—digital citizens have a right to a free, uncensored internet.
2. Openness—digital citizens have a right to an open, unobstructed internet.
3. Equality—all digital citizens are created equal on the internet.
4. Participation—all digital citizens have a right to peaceably participate where and how they choose on the internet.
5. Creativity—digital citizens have a right to create, grow, and collaborate on the internet, and be held accountable for what they create.
6. Sharing—digital citizens have a right to freely share their ideas, lawful discoveries, and opinions on the internet.
7. Accessibility—digital citizens have a right to access the internet equally, regardless of who they are or where they are.
8. Association—digital citizens have a right to freely associate on the internet.
9. Privacy—digital citizens have a right to privacy on the internet.
10. Property—digital citizens have a right to benefit from what they create, and be secure in their intellectual property on the internet.


Ask participants:
Why do you think Tim Berners-Lee is calling for a “Magna Carta for the Web?”
Participants may identify several of the issues discussed in the video related to Internet use and accessibility. Participants may also explain that Berners-Lee calls for a “bill of rights for the Internet.”

Why do you think he specifically calls for a “Magna Carta?” Why not a “constitution” or other list of rules?
Participants may identify several characteristics of Magna Carta that might also be appropriate for a Magna Carta for the Internet, including its foundational and global nature, and its creation by “the people” rather than a government mandate.

How might a Magna Carta for the Internet look? What qualities might it have?
Participants may suggest that a Magna Carta for the Internet be written, perhaps in many languages, posted in several countries or in an accessible place, be relatively brief, and written in a way that is easy to understand and easily translatable.

What rights might a Magna Carta for the Internet guarantee or protect?
Allow participants to brainstorm possible rights, including examples such as freedom from censorship or surveillance, privacy, equality, or accessibility.

Ask participants:
What do you notice about the proposed Digital Bill of Rights?
Encourage participants to examine the list and identify some of its characteristics, including the number of items (10), the accessible language and concepts, and use of the term “digital citizen.”

What is a “digital citizen?” Why do you think the authors used this term?
Encourage participants to discuss what they think this term means and why it may or may not be appropriate for contemporary Internet users. Emphasize the notion of “citizenship” as belonging to a group of people who agree upon a set of rules or customs, especially related to treating one another.

Do you think all of the rights on the list are necessary or important? Why?
Allow participants to discuss their opinions about the rights listed. If they are dissatisfied with the rights listed, ask participants to discuss how they would revise the list.
Why do you think privacy is listed among the Digital Bill of Rights? Why is it important?
Participants may identify several reasons for including “privacy” on the list, including protection of personal social media accounts, protection of personal data, or protections from surveillance or unwanted attention.

Who would the proposed Digital Bill of Rights affect?
The proposed Digital Bill of Rights would affect Internet users in the United States. Note that, at this time, this is a national, not international, document.

Do you think that this Digital Bill of Rights should be developed by the American public, or crowdsourced? Why is this significant?
Participants may note that allowing members of the public to assist in the creation of the Digital Bill of Rights is significant because people have opportunities to express their thoughts and ideas, which are then incorporated into the document. This could lead to a more accepted document by the American public, compared to rules handed down from Congress or another governmental body. The persons who would be affected by the document are involved in the creation of the document.

Do you think this Digital Bill of Rights should be enacted into law? Would that make it most effective?
Allow participants to discuss their opinions about the Digital Bill of Rights as law. Participants may discuss the need for the bill and the protections it affords. Participants may also suggest that the bill may be difficult to enforce, and that digital citizens can adopt daily practices that promote the rights listed.

Wrap up discussion with participants:
What choices can we, as “digital citizens,” make from day to day to promote the ideas expressed in an Internet bill of rights?
Encourage participants to brainstorm practices of digital citizenship, as well as practices for protecting privacy.

How to do a Dialogue in the classroom and in the community

If you are a lawyer, judge, or other leader interested in conducting a Dialogue on Magna Carta at a school in your community, follow these steps to help ensure a meaningful experience, for you and the participants alike.

A note to teachers or community group leaders: If you are initiating the program, please review these steps with legal professionals whom you have asked to conduct a Dialogue.

• **STEP 1. Identify a school or community group.**
  Contact a school where your or your friends’ children are students, a school in your neighborhood, or a school where you know members of the teaching staff. You might also contact community groups, for youth and adults, such as the YMCA, Girl Scouts, Kiwanis Club, or League of Women Voters. Friends and co-workers might also recommend a school or community group that would like to participate in the Dialogue program.

• **STEP 2. Set up an appointment for your visit.**
  Contact the school principal, department head (social studies, history, government, or civics), or community group leader. Explain the program to them and offer them a copy of the Dialogue Resource Guide. Ask if they would be willing to schedule a date and time to conduct the Dialogue. They should set aside somewhere between 45 and 90 minutes.

• **STEP 3. Discuss your visit with the teacher or community group leader.** Discuss the ages and experiences of the participants. Determine what part of the Dialogue you would like to focus on and provide the teacher with a copy of the Resource Guide, focusing on the parts you wish to discuss. In addition, consult with the teacher or community leader about additional background materials that might help participants. Request that name tags or tent cards be printed with the participants’ names. Request equipment you will need (e.g. LCD projector, screen, flip chart, or microphones).

• **STEP 4. Prepare participants for your visit.** Ask the teacher or community leader to distribute any materials or assign any background readings you want participants to discuss, at least one day before your visit.

• **STEP 5. Prepare yourself for your Dialogue.** Know your subject. Review the Resource Guide before you go and think of additional follow-up questions that may help participants explore the issues raised by the Dialogue. Using the step-by-step directions and questions in the Resource Guide, map out where you would like the discussion to go, but be prepared to be responsive to participants’ questions and provide background information, if needed. As appropriate, personalize the topic by referring to your own experiences.

• **STEP 6. Follow up after the Dialogue.** Write a thank-you note to the teacher or community leader. Make yourself available to answer questions participants may raise following the Dialogue.