

## **Tainted Legacy – Human Rights and the Magna Carta**

Close scrutiny rarely flatters the foundation myths of political orders. In that sense, given the Magna Carta's near-mythical status, for celebrations for its 800-year anniversary are also a moment for introspection over the UK's current governance order. Celebrating the Charter which supposedly embodies the genesis of legal limitations on previously absolute power sits uneasily with the governing Conservative Party's obsessions with maintaining parliamentary sovereignty in the face of pan-European constraints. Moreover, no matter how anachronistic the attribution of trial by jury, freedom of expression and habeas corpus to Magna Carta's overburdened Clauses 39 and 40, a celebration of the Charter's place in the popular conscience as a bulwark protecting ancient rights and liberties is not easily squared with the controversy surrounding the Government's eagerness to hollow out the European Convention on Human Rights' protections. The terms of the celebrations have, however, been closely managed to minimise these inconsistencies and to instead emphasise the indigenous character of Magna Carta and the "ancient constitution" as a counterpoint to inroads made into the UK's insular governance arrangements by global constitutionalist projects. As such, the Magna Carta (as it always has) becomes a double-edged instrument, as useful to UK Governments in legitimating their actions as it is for restraining abuses of power.

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