

The Unprecedented Maxim: The Presumption of Innocence and the
Revolution it Sparked on Law and Society

Srijan Sundar

Senior Division

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“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 way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.”

~Clause 39, *Magna Carta*¹

The *Magna Carta* is considered to be the first founding document that guaranteed the maxim known today as ‘The Presumption of Innocence’.² Explicitly stated, the Presumption of Innocence is defined as the right to be presumed innocent until proven guilty. However, in history, the right to the Presumption of Innocence has been denied. As a result, most of the maxim’s widespread attributions may be traced to more recent times.³ Furthermore, the maxim of ‘The Presumption of Innocence’ has drastically changed not only the legal system, but also society as a whole. Thus, it may be said that the development of ‘The Presumption of Innocence’ has not only surpassed many historical, social, and legal norms but has also sparked a new revolution in human rights that continues to define society even today.

The Creation of the Maxim

Throughout history, the Presumption of Innocence has never been explicitly stated in law, nor was it formally guaranteed until the modern era.⁴ Prior to the common principles in law that

¹ *Magna Carta*. The British Library, Translated by G.R.C Davis, 1215, <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

² Written and established in 1215

³ The Presumption of Innocence was more evident post-1700s

⁴ Clarification: ‘modern era’ refers to Post-1700s. Refer to: Thayer, James B. "The Presumption Of Innocence In Criminal Cases". The Yale Law Journal Company, Inc., vol 6, no. 4, 1897, pp. 185-212. JSTOR, <https://www.jstor.org/stable/780722>.

exist today, the most prevalent way to determine innocence or guilt in the Middle Ages was through Trial by Ordeal.⁵

Trial by Ordeal originated with the Saxons; when an accused was subjected to a torturous treatment, it was the belief that the accused would be spared by God's mercy only if the individual was deemed innocent.⁶ Common types of Ordeal included: Ordeal by Cold Water,⁷ Ordeal by Hot Iron,⁸ and Ordeal by hot water.^{9,10} It is known to have existed primarily in Medieval Europe and was in common use amongst superstitious juries.^{11,12} However, Trial by Ordeal was inefficient in determining whether or not one was innocent or guilty because it was based upon sheer random chance. In Medieval England, it tended to be the case that people were highly superstitious.¹³ Due to this, there existed a disrupted social order which made some people believe they were 'above' the judgment of God. Thus, while the standard belief was that people were subject to 'God's mercy', in reality, they were only subject to the mercy of the Christian Priest, or the mercy of any person(s) above them in society. This gave rise to the Benefit of the Clergy where the Christian Holy Man could claim that they were above the law and they may

⁵ Blackstone, William, and Ruth Paley (ed.). "Of The Rise, Progress, And Gradual Improvements, of The Laws of England." *The Oxford Edition Of Blackstone - Commentaries On The Laws Of England*. OUP Oxford.

⁶ Ibid.

⁷ Ordeal by Cold Water was when the accused was forcibly subject to drowning; if innocent, they would sink (but not drown), and if guilty they would float because the water rejected them. A torture technique similar to this, known as waterboarding, is still used today.

⁸ In Ordeal by Hot Iron, the accused had to hold a hot iron; if innocent they would appear unscathed, otherwise they were guilty.

⁹ In Ordeal by Hot Water, the accused would have to reach into a pot of hot water; if innocent they would appear unscathed, otherwise they were guilty.

¹⁰ "Ordeal". *Encyclopædia Britannica*, 2018, <https://www.britannica.com/topic/ordeal>.

¹¹ Trial by Ordeal was only abolished during the reign of Henry III in the year 1219.

¹² Blackstone, William, and Ruth Paley (ed.). "Of The Rise, Progress, And Gradual Improvements, of The Laws of England." *The Oxford Edition Of Blackstone - Commentaries On The Laws Of England*. OUP Oxford.

¹³ Outhwaite, R.B. "1500-1860" *The Rise And Fall Of The English Ecclesiastical Courts, 1500-1860*.

only be tried in an ecclesiastical court.¹⁴ Furthermore, it was known that the worst punishment that an ecclesiastical court could inflict was excommunication which is by several degrees less severe than an execution that the rest of the people faced.¹⁵

The introduction of the *Magna Carta* (1215) into English law found that Trial by Ordeal was unjust and unethical.¹⁶ It may be noted that the *Magna Carta* rules that the King's biased trials should cease to exist and that the verdict should be solely based on the judgment of one's equals.¹⁷ This is because, in the 1200s, it was quite easy for any person of high social influence or power to imprison any unfavorable individuals.¹⁸ All that they had to do was simply accuse any party and then use their high social decree to indict them.¹⁹ Therefore, the *Magna Carta* greatly stresses the importance of the Presumption of Innocence due to the unfairness rooted in the Medieval England court system.

Due to the enforcement of the *Magna Carta* by the people and the nobles, King Henry III was forced to abolish Trial by Ordeal.²⁰ This led to an unprecedented era in English society: a

¹⁴ An Ecclesiastical Court refers to a Christian Court in Medieval times; a member of the clergy could opt to be tried either in a royal or ecclesiastical court. Outhwaite, R.B. "1500-1860" *The Rise And Fall Of The English Ecclesiastical Courts, 1500-1860*.

¹⁵ Ibid.

¹⁶ *Magna Carta*. The British Library, Translated by G.R.C Davis, 1215, <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

¹⁷ Breay, Claire, and Julian Harrison. "Magna Carta: An Introduction". *The British Library*, 2014, <https://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>.

¹⁸ Crick, Julia (ed.), and Van Houts, Elisabeth (ed.). *A Social History Of England, 900–1200*. Cambridge University Press, 2011. Kamali, Elizabeth. "Law & Order In Medieval England". Harvard University, 2019. Pollock, Frederick. "The King's Justice In The Early Middle Ages". *Harvard Law Review*, vol 12, no. 4, 1898, pp. 227-242. JSTOR, doi:10.2307/1322106.

¹⁹ "Magna Carta: People And Society". *The British Library*, 2014, <https://www.bl.uk/magna-carta/articles/magna-carta-people-and-society>. Thayer, James B. "The Presumption Of Innocence In Criminal Cases". The Yale Law Journal Company, Inc., vol 6, no. 4, 1897, pp. 185-212. JSTOR, <https://www.jstor.org/stable/780722>.

²⁰ In the year 1219

time when the law was fair and just to all.^{21,22} This era was considered to be the first time in which trials were fair to the public. After all, what was the purpose of a trial if it was biased against the accused from the very beginning? The concept of the trial was initially established as a formal medium which gave the accused a chance to prove their innocence.²³ Hence, we find that the Presumption of Innocence is at the center of the concept of a ‘fair and unbiased trial’.

Consequently, the *Magna Carta* not only deemed that ‘the right to a fair and unbiased trial’ is an unalienable right for all, but also determined that such a trial must be a Trial by Jury.²⁴ This is because all other trial methods, such as Ordeal, had been proven to be either entirely chance or biased.²⁵ Therefore, the only possible way to conduct a fair trial must be a trial ruled by the Presumption of Innocence and the verdict of an impartial jury.

So it fits that the driving principle for people was to push for sovereignty. As a result, the people had to establish and protect the Presumption of Innocence to maintain their security. In the context of England, the English people required some form of protection from being prosecuted by the King or the Aristocracy. Since the trial methods in England were increasingly viewed as corrupt, the English people sought after embedding the Presumption of Innocence into their trial system.²⁶ This effectively created the first fair and unbiased Trial by Jury.²⁷ Also, this made sure that everyone was equal before the law. Thus, the Presumption of Innocence is one of

²¹ Clarification: ‘era’, as used in this context, denotes the time from 1219-1485.

²² Refer to: Blackstone, William, and Ruth Paley (ed.). “Of The Rise, Progress, And Gradual Improvements, of The Laws of England.” *The Oxford Edition Of Blackstone - Commentaries On The Laws Of England*. OUP Oxford.

²³ “Trial”. *Offices Of The United States Attorneys*, <https://www.justice.gov/usao/justice-101/trial>.

²⁴ *Magna Carta*. The British Library, Translated by G.R.C Davis, 1215, <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

²⁵ Kamali, Elizabeth. “Law & Order In Medieval England”. Harvard University, 2019.

²⁶ As shown above, trial methods in England were entirely corrupt and biased due to their trial methods such as Trial by Ordeal, and the influence of the ecclesiastical court system. See: Blackstone, William, and Ruth Paley (ed). *The Oxford Edition Of Blackstone - Commentaries On The Laws Of England*. OUP Oxford.

²⁷ While this was not the first ever recorded instance of Trial by Jury, this is, arguably, the first modern Trial by Jury that was entirely and wholly fair and unbiased.

the key factors at the forefront of the establishment of Trial by Jury and also is the main factor overcoming numerous civil rights barriers.

A notable example of such would be the *Forest Charter* (1217) which expresses seventeen major grievances against the English Crown. This supported the Presumption of Innocence in a variety of general cases. For instance, the Second Clause of the *Forest Charter* states:

Men who live outside the forest need not henceforth come before our justices of the forest upon a general summons, unless they are impleaded or are sureties for any person or persons who are attached for forest offences.²⁸

Also, the Twelfth Clause addresses the grievance that people were unlawfully prosecuted for adding improvements in their own land. Since the Presumption of Innocence is mentioned throughout these clauses, it implies that the English Crown conducted partial and biased trials against many individuals. Accordingly, these clauses overcame the wants of the Monarchy, in that time period, to protect the innocence of the people.²⁹ As a result, we find that the Presumption of Innocence was further instilled into society, protected the innocent, and the best interests of the citizens of England.

Legacy

Unfortunately, the *Magna Carta* and the *Forest Charter* were only held in regard until the 1300s. After circa 1400, some of the key principles in these documents, such as the Presumption

²⁸ Note: *attached* in this context refers to the action of being arrested; also the definition of *forest* in this context refers to a King's royal hunting grounds

²⁹ The English Crown was very notorious in gaining power; the Crown essentially tried to take all power from the citizens of England and used it for their own benefit. According to Blackstone, the hierarchy abused all the power of England for their own wealth and glory until the establishment of the Magna Carta.

of Innocence and Trial by Jury, were noticeably relaxed in favor of the King.³⁰ Nevertheless, it may be noticed that the role of the *Forest Charter* was built into society since it only governed over the laws of the forest, which has been greatly reduced in size. As England became less reliant on the surrounding forests and the English lifestyle started to develop, the *Forest Charter* did not affect society after a certain point in time. At this point, the Presumption of Innocence has been instilled into human rights and to take away that right would result in a large reformation of society. That is precisely one of the main reasons behind the *English Civil Wars*,³¹ the *Glorious Revolution*,³² and the establishment of the *English Bill of Rights*.³³

Starting with the reign of Henry VII,³⁴ William Blackstone states that the King and the nobles were more “industrious” in “extorting” money, property, and the rights of the people.³⁵ Consequently, many people were unlawfully convicted during that time.³⁶ The extent of this tyranny went all the way to the point where the King, once more, was allowed absolute power over England.³⁷

³⁰ It is interesting to note that during that time period, while the importance of the *Magna Carta* in society still existed, it was not thoroughly emphasized by the public. During the establishment of the *Magna Carta*, the people were equally represented before the crown, and the Barons had forced the King to sign the *Magna Carta*, thus vanquishing the King’s tyranny on the public. However, during the 1400s to the mid-1600s, the people were only ‘theoretically’ represented and not ‘realistically’ represented before the King.

³¹ There were actually three subsequent Civil Wars in England. The term *English Civil Wars*, in general and within this paper, refers to all three of these Civil Wars. The three Civil Wars spanned over the years 1642-1651.

³² Published 1688

³³ Published 1689

³⁴ 1457-1509

³⁵ Blackstone, William, and Ruth Paley (ed.). “Of The Rise, Progress, And Gradual Improvements, of The Laws of England.” *The Oxford Edition Of Blackstone - Commentaries On The Laws Of England*. OUP Oxford.

³⁶ Thayer, James B. “The Presumption Of Innocence In Criminal Cases”. *The Yale Law Journal Company, Inc.*, vol 6, no. 4, 1897, pp. 185-212. *JSTOR*, <https://www.jstor.org/stable/780722>. Also, refer to the *Bloody Codes*. Due to the King’s absolute reign, he was once again able to control the daily affairs of all the people.

³⁷ Starting from the year 1539, during the reign of Henry VIII

This resulted in the creation of the ‘Star Chamber’: an English Judicial Court that allowed neither juries nor witnesses.³⁸ According to the US Supreme Court “The Star Chamber has, for centuries, symbolized disregard of basic individual rights.”³⁹ Without juries or witnesses, the defendant could not possibly defend themselves and would be incriminated in such a trial. As a result, the reign of the Tudors and the Stewarts utilized the Star Chamber in order to maintain strict political power over their subjects. This eventually led to a great Civil War within England over the King’s power, which led to the beheading of King Charles I.⁴⁰ Ergo, to take away the unalienable right to the Presumption of Innocence created unrest in humanity and, consequently, resulted in disordered violence and chaos that shook society to the core.

Even after the *English Civil Wars*, King James II (r. 1685-1688) persisted to conduct biased trials through the use of partial juries. This led to the *Glorious Revolution* and the creation of the *English Bill of Rights*. The *English Bill of Rights*⁴¹ was established to fix these societal grievances. It grieves that:

Of late years partial corrupt and unqualified persons have been returned and served on juries in trials, [...] and several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied.⁴²

This statement implies that the people were deprived of the right to a fair and unbiased trial. Thereby showing that the burden of proof was on the defendant which violated the Presumption of Innocence. Thus, when the English Monarchy once again refused to recognize this right, the

³⁸ "History Of Trial By Jury". *West Virginia Association For Justice*, 2014, <https://www.wvaj.org/index.cfm?pg=HistoryTrialbyJury>.

³⁹ Supreme Court of the United States. *Faretta V. California*. 422 U.S. 806, 1975.

⁴⁰ Ohlmeyer, Jane. "English Civil Wars". *Encyclopædia Britannica*, 2019, <https://www.britannica.com/event/English-Civil-Wars>.

⁴¹ The *English Bill of Rights* was the outcome of the *Glorious Revolution*

⁴² "English Bill Of Rights 1689". *The Avalon Project*, 2008, https://avalon.law.yale.edu/17th_century/england.asp.

people had no choice but to revolt against the crown's suppressive rule.⁴³ This barrier to the people's rights was then broken with the official deposition of James II,⁴⁴ the creation of the *English Bill of Rights*, and the formal establishment that the Monarch of England was subject to the law. This led to the basis of the modern court system and set a precedent for many other revolutions.

After the establishment of the *English Bill of Rights*, justice was served righteously with the judges and juries not directly ruled or governed by the King of England. The enforcement of the *English Bill of Rights* led to the complete separation between the Crown, the Parliament, and the judges and juries which thence created and preserved the rights and interests of people on mainland England.⁴⁵ However, overseas citizens of England, namely the Pilgrims and the Puritans, who escaped from England due to religious persecution, often found judicial bias against them in legal matters.⁴⁶ Thus, the question arises: Can an individual be 'Presumed Innocent until Proven Guilty' if the Judge and the Jury are biased against that individual? The answer to this is no, since no one can be 'presumed innocent' if the judge and the jury are both convinced from the start of the trial that the so-called accused is guilty. And this is exactly what is meant in the Declaration of Independence when it states: "[The King] has made Judges dependent on his Will alone".⁴⁷ And in this example, we find that the denial to the Presumption of Innocence sparked the Revolutionary War that resulted in the birth of a new nation: The United States of America. Consequently, the American Revolution was fueled by precedents set

⁴³ This is known as the *Glorious Revolution*.

⁴⁴ William of Orange and Mary II were approached by Parliament to dethrone King James II.

⁴⁵ "English Bill Of Rights 1689". *The Avalon Project*, 2008, https://avalon.law.yale.edu/17th_century/england.asp.

⁴⁶ Haskins, George L. "Ecclesiastical Antecedents Of Criminal Punishment In Early Massachusetts". *Proceedings Of The Massachusetts Historical Society*, vol 72, 1960, pp. 21-35. JSTOR, <https://www.jstor.org/stable/25080513>.

⁴⁷ "The Declaration of Independence". *The U.S. Constitution And Other Writings*. Canterbury Classics.

by the Presumption of Innocence such as the *English Bill of Rights* and the *Magna Carta*. This prompted the Thirteen Colonies to break away from the tyrannical clutches of England, which allowed for a grand reform in the course of American History. As a result of the push for the Presumption of Innocence in American civilization, the world has radically altered its views on human equality and justice. Consequently, this has broken many revolutionary barriers in human rights.

Since then, the Presumption of Innocence has been held so revered in American society and law that it was strongly implied within the Fourth, Fifth, Sixth, and Seventh Amendments of the Constitution.⁴⁸ However, we find that history tends to repeat itself. Once more there is a dispute regarding the Presumption of Innocence in the Supreme Court Case of *Coffin v. United States*.⁴⁹ The problem arose simply because the Presumption of Innocence was never explicitly stated in any of the Amendments nor the Articles of the United States Constitution. In *Coffin v. United States*, the accused is never offered to be ‘Presumed Innocent’. The local court stated that the burden of proof was on both the defendant and the plaintiff,⁵⁰ by conveying to the jury that they may only indict the accused if there exists evidence that establishes the guilt of the accused “beyond reasonable doubt”, yet the court also settles that there must exist sufficient evidence to establish the innocence of the accused.⁵¹ Despite that, the Supreme Court overturned the decision of the local court and established that “The principle that there is a Presumption of Innocence in favor of the accused is the undoubted law.”⁵² They concluded that all persons are innocent and

⁴⁸ The U.S. Constitution And Other Writings. Canterbury Classics.

⁴⁹ Published 1895

⁵⁰ *Coffin v. United States* was both a civil and a criminal case trial. However because it largely concerns civil matters, plaintiff is used instead of prosecution.

⁵¹ See: Supreme Court of the United States. *Coffin V. United States*. 156 U.S. 432, 1895.

⁵² Ibid.

must be presumed innocent, in accordance with the law, unless evidence suggests otherwise.⁵³

Hence, the Presumption of Innocence has outlined a major part of the current *due process* for legal matters and also continues to support the foundations of our society.

Conclusion

The Presumption of Innocence has fundamentally defined modern society and the entire structure of law. Starting from the employment of the Presumption of Innocence in Medieval England, we find that it has definitely been a key part of civilization. In its run, it has surpassed the primarily superstitious beliefs in law, namely, Trial by Ordeal, Trial by Corsned,⁵⁴ Trial by Combat,⁵⁵ and has been adopted by the world as the most logical and ethical method to exact justice. In modern society, the Presumption of Innocence appears in the laws of almost every democratic government: from the United States to England to India; it has spread across the globe from its origins in England and in many places has caused complete societal and legal reform. In fact, most countries accept the Presumption of Innocence that it is even mentioned in Article 11 of the Universal Declaration of Human Rights by the UN Human Rights Committee. It states:

Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.⁵⁶

⁵³ Ibid.

⁵⁴ Trial by Corsned was a type of Ecclesiastical trial process in which the accused would swallow a piece of bread, and if they choked on it, they were guilty.

⁵⁵ Trial by Combat was a trial process in which the prosecutor and the defendant both combated against each other. The winner of the combat was believed to have won, not by skill, but due to God choosing them.

⁵⁶ "Universal Declaration Of Human Rights". United Nations, 1948, <http://www.un.org/en/universal-declaration-human-rights/index.html>.

However, while laws may be legally applicable internationally, even today, people's prejudice sometimes may spark a biased trial against the accused i.e. the influence of racial discrimination, cultural differences, financial backgrounds. Hence, it may even be said that while the maxim has broken all barriers or obstacles in its way and is now at the heart of justice and society, there is still progress to be made in ensuring that all of mankind equally enjoys the undeniable right to the Presumption of Innocence.

Annotated Bibliography

Primary Sources

Books

Blackstone, William, and Ruth Paley (ed). *The Oxford Edition Of Blackstone - Commentaries On The Laws Of England*. OUP Oxford.

This book was written by William Blackstone, a famous English jurist.

Blackstone's commentaries come published in four volumes, however I primarily used the fourth volume which is titled "Of Public Wrongs". This was highly useful since William Blackstone was a jurist who lived during a time period when Colonial America had just been established, and the *Glorious Revolution* had just finished. Thus, he presented his own thoughts on the Laws of England. Blackstone's Commentaries helped fuel a lot of my research since he not only provides his opinions on the governing of society, but he also provides a detailed history to the history of the laws of England.

The U.S. Constitution And Other Writings. Canterbury Classics.

This book contained many key sources in American History that support the maxim of 'the Presumption of Innocence'. I primarily used the Declaration of Independence, the Constitution, and the Bill of Rights to justify the position of the 'Presumption of Innocence' in American history. Throughout my paper, I used this book to provide me with valuable quotes found in some of the founding documents of

America. Additionally, this book provided a valuable outlook regarding American History, and the history of Trial by Jury and the Presumption of Innocence.

Court Cases

Supreme Court of the United States. *Coffin V. United States*. 156 U.S. 432, 1895.

Coffin v. United States was a very important court case in American History: it formally established that all citizens not only have the right to an impartial trial, but that all citizens have the right to be presumed innocent. This case also provided a complete legal history behind the maxim of ‘The Presumption of Innocence’. However, I only referred to the actual court case documents regarding the final ruling of the case.

Websites

Magna Carta. The British Library, Translated by G.R.C Davis, 1215,

<https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

This article, published by The British Public Library had an English translated version of the *Magna Carta* which was originally written in Latin. This article also contained some background information regarding the *Magna Carta*. However, I utilized this document only for reading and citing the *Magna Carta* in my paper. My quotation regarding the *Magna Carta* came directly from this website. Additionally, The British Library owns one of the four original copies of the *Magna Carta*. Also, the translator, G.R.C Davis, is very well known for his translations of many Latin documents. Hence, as per translations, this would be a very trustable English translation of the *Magna Carta*.

Rothwell, Henry(ed). "The Charter Of The Forest Of King Henry III". *Forests And Chases Of England And Wales*, http://info.sjc.ox.ac.uk/forests/Carta.htm#_ftn1.

This article was published by the St.John's College at Oxford University and it contained the English-translated version of the *Carta de Foresta* or *The Forest Charter*. I used this website to cite and use the *Forest Charter* in my paper. Also, Oxford University is a well distinguished University in linguistics, hence the English Translation of the *Forest Charter* published by Oxford University must be of a very high quality. This helped me further understand the initial historical context behind the motivation of the Presumption of Innocence.

"English Bill Of Rights 1689". *The Avalon Project*, 2008,
https://avalon.law.yale.edu/17th_century/england.asp.

This article, published by the Yale Law School contained the *English Bill of Rights* as it was published in 1689. I used this article in order to cite certain Clauses of the *English Bill of Rights* in my paper.

"Universal Declaration Of Human Rights". United Nations, 1948,
<http://www.un.org/en/universal-declaration-human-rights/index.html>.

This webpage was an electronic copy of the original *Universal Declaration Of Human Rights* that was originally published in 1948 at a UN conference. This article was published by the UN. I used this in order to show the modern-day development of the Presumption of Innocence in society. Also, this showed me how the Presumption of Innocence affects the world today as an unalienable human right.

Secondary Sources

Books

Crick, Julia (ed.), and Van Houts, Elisabeth (ed.). *A Social History Of England, 900–1200*. Cambridge University Press, 2011.

This book provided valuable information regarding the time period of the Middle Ages. This book provided detailed background information throughout my research. Also, this book showed how the social and political influence of the Aristocracy and the Royalty in Medieval England created a skewed judicial system as well as biased trials. Overall, this book helped further support this paper.

Outhwaite, R.B. “1500-1860.” *The Rise And Fall Of The English Ecclesiastical Courts*.

This book helped me learn about the Ecclesiastical Court system in England. This source highlighted the many key flaws and unfairness in the early court systems of Medieval England. Also, this was able to outline the role of the Benefit of the Clergy and provided some commentary on its unfair role in English Society. This e-book provided beneficial information regarding the role of Superstition (and its unfairness) in society, which I was able to use in my analysis to show that this religious bias prevented the *Presumption of Innocence* from being expressed in society. Hence, I was able to show that this was a major factor that led to the establishment of the *Presumption of Innocence* in today's society.

Court Cases

Supreme Court of the United States. *Faretta V. California*. 422 U.S. 806, 1975.

Faretta v. California was a court case that dealt with the issue of self-representation in court. The Supreme Court ruled that any persons may opt to represent themselves in court. This case was very useful for this paper because it provided original quotes regarding this issue of representation. The official case cites historical examples such as the Star Chamber and presents original rulings about the unfairness found in such examples. For the purpose of this paper, I cited the court's opinion regarding the lack of justice found in the Star Chamber Court. Also, this Court Case first introduced me to the notion of the Star Chamber.

Interviews

Kamali, Elizabeth. "Law & Order In Medieval England". Interview by Jeff Neal. *Harvard Law Today*, 2019, <https://today.law.harvard.edu/law-order-in-medieval-england/>.

This interview was conducted with Harvard Professor Elizabeth Kamali. This was of great use for the foundation of this paper because it discusses the often unfair trial methods in Medieval England. It specifically highlighted the Trial by Ordeal, and this interview provided a unique view on that subject. Also, this interview supports the ideas found within this paper regarding the randomness or the bias found in certain trial methods in England and also how those in power were able to easily take advantage of others in a trial.

Journals

Haskins, George L. "Ecclesiastical Antecedents Of Criminal Punishment In Early Massachusetts". *Proceedings Of The Massachusetts Historical Society*, vol 72, 1960, pp. 21-35. JSTOR, <https://www.jstor.org/stable/25080513>.

This Journal Article provided accurate historical evidence regarding the bias found in Ecclesiastical Court in Massachusetts. However, the journal article does start by showing the progression of the church's power in England. This also detailed many other pieces of information such as the pope's controlling "reign" over England. However, the only historical evidence relating to the Presumption of Innocence detailed about the influence and bias found in the Ecclesiastical Courts throughout England. Additionally, this is where I was thoroughly able to understand the Benefit of the Clergy.

Jason, Peter D. "The Courts Christian In Medieval England". *The Catholic Lawyer*, vol 37, no. 4, 2017. St. John's University, <https://scholarship.law.stjohns.edu/tcl/vol37/iss4/4>.

Similar to "Ecclesiastical Antecedents Of Criminal Punishment In Early Massachusetts", this article also showed the bias and faults within the Christian Courts in Medieval England, which allowed unjust rules such as Benefit of the Clergy to rise.

Pollock, Frederick. "The King's Justice In The Early Middle Ages". *Harvard Law Review*, vol 12, no. 4, 1898, pp. 227-242. *JSTOR*, doi:10.2307/1322106.

This journal by Frederick Pollock details in great depth the King's justice in the Middle Ages. This article provided very deep analysis and also provided substantial evidence to support the points being made. This was of great use to my paper because it shared the same views about the bias and the injustice found in the King's reign. Also,

this provided valuable information to this paper regarding the historical pretense surrounding the Middle Ages and it helped me understand the development of justice throughout history.

Thayer, James B. "The Presumption Of Innocence In Criminal Cases". *The Yale Law Journal Company, Inc.*, vol 6, no. 4, 1897, pp. 185-212. *JSTOR*, <https://www.jstor.org/stable/780722>.

This article, published in the Yale Law Journal, was very influential in my research; this is where I did most of my initial research. Additionally, this source had many references to a wide variety of sources, which I was able to use for this paper. It provided a very unique commentary on the development of the Presumption of Innocence in Criminal Cases. Additionally, this source had a great variety of arguments relating to the Presumption of Innocence and was very helpful when I initially started to brainstorm for this paper.

Stefanovska, Vesna. "THE LEGACY OF MAGNA CARTA AND THE RULE OF LAW IN THE REPUBLIC OF MACEDONIA". *SEEU Review*, vol 11, no. 1, 2015, doi:10.1515/seeur-2015-0023.

This Journal Article also provided a very unique viewpoint on the effect of the Magna Carta and its principles. This helped me further develop this paper and relate it back to the theme and to present time. This also provided a very thought-provoking commentary regarding the legacy of the Magna Carta on society today which helped me brainstorm on the effect of the Presumption of Innocence in modern society.

Websites

Breay, Claire, and Julian Harrison. "Magna Carta: An Introduction". The British Library, 2014,
<https://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>.

I used this article for background research behind why the *Magna Carta* was written. This helped me comprehend the purpose of the *Magna Carta* better. Also, this provided me with some analysis behind the motivation to publish the *Magna Carta*. This was very useful when writing my paper since this allowed me to provide more analysis on the role of the Presumption of Innocence within the Magna Carta.

"History Of Trial By Jury". *West Virginia Association For Justice*, 2014,
<https://www.wvaj.org/index.cfm?pg=HistoryTrialbyJury>.

This article provided a brief history regarding the Trial by Jury. It was extremely helpful in strengthening my research. Also, this article presented more information regarding the Star Chamber. Overall, it was useful for providing new information that consistently supported my research.

"Magna Carta: People And Society". The British Library, 2014,
<https://www.bl.uk/magna-carta/articles/magna-carta-people-and-society>.

This article provided a valuable outlook on the actions of King John. This was primarily useful for me to learn about the reason why the *Magna Carta* was created. Additionally, this showed me about the historical role of the Church in English history. I was able to create lots of analysis based on this information.

Ohlmeyer, Jane. "English Civil Wars". *Encyclopædia Britannica*, 2019,
<https://www.britannica.com/event/English-Civil-Wars>.

This article by Encyclopædia Britannica shows details regarding the English Civil Wars. It describes the reason behind the English Civil Wars and the article thoroughly states the consequences of the wars. This article helped me get a clearer perspective on the events that led up to the English Civil War, including the grievances that the people had against the crown.

“Ordeal”. *Encyclopædia Britannica*, 2018, <https://www.britannica.com/topic/ordeal>.

This website by Encyclopædia Britannica was very important in determining the principles of law prior to the Presumption of Innocence. It described the various types of Trial by Ordeal, and important dates such as when Trial by Ordeal was entirely abolished. Thorne, R.G. “Shepherd, Samuel (1760-1840)”. *The History Of Parliament*, 1986, <http://www.historyofparliamentonline.org/volume/1790-1820/member/shepherd-samuel-1760-1840>.

Samuel Shepherd was the parliament member who abolished Trial by Combat, a form of Trial by Ordeal. This article was a short biography on him and described his contributions to the laws of England.

“Trial”. Offices Of The United States Attorneys, <https://www.justice.gov/usao/justice-101/trial>.

This website provided the reason behind the creation of a trial and what its meaning and role is in today’s society. It also provided me with the formal definition of a trial which helped fully understand about the trial process.