
FROM MAGNA CARTA TO MODERN COVENANTS: A HISTORICAL SURVEY OF HUMAN RIGHTS

Arush Khanna, Research Scholar, Dr. Ram Manohar Lohiya National Law University,
Lucknow

ABSTRACT

This paper traces the historical evolution of human rights through pivotal legal and political documents that have shaped modern understandings of individual liberties and state accountability. Beginning with the Magna Carta of 1215, which marked an early assertion of limitations on sovereign power, the study examines key milestones such as the British Bill of Rights (1689), the French Declaration of the Rights of Man and of the Citizen (1789), and culminates with the formation of the International Bill of Rights in the twentieth century. Each document is analyzed within its historical context, highlighting its contributions to the global human rights discourse. The paper argues that while the language and frameworks of rights have evolved, the foundational ideals of liberty, equality, and justice remain central. By surveying these milestones, the study provides a basic yet coherent narrative of how human rights norms have developed from national struggles to universal aspirations.

Keywords: Human Rights, Magna Carta, British Bill of Rights, Declaration of the Rights of Man and Citizen, Universal Declaration of Human Rights, International Bill of Rights

INTRODUCTION

The United Nations defines Human rights as rights that are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.¹

The concept of human rights possesses considerable historical complexity.² While formal recognition of human rights accelerated during the twentieth century, the fundamental idea of rights and liberties originates in ancient civilizations and philosophical traditions. Diverse civilizations and cultures have historically articulated distinct conceptions of human rights, emphasizing varying dimensions of individual freedoms and societal obligations.

The historical evolution of human rights constitutes a response to pervasive violations of human dignity and the necessity for safeguards against power abuses. Major historical occurrences, notably the Magna Carta (1215), the American and French Revolutions (late 18th century), and the Universal Declaration of Human Rights (1948), substantially shaped the recognition and protection of human rights.

Comprehending the historical development of human rights is imperative for several reasons. First, it provides essential context and deeper understanding of the principles and values underpinning contemporary human rights. By tracing the historical progression, we discern the advancement achieved in recognizing and safeguarding human rights.

Second, understanding the historical context facilitates comprehension of the challenges and struggles encountered by individuals and communities advocating for human rights. It reveals the societal, cultural, and political factors influencing the advancement or regression of human rights across different contexts.

Moreover, examining the historical development of human rights enables critical assessment of deficiencies and limitations within the existing framework. It permits reflection on

¹ United Nations, *Human Rights*, UNITED NATIONS, <https://www.un.org/en/global-issues/human-rights>

² M.G. Chitkara, *Human Rights: Commitment and Betrayal* (APH Publ'g 1996).

achievements and persistent challenges in protecting human rights, facilitating identification of areas requiring further attention and enhancement.

Finally, recognizing the historical significance of human rights reinforces collective responsibility. It underscores the shared commitment to upholding and promoting human rights as a global community. By understanding past struggles and achievements, we advance towards universal respect, protection, and fulfilment of human rights.

HISTORICAL BACKGROUND

Certain conceptions of moral correctness within ancient legal systems and religious doctrines are retrospectively occasionally classified as "human rights." Enlightenment philosophers such as John Locke proposed a social contract grounded in secular principles, establishing a relationship between governing authorities and the governed populace.³ Within ancient traditions, comparable principles derived from divine law concepts, and within Hellenistic philosophy, particularly the Stoic philosophy, from natural law principles.⁴ On the other hand, scholars like Samuel Moyn posits that the concept of human rights is intrinsically linked to the modern conception of citizenship, an idea achieving realization only within recent centuries.⁵

Documentation of Human Rights in Ancient World

Numerous historians assert that the Achaemenid Persian Empire of ancient Iran, under Cyrus the Great during the 6th century BC, established foundational principles for human rights.⁶ Following his conquest of the Neo-Babylonian Empire in 539 BC, Cyrus promulgated an edict known as the Cyrus Cylinder.⁷ This artifact, discovered in 1879, is now regarded by some scholars as the earliest documented articulation of human rights principles. Consequently, certain commentators associate the Cyrus Cylinder with decrees attributed to Cyrus within the biblical Books of Chronicles, Nehemiah, and Ezra.⁸ These biblical accounts indicate that Cyrus

³ John Locke, *Second Treatise of Government* (1690).

⁴ A.A. Long, *Hellenistic Philosophy: Stoics, Epicureans, Skeptics* (1974).

⁵ Samuel Moyn, Human Rights in History: Human Rights Emerged Not in the 1940s but the 1970s, and on the Ruins of Prior Dreams, *The Nation* (Aug. 30, 2010), <https://www.thenation.com/article/archive/human-rights-history/>.

⁶ Neil MacGregor, The Whole World in Our Hands, *The Guardian* (July 24, 2004), <https://www.theguardian.com/artanddesign/2004/jul/24/heritage.art>.

⁷ M.A. Dandamaev, The Cyrus Cylinder, *Encyclopædia Iranica* (Jan. 26, 2010), <https://iranicaonline.org/articles/cyrus-cylinder>.

⁸ Bob Becking, "We All Returned as One!: Critical Notes on the Myth of the Mass Return," in *Judah and the Judeans in the Persian Period* 3 (Oded Lipschitz & Manfred Oeming eds., Eisenbrauns 2006).

permitted Jewish populations, at least partially, to return to their homeland following the Babylonian Captivity. The cylinder further referenced freedom of worship without persecution and the prohibition of forced conversions.

Some scholars, conversely, emphasize the conceptual origins of citizenship within the early city-states (poleis) of ancient Greece. Within these communities, all free citizens possessed the privilege of expressing opinions and participating in political assemblies through speech and voting rights.⁹

Certain thinkers addressing Human Rights note that Ashoka, the Mauryan Emperor reigning from 268 to 232 BCE, possesses considerable significance within their discourse. Ashoka, renowned for establishing South Asia's largest empire, underwent a significant conversion following the reportedly destructive Kalinga War. During this period, Ashoka adopted Buddhism and renounced territorial expansion in favor of pursuing humanitarian reforms. To disseminate his principles, Ashoka promulgated the Edicts of Ashoka throughout his empire, prominently featuring the 'Law of Piety'.¹⁰

Other scholars focus attention to ancient Rome for foundational elements of Human Rights. According to this perspective, in ancient Rome, the concept of *ius gentium* denoted rights entitlements based solely on citizenship status. This Roman concept of *ius* functioned as a precursor to rights understanding within the Western European tradition. It is noteworthy that the term "justice" itself originates etymologically from *ius*.¹¹ Human rights legislation within the Roman Empire encompassed significant developments, including Emperor Antoninus Pius¹² instituting the presumption of innocence and Emperor Constantine the Great issuing the Edict of Milan, ensuring comprehensive religious freedom.¹³

⁹ Dinah Shelton, An Introduction to the History of International Human Rights Law, 21 *Wash. U. J.L. & Pol'y* 1 (2007).

¹⁰ G.I.A.D. Draper, The Contribution of the Emperor Asoka Maurya to the Development of the Humanitarian Ideal in Warfare, 35 *Int'l Rev. Red Cross* 192, 192–206 (1995), <https://doi.org/10.1017/S0020860400090604>.

¹¹ Jus Gentium, *Encyclopædia Britannica*, <https://www.britannica.com/topic/jus-gentium-Roman-law> (last visited June 1, 2025).

¹² Ei Incumbit Probatio Qui Dicit Non Qui Negat, *Law Times J.*, <https://lawtimesjournal.in/ei-incumbit-probatio-qui/#:~:text=It%20was%20introduced%20in%20Roman%20criminal%20law%20by,one%20who%20declares%20C%20not%20on%20one%20who%20denies%E2%80%9D%29>

¹³ What Was the Edict of Milan?, *World Atlas*, <https://www.worldatlas.com/articles/what-was-the-edict-of-milan.html#:~:text=The%20Edict%20of%20Milan%20was%20an%20agreement%20which,who%20met%20in%20Milan%20on%20February%20313%20CE>

MAGNA CARTA

Historical Background

Magna Carta Libertatum, colloquially termed Magna Carta or the Great Charter, constitutes a royal charter of rights ratified by King John of England at Runnymede near Windsor on June 15, 1215. Originally formulated by Cardinal Stephen Langton, Archbishop of Canterbury, the charter sought to reconcile the adversarial relationship between the unpopular monarch and a faction of rebellious barons. It established protections for ecclesiastical rights, ensured baronial immunity from unlawful detention, guaranteed access to expedient judicial proceedings, and imposed constraints upon arbitrary feudal exactions to the Crown. These stipulations were to be implemented through a council comprising twenty-five barons. However, neither party fulfilled their obligations, and Pope Innocent III subsequently annulled the charter, precipitating the First Barons' War.¹⁴

The political influence surrounding Magna Carta and its purported protection of ancient personal liberties persisted beyond the Glorious Revolution of 1688, enduring throughout the nineteenth century. It exerted influence upon early American colonists within the Thirteen Colonies and contributed significantly to the formulation of the United States Constitution, which attained status as the supreme law of the nascent United States.¹⁵ Victorian historians subsequently documented that the original 1215 charter primarily addressed the medieval relationship between the sovereign and the barons, rather than the rights of common individuals.¹⁶ Nonetheless, the charter retained potent iconic status, despite the repeal of the majority of its provisions from statute books during the nineteenth and twentieth centuries.

Magna Carta endures as a symbol of liberty and is frequently invoked by political figures and activists. It commands substantial reverence within British and American legal circles, with Lord Denning characterizing it as "the greatest constitutional document of all times—the foundation of the freedom of the individual against the arbitrary authority of the despot."¹⁷ While scholars reference the charter's sixty-three enumerated "clauses," this numerical system

¹⁴ Peter Crooks, Exporting Magna Carta: Exclusionary Liberties in Ireland and the World, *Hist. Ir.* (July/Aug. 2015), <https://www.historyireland.com/volume-23/exporting-magna-carta-exclusionary-liberties-in-ireland-and-the-world/>.

¹⁵ *Magna Carta – Inspiration for Americans*, U.S. Nat'l Archives, <https://www.archives.gov/exhibits/featured-documents/magna-carta#:~:text=Inspiration%20for%20Americans,%22law%20of%20the%20land.%22>

¹⁶ Claire Brey, *Magna Carta: Manuscripts and Myths* (The British Library 2010).

¹⁷ Danny Danziger & John Gillingham, *1215: The Year of Magna Carta* (Hodder Paperbacks 2004).

originated with Sir William Blackstone in 1759; the original document comprised a single, continuous text. The four extant original 1215 charters were exhibited collectively at the British Library on February 3, 2015, commemorating the octocentenary of Magna Carta.¹⁸

Rights and Liberties Protected by the Magna Carta:

Magna Carta encompassed numerous provisions ensuring specific rights and liberties. Key elements included:

1. **Protection of Church rights:** The document affirmed ecclesiastical liberties and institutional independence from royal intervention.¹⁹
2. **Limitation on arbitrary taxation:** It stipulated taxes levied required baronial council consent, imposing constraints upon arbitrary fiscal exactions.²⁰
3. **Due process and right to a fair trial:** Magna Carta guaranteed that no free individual could be imprisoned, dispossessed, or punished absent lawful judgment by peers or the law of the land.²¹
4. **Protection against unlawful imprisonment:** It enshrined the principle of *habeas corpus*, ensuring detention required lawful justification.²²
5. **Protection of property rights:** Magna Carta secured individual property rights, proscribing arbitrary seizure of land or assets by the monarch or representatives.²³

Impact on the Development of Human Rights Principles:

Magna Carta exerted considerable influence upon the evolution of human rights principles. Although initially addressing feudal elite concerns, its tenets gradually extended to broader societal segments. It established the principle that the monarch remained subject to legal constraints and that certain fundamental rights were inviolable.

¹⁸ 800th Anniversary of the Magna Carta, *Villanova Univ. Library Blog* (June 15, 2015), <https://blog.library.villanova.edu/2015/06/15/800th-anniversary-of-the-magna-carta/>

¹⁹ Ralph V. Turner, *King John: England's Evil King?* (The History Press 2009).

²⁰ *Ibid.*

²¹ Ralph V. Turner, *Magna Carta: Through the Ages* (Routledge 2003).

²² *Ibid.*

²³ *Ibid.*

Magna Carta provided the foundation for constitutional and legal systems recognizing and protecting individual rights and liberties. Its emphasis on due process, equitable trial, and the rule of law became fundamental principles within subsequent human rights frameworks.

The concepts articulated in Magna Carta informed subsequent instruments, including the English Bill of Rights (1689)²⁴ and the American Constitution, particularly the Bill of Rights (1791).²⁵ These documents expanded upon the rights and liberties delineated within Magna Carta, further shaping the global development of human rights principles.

Magna Carta's historical significance resides in its assertion that no individual, including the sovereign (king), stands above the law.²⁶ It functioned as a symbol of resistance against arbitrary authority and established the concept that rights and liberties warrant universal protection. Its enduring legacy is acknowledged as a pivotal milestone in the progression of human rights.

Modern Legacy of Magna Carta:

Magna Carta retains significant, venerated status within British society, frequently cited by political and legal actors to bolster constitutional arguments.²⁷ While its direct legal applicability has waned in the contemporary era, attempts to invoke Magna Carta for specific causes persist. For instance, in 2012, Occupy London demonstrators sought to rely upon Magna Carta to contest eviction from St. Paul's Churchyard by the City of London. Judicial authorities, however, rejected this contention, observing that the extant clauses lacked direct relevance to the case.²⁸

Despite its diminished legal weight in modern Britain, Magna Carta retains symbolic importance. Although most clauses are repealed and subsequent statutes secure pertinent rights, the survival of the 1215 charter reflects the continuous evolution of English law and governance. Historians maintain enduring scholarly interest in Magna Carta, with debates

²⁴ James C. Holt, *The Ancient Constitution in Medieval England* (Liberty Fund 2008) (originally published 1993).

²⁵ A.E. Dick Howard, *Magna Carta Comes to America*, *Fourscore* (2008).

²⁶ Magna Carta's Significance, U.K. Parliament, <https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birhofparliament/overview/magnacarta/magnacartasignificant/>

²⁷ Danny Danziger & John Gillingham, *1215: The Year of Magna Carta* (Hodder Paperbacks 2004).

²⁸ David Allen Green, *The Myth of Magna Carta*, *Fin. Times* (June 16, 2014), <https://www.ft.com/content/6f8b65f4-f3d1-11e3-a3f8-00144feabdc0>.

concerning its interpretation and significance ongoing.²⁹ It occupies a distinctive position within the uncoded constitution of the United Kingdom and is deemed the inaugural instrument within a series possessing unique constitutional standing, according to Lord Woolf, Lord Chief Justice of England and Wales.³⁰

Magna Carta also possesses international recognition. It was reprinted within the Imperial Acts in force in New Zealand in 1881, and clause 29 remains operative within New Zealand law. In the United States, Magna Carta is recognized as a foundational precursor to the United States Constitution and Bill of Rights. In 1976, the United Kingdom loaned one original exemplar of the 1215 Magna Carta to the United States for bicentennial celebrations; a replica and an ornate display case remain exhibited in the United States Capitol Crypt in Washington, D.C.³¹

BRITISH BILL OF RIGHTS

Introduction

The Bill of Rights 1689, alternatively termed the Bill of Rights 1688, constitutes an Act of the Parliament of England establishing fundamental civil liberties and clarifying the line of royal succession.³² This statute retains considerable significance within English constitutional jurisprudence.

Incorporating the political doctrines of philosopher John Locke extensively³³, the Bill establishes a constitutional mandate requiring the Crown to obtain consent from the populace as represented within Parliament. It imposes restrictions upon monarchical powers and affirms parliamentary rights, including regular sessions, free elections, and parliamentary privilege.³⁴ The Bill further enumerates individual entitlements, such as the proscription of cruel and unusual punishment and the right to abjure taxation absent parliamentary authorization.³⁵

²⁹ James C. Holt, *Magna Carta* (2d ed. Cambridge Univ. Press 1992).

³⁰ Magna Carta: A Precedent for Recent Constitutional Change, Judiciary of Eng. & Wales, <https://www.judiciary.uk/announcements/magna-carta-a-precedent-for-recent-constitutional-change/>

³¹ Magna Carta Replica and Display, Architect of the Capitol, <https://www.aoc.gov/explore-capitol-campus/art/magna-carta-replica-and-display>

³² Bill of Rights 1689, Legislation.gov.uk, <https://www.legislation.gov.uk/aep/WillandMarSess2/1/2#commentary-c2144673>

³³ Lois G. Schwoerer, Locke, Lockean Ideas, and the Glorious Revolution, 51 *J. Hist. Ideas* 531 (1990).

³⁴ Maurice Adams, Anne Meuwese & Ernst Hirsch Ballin, *Constitutionalism and the Rule of Law: Bridging Idealism and Realism* (Cambridge Univ. Press 2017).

³⁵ Bill of Rights, U.K. Parliament, <https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/>

Additionally, it delineates and condemns specific transgressions committed by James II of England. The Bill of Rights received royal assent on December 16, 1689. It formally enacts the Declaration of Right, presented by the Convention Parliament to William III and Mary II in February 1689, inviting their accession as joint sovereigns.

Within the United Kingdom, the Bill is recognized as a foundational instrument of the uncodified constitution, alongside Magna Carta, the Petition of Right, the Habeas Corpus Act 1679, and the Parliament Acts 1911 and 1949.³⁶ A cognate document, the Claim of Right Act 1689, pertains to Scotland. The Bill of Rights provided a model for the United States Bill of Rights, the United Nations Declaration of Human Rights, and the European Convention on Human Rights.³⁷ It remains operative across all Commonwealth realms, subject to amendments introduced via the Perth Agreement alongside the Act of Settlement 1701.

Historical Background:

During the late seventeenth century, England encountered successive political and religious conflicts. Policies enacted by King James II, favoring Catholicism and centralized authority, encountered opposition from Protestant and parliamentary factions. In 1688, a cohort of English nobles invited William of Orange, a Protestant Dutch prince, to invade England. This precipitated the Glorious Revolution, resulting in James II fleeing the country.³⁸

To secure parliamentary support and consolidate authority, William of Orange assented to a Declaration of Rights, subsequently enacted as the British Bill of Rights.³⁹ This legislation was promulgated as an Act of Parliament in 1689, formally instituting a constitutional monarchy and affirming the rights and liberties of the English populace.

Rights and Freedoms Enshrined⁴⁰:

The British Bill of Rights codified several significant rights and freedoms,⁴¹ including:

³⁶ What Is the U.K. Constitution?, UCL Constitution Unit, <https://www.ucl.ac.uk/constitution-unit/explainers/what-uk-constitution>

³⁷ Facts About the Bill of Rights on Its 220th Anniversary, *History.com* (Dec. 15, 2011) (archived Oct. 4, 2013), <https://web.archive.org/web/20131004215342/http://www.history.com/news/facts-about-the-bill-of-rights-on-its-220th-anniversary>.

³⁸ Will Durant & Ariel Durant, *The Age of Louis XIV* 277 (Simon & Schuster 1963).

³⁹ Nesca A. Robb, *William of Orange: A Personal History* (Heinemann 1962).

⁴⁰ Oliver Joseph Thatcher, ed., *The Library of Original Sources 10* (Univ. Research Extension Co. 1907).

⁴¹ E.N. Williams, *The Eighteenth-Century Constitution: 1688–1815* (Cambridge Univ. Press 1960).

1. **Freedom of speech:** The Bill affirmed parliamentary freedom of speech and debate, safeguarding individuals' capacity to express opinions without reprisal.
2. **Freedom from cruel and unusual punishment:** It proscribed cruel and unusual punishments, ensuring individuals were not subjected to excessive or inhumane treatment.
3. **Right to petition:** The Bill guaranteed individuals' right to petition the monarch, reinforcing freedom of expression and grievance redress.
4. **Right to bear arms:** It recognized Protestants' entitlement to possess arms for self-defence, while restricting this right for Catholics, reflecting contemporaneous religious tensions.
5. **Protection against excessive bail and fines:** The Bill prevented imposition of excessive bail or fines, ensuring proportionality between punishments and offenses.

Influence on Subsequent Human Rights Instruments:

The British Bill of Rights exerted considerable influence upon subsequent human rights instruments. It functioned as a precursor to other constitutional documents enshrining rights and liberties. Notably, it profoundly impacted the development of the United States Bill of Rights.

When the American colonies pursued independence from Britain, they derived inspiration from principles articulated within the British Bill of Rights. Numerous rights and freedoms protected within the American Constitution, particularly within the Bill of Rights (adopted 1791), originate in the English Bill of Rights. These include freedom of speech, protection against cruel and unusual punishment, and the right to bear arms.⁴²

Furthermore, the British Bill of Rights influenced the formulation of broader human rights frameworks, such as the Universal Declaration of Human Rights (UDHR) adopted by the

⁴² Patrick T. Conley & U.S. Constitution Council of the Thirteen Original States, *The Bill of Rights and the States: The Colonial and Revolutionary Origins of American Liberties* (1992).

United Nations in 1948. Principles of free speech, protection against arbitrary punishment, and the right to petition have been integrated into international human rights instruments.⁴³

The British Bill of Rights played a critical role in shaping ensuing legal and constitutional developments, both within the United Kingdom and globally. Its recognition of fundamental rights and constraints upon governmental authority established a precedent for human rights protection in contemporary democratic societies.

DECLARATION OF THE RIGHTS OF MAN AND CITIZENS

Introduction

The Declaration of the Rights of Man and Citizen (*Déclaration des Droits de l'Homme et du Citoyen*) constitutes a seminal document in human rights history. It was formally adopted by the National Constituent Assembly of France on August 26, 1789, during the French Revolution.

Drawing upon Enlightenment philosophical thought, the declaration constituted a definitive articulation of French Revolutionary principles and exerted considerable influence upon the evolution of prevailing conceptions of individual liberty and democratic governance in Europe and globally.⁴⁴

Historical Context and Events:

During the late eighteenth century, France operated under an absolute monarchy governed by King Louis XVI. Societal organization reflected a stratified hierarchy characterized by systemic privilege and inequality. Economic adversity, political repression, and pervasive discontent among non-privileged orders precipitated revolutionary opposition to monarchical authority.⁴⁵

⁴³ A Short History of Human Rights, Univ. of Minn. Hum. Rts. Libr., <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm#:~:text=Documents%20asserting%20individual%20rights%2C%20such,the%20right%20to%20self%2Ddetermination>

⁴⁴ Jeffrey Kopstein & Mark Lichbach, *Comparative Politics: Interests, Identities, and Institutions in a Changing Global Order* 72 (Cambridge Univ. Press 2000).

⁴⁵ Keith Michael Baker, French Political Thought at the Accession of Louis XVI, 50 *J. Mod. Hist.* 279, 279–303 (1978), <https://doi.org/10.1086/241697>.

The French Revolution, commencing in 1789, sought to institute an egalitarian democratic polity. Revolutionary actors aimed to abolish aristocratic prerogatives, contest monarchical supremacy, and advance the principles of liberty, equality, and fraternity.⁴⁶

As an element of its constitutive agenda, the National Constituent Assembly undertook the drafting of a declaration establishing fundamental individual rights and freedoms. This process yielded the Declaration of the Rights of Man and Citizen, a foundational instrument of the revolutionary period.⁴⁷

Key Principles and Rights Proclaimed:

The declaration affirms the principle of popular sovereignty, countering the divine right of kings that defined the French monarchy, and establishes social equality among citizens: "All citizens, being equal before the law, are equally eligible to all public dignities, positions, and employments, according to their abilities and without distinction other than that of their virtues and talents," thereby abolishing the special privileges of the nobility and clergy.⁴⁸

The Declaration of the Rights of Man and Citizen, therefore, articulated several fundamental principles and rights⁴⁹, including:

1. **Equality:** The Declaration articulated the principle of equality, affirming that all individuals are born free and possess equal rights. It repudiated hierarchical privileges characteristic of the *ancien régime*, emphasizing the equal rights and opportunities of every citizen.
2. **Liberty:** The document affirmed individual liberty, encompassing freedom of thought, expression, religion, and association. It recognized individuals' right to participate in public affairs, securing their freedom to express opinions and contribute to decision-making processes.
3. **Property Rights:** The Declaration protected property rights, stipulating that arbitrary deprivation of property was impermissible. It recognized property as an inviolable and

⁴⁶ Georges Lefebvre, *The Coming of the French Revolution* 212 (Princeton Univ. Press 2005).

⁴⁷ William Doyle, *The Oxford History of the French Revolution* (Oxford Univ. Press 1989).

⁴⁸ Darius von Güttner, *The French Revolution* 85–88 (Nelson Cengage 2015).

⁴⁹ Timothy C.W. Blanning, *The French Revolution: Class War or Culture Clash?* (Palgrave Macmillan 1997).

sacred right, while acknowledging its use must not contravene the common interest.

4. **Rule of Law:** The Declaration advanced the concept of the rule of law, asserting that law must express the general will and safeguard individual rights and liberties. It mandated the application of impartial laws equally to all citizens.
5. **Due Process and Presumption of Innocence:** The Declaration affirmed the principles of due process and the presumption of innocence. It stipulated that individuals could only be punished pursuant to established laws and following a fair trial.

Impact on the Development of Human Rights Concepts:

The Declaration of the Rights of Man and Citizen exerted substantial influence upon the evolution of global human rights concepts. It signified a pivotal transformation in political and social thought, contesting doctrines of divine right and absolute monarchy.

The principles and rights articulated within the Declaration informed subsequent human rights instruments and movements internationally. Its emphasis on equality, liberty, and the rule of law aligned with aspirations for freedom and justice across diverse contexts.

The principles delineated in the Declaration impacted the formulation of human rights instruments, notably the Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948. The UDHR incorporates foundational concepts from the French Revolutionary period, integrating notions of equality, liberty, and individual rights protection within a universal framework.⁵⁰

Furthermore, the Declaration of the Rights of Man and Citizen provided a template for constitutional documents and legal reforms in multiple nations. It influenced the composition of national constitutions and the establishment of democratic institutions, contributing substantially to shaping contemporary conceptions of human rights and state-individual relations.⁵¹

⁵⁰ *Original Declaration of the Rights of Man and of the Citizen (1789–1791)*, UNESCO, <https://www.unesco.org/en/memory-world/original-declaration-rights-man-and-citizen-1789-1791>

⁵¹ F.B. Rohmer, *France: Foundational Importance of the Declaration of 1789*, in *First Fundamental Rights Documents in Europe: Commemorating 800 Years of Magna Carta* 139, 139–50 (Martin Suksi, Katja Agapiou-Josephides, Jean-Paul Lehnert & Manfred Nowak eds., Intersentia 2015).

INTERNATIONAL BILL OF RIGHTS

Introduction

The International Bill of Rights denotes a constellation of international human rights instruments constituting a comprehensive legal framework for global human rights protection and promotion. It comprises the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁵²

Establishment and Significance

The International Bill of Rights originated in the post-World War II period, motivated by the imperative to prevent recurrence of systematic human rights violations. The United Nations, established in 1945, assumed a pivotal role in formulating these instruments.⁵³

The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948. This non-binding resolution articulates fundamental universally protected rights and freedoms. The UDHR established the ethical and conceptual foundation for subsequent human rights instruments.

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted by the UN General Assembly in 1966. These legally binding instruments elaborate upon rights and freedoms recognized within the UDHR for ratifying states.⁵⁴

Significance of Each Instrument:

1. **Universal Declaration of Human Rights (UDHR):** The UDHR constitutes a seminal instrument enunciating inalienable rights inherent to all persons. It encompasses civil, political, economic, social, and cultural rights. Although non-binding, the UDHR functions as an authoritative benchmark for subsequent human rights frameworks.

⁵² *The International Bill of Human Rights*, Off. High Comm'r for Hum. Rts., <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>

⁵³ *Ibid.*

⁵⁴ *Fact Sheet No. 2 (Rev. 1), The International Bill of Human Rights*, Off. High Comm'r for Hum. Rts. (June 1996).

2. **International Covenant on Civil and Political Rights (ICCPR):** The ICCPR codifies civil and political rights, including rights to life, free expression, religious freedom, and fair trial. It imposes binding legal obligations upon state parties to uphold these rights and establishes compliance monitoring mechanisms.⁵⁵
3. **International Covenant on Economic, Social and Cultural Rights (ICESCR):** The ICESCR enumerates economic, social, and cultural rights, notably rights to work, education, health, and adequate living standards. It requires state parties to implement progressive realization of these rights.⁵⁶

Challenges in Implementing the International Bill of Rights:

1. State Sovereignty and Political Will:

- a. **Conflict with State Sovereignty:** A principal impediment arises from the tension between state sovereignty and the universal application of human rights. Numerous states assert the primacy of domestic jurisdiction over human rights matters, resisting external oversight. This frequently generates a "commitment gap" wherein states ratify treaties yet lack substantive political will for domestic implementation. As former UN Secretary-General Kofi Annan emphasized, a critical challenge involves translating codified rights into tangible improvements for individuals and communities.⁵⁷
- b. **Lack of Enforcement Mechanisms:** Despite established international standards, enforcement mechanisms remain constrained. International human rights law lacks universal legal binding force, and compliance—even by ratifying states—often remains voluntary. UN mechanisms (treaty bodies, special procedures) primarily utilize reporting, monitoring, and non-binding recommendations, typically lacking direct domestic enforceability. Implementation consequently depends predominantly on state discretion and

⁵⁵ *Covenant on Civil and Political Rights*, in *The Eleanor Roosevelt Papers* (Allida Black & June Hopkins eds., Eleanor Roosevelt Nat'l Historic Site 2003).

⁵⁶ *International Covenant on Economic, Social and Cultural Rights*, United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtldsg_no=IV-3&chapter=4

⁵⁷ *Human Rights Challenges*, United for Hum. Rts. (2005), <https://www.humanrights.com/what-are-human-rights/human-rights-challenges.html>

political commitment.⁵⁸

- c. **Double Standards and Politicization:** Geopolitical interests frequently precipitate double standards in human rights discourse and enforcement. Powerful states may disregard violations by allies while condemning analogous conduct by adversaries. This politicization undermines the framework's universality and credibility, fostering interstate distrust.⁵⁹

2. Socio-Economic and Development Disparities:

- a. **Poverty and Inequality:** Prevalent poverty, illiteracy, and income inequality substantially impede the realization of human rights, particularly economic, social, and cultural rights. Limited access to essential services (education, healthcare, adequate housing) directly contravenes ICESCR principles. India, despite ratifying multiple treaties, exemplifies challenges stemming from such socio-economic factors.⁶⁰
- b. **Resource Constraints:** Many developing states lack requisite financial and human resources for effective human rights policy implementation and robust enforcement mechanisms. This "capacity gap" impedes both international review participation and domestic execution.⁶¹

3. Cultural Relativism vs. Universality:

- a. **Debate over Universal Application:** A persistent challenge involves assertions of moral or cultural relativism, positing that human rights derive from specific cultural contexts and lack universal applicability. This contention frequently surfaces regarding freedom of religion, women's sexual/reproductive rights, "traditional values," and LGBTQ+ rights. While universal rights permit

⁵⁸ Limitation of UN Mechanisms, *The Daily Star* (Dec. 5, 2015), <https://www.thedailystar.net/law-our-rights/limitation-un-mechanisms-183781>

⁵⁹ Zamir Ahmed Awan, The Politicization of Human Rights Must End, *Modern Diplomacy* (Nov. 29, 2024), <https://moderndiplomacy.eu/2024/11/29/the-politicization-of-human-rights-must-end/>

⁶⁰ About Extreme Poverty and Human Rights, Off. High Comm'r for Hum. Rts., <https://www.ohchr.org/en/special-procedures/sr-poverty/about-extreme-poverty-and-human-rights#:~:text=Poverty%20is%20an%20urgent%20human%20rights%20concern&Its%20persistence%20in%20countries%20that,violation%20of%20fundamental%20human%20rights>

⁶¹ Valentina Carraro, Promoting Compliance with Human Rights: The Performance of the United Nations' Universal Periodic Review and Treaty Bodies, 63 *Int'l Stud. Q.* 1079 (2019).

contextual implementation variations, the core principles of human dignity and equality must remain inviolable.⁶²

- b. **Resistance to "Western Values":** Certain states perceive international human rights norms as embodying predominantly Western values, prompting resistance to adoption and implementation, particularly when conflicting with entrenched cultural norms or national identity perceptions.

4. **Weak Domestic Institutions and Legal Frameworks:**

- a. **Governance Deficits and Impunity:** Deficient governance, corruption, and inefficient administrative structures contribute to human rights violations and perpetrator impunity. Inadequate accountability within judicial systems, insufficient investigations, and poor implementation of judicial decisions constitute significant barriers to justice.⁶³
- b. **Legislative Gaps and Enforcement Weaknesses:** States frequently fail to incorporate ratified treaty obligations into robust domestic legislation or effectively enforce existing laws post-ratification. A disjuncture often exists between legal frameworks and practical protections.
- c. **Lack of Public Awareness:** A "knowledge gap" persists wherein citizens remain uninformed regarding their rights and available redress mechanisms. This unawareness can exacerbate systemic violations, as individuals may lack knowledge of assistance avenues or rights assertion procedures.⁶⁴

5. **Non-State Actors and Emerging Threats:**

- a. **Actions of Non-State Actors:** The ascendance of non-state actors—including terrorist organizations and transnational corporations—presents emergent human rights challenges. Although states bear primary obligations, these actors'

⁶² *Universality in the Human Rights Council: Challenges and Achievements* (Geneva Acad. of Int'l Humanitarian L. & Hum. Rts., Dec. 2016).

⁶³ *Barriers to Implementation of Human Rights and Justice*, Universal Hum. Rts. Index, <https://www.universalhumanrightsindex.org/barriers-to-implementation-of-human-rights-justice/>

⁶⁴ *Ibid.*

conduct can cause widespread abuses, which states may inadequately prevent or address.⁶⁵

- b. **New Technologies and Cyber Threats:** The digital era introduces novel complexities, such as cyber threats, online censorship, and digital surveillance, potentially infringing civil/political rights including freedom of expression and privacy.⁶⁶

6. Limitations of UN Human Rights Mechanisms:

- a. **Overburdened Treaty Bodies:** Treaty bodies monitoring core convention implementation face significant reporting demands and frequently experience challenges with delayed or absent state reports, creating substantive backlogs and limiting efficacy.
- b. **Lack of Coherence and Coordination:** While multiple UN mechanisms exist (Human Rights Council, Universal Periodic Review, Special Procedures), fragmentation can yield inefficiencies, insufficient synergy, and occasional methodological inconsistencies.⁶⁷
- c. **Recommendations, Not Enforcement:** UN human rights process outcomes are predominantly recommendatory, relying entirely on individual state discretion for implementation. This constrains direct UN enforceability at the state level.⁶⁸

Impact of the International Bill of Human Rights:

1. Foundation of International Human Rights Law:

- a. **Normative Framework:** The UDHR, ICCPR, and ICESCR collectively constitute the foundational basis of international human rights law. Though non-

⁶⁵ Jacopo Coccoli, *The Challenges of New Technologies in the Implementation of Human Rights: An Analysis of Some Critical Issues in the Digital Era*, 1 *Peace Hum. Rts. Governance* 233 (2017).

⁶⁶ *Ibid.*

⁶⁷ *Fundamental Challenges of the UN Human Rights Treaty Body System*, Geneva Acad. of Int'l Humanitarian L. & Hum. Rts., <https://www.geneva-academy.ch/joomlatools-files/docman-files/Research%20documents/Background%20Paper%20English.pdf>

⁶⁸ *Limitation of UN Mechanisms*, *The Daily Star* (Dec. 5, 2015), <https://www.thedailystar.net/law-our-rights/limitation-un-mechanisms-183781>

binding initially, the UDHR has attained customary international law status through broad state acceptance and consistent invocation over five decades. It facilitated the subsequent development of numerous legally binding human rights treaties. As the UN affirms, the UDHR has "inspired a rich body of legally binding international human rights treaties."⁶⁹

- b. **Expansion of Human Rights Instruments:** The IBHR directly facilitated over 80 international human rights treaties and declarations, alongside significant regional conventions and domestic bills. These encompass specialized conventions addressing racial discrimination, torture, and rights of women, children, and persons with disabilities, facilitating progressive elaboration of human rights principles.⁷⁰
- c. **Universal Recognition of Rights:** The IBHR established universal recognition that fundamental rights and freedoms are inherent, inalienable, and equally applicable to all persons, irrespective of nationality, race, sex, religion, or status. This universality principle is reaffirmed across subsequent international instruments.⁷¹

2. Influence on Domestic Law and Constitutional Frameworks:

- a. **Constitutional Inspiration:** The UDHR informed the constitutional frameworks of numerous newly independent states and democracies, integrating human rights principles directly into national legal orders.⁷²
- b. **Legislative Reforms:** States ratifying the ICCPR and ICESCR assume obligations requiring domestic implementation, frequently necessitating legislative reforms to align national laws with international standards. Examples

⁶⁹ *The Foundation of International Human Rights Law*, United Nations, <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² *Human Rights*, United Nations, <https://www.un.org/en/global-issues/human-rights>

include adopting anti-discrimination legislation and establishing judicially enforceable rights.⁷³

- c. **Judicial Interpretation:** Even within dualist legal systems lacking automatic treaty incorporation, domestic courts routinely utilize the IBHR as an interpretative guide for domestic charters and legislation. For instance, the Supreme Court of Canada presumes its Charter provides protection at least equivalent to analogous international human rights provisions.⁷⁴

3. Catalyst for Human Rights Movements and Advocacy:

- a. **Empowerment of Civil Society:** The IBHR provides an instrumental framework for civil society organizations, human rights defenders, and individuals to advocate for rights.⁷⁵ It furnishes a universal normative lexicon for challenging state violations and demanding accountability. Organizations including Amnesty International and FIDH adopt IBHR principles as core mandates.⁷⁶
- b. **International Scrutiny and Monitoring:** The IBHR instituted mechanisms for international scrutiny of state compliance. Treaty bodies (e.g., Human Rights Committee, CESCR) review periodic state reports and issue Concluding Observations, enabling oversight and promoting adherence.⁷⁷
- c. **Individual Complaint Mechanisms:** Optional Protocols to the ICCPR and ICESCR permit individuals to submit violation complaints to treaty bodies following domestic remedy exhaustion. Although findings lack direct enforceability, they exert significant moral pressure on states to redress abuses.⁷⁸

⁷³ *International Covenant on Economic, Social and Cultural Rights*, Off. High Comm'r for Hum. Rts., <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

⁷⁴ Christof Heyns, Frans Viljoen & Rachel Murray, eds., *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On* (Brill | Nijhoff 2024).

⁷⁵ *International Human Rights Law*, EBSCO Res. Starters, <https://www.ebsco.com/research-starters/law/international-human-rights-law>

⁷⁶ *What Is FIDH?*, Int'l Fed'n for Hum. Rts., <https://www.fidh.org/en/about-us/What-is-FIDH/>

⁷⁷ *Human Rights Treaties*, United Nations Research Guides, <https://research.un.org/en/docs/humanrights/treaties>

⁷⁸ *Ibid.*

4. Shaping Global Discourse and Policy:

- a. **Setting Global Standards:** The IBHR established universal standards for human dignity and accountability, influencing international relations, foreign policy, and development cooperation. Human rights considerations are systematically integrated into diplomatic and multilateral engagements.⁷⁹
- b. **Prevention of Atrocities:** By codifying fundamental rights, the IBHR contributes to global atrocity prevention (genocide, war crimes, crimes against humanity), offering a framework for early warning and response. Its post-World War II genesis underscores the imperative for universal human rights standards.
- c. **Promoting Democracy and Rule of Law:** Civil and political rights codified within the ICCPR—such as freedoms of expression, assembly, and fair trial—are essential for democratic functionality and rule of law promotion. The Covenant reinforces democratic principles through protecting these foundational political rights.⁸⁰

CONCLUSION

The development of human rights, traced from ancient imperial decrees to contemporary international agreements, demonstrates a significant transformation in the global recognition of individual dignity, liberty, and justice. While modern discussions frequently emphasize twentieth-century international advancements, this paper acknowledges that the origins of human rights are rooted in diverse civilizations, philosophical traditions, and historical periods. Early forms of justice and dignity, such as the moral codes of ancient Persia, the civic ideals of Greece and Rome, and the humanitarian reforms of Ashoka, consistently aimed to curtail power and safeguard vulnerable groups—though often within restricted or elite frameworks.

The Magna Carta of 1215 marked a critical transition from monarchical absolutism to legal accountability, establishing the principle that even rulers are subject to law. Although initially a feudal agreement, its stipulations regarding due process and legal restraint developed into broader constitutional principles and protections for individuals. The British Bill of Rights

⁷⁹ *International Human Rights Law*, Off. High Comm'r for Hum. Rts., <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>

⁸⁰ *Democracy*, United Nations, <https://www.un.org/en/global-issues/democracy>

(1689) further advanced these concepts by formalizing parliamentary supremacy and securing individuals against arbitrary authority, thereby influencing subsequent liberal democracies.

The French Declaration of the Rights of Man and Citizen (1789) extended these ideas by asserting the universality of rights and the sovereignty of the people. Grounded in Enlightenment rationalism, it established liberty, equality, and fraternity as essential for legitimate governance. The shift from selective privileges to universal rights represented a fundamental reorientation in political thought, with repercussions for revolutions and constitutional development well beyond France.

These intellectual and legal developments culminated in the post-World War II establishment of the International Bill of Rights under the United Nations. Comprising the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), this framework codified a comprehensive set of civil, political, economic, social, and cultural rights. Unlike earlier charters, which were limited by geographic, class, or racial boundaries, the International Bill of Rights claims a universal human identity and global moral consensus—even if these remain aspirational or contested.

However, the transition from moral ideals to enforceable rights continues to face significant obstacles. Political will, cultural relativism, economic disparities, weak institutions, and the influence of non-state actors all hinder the full realization of these norms. The gap between legal recognition and practical implementation persists, particularly in contexts of conflict, authoritarianism, or poverty. The contemporary human rights framework, while theoretically robust, often encounters difficulties in enforcement, universality, and equitable application.

Examining these developments historically highlights the enduring significance of human rights discourse. Each document—whether a stone cylinder, parchment charter, revolutionary declaration, or UN resolution—reflects a stage in humanity's ongoing effort to articulate and institutionalize dignity across time, regimes, and regions. These texts are not static artifacts but living instruments, continuously reinterpreted in response to current realities.

Thus, understanding the evolution of human rights is not solely an academic pursuit but a call to vigilance and responsibility. It requires honouring past struggles through ongoing efforts to reduce the gap between principle and practice. In an increasingly interconnected and turbulent

world, the principles established through this historical progression—equality before the law, freedom from oppression, and the inherent worth of every individual—remain essential tools for justice, peace, and human development.