THE LEGACY OF THE MAGNA CARTA

MAGNA CARTA 1215
The Magna Carta controlled the power of the King for the first time in English history. It began the tradition of respect for the law, limits on government power, and a social contract where the government ruled with the consent of the people. The Magna Carta was only valid for three months before it was annulled, but the tradition it began has lived on in English law and society, eventually spreading around the globe. Reissues of the Magna Carta reminded people of the rights and freedoms it gave them. Its inclusion in the statute books meant every British lawyer studied it.

PETITION OF RIGHT 1628
Sir Edward Coke drafted a document which harked back to the Magna Carta and aimed to prevent royal interference with individual rights and freedoms. Though passed by the Parliament, King Charles I was not persuaded by the Petition and continued to abuse his power. This led to a civil war, and the King ultimately lost power, and his head!

HABEAS CORPUS ACT 1679
The writ of Habeas Corpus gives a person who is imprisoned the opportunity to go before a court and challenge the lawfulness of their imprisonment. In 1679 the House of Lords passed the Habeas Corpus Act. It now applies to everyone everywhere in the United Kingdom.

ENGLISH BILL OF RIGHTS 1689
This document limited Royal power and contained a list of individual rights that were to be respected under the law. This list drew heavily on the Magna Carta and the Petition of Right. It listed the wrongdoings of the King and also established the importance of an elected Parliament who would make laws for the people. Like the Petition of Right it influenced countries around the world and marked a key step in securing the development of the rule of law, and protecting the rights and freedoms granted by the Magna Carta.

US DECLARATION OF INDEPENDENCE 1768
The US Declaration of Independence was the result of a belief that the protections of the Magna Carta applied in America. It echoed the ideas of the Magna Carta as it declared that “Governments are instituted among Men, deriving their just powers from the consent of the governed.” The drafters of the Declaration of Independence drew inspiration from the work of Sir Edward Coke and the Magna Carta.

CONSTITUTIONS

The Australian Constitution (1901) upholds the rule of law principle that the law is made by representatives of the people. The Constitution stipulates in Section 24 that “The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth.”

The Constitution of India (1949) upholds the independence of the judiciary. Section 50 states that “The State shall take steps to separate the judiciary from the executive.

The Constitution of Fiji (2013) states that the Republic of Fiji is “founded on the values of ... freedom and the rule of law.”

The Constitution of Uganda (1995) also features the rule of law, stating that he duties of a citizen are “to promote democracy and the rule of law.”

UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948
After the horrors of the Second World War representatives from around the world gathered to draft a treaty that would prevent future wars and preserve peace and freedom. The result was the Universal Declaration of Human Rights (UDHR). The UDHR was the first ever declaration of the fundamental rights and values of the entire human race.

The UDHR was drafted by Eleanor Roosevelt, Chair of the UN Commission on Human Rights. She was an advocate for human rights around the world, and called the UDHR “the international Magna Carta for all men everywhere.”

ICCPR AND ICESCR 1966
After the UDHR other international treaties were drafted to protect freedom around the world. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are the two most well known. These documents provide a more detailed description of the rights described in the UDHR. The contain echoes of the freedoms mentioned in the Magna Carta.