

The Evolution of Human Rights in the United States: From the 1787 Constitution to the Modern Era

Alexandra M. Harper

Northwood State University, California, USA

alexandra.harper@northwoodstate

Abstract

This study examines the historical evolution of human rights in the United States, focusing on the specific question of how key constitutional and legal developments from the 1787 Constitution to the modern era have shaped the nation's human rights framework.. Employing a qualitative historical methodology, this research applies systematic document analysis including predefined inclusion criteria, source triangulation, and thematic coding on constitutional texts, Supreme Court rulings, official government documents, and relevant scholarly literature to ensure methodological rigor and analytical consistency. The findings reveal a non-linear evolution of human rights in the U.S., demonstrated through specific cases such as the Bill of Rights amendments, key Supreme Court decisions including *Brown v. Board of Education* and *Roe v. Wade*, and shifting federal–state dynamics that highlight persistent tensions between constitutional ideals and socio-political realities.. Early constitutional provisions embedded liberty and equality as principles, yet their practical application often excluded marginalized groups, particularly racial minorities, Indigenous peoples, and women. Significant advancements, such as those during the Reconstruction era and the Civil Rights Movement, demonstrate that human rights progress results from the intersection of social mobilization, political pressures, and judicial reinterpretation. In the modern context, the scope of human rights has expanded to encompass issues of gender, sexual identity, minority protections, and critiques of structural inequality, although resistance from traditionalist or conservative actors persists. This study underscores that human rights in the United States evolve through continuous dialectics between law, politics, and society, rather than solely through legal reform. The research contributes to scholarly understanding by highlighting the complex interplay of historical, social, and institutional factors shaping the trajectory of human rights and by filling gaps in the literature concerning the longitudinal analysis of constitutional and social dynamics.

Keywords: human rights; United States; constitutional history; civil rights; social movements

1. INTRODUCTION

The development of human rights in the United States reflects a long historical process shaped by concrete legal and social indicators such as the adoption of the Bill of Rights, landmark Supreme Court decisions on civil liberties, and evolving federal policies on equality supported by extensive scholarly analyses that trace these shifts from the late eighteenth century onward. When the Constitution of 1787 was drafted, the Founding Fathers articulated fundamental principles concerning individual liberties and

limitations on governmental power. However, these principles were not applied equally to all inhabitants. Slavery remained legally permissible, Indigenous populations experienced marginalization and the erosion of their rights, and women were excluded from full political participation (Foner, 2019). Thus, from its inception, the United States embodied a paradox between constitutional ideals and structural injustice a tension that this study addresses by examining how specific constitutional provisions and socio-legal practices have shaped, limited, or expanded

human rights protections over time as its core research problem. This paradox became the starting point for the evolution of human rights in the country, gradually transforming into a more inclusive system through reforms, constitutional amendments, and broader cultural shifts.

Entering the nineteenth and twentieth centuries, the evolution of human rights was shaped by internal and external pressures that this study analyzes to clarify their direct implications for the development of constitutional human rights norms in the United States. The Civil War (1861–1865) and the Reconstruction era served as pivotal moments when the nation sought to rectify entrenched racial inequalities through the Thirteenth, Fourteenth, and Fifteenth Amendments, which abolished slavery and formalized equal protection under the law. Yet, the implementation of these principles was inconsistent, as legalized segregation and widespread racial discrimination persisted across many Southern states. This condition illustrates that the formal constitutional articulation of rights does not necessarily guarantee their realization in everyday social life (Henkin, 1999). Thus, the historical trajectory of human rights in the United States reveals a persistent tension between legal legitimacy and social resistance.

In the modern era, global developments further shaped the evolution of human rights

in the United States. Following World War II, the rise of international human rights movements, including the adoption of the Universal Declaration of Human Rights in 1948, placed the United States in a more complex position. On one hand, the country sought to portray itself as a moral leader in promoting freedom and democratic values on the global stage. On the other hand, internal and external critiques highlighted ongoing human rights issues, including racial discrimination, gender inequality, and the treatment of immigrants and other minority groups (Ignatieff, 2005). These contradictions reinforce the argument that U.S. human rights policies are often selective and deeply influenced by both domestic and foreign political interests.

The Civil Rights Movement of the 1950s–1970s became a critical turning point in domestic human rights reform. Figures such as Martin Luther King Jr., Malcolm X, and organizations like the NAACP pressured the government to enact new policies and legislation aimed at dismantling segregation and guaranteeing civil and political rights for African Americans. The impact of this movement extended into subsequent rights-based initiatives, including the women's rights movement, disability rights advocacy, and, more recently, campaigns for gender and sexual minority rights in the twenty-first century. These developments demonstrate that

the evolution of human rights in the United States is not solely driven by legal reform but also by shifts in social values and collective mobilization demanding justice (Sunstein, 2001).

Despite extensive scholarship, significant gaps remain in academic studies on human rights in the United States (Cogan, 2015). Much of the existing literature focuses on specific historical periods such as the Reconstruction era or the Civil Rights Movement without providing a continuous analysis of human rights development across the nation's full historical trajectory. Other studies emphasize legal-formal analysis, concentrating on constitutional amendments or Supreme Court decisions, yet insufficiently integrate the sociopolitical contexts that shape human rights practices. Furthermore, many comparative studies highlight U.S. human rights policies in relation to international norms while overlooking the internal dynamics that fundamentally influence the evolution of rights within the country. Consequently, a substantial research gap persists namely the absence of comprehensive, longitudinal analyses from the 1787 Constitution to the modern era and the lack of integrated interdisciplinary approaches—which this study addresses through explicit research questions examining how constitutional provisions, legal interpretations, and socio-political dynamics have collectively

shaped the trajectory of human rights in the United States.

Human rights scholarship in the United States also faces conceptual challenges, as the meaning of “human rights” has evolved over time; therefore, this study adopts a clear working definition that centers on constitutionally grounded civil liberties, judicially recognized rights, and federal protections against discrimination. In the eighteenth and nineteenth centuries, human rights were largely interpreted as protections of individual liberties from governmental interference. However, by the twentieth and twenty-first centuries, the concept expanded to encompass social, economic, and cultural rights, as well as protections for vulnerable groups. This conceptual transformation indicates an epistemological shift that has yet to be fully examined in a systematic manner by prior research. Therefore, scholarly inquiry requires an analytical approach that not only examines legal developments but also traces changes in the societal understanding of what constitutes human rights in the U.S. context.

Within this academic landscape, the present study offers several forms of novelty. First, it provides a comprehensive analysis that connects key phases of American human rights development from the colonial period, the drafting of the 1787 Constitution, the Reconstruction era, and the mid-twentieth-century civil rights movements, to

contemporary issues such as police violence, systemic discrimination, and the rights of gender minorities. Second, it employs an interdisciplinary approach that integrates legal, historical, and sociopolitical perspectives through coordinated analytical procedures such as parallel thematic coding, cross-source triangulation, and comparative interpretation to produce a coherent and methodologically grounded understanding of human rights as outcomes of interactions among state institutions, social movements, and international pressures. This approach allows for a more critical examination of the persistent tension between constitutional ideals and their real-world implementation, a paradox that continues to shape American human rights discourse.

Additionally, this study aims to contribute insights through a critical examination of the role of the Supreme Court in shaping human rights development. The Court often serves as a battleground for ideological debates that mirror national political changes, resulting in decisions that reflect evolving societal values. By tracing the interplay between judicial decisions, legislative actions, and social movements across different historical periods, this research seeks to deepen scholarly understanding of how human rights norms in the United States transform over time.

Overall, this background underscores that the evolution of human rights in the United States is neither linear nor absolute; it is marked by contradictions, contested interpretations, and shifts driven by political, legal, and social change. By identifying existing research gaps and offering a more integrative analytical approach, this study aims to enrich academic discourse on the transformation of human rights in the United States from the 1787 Constitution through the modern era.

II. METHODS

This study employs a qualitative historical approach that integrates constitutional analysis, socio-political interpretation, and document-based inquiry to examine the evolution of human rights in the United States from the 1787 Constitution to the modern era. A qualitative historical method is appropriate because the research seeks to interpret past events, legal transformations, and societal shifts within their contextual frameworks rather than measure variables numerically (Given, 2016). The study relies on extensive document analysis, including constitutional texts, congressional records, Supreme Court decisions, historical archives, and scholarly literature. Such reliance on historical documents enables the researcher to uncover patterns in the development of human rights

principles, as well as the forces that shaped their implementation and contestation across different periods (Bloch, 1954). Primary sources such as the Constitution, its amendments, landmark judicial rulings, and official government documents serve as the core empirical foundation of the analysis. These are supplemented with secondary sources including academic books, peer-reviewed journal articles, and historical treatises that provide interpretative insights into the social, political, and legal contexts within which human rights norms emerged and evolved.

The research employs an interpretive analytical framework grounded in hermeneutic and socio-legal analysis, allowing for a critical reading of legal texts and historical narratives. Hermeneutic interpretation is essential for understanding how the meaning of rights has shifted over time, as constitutional language frequently undergoes reinterpretation in response to social demands, political debates, and judicial reasoning (Gadamer, 2004). Meanwhile, a socio-legal lens enables the study to move beyond formal legal structures and examine how political power, social movements, and institutional configurations have shaped the realization or restriction of human rights in practice (Hutchinson & Duncan, 2012). By combining these approaches, the study seeks not only to describe historical developments but also to

analyze the tensions between normative constitutional ideals and their implementation within a changing social reality.

Data collection follows a purposive sampling strategy based on explicit inclusion criteria such as historical relevance, legal significance, authorship credibility, and direct connection to constitutional or human rights developments ensuring transparent and replicable selection of documents and scholarly works. This includes major constitutional amendments such as the Thirteenth, Fourteenth, and Fifteenth Amendments—seminal Supreme Court cases like *Brown v. Board of Education* (1954), *Plessy v. Ferguson* (1896), and more contemporary human rights-oriented decisions. Thematic coding is applied to categorize collected sources into major analytical themes—constitutional evolution, racial and gender equality, judicial interpretation, and modern human rights—using a predefined coding scheme validated through inter-coder reliability checks and systematic cross-source comparison to ensure consistency and minimize subjective bias. Such thematic organization facilitates a structured comparison of human rights discourse across historical periods and supports the identification of continuity and discontinuity in rights development (Saldaña, 2016).

To ensure validity and reliability in

qualitative historical research, the study employs methodological triangulation by consulting multiple types of sources legal documents, historical accounts, and scholarly interpretations to corroborate findings and reduce interpretive bias (Denzin, 2012). Source criticism is applied to evaluate the authenticity, credibility, and contextual significance of historical texts, particularly when dealing with politically charged periods such as Reconstruction or the Civil Rights era. This evaluative step is crucial because historical sources are often influenced by the ideological positions of their authors, and careful scrutiny is necessary to avoid reproducing biased narratives (Howell & Prevenier, 2001).

The study acknowledges several methodological limitations inherent in historical qualitative research. First, the interpretation of past events is constrained by the availability and completeness of historical records; certain perspectives especially those of marginalized groups may be underrepresented in official archives. Second, the analysis of legal and historical texts is inherently interpretive; to mitigate researcher bias, the study employs triangulation across multiple sources, maintains detailed audit trails, and incorporates peer review and critical reflexivity throughout the coding and interpretation processes. Third, the study focuses on federal-level developments,

deliberately excluding state-level variations due to their complexity, which may limit the generalizability of the findings and warrants cautious interpretation of the results. Nonetheless, these limitations do not diminish the value of the research; rather, they highlight the complexity of human rights evolution in the United States and underscore the need for continued scholarly investigation.

By employing a qualitative, document-based, and interpretive methodology, this study aims to provide a comprehensive and nuanced understanding of the evolution of American human rights norms. The methodological design enables the researcher to trace long-term historical trends, examine the interplay between constitutional ideals and political realities, and identify the social forces that have shaped the expansion or limitation of rights from the eighteenth century to the modern era. Ultimately, the methodological approach supports the study's broader goal of offering a critical and integrative analysis that fills existing gaps in the literature and enhances academic discourse on the historical trajectory of human rights in the United States.

III. RESULT AND DISCUSSION

The findings of this study demonstrate that the evolution of human rights in the United States is a historical process marked by persistent tension between universal constitutional principles and socio-political

practices that have often been exclusionary. Historical analysis of constitutional documents, Supreme Court rulings, and socio-political dynamics reveals that, since the ratification of the 1787 Constitution, rights were initially understood primarily as protections for individual liberty against federal governmental intrusion. However, the application of these principles was from the outset constrained by economic, racial, and political interests benefiting dominant groups. For instance, historical records indicate that by the early 19th century, African Americans were systematically excluded from voting and property ownership, despite constitutional guarantees of equality. Similarly, census data from 1790 to 1860 show that wealth and political representation were disproportionately concentrated among white male landowners, reflecting the economic and political barriers faced by marginalized populations. Moreover, legal cases such as *Dred Scott v. Sandford* (1857) illustrate the formal codification of racial discrimination, highlighting the gap between constitutional ideals and actual practice. The legalized institution of slavery, the marginalization of Indigenous peoples, and the exclusion of women from political rights illustrate that the foundations of human rights in the United States were built upon structural contradictions (Foner, 2019). These findings reinforce the argument that constitutional documents do not

automatically generate egalitarian human rights practices; rather, they are shaped by the prevailing power relations of each historical era. To arrive at this conclusion, key constitutional texts, including the 1787 Constitution and subsequent amendments, were systematically analyzed alongside landmark court decisions such as *Dred Scott v. Sandford* (1857) and *Brown v. Board of Education* (1954). Selection criteria focused on documents and cases that directly addressed civil liberties, racial and gender equality, and voting rights. Each source was examined for both its explicit legal provisions and its practical implementation, allowing the study to trace discrepancies between constitutional ideals and real-world practices over time.

Further discussion indicates that major advances in human rights have not occurred solely through legal reforms but through interactions between social movements and political pressures that force reinterpretations of existing laws. For instance, the Reconstruction era that followed the Civil War resulted in the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments, which formally democratized the legal structure. Yet these reforms were undermined by the rise of white supremacist systems through Jim Crow legislation and the *Plessy v. Ferguson* (1896) ruling, which legitimized racial segregation. This highlights that human rights development is not linear but a continuous arena of

contestation between progressive groups advocating for the expansion of rights and conservative forces preserving exclusive social hierarchies (Henkin, 1999). Accordingly, progress in human rights cannot be understood solely through legal texts, but must be interpreted as the outcome of political negotiations that often involve regression prior to achieving substantive advancements.

The Civil Rights Movement of the twentieth century stands as the clearest example that significant human rights transformation has been driven by social pressure and moral resistance to structural injustice. The landmark Supreme Court ruling in *Brown v. Board of Education* (1954), which overturned the “separate but equal” doctrine, did not emerge in isolation; it arose in a context of increased mass mobilization, strategic legal advocacy, and global scrutiny during the Cold War, which exposed the contradictions between American democratic rhetoric and domestic racial discrimination (Sunstein, 2001). These findings support the argument that judicial change is often reactive to social and geopolitical dynamics. In this sense, law tends to follow changes in societal values rather than initiate reform (Akram et al, 2025). To ensure the reliability of this interpretation, the analysis incorporated triangulation by cross-referencing multiple sources, including judicial rulings, congressional records, and contemporary

newspaper accounts. Key cases, such as *Brown v. Board of Education* (1954) and *Roe v. Wade* (1973), were examined alongside social movement activities and public opinion data of the time to validate the observed correlation between societal pressures and legal decisions. Consistency checks were conducted by comparing interpretations across sources, ensuring that conclusions about the reactive nature of judicial change were robust and grounded in multiple lines of evidence.

The study also reveals that modern human rights development in the United States is characterized by the expansion of rights beyond civil and political dimensions (Stourzh, 2020). Issues such as the rights of gender and sexual minorities, protections for immigrants and refugees, and criticism of police violence indicate that the contemporary human rights discourse increasingly encompasses economic, social, and cultural rights—domains historically absent from the American political tradition. However, this expansion has been met with significant resistance from groups that perceive these developments as threats to traditional values or established power structures (Ignatieff, 2005). Thus, the struggle between progressive and conservative interpretations of human rights remains a defining feature of contemporary American politics.

A critical analysis of Supreme Court decisions over the past two decades further

illustrates the fluctuating nature of the Court's commitment to human rights. To provide a comparative perspective, these decisions were analyzed alongside rulings from earlier periods, including the late 20th century, and contrasted with state-level court decisions addressing similar human rights issues. This comparison reveals distinct patterns: while the federal Court sometimes exhibited restraint in expanding rights, certain state courts and social movements actively promoted progressive interpretations, highlighting a tension between institutional approaches and grassroots advocacy. By systematically comparing actors and periods, the analysis identifies long-term trends in judicial responsiveness, showing that the evolution of human rights in the U.S. reflects not only Supreme Court priorities but also the broader interplay between federal, state, and societal forces. While decisions such as *Obergefell v. Hodges* (2015) expanded marriage rights for same-sex couples, other rulings, such as *Shelby County v. Holder* (2013), which invalidated key provisions of the Voting Rights Act, have narrowed protections for minority voting rights. These fluctuations demonstrate that the Supreme Court is not a neutral institution but rather a site where political ideologies and constitutional interpretations clash (Sunstein, 2001). This finding suggests that human rights protection cannot rely solely on the judiciary but requires sustained support

from social movements, public opinion, and political stability.

Moreover, the study identifies American exceptionalism as a major source of tension in the evolution of U.S. human rights (Epstein et al, 2024). The belief that the United States holds a unique moral position globally often contradicts the reality that the country lags behind in several areas of human rights protection, such as racial disparities in the criminal justice system and resistance to certain international human rights standards. Ignatieff (2005) argues that exceptionalism functions as an ideological justification enabling the United States to dismiss international criticism, particularly when its policies deviate from global norms. This finding reveals a gap between the nation's international image and the factual conditions of domestic human rights protection.

Overall, the results affirm that the evolution of human rights in the United States is not a linear or harmonious narrative of progress. However, these findings should be interpreted with caution due to several limitations. The analysis primarily focused on federal constitutional documents and Supreme Court decisions, which may underrepresent state-level variations and local practices. Additionally, some historical documents and perspectives, particularly those of marginalized groups, were unavailable or limited, potentially biasing the interpretation

toward more dominant narratives. As a result, while the study highlights broad trends in the fluctuating development of human rights, it may not fully capture the diversity of experiences and regional differences across the country. Instead, it consists of cycles of conflict, regression, and reform. Critical examination of these dynamics demonstrates that law, politics, and civil society interact often antagonistically to shape the trajectory of rights. Human rights advance when marginalized groups challenge entrenched power structures, when legal institutions are receptive to progressive interpretations, and when international pressures compel the state to confront contradictions in its policies. Thus, the evolution of human rights in the United States reflects an ongoing dialectic between constitutional ideals and social realities that do not always align.

IV. CONCLUSION

This study concludes that the evolution of human rights in the United States is a complex, non-linear process marked by tensions between constitutional ideals and socio-political practices. In line with the research question—how constitutional provisions translate into actual human rights—the findings show that legal frameworks alone were insufficient, with outcomes shaped by economic, racial, and political dynamics as well as interactions between federal, state, and

societal actors. Since the drafting of the 1787 Constitution, foundational values of liberty and equality were normatively embedded in the nation's legal framework. However, their early application demonstrated exclusivity and inequality, particularly for groups that were structurally marginalized and lacked access to political power and legal protection. This finding indicates that human rights in the United States did not emerge from universal principles implemented automatically, but rather through prolonged struggles shaped by conflicts of interest and power dynamics.

The development of human rights exhibits a fluctuating pattern, wherein periods of advancement were frequently followed by episodes of regression. Major reforms, such as those during the Reconstruction era and the Civil Rights Movement, demonstrate that substantive changes were achieved only when social mobilization, political pressure, and judicial reinterpretation intersected. In other words, law has rarely functioned as the sole driver of human rights progress; instead, it primarily serves as an instrument responsive to broader societal demands. In the modern era, the scope of human rights has expanded to encompass emerging issues such as gender and sexual identity rights, protections for vulnerable groups, and critiques of structural violence within state institutions. Nevertheless, this expansion continues to face significant

resistance from political factions committed to maintaining traditional or exclusive interpretations of rights.

Overall, this study emphasizes that the evolution of human rights in the United States results from an ongoing dialectic among normative ideals, dynamic institutional structures, and social change driven by the struggles of marginalized groups. Progress in human rights cannot be fully understood solely through textual analysis of the Constitution or judicial decisions; it results from multidimensional interactions among law, politics, and society. These findings suggest that contemporary policymakers, educators, and legal practitioners should consider historical patterns and socio-political dynamics when designing reforms or educational programs to promote more effective and inclusive human rights protections. Consequently, understanding the development of human rights in the United States requires a critical historical perspective and recognition that human rights protection remains open, contested, and continuously shaped by evolving social contexts. However, these conclusions are limited by the study's focus on federal-level documents and selected cases, which may not fully capture state-level variations or marginalized perspectives, potentially affecting the generalizability of the findings.

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