

Magna Carta Guide

The Magna Carta emerged out of the Dark Ages as a virtuous and noble set of ideas. The document created lasting effects around the world by shaping democratic government. In contemporary times, leaders, students and general citizenry alike turn to the Magna Carta for guidance on the rule of law and human rights. New democracies draw upon principles expressed in the Magna Carta to establish just societies where all people are treated with dignity.

While it was created as a result of narrow interests, its lasting authority rests in the root of its message that government is a contract and that rulers do not have the moral authority to simply impose their will.

The most famous clauses from the Magna Carta are those referring to **Habeas Corpus – protection against imprisonment without cause.**

Clause 39:

“No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled or in any way destroyed, nor shall we go against him or send against him, unless by legal judgement of his peers, or by the law of the land.”

Clause 40:

“To no one will we sell, to no one will we refuse or delay, right or justice.”

Early calls for **Women’s Rights** were reflected in the Magna Carta as well regarding property and marriage rights for widows.

Clause 7:

“At her husband’s death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband’s house for forty days after his death, and within this period her dower shall be assigned to her.”

Clause 8:

“No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold of them.”

Thomas Jefferson wrote the *Declaration of Independence* stating:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

In doing so, he was drawing on principles expressed in the Magna Carta.

Other documents utilizing principles from the Magna Carta include but are not limited to:

Declaration of Independence, United States, July 4, 1776

First Amendment to the US Constitution, December 15, 1791

Article 1 of the Universal Declaration of Human Rights, December 10, 1948

Preamble to the Constitution of the Republic of South Africa, December 4, 1996