

Heritage for all mankind: Magna Carta and the Cyrus Cylinder

Presentation at the House of Lords, 26 October 2015

RASHNA WRITER

Occasionally, very occasionally, in human history, an event occurs that is so truly revolutionary that its reverberations continue to be felt centuries later. Their impact is unique because quite simply their message goes to the heart of human experience. The Cyrus Cylinder, written in 539BC and the Magna Carta in 1215 separated by hundreds of years were crafted for different purposes and in very distinct environments. The men behind it appear, with hindsight, to be as different as it is possible to be. Cyrus the Persian of glorious memory; King John, blighted for all time. Yet the essence of the Cyrus Cylinder, its humane principles and awareness of the rights of the vanquished, speaks in our modern parlance of respect for human rights. The Magna Carta, by curtailing the absolute power of the monarch, was, in the words of the great English jurist, Lord Denning, “the greatest constitutional document of all times”. As I said, historical documents *par excellence*, of which we, gathered here today, are the net beneficiaries.

When examining the careers of Cyrus and John, I have no wish to take a ‘good king’ versus ‘bad king’ stance. That is just being intellectually lazy. Rather, their ambitions and methods of achieving their goals could be our starting point. One, Cyrus, was at the start of a great military adventure, and appears to have had a clear-sighted vision of creating an empire. The other, John, one of four sons, with historic roots in both France and England, in his attempt at holding on to both, ended up alienating the barons, using the church for political purposes and in a very real sense suffered a loss of credibility.

As we are assembled here, in the ‘Mother of Parliaments’, the legacy of a truly exalted document – the Magna Carta – we might begin by outlining, very briefly, the career of John, (1199-1216). He made an inauspicious start to his reign, having conspired against his three older brothers, thus gaining a reputation for treachery even before he got started. Dispatching his brothers did not automatically gain him the throne, because across the water, some recognised the claims of his nephew, Arthur of Brittany, son of John’s late older brother, Geoffrey. In fact, the nephew, supported by King Philip II of France, fought the uncle for the throne, but was captured and never seen again, alienating further the people of Brittany and Normandy. John soon lost his French provinces, with the exception of Aquitaine in the south, inherited from his mother Duchess Eleanor (Eleanor of Aquitaine). Thus, King John ascended the throne with something of a dubious reputation.

The king was nicknamed ‘Softsword’, because of his lack of success as a military leader, and would come to be defined as the monarch who was in perpetual conflict with his barons who held lands in both England and France; and who had a fractious relationship with Pope Innocent III, one of the most powerful of the medieval popes. To be at odds with two dominant pillars of society suggests a man who lacked strategic foresight.

The barons appear to have been King John’s blind spot. The dispute between the two had been gaining ground steadily throughout the reign. Not surprisingly, the disagreements centred on increased taxes and feudal dues that the king needed to finance his campaigns in France. The taxes

imposed on the barons were often illegal, since John was not shy to demand payment even when there was no military campaign to be paid for. And there were other transgressions. Thus, relief payments charged when an estate was inherited were often beyond the barons' ability to pay, and the crown was known to confiscate the lands of barons who could or would not pay the increased taxes. To add insult to injury, foreign friends and relatives of the king were given or bought key positions in the country in preference to Englishmen and often these were not of noble birth. And individual cases of the king's cruelty, merely added to the suffering. A well known case was that of the wife and son of a certain William de Braose who were imprisoned when William refused to pay the king a large sum of money and died, probably starved to death.

John's quarrel with Pope Innocent III was over who should be the next Archbishop of Canterbury. John wanted his friend John Grey, Bishop of Norwich to be given the position, but the Pope's choice was Stephen Langton. The monks of Canterbury agreed and in 1207 the Pope consecrated Langton as Archbishop of Canterbury. John refused to accept this and would not allow Langton to enter England. Many English clergy fled abroad and in 1208 the Pope put England under an interdict. The general public were aghast at the possibility of being cut off from the church and not surprisingly, John was blamed for this. Somewhat typical of the king's *modus operandi*, he seized as much land and money from the church as he could, which led in turn, to his excommunication by the Pope in 1209. The fear was that Philip of France might take advantage of this unsettled state of affairs to invade England on behalf of the Pope. Matters between Pope and King were resolved in 1213, when John accepted Stephen Langton as archbishop, promised to reimburse the church revenues lost during the crisis and surrendered England and Ireland to the Pope, becoming his vassal.

John lacked political nous. He would begin by being obstreperous and see how far he could push his luck. Once the backlash began, he would cave in, as he was compelled to with the Pope, or merely compound the cruelty, as in the case of William de Braose. This cumulative reputational damage is what paved the way to Runnymede and the King's nemesis.

The seriousness of the situation was brought home to the king when in January 1215 a group of barons asked the king for a written charter from him confirming ancient liberties granted by earlier kings of England. There is some evidence that the newly appointed Archbishop Stephen Langton may have encouraged these demands. In April, more specific demands were put before the king, without much success. The barons withdrew their allegiance to the king and formed their own rebel army. John ordered his sheriffs to crush the rebel barons and they retaliated by occupying London. Archbishop Langton attempted a negotiated settlement to prevent all-out civil war and arranged a meeting at Runnymede, a meadow on the Thames west of London. This meeting took place on June 15, 1215. All that historians can be sure of is that King John placed his seal of approval on a document called the 'Articles of the Barons'; and over the next few days this was transcribed into the legal language of a royal charter. It is believed that on June 19, the King put his seal on the final draft of what we refer to today as the 'Magna Carta' or The Great Charter. In return, the rebellious barons renewed their oath of allegiance to their king, thus averting the immediate threat of civil war. However, this was not a king who made life easy for himself. Having accepted it, John wrote to Pope Innocent asking him to cancel the Magna Carta on the grounds that he signed it against his will; even as he continued to build up his mercenary army. Meanwhile, the bad blood between barons and king had not miraculously been overturned: as an insurance policy, the barons held on to London and maintained their own army. And as for Pope Innocent, he condemned the Great Charter and

declared it null and void. It can be said, that England was saved from a vicious civil war by the sudden death of King John, from dysentery, in October 1216.

The principles of justice are addressed in the Charter thus: "No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land" (39). And again, "To no one will we sell, to no one deny or delay right or justice" (40). The most radical clause, 61, set up an elected commission of 25 barons to monitor the king's compliance with the settlement and to enforce its terms. The 25 barons had the power to seize the king's property in order to seek redress if he failed to keep the terms imposed on him. This innovative clause demonstrated the power invested in Magna Carta to limit royal authority.

Despite its challenging start, the Charter is rightly hailed as among man's greatest achievements. Indeed, it did not put an end to royal tyranny; some kings continued to try their luck, justice would often favour the rich over the poor, for example. Nevertheless, the repeated and frequent reissue of the charter led to the belief in essential rights and liberties taking precedence over the authority of any particular king. The concept of the 'community of the realm' developed; and this 'community' first referred to in the security clause of the Runnymede charter, came to play an increasingly significant role in politics. Thus, it dealt with the subject of England's taxation, the feudal system and justice. Just because we live under the rule of law, it is easy to take such a truly elevated concept for granted. Indeed, the essence of this immense Charter remains the corner-stone of British democracy. By enshrining the rule of law, it set in motion wider liberties and freedoms enjoyed by hundreds of millions of people in more than 100 countries today. No small achievement.

Now let us turn our attention to ancient Persia, and a new, untested king, Cyrus, who challenged the political status quo, intent to place his small kingdom at the centre of a vast empire. Volumes have been written on the 'father' of the Persian nation, but today we will recall that other great document credited to have been crafted on Cyrus's instructions and which some acknowledge as the foundation stone of human rights. What of his career? Cyrus was descended on his maternal side from the last Median king, Astyages, and was the son of Cambyses of the Hakaemenish clan. He began by consolidating tribes of both Iranian and non-Iranians, which included people from the south-eastern corner of the Caspian Sea as far as the Indian Ocean. Thus, within the borders of Iran proper, there came a union in which the tribal chiefs took an active share in the formation of the State. Cyrus became king of Anshan (a province in southern Iran) having successfully incorporated Lydia and defeated its monarch Croesus. The Phrygians, Mysians and other Asiatic tribes then quickly submitted to him; and this was followed by the piecemeal submission of Greek cities. The surrender of Babylon however, was Cyrus's greatest achievement. What followed is by now well-documented and has become a glorious chapter in the collective memories of all peoples of Iranian descent.

Cyrus sent his troops into the ancient city of Babylon during October 539 to oust an ostensibly capricious ruler, Nabonidus, and allegedly re-establish stability there. By this, Cyrus was extending his absolute imperial authority, yet it seems, according to extant documents including the Cyrus Cylinder, that his endeavour was both politically effective and societally beneficial. And this is what we discern happened when his troops entered the ancient city. We are told that his forces did so "without much fighting" with Cyrus as the self-proclaimed "bringer of peace", the king appears to

indeed have ensured “the safety of the city of Babylon.” Cyrus tended to the religious concerns of the Babylonians as well by restoring “shrines which had previously become dilapidated” and by “increasing the offerings to the divinities.” Particularly aware of strains generated by dislocation and refugee status, Cyrus says he “gathered together all the people and returned them to their original settlements.” Possibly the reason Babylonians did not rebel was that they indeed came to regard Cyrus’ reign as one during which they were “freed from their bonds.”

Arguably, there is a certain degree of textual hyperbole in the Cyrus Cylinder, but despite this, it appears that his approach succeeded because it removed the danger that Babylonians had previously felt. He rebuilt a failing administration, mitigated internal conflict, ensured welfare, and reintegrated people and resources while respecting and working within the mores of the society which he had occupied.

The same appears to have been the case for other socio religious groups in the former Babylonian Empire, including the Israelites who regained their own freedom and subsequently completed building the Second Temple around the year 516BC. Like the Babylonians they too probably were encouraged by Cyrus’ officials to regard the Persian king as chosen by their own divinity. So biblical authors such as Second (Pseudo) Isaiah and Ezra proclaimed that Cyrus was king by the will of their God: “Thus says Yahweh to his anointed, to Cyrus, whose right hand I have grasped to subdue nations before him...It is I, Yahweh, the God of Israel, who call you by your name.” In the Jewish canon, Cyrus would also be the Lord God of Israel’s “shepherd” presumably chosen to facilitate that community’s liberation.

What, from a Persian perspective, may be considered external texts, contemporary Babylonian and Biblical accounts, suggest that Cyrus was the first to propagate the notion that the Persian king stood in opposition to the Lie (*druj*, in the *Gathas* of Zarathustra), and that his role was that of a strong *saoshyant-type* ruler (‘saviour’, in the *Gathas*), combating evil and restoring order to the world. The underlying theme is the dichotomy between those leaders who personify evil in following the Lie, and the Ancient Persian king as an embodiment of, and force for, good.

In such propaganda, it seems that the Persians deliberately connected their own religious themes with those of the subject peoples, using terminology from the mythico-history of the latter. Both Second Isaiah and Ezra portray Cyrus as an ideal ruler, who is concerned with the welfare of the people, the sacred city of Jerusalem, and the land. In Isaiah 45.1, as we have noted, Cyrus is entitled a *mashiach* – that is, “one who is anointed by God.” A similar perspective is presented in the Cyrus Cylinder, where Cyrus is proclaimed as chosen by the Babylonian divinity Marduk, and identifies himself with the titles of earlier Assyrian kings, stating that he is a just, peaceable ruler, who sought the welfare of the city of Babylon, and the restoration of religious sanctuaries there and elsewhere in Babylon. This was indeed revolutionary for the time, given that this approach contrasts with the Biblical accounts of the legendary cruelty of the Assyrians and the exile imposed by the Babylonians.

From this brief resume of the career of Cyrus the Persian, known to his people as the ‘Great’ we can surmise that the real founder of the Persian Empire was following the basic tenets of the teachings of Zarathustra, by granting freedom to the Israelites from their Babylonian Exile, and by restoring social, political and religious order to the Babylonians. In the context of his life and actions, the Cyrus Cylinder’s text may therefore be viewed not just as a work of political propaganda but as a record of the Persian king’s active adherence to the Zoroastrian creed of *humata, huxta, huwarshata*

or “good thoughts, good words, good deeds” which ensured that, in the words of the Cyrus Cylinder, God “walked by his side as a friend and a companion.”

The Persian Empire accomplished much that is of enduring value for political thought. It developed a sophisticated system of administration and established a rich cosmopolitan cultural legacy. As for the Cyrus Cylinder, it continued to resonate down the centuries. The father of Israeli independence, David Ben Gurion, openly cited Cyrus as a hero, while President Harry S Truman compared himself to Cyrus when, in 1948, the United States became the first nation to recognize the new state of Israel. And among the Founding Fathers of the US Constitution, Thomas Jefferson is said to have placed a high value on his copy of Xenophon’s *Cyropaedia*. The measure of great power Cyrus knew and the Founders realized was not its brutal usage but the principled decision to avoid its exercise. Cyrus was not a Jeffersonian reformer and the association between them is, at best, indirect. Yet, it remains true that his philosophy of toleration lived on far beyond what Cyrus ever could have imagined.

I said at the start of this discussion, that I was not interested in the ‘good king’ versus ‘bad king’ motif. Rather, the magnitude of the inheritance – documents that speak to the genius of man to establish inalienable principles to help organise affairs of state – is truly humbling. True, Cyrus appears, unprompted to a humane reaction to the conquered peoples, demonstrating respect for their culture and beliefs: A monarch with a highly developed sense of strategic intelligence. We have seen that John had an unfortunate capacity to alienate one and all, and appears to have agreed kicking and screaming to putting his signature to the Great Charter, and then reneging on it. He emerges as a monarch prepared to put his Kingdom in jeopardy while clinging on to his unacceptable system of governance.

However, every so often, from inauspicious beginnings, great things may ensue. The fact that the Magna Carta embedded itself into the English way of life; demanded that the rule of law was the fundamental governing principle of established society, speaks to the indispensability of fair mindedness, that is seen, even today, as a central feature of the English. Despite the reverses, the people persevered, not to be done out of what they now saw as their inalienable rights to curtail the king’s powers and take charge of governing themselves by creating, in time, a ‘Parliament’ (quite literally: ‘speaking together’), that defines the United Kingdom to this day.

As for the older, mud clay tablet, with its 45 lines of cuneiform writing that has passed into posterity as an iconic symbol of a great king, today, individuals, leaders, states and disparate cultures each see something in the Cyrus Cylinder which continues to resonate. It is often referred to as the “First Bill of Human Rights”; its world view eschews violence by permitting each community to keep its own culture and faith while abiding by the law of the land. And as pertinent for us today, is that Cyrus the Great set the template for future rulers governing multi-ethnic, multi-faith states to desist from dictating a state religion and respecting diverse cultures.

Both, the Magna Carta and the Cyrus Cylinder, by renewing discussion on the limits of authoritarian rule, and respect for diversity, could serve as catalysts to strengthen human rights in our troubled and dysfunctional world. Both are indeed, two immense documents, now a heritage for mankind.