The Magna Carta, which was sealed eight hundred years ago at Runnymede on June 15, 1215, begins, like the programme of a play, with thanks to all who played a part in preparing the text. Those listed as giving counsel include ‘our venerable fathers Stephen archbishop of Canterbury, primate of all England and cardinal of the Holy Roman Church, plus eight other bishops, including William bishop of Coventry. There is considerable debate about who drafted what, but general agreement that one key drafter was Stephen Langton, Archbishop of Canterbury, the foremost biblical commentator of his time. The Great Charter, which was nothing less than a solemn peace agreement between King John and the Lords of England, was drafted in the light of a shared theological understanding of the relationship between the king and the people of Israel, the king and the people of England. This was just the sort of theology to which the psalm we heard sung this evening, and both our lessons, allude.

Psalm 27 is a prayer for the king to reign in a good and godly way, which means to rule justly, and for the practice of justice to be passed on to the king’s son: ‘Give the king thy judgements, O God; and thy righteousness [or justice] unto the king’s son.’ ‘Then’, we are told, ‘shall he judge the people according unto right; and defend the poor.’ Clause 40 of the original Magna Carta proclaims, ‘To no one shall we sell, to no one shall we deny or delay right or justice’. In Deuteronomy 16, as we heard in the first lesson, Moses proclaims, ‘You shall appoint judges and officials through your tribes, in all your towns that the Lord is giving you, and they shall render just decisions for the people’. John proclaims in Magna Carta, ‘We shall not make justices, constables, sheriffs or bailiffs who do not know the law of the realm and wish to observe it well’ [45]. The passage from Deuteronomy goes on. ‘You must not distort justice; you must not show partiality; and you must not accept bribes, for a bribe blinds the eyes of the wise and subverts the cause of those who are in the right. Justice, and only justice, you shall pursue.’ Again, Magna Carta says bluntly, ‘To no one shall we sell, to no one shall we deny or delay … justice’.

The duty of the judge in Ancient Israel was to ‘give just judgements’ and ‘just judgements’ came ultimately from God. Some of these ‘just judgements’ were exemplified the Law given to Moses and some depended on the exercise of practical wisdom in the spirit of the Law. When Israel became a monarchy, supreme judicial authority lay with the king. The great exemplar of kingly wisdom was Solomon. His wisdom was seen as an earthly reflection of God’s heavenly wisdom, which is praised in the song from Revelation, as we heard in our second reading:

Just and true are your ways,
King of the nations ...
All nations will come
and worship before you,
for your judgements have been revealed.’

For the Israelites, having a king specially anointed for God’s service was a kind of ‘second best’. It was a concession granted because they thought they lacked something which the other nations had, and because it was so difficult to remain true to the Covenant given by God to Moses at the time of their wilderness wanderings. It was the Covenant, sealed at Sinai, that was constitutive of their identity, not the later monarchy, which soon proved dysfunctional and divisive. The Hebrew Scriptures are ambivalent in their attitude to kingship; they are unequivocal in their affirmation of the Covenant and the Law, given to the people by God.

The drafters of Magna Carta would have been thoroughly familiar with the example of Saul, the first king of a united Israel, chosen and anointed by the prophet Samuel. Saul began well, but then turned to evil. In the Book of Samuel, we hear how Saul visited the medium at Endor, who called up the prophet Samuel, the very prophet who had anointed Saul king, from the dead. Samuel told Saul,
The LORD has torn the kingdom out of your hand, and given it to your neighbour David. Because you did not obey the voice of the Lord ... therefore the Lord has done this thing to you today. (1 Sam 28:17-18)

Shortly afterwards, Saul and his son Jonathan died in battle, to be replaced by David, the father of Solomon. For the drafters of Magna Carta, this was a prime, biblical example of an anointed king who had been rejected by God and overthrown. It was not, then, impossible that the same thing might happen to John. Just as the monarch in Ancient Israel did not have an unfettered right to rule as he pleased, but was always answerable to God, so the monarch in England did not have an unfettered right to do what he pleased. He and his successors were accountable to the law of God, to God’s justice. In Magna Carta, John was forced to spell out, for the benefit of his whole realm, what, from now on, that would mean.

Much in Magna Carta is no longer directly relevant to our concerns. And much has changed. The traditions of common law, trial by jury, parliamentary democracy and human rights for which Magna Carta is foundational have grown far beyond anything that its drafters could have dreamt of or understood. Most of Magna Carta no longer applies in British law. However, we don’t have to look very far to see the contemporary relevance in of four key clauses that have never been repealed.

At the outset, Magna Carta asserts that ‘the English Church is to be free and have its rights in whole and its liberties unimpaired’ [1]. Put differently, we might say that the political authorities are not to implement laws which constrain the right of the church to be faithful to God’s law. One example today where this is relevant is in the matter of gay marriage. The Church of England has made it clear that it is not opposed to civil partnerships, but it cannot in conscience conduct gay weddings. In bringing in the legislation that permitted gay weddings, the government explicitly recognised that the church was to be exempted from legislation, such as equalities legislation, which might otherwise compel it to provide in canon law for gay weddings. In this respect, the English Church is to be free carefully to make up its own mind – which it is now actively seeking to do.

The Magna Carta goes on to assert that ‘The City of London is to have all its ancient liberties and free customs both by land and water. Furthermore, we will and grant that all other cities, boroughs, towns and ports will have all their liberties and free customs.’ Over time, the financial freedoms of cities round the country, including London, have been completely eroded. Central government took to itself a monopoly on taxation. In seeking to hand back powers over local budgets and, in some cases, tax-raising, the government consistently talks of devolution. What this clause of Magna Carta suggests is that talk of devolution is incorrect. The restoration of local tax-raising powers is the restoration of powers – liberties – that lie within local communities. Today, we call this subsidiarity and we see it as theologically rooted in the God-given nature of local, human communities.

Then there are the two most famous clauses of Magna Carta. First, that ‘No free man will be taken or imprisoned or disseised [disinherited] or outlawed or exiled or in any way ruined, nor shall we go or send against him, save by the lawful judgement of his peers and by the law of the land.’ [39] Given the nature of contemporary terror threats, ‘the law of the land’ is changing and the defence of liberty and open justice is getting harder. In the troubled situation of Northern Ireland during the 1970s trial by jury was suspended because of the fear that jurors would be intimidated. Trial by jury becomes harder and harder to sustain when the evidence – as in complex fraud cases – is highly technical and a trial may last for many months. The international scope of money-laundering makes the seizure of the proceeds of crime under the rule of law extremely difficult to achieve. Maintaining the standard of justice set by Magna Carta is becoming more not less relevant.

Clause 40 of Magna Carta shines like a beacon in dark times: ‘To no one shall we sell, to no one shall we deny or delay right or justice.’ The Justice Secretary is giving a speech today on the gold plated service the British courts offer rich foreign litigants but the way they fail victims of crime and others who need their help at home. The impact of recent cuts in legal aid, particularly in civil cases, is becoming ever clearer. So many law centres and welfare advice centres have closed or reduced their hours. Where I myself see the impact of cuts most clearly is in access to justice for people who seek asylum. Access to competent lawyers is extremely patchy and, for some cases, non-existent. Apart from those charities which provide superb pro bono legal support to a few, the quality of legal representation is directly related to what people, many of whom are destitute, can pay. A substantial number of asylum seekers appear in court with no representation at all. The same is now true in the family courts, where what is at stake is the best interests of a child. Legal aid is not available for challenging benefit sanctions, which can easily escalate into rent arrears and eviction. Those with mental health problems are particularly vulnerable to justice denied. Asylum seekers may wait years for decisions on their cases – years in which, amongst other deprivations,
they are denied access to student finance so they cannot go to university. This is justice delayed – and justice delayed is justice denied.

It is well-known that the agreement based on Magna Carta lasted only ten weeks. It was in effect torn up, but John died just over a year later, to be succeeded by his son Henry III, who was aged only nine. An edited version of Magna Carta was reissued. It became the prospectus for his reign. In 1225, it was again reissued in amended form. Repeatedly, ‘the king’s son’ promised to rule by the standards of justice which had been hammered out in conflict between his father and the Lords of England. Magna Carta became, over eight hundred years, a living standard for the monarch, for parliament and for the judiciary.

‘Does Magna Carta mean nothing to you? Did she die in vain?’, asked the comedian Tony Hancock. The correct answer, for which, after eight hundred years, we give thanks is ‘no’ – because Magna Carta didn’t die and Magna Carta is still has a great deal to teach us today.