

---

## 2.4. EVOLUTION CONCEPT OF HUMAN RIGHTS MAGNA CARTA

---

### 2.4.1. GENERAL

- ❖ The idea of human rights arose from numerous fields of thought focused on diverse religions, philosophies and different schools of law. The third stage entails the development of the Universal Declaration of Human Rights in 1948, where all people were granted equal rights by the United Nations.
- ❖ The principle of human rights arose from diverse fields of thought focused on various religions, philosophies, and separate schools of law. Both religious practises, such as Hinduism, Judaism, Buddhism, Confucianism, Christianity, and Islam, regardless of their variations, laid the basis of the principle of human rights.
- ❖ Both religions owe respect and equality to all people, culminating in fraternity, unity and the security of all people. The numerous schools of



philosophy, including Western thinking, on the other hand, stressed the notion of moral justice.

- ❖ These advances were part of the transition of the five centuries, including the Renaissance, the Reformation, and the formation of national states, the Enlightenment, the unification of the United States of America, and the French Revolution.
- ❖ The third stage requires the development in 1948 of the Universal Declaration of Human Rights, when the United Nations agreed to provide all citizens with dignity.

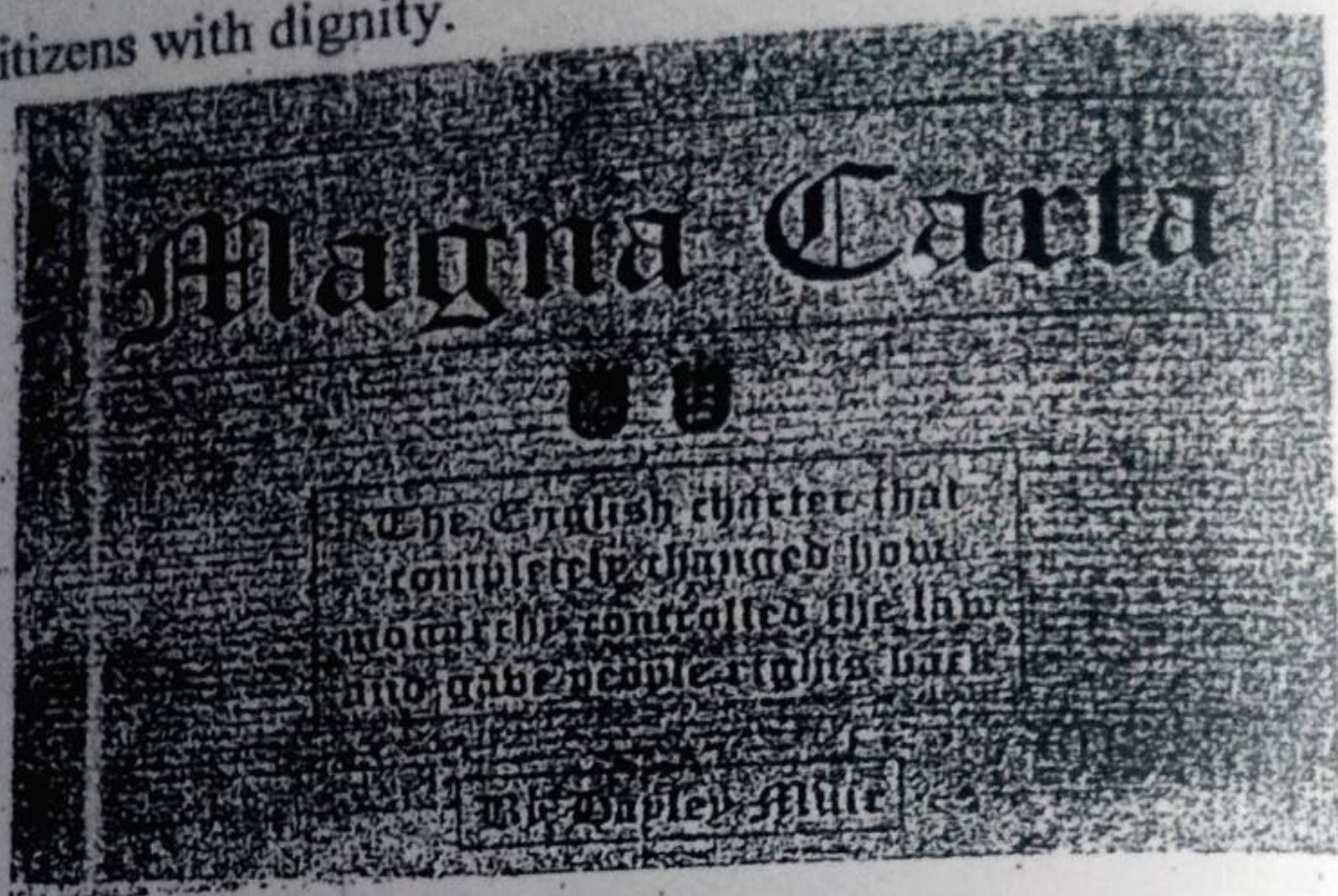


Fig. 2.1. Magna Carta

#### 2.4.2. MAGNA CARTA OF 1215

- ❖ In the English-speaking world today, the Magna Carta, or "Great Charter," was probably the most powerful early influence on the lengthy historical phase that contributed to the rule of civil law.
- ❖ His people compelled him to sign the Magna Carta in 1215, after King John of England ignored a number of ancient rules and traditions under which England had been ruled, which enumerates what later came to be called human rights.
- ❖ The church's freedom to be free from political intervention, the rights of all free people to own and inherit land, and to be shielded from excessive taxation were among them.



- ❖ It provided the freedom to choose not to remarry for widows who owned land, and defined standards of due process and equality before the law. It included rules banning bribes and official corruption as well.
- ❖ The Magna Carta, generally regarded as one of the most important legal instruments in the history of western democracy, was a key turning point in the battle to preserve freedom democracy.
- ❖ The right to land and ownership of all free people and to be shielded from unreasonable taxation.
- ❖ Equality prior to rule
- ❖ One of the most important legal texts in the history of western government was the Magna Carta.
- ❖ It is the key turning point in the fight to create democracy.
- ❖ The entire text is written in Latin, and the original Magna Carta had 63 clauses. Today, only three of these exist on the statute books; one defends the liberty and privileges of the English Church,
- ❖ Another confirms the liberties and customs of London and other cities, and the third grants all English subjects the right to justice and a fair hearing.
- ❖ The third one says: No free man shall be captured or imprisoned, or stripped of his rights or property, or barred or exiled, or in some other manner deprived of his status, nor shall we proceed against him by coercion, or send others to do so, unless by the lawful decision of his equals or by the law of the land.

### 2.4.3. FOUR PRINCIPLES OF MAGNA CARTA

Four main values are reflected in the Magna Carta:

- ❖ That no one is above the law, not even the monarch.
- ❖ That no one can be arrested without cause or evidence.
- ❖ That everyone has the right to a jury trial and
- ❖ That a widow cannot be compelled to marry and give up her land, a significant first step in the freedom of women.



#### 2.4.4. SIGNIFICANCE OF MAGNA CARTA

- ❖ One of the first steps taken in England towards the development of parliamentary democracy is called the Magna Carta.
- ❖ Parliament perceived the document's message in the century following Henry III's version of the Magna Carta as a guarantee to a fair hearing on all subjects.
- ❖ The Magna Carta was used during the Stuart era, and especially in the English Civil War, to restrict the influence of monarchs at a time when monarchs were supremely dominant on the continent.

#### 2.4.5. ROLE OF MAGNA CARTA

- ❖ The Magna Carta in the American Bill of Rights, published in 1791, has important influences. To this day, there is a copy of 1297 in the Washington DC National Archives.
- ❖ Much more recently, in the General Declaration of Human Rights, published in 1948 shortly after the Second World War, the core values of the Magna Carta are seen very clearly.

#### 2.4.6. CLAUSES OF MAGNA CARTA

- ❖ In Magna Carta, there are 63 clauses. The provisions, for the most part, do not deal with legal standards, but rather with the enforcement of feudal customs and the workings of the system of justice. Taxation, cities and commerce, the degree and control of the royal forest, debt, the Church and the preservation of peace are subject to provisions.
- ❖ Of the 63 clauses of the Magna Carta, only four are still in effect today - 1 (part), 13, 39 and 40. The popular clauses 39 and 40 are of enduring value to persons who have applied to the Charter over the last 800 years:
- ❖ "No free man shall be confiscated, imprisoned, dispossessed, prohibited, exiled or destroyed in any manner whatsoever, nor shall he proceed in any manner whatsoever against it, except by the lawful decision of his peers and the law of the land".
- ❖ "We will sell to no one, we shall deny or delay right or justice to no one."



- ❖ These clauses remain law today, and formed the basis for essential concepts established in English law between the fourteenth and seventeenth centuries and spread to the United States and other English-speaking countries.
- ❖ These protections were provided by their phrasing, 'to no one' and 'no free man' Universal consistency that still applies today in a way that does not adhere to many of the clauses directly relevant to feudal customs.

#### 4.7. IMPACT OF MAGNA CARTA

- ❖ Magna Carta is often considered to be England's pillar of democracy.
- ❖ In fact, in 1215, much of its terms referred only to a limited proportion of the populace, and the application of the charter remained subject to the interpretation of the courts in subsequent centuries.
- ❖ Consequently, as the pillar of English freedoms, Magna Carta has gained a special status. This is not withstanding the fact that the vast majority of the provisions have either been repealed or other laws, such as the Civil Rights Act, has in some cases superseded them (1998).
- ❖ As an ancient safeguard against oppressive and tyrannical authorities, and as a guarantor of civil liberty, Magna Carta nevertheless maintains tremendous symbolic strength.

#### 8. RULES OF MAGNA CARTA

- ❖ That the Church in England should be free of royal intervention.
- ❖ To respect the rights and liberties of the City and other cities and ports of London.
- ❖ No freeman shall be arrested or imprisoned by a jury of peers without fair hearing.