



Magna Day – 15 June 2022

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A new status of people who were essentially controlled by their masters was created post Magna Carta in 1215. The Normans had ended Anglo Saxon slavery, but the nobles made serfs of their tenants and called them Villeins. This is where the pejorative term villain originates, reflecting the fact that for those of high status these lowly people were inherently evil. This legalised control of the persons and the labour of around half the population, continued until essentially overthrown by the Peasant's Revolt of 1381. The Normans saw nothing wrong with this unequal and exploitative treatment. One proverb at the time stated, 'the churl should always be well plucked for he is like a willow that sprouts better the more often it is pollarded'.¹

This injustice was institutionalised, since being unfree meant you and your family had no rights that your master could abuse: you had no legal freedoms. The result was to 'disbar half the population of England from access to the public courts ... Unfree and legally classified as serfs or villeins'.² Not surprisingly, given all this exploitation and inequality, the majority of the population sought to win freedom and justice for themselves. Monarchs and nobles recognised the benefits of trade and sought to create towns where market exchange could take place. One way to encourage urban migration was to promise that any serf who lived in a town for a year and a day as a burgess (trader) could win their freedom. This policy was written down as part of 'the great charter' Magna Carta.

No free man should be taken or imprisoned or deprived or outlawed or exiled or in any way ruined, nor will we good send against him, except by the lawful judgement of his peers or by the law of the land. To no one will we sell, to no one will we deny or delay right or justice.³

By 'free men' the nobles meant themselves, and they were reluctant to grant any notion that these rights would be universal. If serfs or tenants wanted to have rights they needed to escape the judicial power of their lord by migrating to the towns and cities, where they gained important civil rights.

Free to sell, sublet, mortgage or pass on their burgage to heirs. They were to be free from having to pay servile dues or perform labour services ... Burgesses could have their own oven

¹ Danziger, D., & Gillingham, J. (2003). *1215: The year of Magna Carta* (London: Hodder & Stoughton) 41.

² Ibid 42.

³ Ibid 5.



and handmill ... a serf who managed to live in a borough as a burgess for a year and a day was thenceforth to be regarded as a free man".⁴

The monarch and the nobles saw the growing towns as a source of revenue through trade which they could profit from by controlling monopolies and taxes, so they also encouraged these economic and social changes. The growth of villages and centres to exchange, the market towns, were the engine of expansions at this time. Magna Carta had institutionalised a certain character to this process of civilisation: After the historic agreement signed at Runnymede, the absolute power of the monarch was degraded, and in turn the noble monopoly on riches, compromised by their need to form commercial relations with the rising figuration of the trading classes known as the gentry.

Magna Carta was drawn up to guarantee the lords' civil rights from being overruled by the monarch. However, it also became, in the hands of the people, a 'Manifesto' for their liberty.⁵

There is much to be said for the protesters' view of Magna Carta. Although there is not a word in it about the right to protest, there is a sense in which Magna Carta in its entirety represents protest. It was in origin the product of direct political action, of negotiation after rebellion. As a symbol of the struggle against tyranny it will always retain its value.⁶

⁴ Ibid 53.

⁵ Linebaugh, P. (2008). *The Magna Carta Manifesto* Berkeley: University of California.

⁶ Danziger, D., & Gillingham, J. (2003). *1215: The year of Magna Carta* (London: Hodder & Stoughton) 284.