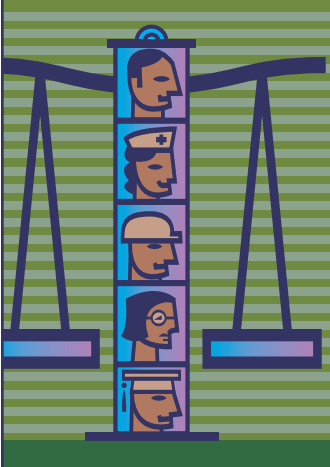


# Landmark Documents of the Rule of Law



The Rule of Law:  
Foundation for  
Communities of  
Opportunity and  
Equity  
**Law Day**  
May 1, 2008

## Landmark Documents of the Rule of Law Series

Part 1  
**Magna Carta (1215)**

Part 2  
**English Bill of Rights (1689)**

Part 3  
**Constitutional Amendments  
(1791–)**

Part 4  
**Universal Declaration of  
Human Rights (1948)**



For more information about Law Day 2008, including a downloadable Dialogue on the Rule of Law and Planning Guide, go to [www.lawday.org](http://www.lawday.org).



## Magna Carta (1215)

### History of the “Great Charter”

Frustrated by King John’s abuse of power, in 1215 English barons demanded that he sign a charter to recognize their rights. This famous charter became known as Magna Carta (Latin for “Great Charter”), which granted “to all freemen of our kingdom” certain rights and liberties.

Magna Carta came to be seen as the precedent for many future legal documents, establishing the common law as the supreme authority in England to which even the king was subject. Subsequent interpretations of Magna Carta shaped its legacy as one of the most influential legal documents in world history.

While Magna Carta was not the first attempt to limit a king’s power, it was the first written limitation of the power of the king, marked with the king’s great seal. In addition, it planted the seed for many concepts found within our legal system today and is viewed as a foundational, landmark document of the rule of law.

### Influence of Magna Carta

When the English left their homeland to establish colonies in the New World, they brought with them charters guaranteeing that they and their heirs would “have and enjoy all liberties and immunities of free and natural subjects.”

The founders of our country regarded Magna Carta as an essential founding document of limited government under the rule of law. When representatives gathered to draft the U.S. Constitution, they turned to English common law, which took its inspiration from Magna Carta, to establish their own political and legal institutions.

Nearly 800 years old, Magna Carta is a landmark document. Political leaders and rights advocates throughout history have referenced Magna Carta in asserting fundamental legal rights, looking to the Great Charter for precedent.

Most notably, Magna Carta demanded that a judgment against a person be made in accordance with the law, thus planting the seeds for the concepts of due process of law and the right of habeas corpus (protection against unlawful detention). Magna Carta required the king to renounce certain rights, respect certain legal procedures, and accept that his will could be bound by the law—all hallmarks of the rule of law.

In addition, Article 39 of Magna Carta states, “No free man shall be taken or imprisoned or disseised or outlawed or exiled or in any way destroyed, nor will we go or send against him, except by the lawful judgment of his peers or by the law of the land.” This is the underlying concept of the Fifth Amendment to the U.S. Constitution, part of the Bill of Rights.



### Student Activities and Focus Questions

1. Magna Carta is cited as one of the most important documents of the rule of law. Do you agree or disagree? How have the basic concepts of Magna Carta endured through time?
2. Magna Carta is often referenced as a source for the fundamental right of habeas corpus. Ask students to search online or in current newspapers for mentions of habeas corpus. Have them share the news stories with other students.
3. A 13th century copy of Magna Carta is housed at the National Archives in Washington, D.C. Who owns it? How many original copies of Magna Carta exist today and where are they?