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**TOPIC : ORIGIN AND DEVELOPMENT OF HUMAN RIGHTS IN**  
**WESTERN PERSPECTIVE**  
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Many important events and revolutions contributed towards the development of human rights, first, the earliest charters of human rights are to be found among the three British constitutional documents, namely, the Magna Carta (1215), the Petition of Rights (1628) and the Bill of Rights (1689) adopted after the Glorious Revolution of 1688 is also known as Bloodless Revolution in England. These three documents were the forerunners of the modern Bills of Rights. They imposed restrictions on the powers of the King and his arbitrary rules. Moreover, it may be noted that the Glorious Revolution provided a precedent that rulers could be removed by popular will if they failed to observe the requirements of constitutional legitimacy.

### **Important Declarations of Rights**

It was in the late 17th and the 18th centuries that the necessity for a set of written guarantees of human freedoms was felt as a new philosophy of governance. The dignity and rights of man was the dominant theme of political philosophy of the 18th century. This theme flowered into practical significance with such historic documents as **the Virginia Declaration of Rights, 1776, the American Declaration of Independence, 1776, the French Declaration of the Rights of Man and**

**Citizen, 1789 and of more lasting importance, the series of Amendments to the U.S. Constitution, adopted in 1791 as the American Bill of Rights.** The American Declaration of Independence contains ideas of human rights, such as: That all men are created equal, they are endowed by their creator with certain unalienable rights that among these are life, liberty and pursuit of happiness ... that to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it. The Virginia Declaration of Rights included specific liberties that were to be protected from State interference. These included 'freedom of press, the free exercise of religion and the obligation that no person should be deprived of their liberty except by the law of land or the judgment of their peers. **The Virginia Declaration had a great influence on the drafters of the U.S. constitution (1787),** as these minimum rights were included in it subsequently.

The **French Declaration of Rights of Man and Citizen, 1789,** recognized many rights, such as, all men are born equal; the State shall preserve the natural rights of man, which are liberty, property, security and resistance to oppression; no one may be indicted, arrested or detained except in cases determined by law; all men should be presumed innocent until judged guilty; freedom of thought, opinion and press; freedom of religion; no taxes without consent of all citizens; no one shall be denied right to property except for an obvious requirement of public necessity, certified by law, and on condition of just compensation in advance. The Declaration proclaimed that liberty consists in the ability to do whatever does not harm others; hence the exercise of rights of each man has no limits except those which assure

to other members of society for the enjoyment of the same rights. Law can only determine these limits. **Therefore, it is generally said that my right to swing my hand ends where someone's nose begins**

**The Bolshevik Revolution of 1917 of Soviet Russia** was another milestone in the development of the modern concept of rights. It introduced socio-economic dimensions to the concept of rights, which were neglected in the events and documents of English, American and French revolutions. While the three revolutions emphasized the **first generation of civil and political rights (which are also called negative rights)**, the **October revolution of Russia popularized socio-economic rights which are positive rights**. These rights are called positive because their implementation requires resources and positive action by the State. Thus it should be acknowledged that each of these declarations, events and revolutions discussed above have made important contributions in advancing and shaping the concept of human rights.

However, being product of their times and specific circumstances, they lacked totality of the concept and were narrow in their scope and applications. For example, Magna Carta yielded concessions (not rights) only to the feudal lords, though it set limitations on arbitrary rule and laid the foundation for the rule of law. The American Declaration and Bill of Rights were applicable only to those who constituted what was abbreviated as WASP (White, Anglo-Saxon and Protestant). Slaves did not have rights in USA until slavery was abolished in 1864, and the rights of women were not part of the conception of rights at the time of American Revolution. Similarly, although French Revolution was more egalitarian than the American, the question of the rights of women was raised, only to be quickly suppressed, and slavery was abolished, only

to be restored by Napoleon. Moreover, Western States like United Kingdom and France did not extend the notion of rights to the "subject" people in their colonies. In sum, human rights had not become universal during then.

## **HUMAN RIGHTS NORMS**

During the last 350 years many international efforts were undertaken in conferences and international organizations which contributed towards the evolution of human rights norms and standards. Following are some of the major landmark developments at the international level, which have brought the protection of human rights on the agenda of international politics and law. With these revolutionary developments the process of internationalization of the concept of human rights began in the following ways. Such as-

**Humanitarian Intervention (HI):** The doctrine of **HI** has been expounded by many international lawyers, including Hugo Grotius, the father of International Law, in the-17th century. This doctrine recognizes as lawful the use of force by one or more States to stop the maltreatment by a State of its own nationals when the conduct was so brutal and as "to shock the conscience of the community of nations". It is true that the principle of HI was frequently misused in the past and often served as a pretext for occupation or invasion of weaker countries. Many great Powers have invoked the principle during the 19th century "to prevent the Ottoman Empire from persecuting minorities in the Middle East and the Balkans".

**International Humanitarian Law (IHL):** **International Humanitarian Law (IHL)** was developed through many treaties concerning laws of war. Treaties of 1864, 1906, and 1929 regulated the rights of the

wounded in armies in the field, the wounded at sea in times of armed conflict. From time to time the laws contained in these treaties have been revised and modernized.

**Abolition of Slavery:** The first international treaties concerning human rights were linked with the acceptance of freedom of religion (e.g., the Treaties of Westphalia of 1648) and the abolition of slavery. The practice of slavery was first condemned in the Paris Peace Treaty (1814) between Britain and France.

**Convention to Suppress the Slave Trade and Slavery was adopted in 1926.** This Convention still remains the basic document prohibiting the practice of slavery, although it was amended by a Protocol in 1953 and supplemented in 1956 to deal with problems of defining the acts which constitute slavery in the modern world.

**International Labour Standards:** International Labour Organization (ILO), which has been in existence since 1919 and became a Specialized Agency of the United Nations in 1946, seeks to achieve social justice through its activities in the social and labour fields. The basis of ILO action for human rights is the establishment of international labour standards and the supervision of the implementation of these standards by ILO member States. **ILO** has adopted more than 150 Conventions and Recommendations on labour standards. These Conventions, when ratified by States, are binding upon them. The Conventions relate to the basic human rights concern of ILO, such as freedom of association, abolition of forced and child labour, freedom from discrimination in employment and occupations. They also lay down standards in such fields as conditions of work, occupational safety and health, the provision of paid holidays and social security,

industrial relations, employment policy and vocational guidance, and provide for the protection of special groups, such as women, migrants and indigenous and tribal peoples.

**Protection of Minorities under the League of Nations:** The League of Nations was given a mandate to supervise the enforcement of the minority's treaties emerging from the 1919 peace agreements with East European and Balkan States. These treaties included provisions relating to the protection of the minorities.

**United Nations and Human Rights:** The charter of the United Nations (1945) perhaps, is the most important landmark in the development of modern principles of human rights. The charter makes repeated references to human rights. It considers that the international peace and security depends, among other things, on the recognition of observance of human rights. Its preamble states: "the peoples of the United Nations express their determination to reaffirm faith in fundamental human rights of men and women and of nations large or small."

One of the four purposes of the United Nations is the promotion and encouragement of human rights and freedoms for all without distinction of race, sex, language or religion. In Article 55 and 56 of the charter, the U.N. members pledged to make joint and separate action in cooperation with the United Nations for the achievement of goals.

Since human rights were not defined in the charter for lack of time and agreement among nations, the task of elaborating them was left to the General Assembly. The Assembly completed its task by adopting the Universal Declaration of Human Rights (UDHR) on 10th December 1948 which included both Civil and Political and Economic, Social and

Cultural rights. Subsequently the General Assembly has adopted many conventions, covenants and declaration and the process continues.

**CONCLUSION:** The origin and development of human rights begins from Magna Carta in the 13th century to the League of Nations in the 20 th century. In this journey of evolution of human rights, we discussed how the English, American, and French revolutions and Bills of Rights have contributed towards evolving a comprehensive concept of human rights. The contributions of League of Nations, ILO, ICRC, and the Bolshevik Revolution of 1917 have been analysed. All major national and international developments concerning the evolution of rights.