

# THE LEGACY OF MAGNA CARTA

## MAGNA CARTA 1215

The *Magna Carta* controlled the power of a monarch for the first time in English history. It began the tradition of

respecting the law and limiting government power, providing an agreement where government ruled with the

consent of the people. Reissues of *Magna Carta* reinforced the rights and freedoms it gave the people. The legacy of *Magna*

*Carta* has evolved to take hold in English law and society, eventually spreading around the world.

## PETITION OF RIGHT 1628

Sir Edward Coke led the English parliament to draft the *Petition of Right*, after King Charles I used arbitrary

power over the people. After failing to have the previous charter issued by the King, the *Petition of Right* drew on the

authority of the *Magna Carta* to prevent royal interference with individual rights and freedoms.

The Parliament had worked together to challenge the King and defend the principles of the *Magna Carta*.

## HABEAS CORPUS ACT 1679

*Habeas Corpus* is an Act of Parliament that was passed by the House of Lords. Whilst *Magna Carta* stated that no one

could be imprisoned unlawfully, by 1679, the writ *Habeas Corpus* gave a person who is imprisoned, the opportunity

to go before a court and challenge the legality of their imprisonment. The Act remains in effect and has been included

as a fundamental right in many common law countries.

## ENGLISH BILL OF RIGHTS 1689

Royal power was limited again by listing individual rights that demanded respect of the law. The *Bill of Rights* was presented to the parliament as 'the second

*Magna Charta*' and listed the wrong doings of the King. It insisted on due process, no taxation without agreement, and freedom from government

interference. It also established the principle of frequent parliaments, free elections, and free speech.

## US DECLARATION OF INDEPENDENCE 1776

The drafters of the *Declaration of Independence* drew inspiration from the work of Sir Edward Coke and the *Magna Carta*. It declared *Governments are instituted among Men, deriving their just powers from the consent of the governed*. Recognising the birthright from

English heritage, colonists strived for protection from oppressive rule and the recognition of individual rights for the people. The 5th Amendment is derived from *Magna Carta* *no person shall... be deprived of life, liberty, or property, without due process of law*.

## AUSTRALIAN CONSTITUTION 1901

A *constitution* is a set of rules for governing a country. The *Magna Carta* was effectively the first written constitution in European history, establishing the rule of law. The Australian Constitution has its

origins in *Magna Carta* and represents supreme law under the rule of law. It defines the roles and responsibilities of the three arms of government - the legislature, executive, and judiciary.

## UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948

The *UNDHR* is a treaty that preserves peoples' peace and freedom, and is considered the *Magna Carta* of our age. It was the first declaration that recognised the fundamental rights and values of all people, everywhere.

Drafted by Eleanor Roosevelt, Chair of the UN Commission on Human Rights, the *UNDHR* recognises its origins: *The international Magna Carta is for all men everywhere*.

## ICCPR AND ICESCR 1966

The *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR) provide a detailed description of the rights presented in the *UDHR*, for modern times. *Magna Carta*'s legacy continues to deliver equality and justice, forming the basis of the freedoms and liberties we enjoy today.

